

**RENY M. ROMASANTA, AMELITA C. BERMEJO, JUVY B. SERVANDA,
MARIA SOLEDAD U. INDOYON, AND NILDA A. ASICO, PETITIONERS,
VS. NATIONAL POLICE COMMISSION, AS REPRESENTED BY VICE
CHAIRM...**

G.R. No. 256201, October 21, 2025

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

The equal protection clause does not categorically forbid laws from establishing specific classes of persons or objects, or affect only these specific classes of persons or objects. What it requires is not absolute equality among all, but that individuals in similar circumstances be treated alike, both in the privileges granted and the obligations imposed.[2]

This Court resolves the Amended Petition for Certiorari and Prohibition[3] filed by Reny M. Romasanta (Reny), Amelita C. Bermejo (Amelita), Juvy B. Servanda (Juvy), Maria Soledad U. Indoyon (Sol), and Nilda A. Asico (Nilda; collectively, petitioners), who are surviving legitimate spouses of deceased Philippine National Police (PNP) officers who retired from the service due to total permanent physical disability (TPPD). They come before this Court to: (1) assail the constitutionality of the second paragraph of Section 35 of Republic Act No. 8551,[4] also known as the Philippine National Police Reform and Reorganization Act of 1998, insofar as it applies to police officers who retired under TPPD after more than 20 years of service; and (2) to compel the PNP Retirement and Benefits Administration Service to grant them retirement benefits or pensions as surviving widows of such deceased PNP retirees.[5]

Petitioners allege that their spouses served the PNP for over 20 years and experienced a tragedy or suffered an ailment that caused them to retire due to TPPD.[6]

Reny's husband, Senior Police Officer IV Artemio M. Romasanta (SPO4 Romasanta); was diagnosed with diabetes and kidney failure during his tenure. When his illness worsened, he was certified by the National Police Commission's (NAPOLCOM) doctor as no longer fit to work permanently due to TPPD. He compulsorily retired on August 4, 2003 pursuant to Section 35 of Republic Act No. 8551 after serving the PNP for a total of 28 years, seven months, and 19 days. He passed away on November 15, 2009.[7]

Amelita's husband, SPO4 Errologio G. Bermejo (SPO4 Bermejo), experienced a stroke while on duty at the Maritime Command. As a result; he struggled to walk and was always on a wheelchair. Upon the recommendation of his doctor at the PNP Camp Crame General Hospital, he compulsorily retired on June 7, 1999 due to TPPD after serving for 21 years, 10 months, and six days. He died on May 22, 2008.[8]

Juvy's husband, SPO3 Dante G. Servanda (SPO3 Servanda), was rendered unconscious when he fell into a river and hit a boulder during one of his narcotics operations. As a result, he sustained a fracture in his right forearm and suffered from personality disorder, depression, dizziness, and severe headaches. His attending physician at the

PNP Camp Crame General Hospital advised him to retire from service because of his extensive mobility problems. NAPOLCOM approved his retirement via TPPD on January 31, 2005 after completing 29 years, five months, and 11 days in the service. He passed away on November 15, 2015.[9]

Sol's husband, Police Superintendent Florendo Indoyon (PSUPT Indoyon), was diagnosed with end-stage kidney disease in 2007. He underwent kidney transplant and resumed duty three months after his operation. In 2010, he experienced kidney rejection, causing him to undergo hemodialysis again. On April 16, 2015, he retired due to TPPD after 22 years, 11 months, and 15 days of active service. He eventually died on November 8, 2016 due to kidney complications.[10]

Nilda's husband, SPO2 Antonio D. Asico (SPO2 Asico), was diagnosed with bone cancer and heart complications. This forced him to avail of the TPPD retirement effective August 23, 2004, or after 26 years, one month, and 20 days in the service. He died on November 13, 2014.[11]

Below is a summary of the pertinent dates, length of service, and length of time these retirees were receiving pension before their deaths:

Name of Deceased Officer

Date of Retirement

Length of Service

Date of Death

Length of pension

SPO4 Romasanta

August 4, 2003

28 years,
7 months,
19 days

November 15, 2009

6 years,
3 months,
11 days

SPO4 Bermejo

June 7, 1999

21 years,
10 months,
6 days

May 22, 2008

8 years,
11 months,
15 days

SPO3 Servanda

January 31, 2005

29 years,
5 months,
11 days

November 15, 2015

10 years,
9 months,
15 days

PSUPT Indoyon

April 16, 2015

22 years,
11 months,
15 days

November 8, 2016

1 year,
6 months,
23 days

SPO2 Asico

August 23, 2004

26 years,
1 month,
20 days

November 13, 2014

10 years,
2 months,
21 days

Petitioners became members of the PNP TPPD Retirees and Survivor's Association, Inc. to seek assistance from the PNP in transferring their deceased spouses' pensions to them as surviving heirs. They also appealed to various government officials, including members of the Senate and the House of Representatives, the former Executive Secretary, and the PNP Chief, engaging in discussions with them to have their plea considered, all to no avail.[12] Hence, this Petition for Certiorari and Prohibition.

As to the procedural aspect, petitioners argue that the case: (1) satisfies all the elements of a petition for certiorari and prohibition; (2) meets the requisites for justiciability; and (3) falls under the exception to the principle of hierarchy of courts.[13]

As to the substantive aspect, petitioners claim that prior to the amendment of Republic Act No. 6975, Section 73 prescribes a differential treatment between TPPD retirees who rendered at least 20 years of service and those whose length of service fall short of such period. Specifically, retirees with at least 20 years of service are deemed compulsorily retired and thereby entitled to the benefits accorded to compulsory retirees, including a lifetime

pension and a monthly annuity for their surviving beneficiaries in the event of death. Conversely, retirees who served for less than 20 years are not entitled to a lifetime pension nor to survivorship benefits.[14]

However, petitioners argue that the passage of Republic Act No. 8551, amending Republic Act No. 6975, removed the distinction between TPPD retirees who served for at least 20 years and TPPD retirees who served for a shorter period.[15] According to them, the new law created a classification with regard to retirees who retired via TPPD and who served for at least 20 years as compared to retirees who retired via compulsory and optional retirement.[16]

Petitioners argue that they are now unduly denied the right to receive pension-benefits because the second paragraph of Section 35 of Republic Act No. 8551 "unjustly prohibits the transfer of the retirement pensions of deceased PNP officers who retired due to TPPD to their heirs, as opposed to those deceased PNP officers who retired under usual circumstances." [17] They posit that there is no substantial distinction between officer-pensioners who, in both cases, served the PNP for over 20 years.[18] Thus, these retirees should be treated the same with regard to their retirement benefits.[19]

In its Comment on the Amended Petition,[20] respondents, through the Office of the Solicitor General, argue that the requisites for the exercise of the Court's power of judicial review are procedurally lacking—particularly, that the petitioners failed to present an actual case or controversy, since the classification of retirees into compulsory, optional, and TPPD categories is based on longevity, efficiency, and competency, and is consistent with and germane to the purpose of Republic Act No. 8551.[21]

Respondents , further argue that petitioners failed to provide any compelling justification for seeking direct relief from this Court. Respondents state that petitioners' direct resort to this Court violates the principle of the hierarchy of courts, as petitions for certiorari and prohibition may also be-filed before trial courts or the Court of Appeals.[22]

On the substantive merits, respondents argue that the second paragraph of Section 35 of Republic Act No. 8551 is constitutional. They assert that the equal protection clause permits classifications based on substantial distinctions, and that such classifications are consistent with the law's purpose, as in this case.[23] By reading the contested provision in conjunction with Sections 39 and 40 of Republic Act No. 6975—the law amended by Republic Act No. 8551—respondents contend that the grant of higher retirement benefits to compulsory and optional retirees is valid, reasonable, and not discriminatory, as it allows the State to fully utilize their services for the general welfare of the people.[24]

However, respondents emphasize that the law is not penalizing the TPPD retirees. Quite the opposite, as their valuable contribution and heroism are equally recognized and rewarded under the law. In addition to their retirement benefits under Republic Act No. 8551, police officers who retire from TPPD and their beneficiaries are entitled to: (1) special financial assistance; (2) scholarship assistance; (3) social welfare assistance; (4) health and medical care assistance; (5) shelter assistance; and (6) employment assistance.[25]

The issues for this Court's resolution are:

First, whether the petition meets the requirements for justiciability;

Second, whether the petition constitutes an exception to the doctrine of hierarchy of courts; and

Third, whether the second paragraph of Section 35 of Republic Act 8551 is constitutional.

This Court dismisses the Petition.

I

Jurisprudence illustrates how the 1987 Constitution has expanded the scope of judicial power beyond its traditional interpretation. As a result, courts are not only tasked with "settling actual controversies involving rights which are legally demandable and enforceable,"[26] but are also empowered to determine whether any branch or agency of government has exceeded its authority, leading to grave abuse of discretion.[27] Article VIII, Section 5(1) of the 1987 Constitution grants this Court original jurisdiction over petitions for certiorari, prohibition, and mandamus. These remedies, as outlined in Rule 65 of the Rules of Court, offer procedural mechanisms to address such instances.

Regardless of the propriety of the procedural vehicle used, the presence of all justiciability requirements is crucial to vest the Court with the authority to exercise judicial review, even under its expanded jurisdiction:

Jurisdiction alone will not require this Court to pass upon the constitutionality of a statute. As held in *Angara v. Electoral Commission*, the power of judicial review remains subject to this Court's discretion in resolving actual controversies:[W]hen the judiciary mediates to allocate constitutional boundaries, it does not assert any superiority over the other departments; it does not in reality nullify or invalidate an act of the legislature, but only asserts the solemn and sacred obligation assigned to it by the Constitution to determine conflicting claims of authority under the Constitution and to establish for the parties in an actual controversy the rights which that instrument secures and guarantees to them. This is in truth all that is involved in what is termed "judicial supremacy" which properly is the power of judicial review under the Constitution. Even then, this power of judicial review is limited to actual cases and controversies to be exercised after full opportunity of argument by the parties, and limited further to the constitutional question raised or the very *lis mota* presented. Any attempt at abstraction could only lead to dialectics and barren legal questions and to sterile conclusions of wisdom, justice or expediency of legislation.

Thus, as a rule, this Court only passes upon the constitutionality of a statute if it is directly and necessarily involved in a justiciable controversy and is essential to the protection of the rights of the parties concerned.[28] (Citations omitted)

The following justiciability requirements must be met for this Court to exercise its power of judicial review over a legislative statute: (1) there must be an actual case or controversy; (2) petitioners must possess locus standi; (3) the question of constitutionality must be raised at the earliest opportunity; and (4) the resolution of the constitutional question is unavoidably necessary to the decision of the case itself.[29]

I (A)

Most crucial among these requirements is the actual case or controversy requisite, which is present when: (a) there are actual facts to enable the courts to intelligently adjudicate the issues; or (2) there is a clear and convincing showing of a contrariety of legal rights.[30]

An actual case or controversy exists when there is a genuine conflict of rights or duties, based on real facts established in court through evidence or judicial notice, rather than on speculation or imagination:[31]

Without the necessary findings of facts, this court is left to speculate leaving justices to grapple within the limitations of their own life experiences. This provides too much leeway for the imposition of political standpoints or personal predilections of the majority of this court. This is not what the Constitution contemplates. Rigor in determining whether controversies brought before us are justiciable avoids the counter majoritarian difficulties attributed to the judiciary.

Without the existence and proper proof of actual facts, any review of the statute or its implementing rules will be theoretical and abstract. Courts are not structured to predict facts, acts or events that will still happen. Unlike the legislature, we do not determine policy. We read law only when we are convinced that there is enough proof of the real acts or events that raise conflicts of legal rights or duties. Unlike the executive, our

participation comes in after the law has been implemented. Verily, we also do not determine how Jaws are to be implemented.[32]

In *Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*,^[33] this Court held that the existence of actual facts must be clearly established for the courts to assess whether there has been a violation of constitutional provisions.^[34] In that case, the Court found no actual controversy, despite the petitioners' claim that Department Order No. 118-12 and Memorandum Circular No. 2012-001 were unconstitutional, because the allegations were based on speculation and lacked factual support.^[35]

However, even in the absence of concrete facts, an actual case or controversy may still arise if there is a clear and convincing demonstration of a contrariety of legal rights.^[36] *Calleja v. Executive Secretary*^[37] illustrates:

An actual case or controversy exists when there is a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute. The issues presented must be definite and concrete, touching on the legal relations of parties having adverse interests. There must be a contrariety of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence. Corollary thereto, the case must not be moot or academic, or based on extra-legal or other similar considerations not cognizable by a court of justice. All these are in line with the well-settled rule that this Court does not issue advisory opinions, nor does it resolve mere academic questions, abstract quandaries, hypothetical or feigned problems, or mental exercises, no matter how challenging or interesting they may be. Instead, case law requires that there is ample showing of prima facie grave abuse of discretion in the assailed governmental act in the context of actual, not merely theoretical, facts.^[38] (Citations omitted)

The party asserting a contrariety of legal rights must show that the only way to interpret the challenged provision will result in an outright violation of their right:

Thus, in asserting a contrariety of legal rights, merely alleging an incongruence of rights between the parties is not enough. The party availing of the remedy must demonstrate that the law is so contrary to their rights that there is no interpretation other than that there is a breach of rights. No demonstrable contrariety of legal rights exists when there are possible ways to interpret the provision of a statute, regulation, or ordinance that will save its constitutionality. In other words, the party must show that the only possible way to interpret the provision is one that is unconstitutional. Moreover, the party must show that the case cannot be legally settled until the constitutional issue is resolved, that is, that it is the very *lis mota* of the case, and therefore, ripe for adjudication.^[39] (Citation omitted)

Petitioners maintain that the case is ripe for judicial review, claiming that all the requisites are present.^[40] Respondents, on the other hand, contest this.^[41]

Petitioners argue that members with permanent physical disabilities who served at least 20 years were compulsorily retired under Republic Act No. 6975—the prior law—and were entitled to the same benefits as compulsory retirees. This includes a lifetime pension and a monthly annuity to the survivors even after the retiree's death.^[42]

While petitioners failed to substantiate their allegations with concrete facts or evidence showing that heirs of compulsory retirees were granted a monthly annuity after the retirees' death even under the prior law, they nonetheless contend that Republic Act No. 8551, the amendatory law, has completely deprived them of such entitlement. They argue that this amounts to a violation of the equal protection clause of the Constitution, asserting that under the second paragraph of Section 35, they are unjustly barred from receiving the retirement pensions of their deceased husbands, whereas other surviving heirs continue to enjoy such benefits. Clearly, there is a contrariety of legal rights warranting judicial interpretation and enforcement on the basis of existing law.

Thus, an actual case or controversy is present.

I (B)

As to the second requisite, *Foundation for Economic Freedom v. Energy Regulatory Commission*[43] expounds on the locus standi of a party:

Legal standing refers to a party's personal and substantial interest in a case. A party with legal standing is one who has sustained or will sustain direct injury as a result of the governmental act that is being challenged. They are alleging more than a generalized grievance.

As a rule, an action must be brought by the party with legal standing before courts may exercise its power of judicial review.[44] (Citations omitted)

The question on legal standing, therefore, is whether the party has alleged "a personal stake in the outcome of the controversy"[45] and that the "interest of the person assailing the constitutionality of a statute must be direct and personal." [46]

Here, petitioners assert that they have legal standing, contending that the economic injury they are experiencing arising from the unequal treatment of retirees and their heirs is both direct and personal.[47] The disparity, if substantiated and proven, will have a concrete impact on their financial rights and entitlements, thereby giving them a sufficient stake in the outcome of the controversy to invoke the Court's jurisdiction and seek judicial relief.

I (C)

As to the third requisite, *Venus Commercial Co., Inc. v. Department of Health*[48] underscores that a challenge to the constitutionality of a statute should be raised at the earliest opportunity:

As a general rule, the question of constitutionality must be raised at the earliest opportunity so that if not raised in the pleadings, ordinarily, it may not be raised during trial, and if not raised during trial, it will not be considered on appeal. *Matibag v. Benipayo* enunciated: However, it is not the date of filing of the petition that determines whether the constitutional issue was raised at the earliest opportunity. The earliest opportunity to raise a constitutional issue is to raise it in the pleadings before a competent court that can resolve the same, such that, if it is not raised in the pleadings, it cannot be considered at the trial, and, if not considered at the trial, it cannot be considered on appeal.

Dasmariñas Water District v. Monterey Foods Corporation further held:

We have ruled time and again that the constitutionality or validity of laws, order, or such other rules with the force of law cannot be attacked collaterally. There is a legal presumption of validity of these laws and rules. Unless a law or rule is annulled in a direct proceeding, the legal presumption of its validity stands.

Besides, a law is deemed valid unless declared null and void by a competent court; more so when the issue has not been duly pleaded in the trial court. The question of constitutionality must be raised at the earliest opportunity. The settled rule is that courts will not anticipate a question of constitutional law in advance of the necessity of deciding it.[49] (Citations omitted)

Petitioners satisfied the third requisite of raising the constitutionality of the statute at the earliest opportunity.

To recall, petitioners have alleged that they sought recourse from several government offices and public officials, including the PNP Retirement and Benefits Administration Services, the Office of the President, the Commission on Human Rights, and from Members of the Senate and the House of Representatives[50] to allow the transfer of the pensions of their deceased spouses to no avail.[51] This prompted petitioners to come before this Court to question the constitutionality of the second paragraph of Section 35 of Republic Act No. 8551 insofar as police officers who retired via TPPD after serving for at least 20 years.[52]

Although petitioners have sought recourse from various administrative and political offices, the resolution of constitutional questions properly falls within the authority of the judiciary, as it is only the competent court that is vested with the power to pass upon the validity of legislative enactments.

I (D)

Parcon-Song v. Parcon[53] illustrates the importance of the fourth requisite:

Courts are obligated to presume that the acts of Congress are valid, unless the contrary is clearly shown. Thus, courts avoid resolving the constitutionality of a law if the case can be ruled on other grounds. The question of constitutionality will only be passed upon if it is indispensable to the resolution of the case, but it cannot be raised collaterally.

....

In *Spouses Mirasol v. Court of Appeals*, this Court explained that the presumption of constitutionality is anchored on the doctrine of separation of powers. Courts should not assume that legislative and executive acts were done without thoughtful consideration: As regards the second issue, petitioners contend that [Presidential Decree] No. 579 and its implementing issuances are void for violating the due process clause and the prohibition against the taking of private property without just compensation. Petitioners now ask this Court to exercise its power of judicial review.

Jurisprudence has laid down the following requisites for the exercise of this power: First, there must be before the Court an actual case calling for the exercise of judicial review. Second, the question before the Court must be ripe for adjudication. Third, the person challenging the validity of the act must have standing to challenge. Fourth, the question of constitutionality must have been raised at the earliest opportunity, and lastly, the issue of constitutionality must be the very *lis mota* of the case.

As a rule, the courts will not resolve the constitutionality of a law, if the controversy can be settled on other grounds. The policy of the courts is to avoid ruling on constitutional questions and to presume that the acts of the political departments are valid, absent a clear and unmistakable showing to the contrary. To doubt is to sustain. This presumption is based on the doctrine of separation of powers. This means that the measure had first been carefully studied by the legislative and executive departments and found to be in accord with the Constitution before it was finally enacted and approved.

The present case was instituted primarily for accounting and specific performance. The Court of Appeals correctly ruled that PNB's obligation to render an accounting is an issue, which can be determined, without having to rule on the constitutionality of [Presidential Decree] No. 579. In fact there is nothing in [Presidential Decree] No. 579, which is applicable to PNB's intransigence in refusing to give an accounting. The governing law should be the law on agency, it being undisputed that PNB acted as petitioners' agent. In other words, the requisite that the constitutionality of the law in question be the very *lis mota* of the case is absent. Thus we cannot rule on the constitutionality of [Presidential Decree] No. 579.[54] (Citations omitted)

Notably, the parties do not dispute that the constitutionality of the second paragraph of Section 35 of Republic Act No. 8551 is the very *lis mota* of this case. Petitioners are not collaterally attacking the provision. They are directly assailing its validity on the ground that it allegedly violates the equal protection clause. All told, the Petition meets the requirements for justiciability.

II

Notwithstanding compliance with the requisites of justiciability, observance of the principle of hierarchy of courts remains indispensable. Direct resort to this Court is the exception rather than the rule, and it is incumbent upon petitioners to demonstrate that their case falls within the recognized exceptions warranting the immediate invocation of this Court's jurisdiction.

The doctrine on hierarchy of courts dictates that a party must refrain from directly resorting to this Court when relief can be obtained from the lower courts.[55] The policy was established to promote judicial efficiency and ensure that the Supreme Court is given sufficient time to perform its constitutional functions.[56]

While this Court has original jurisdiction over petitions for certiorari, prohibition, and mandamus, this jurisdiction is concurrent with the Court of Appeals and the Regional Trial Courts. The principle was explained in *Fuertes v. Senate of the Philippines*[57] citing *Aala v. Uy*,[58] viz:

The doctrine on hierarchy of courts is a practical judicial policy designed to restrain parties from directly resorting to this Court when relief may be obtained before the lower courts. The logic behind this policy is grounded on the need to prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction, as well as to prevent the congestion of the Court's dockets. Hence, for this Court to be able to satisfactorily perform the functions assigned to it by the fundamental charter, it must remain as a court of last resort. This can be achieved by relieving the Court of the task of dealing with causes in the first instance.

As expressly provided in the Constitution, this Court has original jurisdiction over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus. However, this Court has emphasized in *People v. Cuaresma* that the power to issue writs of certiorari, prohibition, and mandamus does not exclusively pertain to this Court. Rather, it is shared with the Court of Appeals and the Regional Trial Courts. Nevertheless, this concurrence of jurisdiction does not give parties unfettered discretion as to the choice of forum. The doctrine on hierarchy of courts is determinative of the appropriate venue where petitions for extraordinary writs should be filed. Parties cannot randomly select the court or forum to which their actions will be directed.[59] (Citations omitted)

Thus, litigants are reminded to respect this Court's role as the court of last resort and to first seek relief from the lower courts, which also possess the judicial power to evaluate the constitutionality of any law.

The doctrine on hierarchy of courts is not an iron clad rule. There have been instances where this Court has disregarded the principle when "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy." [60] Nevertheless, parties must clearly and specifically lay down the important and special reasons by which this Court should take cognizance of their petition. Otherwise, it shall be dismissed.[61]

Petitioners allege that they are "senior citizens and widows, nearing the twilight of their lives, but are left with no support after the untimely deaths of their husbands." [62] Consequently, they argue that the constitutionality of the challenged provision should be addressed with the utmost urgency.[63]

Based on the allegations in the Petition, this Court finds no special reason for petitioners to invoke this Court's original jurisdiction. The alleged violation of the constitutional right to equal protection, as well as the oppressive, and unjust distinction of the second paragraph of Section 35 of Republic Act No. 8551, is not only unfounded by actual facts, but may very well be determined by the lower courts. Thus, the Petition's failure to constitute an exception to the doctrine of hierarchy of courts cannot be countenanced.

Nonetheless, "for purposes of stability, economy, and peace of mind of the parties," [64] this Court will resolve the issue of constitutionality of the second paragraph of Section 35 of Republic Act No. 8551.

III

The guarantee of equal protection enshrined in the Constitution provides that "no person or class of persons shall be deprived of the same protection of laws which is enjoyed by other persons or other classes in the same place

and in like circumstances." [65] Simply put, "the concept of equal justice under the law requires the state to govern impartially, and it may not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective." [66]

Petitioners challenge the constitutionality of the second paragraph of Section 35 of Republic Act No. 8551 for being violative of the equal protection clause on two grounds.

First, they posit that when Section 73 of Republic Act No. 6975 was amended by Section 35 of Republic Act No. 8551, TPPD retirees with at least 20 years of service ceased to be considered compulsory retirees, and were thereby denied the benefits accorded to compulsory retirees, including lifetime pension and the grant of a monthly annuity to their survivors in case of death. [67] Thus, they submit that the second paragraph of Section 35 of Republic Act No. 8551 is "unconstitutional to the extent that it unjustifiably removes the continuation of the monthly grant of pension to the surviving family of the deceased retiree, even is the said retiree has been also in the service for at least [20] years." [68]

Second, they maintain that under the second paragraph of Section 35 of Republic Act No. 8551, there is an absurd distinction between TPPD retirees who die within five years of retirement and those who die after five years. The former are allowed to transfer their pensions to their widows and children, while the latter are barred from doing so. As such, the distinction rests on unsubstantial and insignificant differences, violating the equal protection clause enshrined in the Constitution. [69]

To resolve this issue, the Court finds it necessary to first examine the classifications of retirees and the corresponding benefits granted to police officers under the applicable laws.

Sections 39 and 40 of Republic Act No. 6975 provide the instances when a member of the PNP can retire:

SECTION 39. Compulsory Retirement. — Compulsory retirement, for officer and non-officer, shall be upon the attainment of age fifty-six (56): Provided, That, in case of any officer with the rank of chief superintendent, director or deputy director general, the Commission may allow [their] retention in the service for an unextendible period of one (1) year.

SECTION 40. Optional Retirement. — Upon accumulation of at least twenty (20) years of satisfactory active service, an officer or non-officer, at [their] own request and with the approval of the Commission, shall be retired from the service and entitled to receive benefits provided for by law.

Meanwhile, Sections 73 and 75 of Republic Act No. 6975 provide:

SECTION 73. Permanent Physical Disability. — An officer or non-officer who, having accumulated at least twenty (20) years of active service, incurs total permanent physical disability in line of duty shall be compulsorily retired: Provided, That, if [they have] accumulated less than twenty (20) years of active service, [they] shall be separated from the service and be entitled to a separation pay equivalent to one and one-fourth (1 1/4) months base pay for every year of service, or a fraction thereof, and longevity pay of the permanent grade [they hold].

....

SECTION 75. Retirement Benefits. — Monthly retirement pay shall be fifty percent (50%) of the base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one-half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over.

However, Sections 34 and 35 of Republic Act No. 8551 amended Sections 75 and 73, respectively, of Republic Act No. 6975:

SECTION 34. Section 75 of the same Act is hereby amended to read as follows: "SEC. 75. Retirement Benefits. — Monthly retirement pay shall be fifty percent (50%) of the base pay and longevity pay of the retired grade in case of twenty (20) years of active service, increasing by two and one-half percent (2.5%) for every year of active service rendered beyond twenty (20) years to a maximum of ninety percent (90%) for thirty-six (36) years of active service and over: Provided, That, the uniformed personnel shall have the option to receive in advance and in lump sum [their] retirement pay for the first five (5) years: Provided, further, That payment of the retirement benefits in lump sum shall be made within six (6) months from effectivity date of retirement and/or completion: Provided, finally, That retirement pay of the officers/non-officers of the PNP shall be subject to adjustments based on the prevailing scale of base pay of police personnel in the active service."

SECTION 35. Section 73 of the same Act is hereby amended to read as follows:

"SEC. 73. Permanent Physical Disability. — An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of [their] duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of [their] position, shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of [their] last salary, in addition to other benefits as provided under existing laws.

Should such member who has been retired under permanent total disability under this section die within five (5) years from [their] retirement, [their] surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period."

Here is a table summarizing the types of retirees and their benefits under Republic Act No. 6975, the prior law, and Republic Act No. 8551, the amendatory law:

Republic Act No. 6975

Republic Act No. 8551

Compulsory Retiree (56 years old)[70]

Monthly retirement pay shall be 50% of the base pay and longevity pay of the retired grade in case of 20 years of active service, increasing by 2.5% for every year of active service rendered beyond 20 years to a maximum of 90% for 36 years of active service and over.[71]

Compulsory Retiree (56 years old)[72]

Monthly retirement pay shall be 50% of the base pay and longevity pay of the retired grade in case of 20 years of active service, increasing by 2.5% for every year of active service rendered beyond 20 years to a maximum of 90% for 36 years of active service and over: Provided, That, the uniformed personnel shall have the option to receive in advance and in lump sum their retirement pay for the first five years.[73]

Optional Retiree (at least 20 years of service)[74]

Optional Retiree (at least 20 years of service)[75]

TPPD Retiree with at least 20 years of service[76]

TPPD Retiree[77]

One year's salary and to lifetime pension equivalent to 80% of their last salary, in addition to other benefits as provided under existing laws.

Should such member who has been retired under permanent total disability under this section die within five years from their retirement, their surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five-year guaranteed period.[78]

TPPD Retiree with less than 20 years of service[79]

Separation pay equivalent to one and one-fourth months' base pay for every year of service, or a fraction thereof, and longevity pay of the permanent grade they hold.[80]

It bears emphasis that Sections 39 and 40 of Republic Act No. 6975 were not amended by Republic Act No. 8551. Consequently, the entitlement of compulsory and optional retirees to retirement benefits remains intact under the amendatory law. They continue to enjoy the same computation of their monthly retirement pay as originally provided, with the added option to receive, in advance and in lump sum, the equivalent of five years' worth of retirement pay. After the lapse of said period, they shall resume receiving their regular monthly retirement benefits for life. This scheme ensures continuity of benefits while affording retirees greater flexibility in the manner of enjoying their retirement entitlements.

Meanwhile, Section 73 of Republic Act No. 6975 was substantially revised by Section 35 of Republic Act No. 8551. The amendments introduced the following changes: (1) TPPD retirees, regardless of length of service, are now uniformly treated in terms of benefits; (2) instead of mere separation pay under the prior law, TPPD retirees are granted one year's salary in addition to a lifetime pension; and (3) in the event that a TPPD retiree dies within five years from retirement, the surviving heirs are entitled to receive the pension corresponding to the unexpired portion of the five-year guaranteed period. These modifications clearly reflect a legislative intent to strengthen, rather than diminish, the benefits accorded to TPPD retirees by ensuring both lifetime support and protection for their surviving heirs within the guaranteed period.

These provisions do not support any of the petitioners' contentions. Section 75 of Republic Act No. 6975, as amended by Section 34 of Republic Act No. 8551, does not indicate that surviving heirs of retirees, regardless of classification, are entitled to a monthly annuity upon the death of the officer-pensioner. Section 73 of Republic Act No. 6975—the prior law—likewise does not provide that TPPD retirees with at least 20 years of service are entitled to a monthly annuity for their survivors in case of death.

Even if this Court were to take judicial notice of the implementing rules and regulations of Republic Act No. 6975[81] and its amendatory law, Republic Act No. 8551,[82] neither contain provisions authorizing the transfer of retirement benefits to the heirs of compulsory, optional, or TPPD retirees with at least 20 years of service upon their death.

Petitioners also failed to present any supporting evidence, such as memorandum circulars or resolutions from the NAPOLCOM, to substantiate their claim. Beyond their allegations and speculations, they have provided no other concrete evidence proving that prior to the amendment, surviving heirs of compulsory, optional, and TPPD retirees with at least 20 years of service are given monthly annuity in case of death.

Republic Act No. 8551 did not remove any supposed right to the continuation of monthly pension to the surviving families of deceased retirees, because no such benefit was ever granted under Republic Act No. 6975 in the first place. Petitioners, therefore, anchor their claim on a right that has no statutory foundation. Clearly, their argument is utterly devoid of legal basis.

While petitioners are correct that under the amendatory law, Republic Act No. 8551, TPPD retirees with at least 20 years of service are no longer classified as compulsorily retired, it does not necessarily follow that they are deprived of benefits under the law in violation of the equal protection clause.

The equal protection clause was not meant to explicitly prohibit statutes which create specific classes of persons or objects, or affect only these specific classes of persons or objects. "Equal protection 'does not demand absolute equality among residents; it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced.'"[83]

Sameer Overseas Placement Agency, Inc. v. Cabiles[84] aptly explains:

A law that does not violate the equal protection clause prescribes a reasonable classification.

A reasonable classification (1) must rest on substantial distinctions; (2) must be germane to the purposes of the law; (3) must not be limited to existing conditions only; and (4) must apply equally to all members of the same class.[85] (Emphasis supplied, citations omitted)

Prior to the passage of Republic Act No. 8551, compulsory, optional and TPPD retirees who rendered at least 20 years of service were treated alike and given the same benefits under Section 75 of Republic Act No. 6975. Meanwhile, under the amendatory law, Republic Act No. 8551, classified compulsory and optional retirees as one group,[86] and TPPD retirees, regardless of length of service, as another.[87]

The classification is based upon substantial distinctions. While there is a difference in treatment between the first group of retirees (compulsory and optional) and the second group of retirees (TPPD), the grant of different benefits between the two is valid, reasonable, and not discriminatory.

The first group is rewarded by the State based on the longevity, efficiency, quality, and competency of their service, which redounded to the general welfare of the Filipino people. The second group is not rewarded but is compensated by the State because of injuries suffered or sicknesses contracted in the performance of their duties that rendered them unfit or unable to further perform their duties.

The grant of benefits to compulsory and optional retirees is certain—either by operation of law upon the attainment of the mandatory retirement age of 56 for compulsory retirement, or by an elective act upon the completion of at least 20 years of satisfactory active service for optional retirement. This is akin to obligations with a period, whose fulfillment is fixed by a day certain, or which must necessarily come although the exact time may be unknown.[88]

Conversely, the grant of benefits to TPPD retirees, regardless of length of service, is uncertain. It is comparable to conditional obligations, where the acquisition of rights depends upon the occurrence of the event that constitutes the condition.[89] In the ordinary course of service, a police officer is not expected to become totally and permanently disabled. One does not attain TPPD retirement by operation of law or by elective choice, but only as a result of unforeseen events beyond the individual's control.

The classification is germane to the purpose of the law. Section 2 of Republic Act No. 8551 provides:

SECTION 2. Declaration of Policy and Principles. — It is hereby declared the policy of the State to establish a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by a national police commission.

The Philippine National Police (PNP) shall be a community and service oriented agency responsible for the maintenance of peace and order and public safety.

The PNP shall be so organized to ensure accountability and uprightness in police exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions.

To ensure the Philippine National Police's efficient, effective, and competent service to the public, the law provides its members with retirement benefits in recognition of their work. To ensure accountability in the police

force, the law also provides compensation and benefits in recognition of members of the force who have become permanently and totally disabled as a result of injuries sustained in the performance of their duties. The two groups are not similarly situated.

This classification meets the requirement of not being limited to existing conditions only. Republic Act No. 8551 does not confine its operation to a fixed group of police officers at the time of its enactment. It prospectively applies to all members of the police force who may, in the future, reach the compulsory age of retirement, voluntarily opt for retirement after rendering the requisite years of service, or suffer total and permanent disability. The distinction, therefore, is neither arbitrary nor transitory. It is a continuing classification that uniformly governs all who may fall under the categories it defines.

Lastly, the classification now applies equally to all members within the same class. Under Republic Act No. 8551, all TPPD retirees are now treated uniformly, without distinction as to length of service or any form of favoritism. Unlike the prior law which drew arbitrary lines and conferred disparate benefits to TPPD retirees based on the number of years rendered, the amendatory law ensures that all TPPD retirees are governed by the same rules and entitled to the same benefits. All told, the classification is not only reasonable but also consistent with the constitutional guarantee of equal protection, as it guarantees fairness and uniformity within the class.

In any case, and as earlier emphasized, Section 40 of Republic Act No. 6975 remains operative under Republic Act No. 8551. It expressly grants any police officer the privilege of optional retirement, at their own request, upon completion of at least 20 years of satisfactory active service. Petitioners' husbands could have exercised this statutory option but chose not to. The law cannot be made to answer for what is ultimately the consequence of their voluntary election.

In a last-ditch effort to support their argument, petitioners contend that the second paragraph of Section 35 of Republic Act No. 8551 violates the equal protection clause by unreasonably distinguishing between TPPD retirees who die within five years of retirement whose pensions may be transferred to their heirs, and those who die after who are denied this benefit.[90]

Section 35 of Republic Act No. 8551 clearly and unmistakably eliminates the length of service distinctions between police personnel who suffer from TPPD. This legislative change should be seen as commendable, as it equally acknowledges the contributions and heroism of TPPD retirees in the workforce, regardless if they served 20 years or less.

Petitioners cannot validly assail this provision or claim unjust discrimination merely because they were not entitled to a continuing pension after their husbands' deaths. As reflected in the summary table on TPPD retirees, with the exception of PSUPT Indoyon, all of petitioners' husbands had been receiving pensions from anywhere between six to 10 years after retirement until their respective deaths, which is well beyond the five-year guaranteed period. For her part, petitioner Sol did not even allege that she was deprived of the pension corresponding to the unexpired portion of the five-year guarantee period. Clearly, the retirees had already enjoyed the full benefits of their retirement, which, by extension, also redounded to the support and benefit of petitioners as their surviving spouses.

Additionally, the second paragraph of Section 35 does not create any distinctions between TPPD retirees as petitioners claim. On the contrary, it offers an added layer of protection, ensuring that those who pass away shortly after retirement are still guaranteed to receive their benefits. The legislature determined that a five-year guaranteed period was reasonable, not for the benefit of the surviving spouse or children, but to provide essential security for the TPPD retirees themselves.

ACCORDINGLY, the Amended Petition for Certiorari and Prohibition is DISMISSED.

SO ORDERED.

Gesmundo, C.J., Hernando, Zalameda, Gaerlan, Rosario, J. Lopez, Marquez, Kho, Jr., and Villanueva, JJ., concur. Caguioa, J., see concurring and dissenting opinion.

Lazaro-Javier, ^[**] J., on official business.

Inting ^[***] and Dimaampao, ^[***] JJ., on official business with concurring vote.

Singh, ^[****] J., on leave with concurring vote.

[*] Also referred to as "Indoyan" in some parts of the rollo.

[**] On official business.

[***] On official business (with concurring vote).

[****] On leave (with concurring vote).

[2] Zomer Development Co., Inc. v. Special Twentieth Division of the Court of Appeals, Cebu City, 868 Phil. 93, 113 (2020) [Per J. Leonen, En Banc].

[3] Rollo, pp. 228-267.

[4] Republic Act No. 8551 (1998), sec. 35, Philippine National Police Reform and Reorganization Act of 1998 provides:

SECTION 35. Section 73 of the same Act is hereby amended to read as follows: "SEC. 73. Permanent Physical Disability. – An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position, shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of his last salary, in addition to other benefits as provided under existing laws.

"Should such member who has been retired under permanent total disability under this section die within five (5) years from his retirement, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period."

[5] Rollo, p. 229.

[6] Id. at 232.

[7] Id. at 234-235, 240-A.

[8] Id. at 235-236.

[9] Id. at 239, 240-A.

[10] Id. at 240.

[11] Id. at 240-240-A.

[12] Id. at 240-A-242.

[13] Id. at 243-248.

- [14] Id. at 250.
- [15] Id. at 251.
- [16] Id. at 251-252.
- [17] Id. at 231-232.
- [18] Id. at 252.
- [19] Id. at 232.
- [20] Id. at 353-377.
- [21] Id. at 358, 360.
- [22] Id. at 362-363.
- [23] Id. at 364-367.
- [24] Id. at 367-369.
- [25] Id. at 369-371.
- [26] *Araullo v. Aquino III*, 737 Phil. 457, 525 (2014) [Per J. Bersamin, En Banc].
- [27] Id.
- [28] *Lagman v. Ochoa, Jr.*, 888 Phil. 434, 470 (2020) [Per J. Leonen, En Banc].
- [29] Id. at 470-471.
- [30] *Universal Robina Corporation v. Department of Trade and Industry*, 936 Phil. 17, 28-29 (2023) [Per J. Leonen, En Banc].
- [31] J. Leonen, Concurring Opinion in *Bayyo Association, Inc. v. Tugade*, 944 Phil. 316, 339 (2023) [Per J. Singh, En Banc].
- [32] J. Leonen, Dissenting Opinion in *Imbong v. Ochoa*, 732 Phil. 1, 562 (2014) [Per J. Mendoza, En Banc].
- [33] 836 Phil. 205 (2018) [Per J. Leonen, En Banc].
- [34] Id. at 280.
- [35] Id. at 248-249.
- [36] *Universal Robina Corporation v. Department of Trade and Industry*, 936 Phil. 17, 30 (2023) [Per J. Leonen, En Banc].
- [37] 918-B Phil. 1 (2021) [Per J. Carandang, En Banc].
- [38] Id. at 55-56.
- [39] *Executive Secretary Mendoza v. Pilipinas Shell Petroleum Corporation*, 936 Phil. 538, 564 (2023) [Per J. Leonen, En Banc].
- [40] Rollo, pp. 244-246.
- [41] Id. at 358-361.

[42] Id. at 250.

[43] 958 Phil. 1 (2024) [Per J. Leonen, En Banc].

[44] Id. at 41.

[45] Intellectual Property Association of the Philippines v. Ochoa, 790 Phil. 276, 294 (2016) [Per J. Bersamin, En Banc].

[46] Id.

[47] Rollo, p. 245.

[48] 916 Phil. 16 (2021) [Per J. Lazaro-Javier, First Division].

[49] Id at 34-35.

[50] Rollo, pp. 235-238.

[51] Id. at 240.

[52] Id. at 243.

[53] 876 Phil. 364 (2020) [Per J. Leonen, En Banc].

[54] Id. at 398, 400-401.

[55] Alliance of Quezon City Homeowners' Association, Inc. v. Quezon City Government, 840 Phil. 277, 289 (2018) [Per J. Perlas-Bernabe, En Banc].

[56] Gios-Samar, Inc. v. Department of Transportation and Communications, 849 Phil. 120, 131-132 (2019) [Per J. Jardeleza, En Banc].

[57] 868 Phil. 117 (2020) [Per J. Leonen, En Banc].

[58] 803 Phil. 36 (2017) [Per J. Leonen, En Banc].

[59] Fuertes v. Senate of the Philippines, 868 Phil. 117, 139-140 (2020) [Per J. Leonen, En Banc].

[60] Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment, 836 Phil. 205, 243 (2018) [Per J. Leonen, En Banc].

[61] Id. at 239, 241.

[62] Rollo, p. 248.

[63] Id.

[64] Venus Commercial Co., Inc. v. Department of Health, 916 Phil. 16, 40 (2021) [Per J. Lazaro-Javier, First Division].

[65] Abakada Guro Party List v. Ermita, 506 Phil. 1, 129 (2005) [Per J. Austria-Martinez, En Banc], citing Philippine Rural Electric Cooperatives Association, Inc. v. Department of the Interior and Local Government, 451 Phil. 683, 690 (2003) [Per J. Puno, En Banc].

[66] Bureau of Customs Employees Association v. Teves, 677 Phil. 636, 660 (2011) [Per J. Villarama, Jr., En Banc].

- [67] Rollo, p. 250.
- [68] Id. at 251.
- [69] Id. at 256-257.
- [70] Republic Act No. 6975 (1990), sec. 39.
- [71] Republic Act No. 6975 (1990), secs. 39, 40, and 73 in relation to sec. 75.
- [72] Republic Act No. 6975 (1990), sec. 39. This was not amended by Republic Act No. 8551 (1998).
- [73] Republic Act No. 8551 (1998), sec. 34.
- [74] Republic Act No. 6975 (1990), sec. 40.
- [75] Republic Act No. 6975 (1990), sec. 40. This was not amended by Republic Act No. 8551 (1998).
- [76] Republic Act No. 6975 (1990), sec. 73.
- [77] Republic Act No. 8551 (1998), sec. 35.
- [78] Republic Act No. 8551 (1998), sec. 35.
- [79] Republic Act No. 6975 (1990), sec. 73.
- [80] Republic Act No. 6975 (1990), sec. 73.
- [81] Implementing Rules and Regulations of Republic Act No. 6975 (1990), secs. 81 and 83.
- [82] Implementing Rules and Regulations of Republic Act No. 8551 (1998), secs. 36 and 37.
- [83] Zomer Development Co., Inc. v. Special Twentieth Division of the Court of Appeals, Cebu City, 868 Phil. 93, 113 (2020) [Per J. Leonen, En Banc].
- [84] 740 Phil. 403 (2014) [Per J. Leonen, En Banc].
- [85] Id. at 435.
- [86] Republic Act No. 8551 (1998), sec. 34.
- [87] Republic Act No. 8551 (1998), sec. 35.
- [88] CIVIL CODE, art. 1193.
- [89] CIVIL CODE, art. 1181.
- [90] Rollo, pp. 256-257.

G.R. No. 256201– RENY M. ROMASANTA, AMELITA C. BERMEJO, JUVY B. SERVANDA, MARIA SOLEDAD U. INDOYON,[*] and NILDA A. ASICO, Petitioners, v. NATIONAL POLICE COMMISSION, as represented by Vice Chairman and Executive Officer Alberto A. Bernardo; PHILIPPINE NATIONAL POLICE, as represented by Police General Rodolfo S. Azurin, Jr.; PNP RETIREMENT AND BENEFITS ADMINISTRATION SERVICE, as represented by Police Brigadier General Niño David L. Rabaya; ATTY. LUCAS P. BERSAMIN, as executive secretary of the President of the Republic of the Philippines; SENATE OF THE PHILIPPINES, as represented by SENATE PRESIDENT HON. JUAN MIGUEL F. ZUBIRI; and HOUSE OF REPRESENTATIVES, as represented by SPEAKER OF THE HOUSE HON. FERDINAND MARTIN G.

ROMUALDEZ, Respondents.

CONCURRING AND DISSENTING OPINION

CAGUIOA, J.:

While I concur with the dismissal of the Amended Petition for Certiorari and Prohibition[1] (Amended Petition), I respectfully offer my thoughts on the manner of disposition, particularly on the basis for its dismissal and the discussion on the substantive issue of the constitutionality of the second paragraph of Section 35 of Republic Act No. 8551.[2]

Petitioners Reny M. Romasanta, Amelita C. Bermejo, Juvy B. Servanda, Maria Soledad U. Indoyon, and Nilda A. Asico (Romasanta et al.) allege in the Amended Petition that the second paragraph of Section 35 of Republic Act No. 8551, which amended Republic Act No. 6975,[3] violated the equal protection clause of the 1987 Constitution.[4] According to Romasanta et al., Total Permanent Physical Disability (TPPD) under Republic Act No. 6975 allowed retirees with at least 20 years of service to be compulsorily retired and were given the same benefits of compulsory retirees, which included lifetime pension and monthly annuity to the survivors in case of the retiree's death. However, it is further alleged that the amendatory law, Republic Act No. 8551, unjustly prohibits the transfer of the retirement pensions of deceased Philippine National Police (PNP) retirees who retired due to TPPD to their heirs, as opposed to those deceased PNP retirees who retired under usual circumstances, despite the fact that the PNP retirees in both situations served the PNP for more than 20 years.[5] Further, the Amended Petition states that the transfer of pension was available to families of TPPD retirees who rendered at least 20 years of service when the applicable law was still Republic Act No. 6975.[6] This then unduly prejudices the rights of heirs and beneficiaries of TPPD retirees who share little to no substantial distinction with the heirs and beneficiaries of other retirees.

It is my view that the Amended Petition requires the determination of an underlying question of fact, i.e., whether surviving spouses of deceased PNP retirees actually received their deceased spouses' pension before Republic Act No. 6975 was amended by Republic Act No. 8551. As such, the Amended Petition should be dismissed only on procedural grounds and the discussion on the merits of the case made by the ponencia is unnecessary and should have been avoided.

The ponencia dismisses the Amended Petition for non-observance of the principle of hierarchy of courts. According to the ponencia, Romasanta et al. failed to demonstrate that their case falls within the recognized exceptions warranting the immediate invocation of the Court's jurisdiction. Said exceptions include: (a) when there are genuine issues of constitutionality that must be addressed at the most immediate time; (b) when the issues involved are of transcendental importance; (c) in cases of first impression; (d) the constitutional issues raised are better decided by the Supreme Court; (e) the time element or exigency in certain situations; (f) the filed petition reviews an act of a constitutional organ; (g) when there is no other plain, speedy, and adequate remedy in the ordinary course of law; and (h) the petition includes questions that are dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy.

While I concur with the ponente's position, I respectfully raise that invocation of any of the above instances does not automatically trigger the exception to the doctrine of hierarchy of courts. The Court in *GIOS-SAMAR, Inc. v. Department of Transportation and Communications*[7] instructs:

We take this opportunity to clarify that the presence of one or more of the so-called "special and important reasons" is not the decisive factor considered by the Court in deciding whether to permit the invocation, at the

first instance, of its original jurisdiction over the issuance of extraordinary writs. Rather, it is the nature of the question raised by the parties in those "exceptions" that enabled us to allow the direct action before us.

....

More recently, in *Aala v. Uy*, the Court En Banc, dismissed an original action for certiorari, prohibition, and mandamus, which prayed for the nullification of an ordinance for violation of the equal protection clause, due process clause, and the rule on uniformity in taxation. We stated that, not only did petitioners therein fail to set forth exceptionally compelling reasons for their direct resort to the Court, they also raised factual issues which the Court deems indispensable for the proper disposition of the case. We reiterated the time-honored rule that we are not a trier of facts: "[T]he initial reception and appreciation of evidence are functions that [the] Court cannot perform. These are functions best left to the trial courts."

To be clear, the transcendental importance doctrine does not clothe us with the power to tackle factual questions and play the role of a trial court. The only circumstance when we may take cognizance of a case in the first instance, despite the presence of factual issues, is in the exercise of our constitutionally-expressed task to review the sufficiency of the factual basis of the President's proclamation of martial law under Section 18, Article VII of the 1987 Constitution. The case before us does not fall under this exception."^[8] (Emphasis supplied; citations omitted)

Given the foregoing, I respectfully submit that the case should be dismissed on the ground of non-observance of the principle of hierarchy of courts because there is a pending question of fact, not just because *Romasanta et al.* improperly filed a petition directly with the Court. Even if any of the recognized exceptions were established in the Amended Petition, the Court still cannot rule upon the same if there are pending factual issues. As discussed in *GIOS-SAMAR*, the only circumstance when the Court may take cognizance of a case in the first instance, despite the presence of factual issues, is when it involves the proclamation of martial law. Since the foregoing circumstance does not attain here, the Court has no recourse but to dismiss the Amended Petition since there exists a pending question of fact.

While it is a noble undertaking to thresh out the merits of the case "for purposes of stability, economy, and peace of mind of the parties," the Supreme Court remains to be not a trier of facts. The municipal and the regional trial courts handle questions of fact and law at the first instance, and their decisions are appealable to the Court of Appeals also on questions of fact and law. This structure necessarily commands that cases must first be brought before them and not before the higher courts.^[9] Thus, any discussion on the merits of the case should have been reserved until the question is properly brought before the Court.

ACCORDINGLY, I vote to DISMISS the Amended Petition for Certiorari and Prohibition.

[*] Also known as "Sol Indoyan" in other parts of the records.

[1] *Rollo*, pp. 228-267.

[2] Republic Act No. 8551 (1998), also known as the Philippine National Police Reform and Reorganization Act of 1998.

SECTION 35. Section 73 of the same Act is hereby amended to read as follows:

"SEC. 73. Permanent Physical Disability – An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position,

shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of his last salary, in addition to other benefits as provided under existing laws.

"Should such member who has been retired under permanent total disability under this section die within five (5) years from his retirement, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period." (Emphasis supplied)

[3] Republic Act No. 6975 (1990), or the Department of the Interior and Local Government Act of 1990.

[4] Rollo, pp. 249-257.

[5] Id. at 231-232.

[6] Id. at 243.

[7] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[8] Id. at 175, 177-178.

[9] Atty. Macalintal v. Commission on Elections, 943 Phil. 212, 274-275 (2023) [Per J. Kho, Jr., En Banc].

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