Supreme Court E-Library

EN BANC

[A.M. No. 02-1-12-SC. March 14, 2007]

IN RE: REQUEST OF JUSTICE BERNARDO P. PARDO FOR ADJUSTMENT OF HIS LONGEVITY PAY.

SYLLABUS

1. POLITICAL LAW; CONSTITUTIONAL LAW; CONSTITUTIONAL COMMISSIONS; COMELEC; AN INDEPENDENT CONSTITUTIONAL COMMISSION AND IT IS NOT AN AGENCY PERTAINING TO THE JUDICIARY. — [T]he COMELEC is an agency not pertaining to the judiciary. Pursuant to Section 1, Article IX of the 1987 Constitution, the COMELEC is an independent Constitutional Commission.

2. REMEDIAL LAW; BATAS PAMBANSA NO. 129; COURT OF APPEALS; ORGANIZATION; THE TERM "COURT," HOW CONSTRUED. — [W]e agree with Justice Pardo's view that the term "Court" as used in Section 3, B.P. No. 129, as amended, includes the Supreme Court. He submits that notwithstanding his service as Chairman in the Commission on Elections after he resigned as Associate Justice of the Court of Appeals on 16 February 1995 and before he was appointed Associate Justice of the Supreme Court on 7 October 1998, his service in the Judiciary is still considered continuous. The provision reads: "SEC. 3. *Organization*.— There is hereby created a Court of Appeals which shall consist of Presiding Justice and fifty Associate Justices who shall be appointed by the President of the Philippines. The Presiding Justice shall be so designated in his appointment, and the Associate Justices shall have precedence according to the dates of their respective appointments, or when the appointments of two or more of them shall bear the same date, according to the order in which their appointments were issued by the President. **Any member who is reappointed to the Court after rendering service in any other position in the government shall retain the precedence to which he was entitled under his original appointment, and his service in the Court shall, for all intents and purposes, be considered as continuous and uninterrupted.** (As amended by Executive Order No. 33, July

Supreme Court E-Library

28, 1986.)" We hold that the term "Court" is used in its generic sense and pertains actually to the "Judiciary." Otherwise, the law should have provided "reappointed to the Court of Appeals." It is an accepted tenet in statutory construction that "statutes are to be construed in the light of the purposes to be achieved and the evils sought to be remedied. Hence, in construing a statute, the reason for its enactment should be kept in mind and the statute should be construed with reference to the intended scope and purpose. The court may consider the spirit and reason of the statute, where a literal meaning would lead to absurdity, contradiction, injustice, or would defeat the clear purpose of the lawmakers."

R E S O L U T I O N

SANDOVAL-GUTIERREZ, *J.*:

This refers to the letter dated 3 January 2002 of Supreme Court Associate Justice Bernardo P. Pardo (retired) requesting the adjustment of his longevity pay by including in the computation his service as Chairman in the Commission on Elections (COMELEC).

The request is founded on two grounds: *First*, his service in the judiciary for more than 30 years is deemed continuous. On 21 July 1971, he was appointed Acting Assistant Solicitor General **with the rank, salary and privileges of a Judge of the Court of First Instance (now Regional Trial Court)**. On 10 February 2002, he retired compulsorily. In the interim, he occupied the positions of District Judge, Court of First Instance of Rizal, Branch 34, Caloocan City, from 3 May 1974 to 17 January 1983; Regional Trial Court, Branch 43, Manila, from 18 January 1983 to 29 March 1993; Associate Justice of the Court of Appeals, from 30 March 1993 to 16 February 1995; Chairman, COMELEC, from 17 February 1995 to 6 October 1998; and Associate Justice of the Supreme Court, from 7 October 1998 to 10 February 2002, or a total of 30 years and six months. Justice Pardo contends that the COMELEC must be considered part of the judiciary because it exercises *quasi-judicial* or even judicial functions. *Second*, under Section 3 of Batas Pambansa (B.P.)

Supreme Court E-Library

No. 129, as amended (re-organization of the Court of Appeals), any member of the Court of Appeals who is reappointed to the Court after rendering service in **any other position** in the **government** "shall retain the precedence in his original appointment and his service shall, for **all intents and purposes**, be considered **as continuous and uninterrupted.**" Justice Pardo maintains that the term "Court" includes not only the Court of Appeals but the Supreme Court as well.

On 14 January 2002, the Court *En Banc* referred Justice Pardo's letter to Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, for comment and recommendation.

On 15 January 2002, Atty. Candelaria submitted to the Chief Justice her comment and recommendation expressing regret that she is "not amenable to Justice Pardo's request." She submitted that, as to the first ground, the COMELEC is an agency **not** pertaining to the judiciary, but more **properly to the Executive Department**. And as to the second ground, that the provision of Section 3, B.P. No. 129, as amended, **explicitly applies only to reappointed** members of the Court of Appeals.

We agree with Atty. Candelaria that the COMELEC is an agency not pertaining to the judiciary. Pursuant to Section 1, Article IX of the 1987 Constitution, the COMELEC is an independent Constitutional Commission. Hence, we find the first ground invoked by Justice Pardo untenable.

However, as to the second ground, we agree with Justice Pardo's view that the term "Court" as used in Section 3, B.P. No. 129, as amended, includes the Supreme Court. He submits that notwithstanding his service as Chairman in the Commission on Elections after he resigned as Associate Justice of the Court of Appeals on 16 February 1995 and before he was appointed Associate Justice of the Supreme Court on 7 October 1998, his service in the Judiciary is still considered continuous.

The provision reads:

"SEC. 3. *Organization.* – There is hereby created a Court of Appeals which shall consist of a Presiding Justice and fifty Associate

Supreme Court E-Library

Justices who shall be appointed by the President of the Philippines. The Presiding Justice shall be so designated in his appointment, and the Associate Justices shall have precedence according to the dates of their respective appointments, or when the appointments of two or more of them shall bear the same date, according to the order in which their appointments were issued by the President. **Any member who is reappointed to the Court after rendering service in any other position in the government shall retain the precedence to which he was entitled under his original appointment, and his service in the Court shall, for all intents and purposes, be considered as continuous and uninterrupted.** (As amended by Executive Order No. 33, July 28, 1986.)"

We hold that the term "Court" is used in its generic sense and pertains actually to the "Judiciary." Otherwise, the law should have provided "reappointed to the Court of Appeals." It is an accepted tenet in statutory construction that "statutes are to be construed in the light of the purposes to be achieved and the evils sought to be remedied. Hence, in construing a statute, the reason for its enactment should be kept in mind and the statute should be construed with reference to the intended scope and purpose. The court may consider the spirit and reason of the statute, where a literal meaning would lead to absurdity, contradiction, injustice, or would defeat the clear purpose of the lawmakers."[1]

As earlier mentioned, Justice Pardo resigned from the Court of Appeals on 16 February 1995 and thereafter served as Chairman in the COMELEC from 17 February 1995 up to 6 October 1998. Then, he was appointed Associate Justice of the Supreme Court on 7 October 1998 and held office there up to 10 February 2002. Considering that he was reappointed to the Supreme Court after rendering service in the COMELEC, then, pursuant to the provision of Section 3 of B.P. Blg. 129, as amended, quoted above, it follows that Justice Pardo's service in the Court of Appeals and the Supreme Court is considered continuous despite his appointment as Chairman of the COMELEC.

The purpose of the law in granting longevity pay to Judges and Justices is to recompense them for each five years of continuous,

---

[1] *Ursua v. Court of Appeals*, 326 Phil. 157, 163 (1996).

Supreme Court E-Library

efficient, and meritorious **service rendered in the Judiciary**. It is the long service that is rewarded, from the lowest to the highest court in the land.

WHEREFORE, we resolve to *GRANT* the request of Justice Pardo that his service in the COMELEC be included in the computation of his longevity pay.

Let this matter be referred to the Fiscal Management and Budget Office for re-computation of his longevity pay by including his service as Chairman in the COMELEC, and, accordingly, his corresponding retirement benefits.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Chico-Nazario, Tinga, Garcia, Velasco, Jr., and *Nachura, JJ.,* concur.

Callejo, Sr., J., on leave.

EN BANC

[A.M. No. 04-5-20-SC. March 14, 2007]

IN RE: AFFIDAVIT OF FRANKIE N. CALABINES, A MEMBER OF THE CO-TERMINUS STAFF OF JUSTICE JOSEFINA GUEVARRA-SALONGA, RELATIVE TO SOME ANOMALIES RELATED TO NO. 73287 "CANDY MAKER, INC. *vs.* **REPUBLIC OF THE PHILIPPINES."**

FRANKIE N. CALABINES, Utility Worker I-CT, *complainant-respondent, vs.* **LUIS N. GNILO, Utility Worker I,** *respondent.*

DOLOR M. CATOC, *complainant, vs.* **FELICIANO S. CALINGA, Utility Worker I; EVELYN L. CAGUITLA,**