

**EN BANC**

**[ A.M. No. 11-10-7-SC, February 14, 2012 ]**

**RE: REQUEST OF JUSTICE JOSEFINA GUEVARA-SALONGA, COURT OF APPEALS, THAT HER SERVICES AS ASSISTANT PROVINCIAL FISCAL OF LAGUNA BE CREDITED AS PART OF HER SERVICES IN THE JUDICIARY FOR PURPOSES OF HER RETIREMENT.**

**D E C I S I O N****PER CURIAM:**

For our consideration is the letter dated October 12, 2011 of Court of Appeals (CA) Justice Josefina Guevara-Salonga, indorsed to us on October 14, 2011 by CA Presiding Justice Andres B. Reyes, Jr. Justice Guevara-Salonga requests that her services as Assistant Provincial Fiscal of Laguna be credited as part of her services in the Judiciary, in line with her retirement on February 14, 2012.

By Resolution dated October 18, 2011, the Court noted the indorsement of CA Presiding Justice Reyes and the letter of Justice Guevara-Salonga. We referred the letter to the Office of Administrative Services (OAS) for evaluation, report and recommendation. The OAS reported:

Records show that prior to her appointment to the Court of Appeals on August 2, 2002, Justice Guevara-Salonga held the following positions:

<b>Service Exclusive Dates</b>		<b>Position</b>	<b>Station/ Place of Assignment</b>
<b>FROM</b>	<b>TO</b>		
03-27-1972	03-31-1974	Legal Researcher	CFI-Laguna
04-01-1974	09-11-1975	Special Counsel	Office of the Provincial Fiscal Laguna
09-12-1975	08-06-1980	Acting Assistant Provincial Fiscal	
08-07-1980	02-02-1987	3rd Assistant Provincial Fiscal	
02-03-1987	07-01-1989	RTC Judge	RTC, Br. 32 San Pablo City
11-07-1991	08-21-2000	RTC Judge	RTC, Br. 149 Makati City

On April 8, 2010[,], Republic Act No. 10071[,], otherwise known as "*An Act Strengthening and Rationalizing the National Prosecution Service*[,]" was signed into law. It took effect fifteen (15) days after its publication in the Philippine Star on May 13, 2010. Under Section 16 thereof, it

provides the qualifications, ranks and appointments of prosecutors and other prosecution offices, as follows:

*"Sec. 16. Qualifications, Ranks and Appointments of Prosecutors and other Prosecution Officers. – x x x*

*Prosecutors with the rank of Prosecutor IV shall have the same qualifications for appointment, rank, category, prerogatives, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions, and disqualifications, and shall enjoy the same retirement and other benefits as those of a Judge of the Regional Trial Court.*

*Prosecutors with the rank of Prosecutor III shall have the same qualifications for appointment, rank, category, privileges, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of a Judge of the Metropolitan Trial Court.*

*Prosecutors with the rank of Prosecutor II shall have the same qualifications for appointment, rank, category, privileges, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of a Judge of the Municipal Trial Court in cities.*

*Prosecutors with the rank of Prosecutor I shall have the same qualifications for appointment, rank, category, privileges, salary grade and salaries, allowances, emoluments and other privileges, shall be subject to the same inhibitions and disqualifications, and shall enjoy the same retirement and other benefits as those of a Judge of the Municipal Trial Court in municipalities."*

In relation to the above, Section 24 of the aforesaid Law reads:

*"Sec. 24. Retroactivity – The benefits mentioned in Section[s] 14 and 16 hereof shall be granted to those who retired prior to the effectivity of this Act."(underscoring supplied)*

Prior to the enactment of R.A. No. 10071, Assistant Provincial Fiscals do not enjoy the same qualifications for appointment, rank and privileges as those of a Judge. While the law provided for a retroactive application specifically for the benefits under Sections 14 and 16 as mentioned above, the same are granted only to those who retired prior to the