

EN BANC

[A.M. No. 10654-Ret., June 27, 2008]

IN RE: PETITION FOR THE FAVORABLE CONSIDERATION OF THE FOUR (4) YEARS LENGTH OF SERVICE AS A SANGGUNIAN BAYAN MEMBER OF THE PETITIONER TO COMPLETE THE TWENTY-ONE YEARS OF GOVERNMENT SERVICE FOR PURPOSES OF RECEIVING HIS MONTHLY LIFETIME PENSION AFTER FIVE (5) YEARS,

JUDGE ANTONIO S. ALANO (Ret.), Petitioner.

RESOLUTION

YNARES-SATIAGO, J.:

Can the length of service of Judge Antonio S. Alano as a former Sangguniang Bayan member be credited in his favor in order to complete the 20 years of government service requirement for the purpose of availing the monthly lifetime pension under Republic Act (R.A.) No. 910^[1]?

This administrative matter involves the entitlement of Judge Antonio S. Alano, former presiding judge of the Regional Trial Court of General Santos City, Branch 35, to a lifetime pension under Sec. 1 of R.A. No. 910, as amended.

The facts are as follows:

On November 27, 2001, the Court *En Banc* approved petitioner's application for **disability** retirement under R.A. No. 910, to wit:

Acting on the Application for Disability Retirement filed by Judge Antonio S. Alano, RTC, Branch 35, General Santos City, under R.A. 910, as amended by R.A. 5095 and P.D. 1438, and it appearing that applicant is: (1) over 69 years old with more than 17 years of government service and (2) suffering from Cerebrovascular Accident, [recurrent infarct], left Middle Cerebral Artery in distribution; with Right-Sided Hemiparesis; Hypertensive Cardiovascular Disease; Diabetes Mellitus, Type II, which condition falls within the classification of a total permanent disability per Memorandum dated 24 September 2001 of the Medical Services of this Court, the Court Resolved to APPROVE the application effective 4 April 2001 x x x.

A copy of the Resolution was received by petitioner on December 21, 2001.^[2] Claiming that the Court erroneously credited him with only 17 years of government service, which consists 11 years as a judge and six years as Provincial Board Member of Basilan, petitioner filed a Motion for Partial Reconsideration contending that if his four years of service as a Sangguniang Bayan member is added to his 17

years of government service, then he would have rendered more than 21 years of government service which would qualify him to avail the monthly lifetime pension under R.A. No. 910. Attached to the *Motion for Partial Reconsideration* is petitioner's Service Record duly signed by Nonito T. Ramirez, Secretary to the Sanggunian.

In a minute resolution dated April 10, 2002, the Court denied the motion, stating thus:

The Court resolved, upon recommendation of Deputy Court Administrator Christopher O. Lock in his Memorandum dated 1 March 2002, to DENY the Motion for Partial Reconsideration of the resolution of 27 November 2001, dated 1 January 2001 of former Judge Antonio S. Alano, RTC, Branch 35, General Santos City. Services rendered for the period 10 January 1976 to 31 January 1980 as Sangguniang Bayan Member cannot be accredited as government service for purposes of retirement.

On December 12, 2006, petitioner filed the instant petition reiterating his plea that his more than four years of government service as a Sangguniang Bayan member of the Municipality of Isabela, Basilan for the period January 10, 1976 to January 31, 1980 be credited in his favor and that based on the applicable last salary and other benefits he was receiving prior to his retirement, he be granted a monthly pension for the rest of his natural life to answer for his rehabilitation, medicines, doctor's bills, and expenses for his support.

Petitioner alleged that he has reached the age of 75 last June 13, 2006; that since the approval of his retirement on April 4, 2001, a substantial portion, if not all, of his retirement benefits have been spent for his rehabilitation, medicines, medical care and maintenance; that if his request be granted, the proceeds of his monthly pension will be spent in meeting his rehabilitation, medicines, doctor's bills and expenses for his support. He thus prayed for the Court to give due course to his petition and thereafter render a more humane and equitable judgment. Petitioner attached to his petition his Service Record duly signed by Otilia W. Ricablanca, Chief, Human Resource Management Office, Isabela, Basilan.

In a Resolution dated March 6, 2007, we required Judge Alano to submit additional proof that he served in the Sangguniang Bayan of Isabela. In compliance, Judge Alano submitted a) a certified true copy of a certification issued by Francisco R. Pia, former Vice-Mayor of Isabela, certifying that he and Judge Alano served together as members of the Sangguniang Bayan of Isabela in 1976-1980; and b) certified true copies of excerpts from minutes of the Sessions of the Sangguniang Bayan of Isabela from 1976 to 1979, which were attended and participated in by Judge Alano.

In a Memorandum dated March 19, 2007, the Office of the Court Administrator recommended that the request of Judge Alano for accreditation of his services rendered as Sangguniang Bayan Member of Isabela, Basilan for four years and 21 days be granted; and that he be entitled to receive an additional 5-year lump sum gratuity having met the 20 years government service required to qualify and be entitled to the 10-year lump sum gratuity provided for Disability Retirement under R.A. No. 910, as amended.

However, the Court deferred action on the matter pending submission of additional

proof that Judge Alano served in the Sangguniang Bayan of Isabela. Thus, on June 19, 2007, the Court resolved to require the Office of the Court Administrator to secure proof from the Department of Interior and Local Government (DILG) of Judge Alano's appointment as Member of the Sangguniang Bayan of Isabela, Basilan.

In a Certification dated July 24, 2007, the DILG stated that it has no available copies of documents^[3] to prove that former Judge Alano has been a Member of the Sangguniang Bayan of Isabela, Basilan. However, it also stated that DILG only requires submission of said documents when the need arises and that the local government unit concerned could have kept on file said documents.

Consequently, we required the local government of Isabela, Basilan to issue a certification. In a Certification dated January 10, 2007,^[4] Otilla W. Ricablanca, Human Resource Management Officer of Isabela, Basilan stated, thus:

CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that insofar as the records of the appointment of Atty. (now Judge) Antonio S. Alano, as a member of the Sangguniang Bayan, of the Municipality (now City) of Isabela, Basilan Province, for his term of office from January 10, 1976 to January 31, 1980, are no longer available, as the same were destroyed, when the water tank above the Archives room where the said records are located leaked, and water therefrom seeped through the ceiling into the public documents, papers and records located and stored inside the said room below, and destroyed the same, sometime in the early 1980's.

It is further certified that his **Service Record** as a member of the Sangguniang Bayan of the Municipality (now City) of Isabela, Basilan Province, and the **various "Excerpts of from the Minutes of the Regular and Special Sessions of the Sangguniang Bayan"** showing that he attended the said sessions and voted in the approval of the various Ordinances of the said legislative body during his term of office, **are the only available records as of the present, the copies of which have already been furnished to Judge Antonio S. Alano.**

x x x x

Records show that Judge Alano served as Sangguniang Bayan member of Isabela, Basilan from January 10, 1976 up to January 31, 1980, or for a period of **4 years and 21 days**. He was also elected as Provincial Board member of the same province from February 1, 1980 up to April 20, 1986, or for a period of **6 years, 2 months, and 19 days**. On January 1, 1990, he was appointed as presiding judge and he served as such up to April 4, 2001, or for a period of **11 years, 3 months, and 3 days**. Thus, he has rendered a total of **21 years, 6 months, and 13 days** of government service.

Section 1 of R.A. No. 910, as amended, provides: