

Republic of the Philippines  
Supreme Court  
Manila

EN BANC

Re: LETTER OF MRS. MA.  
CRISTINA ROCO CORONA  
REQUESTING THE GRANT OF  
RETIREMENT AND OTHER  
BENEFITS TO THE LATE  
FORMER CHIEF JUSTICE  
RENATO C. CORONA AND HER  
CLAIM FOR SURVIVORSHIP  
PENSION AS HIS WIFE UNDER  
REPUBLIC ACT NO. 9946

A.M. No. 20-07-10-SC

Present:

PERALTA, C. J.,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
GISMUNDO,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS,  
GAERLAN, and  
ROSARIO, J.J.

Promulgated:

January 12, 2021

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DECISION

**HERNANDO, J.:**

Impeachment is a constitutional process that takes place within the political departments of our government. The House of Representatives accuses and the Senate, sitting as an Impeachment Court, decides. Public opinion, as well as the facts established by the evidence and the grounds and processes prescribed by the basic law, steer and weigh heavily in the formulation of its outcome. Nevertheless, the pervasive realm of the courts that is judicial review

is retained as to any act within the limits of discretion provided by the Constitution.<sup>1</sup>

Upon a judgment of ouster by the impeachment court, however, some of its ramifications spring from a gray area in law. One such vagueness lies in the monetary entitlements of the public officer, who reached the legal age of retirement after his removal but died shortly thereafter without the separate charges filed against him having been resolved with finality. While retirement laws are interpreted liberally in favor of the retiree,<sup>2</sup> the rare peculiarities of certain cases smoke out a legal gap that only legislature can address. The law beckons construction and construction becomes unnecessary without a law. Justice, nonetheless, shall not be denied by the courts to the deserving. Equity is the ink that writes the law and not its inverse.

Before the Court is the supplication for the grant of post-employment and survivorship benefits of Ma. Cristina Roco Corona (Mrs. Corona), as the spouse of former Chief Justice Renato C. Corona.

### **The Antecedents**

Renato Coronado Corona became the Chief Justice of the Philippines on May 12, 2010 after an eight-year stint as Associate Justice in the High Court. He occupied the judicial apex very momentarily: a year after his appointment as Chief Justice, Articles of Impeachment were filed against him and he was eventually indicted by the House of Representatives under Section 2, Article VI of the 1987 Constitution<sup>3</sup> on the alleged grounds of betrayal of public trust, culpable violation of the Constitution, and graft and corruption.

The lower House's formal accusations against Chief Justice Corona read as follows:

### **GROUND FOR IMPEACHMENT**

Respondent betrayed the Public Trust, committed Culpable Violation of the Constitution and Graft and Corruption in the following manner:

#### ARTICLE I

RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH HIS TRACK RECORD MARKED BY PARTIALITY AND SUBSERVIENCE IN CASES INVOLVING THE ARROYO ADMINISTRATION FROM THE

<sup>1</sup> *Francisco v. House of Representatives*, 460 Phil. 830, 878-926.

<sup>2</sup> *Aniñon v. Government Service Insurance System*, G.R. No. 190410, April 10, 2019.

<sup>3</sup> Section 2, Article XI of the 1987 Constitution states:

The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

TIME OF HIS APPOINTMENT AS SUPREME COURT JUSTICE AND UNTIL HIS DUBIOUS APPOINTMENT AS A MIDNIGHT CHIEF JUSTICE TO THE PRESENT.

#### ARTICLE II

RESPONDENT COMMITTED CULPABLE VIOLATION OF THE CONSTITUTION AND/OR BETRAYED THE PUBLIC TRUST WHEN HE FAILED TO DISCLOSE TO THE PUBLIC HIS STATEMENT OF ASSETS, LIABILITIES, AND NET WORTH AS REQUIRED UNDER SEC. 17, ART. XI OF THE 1987 CONSTITUTION.

#### ARTICLE III

RESPONDENT COMMITTED CULPABLE VIOLATIONS OF THE CONSTITUTION AND/OR BETRAYED THE PUBLIC TRUST BY FAILING TO MEET AND OBSERVE THE STRINGENT STANDARDS UNDER ART. VIII, SECTION 7 (3) OF THE CONSTITUTION WHICH PROVIDES THAT “[A] MEMBER OF THE JUDICIARY MUST BE A PERSON OF PROVEN COMPETENCE, INTEGRITY, PROBITY, AND INDEPENDENCE” IN ALLOWING THE SUPREME COURT TO ACT ON MERE LETTERS FILED BY A COUNSEL WHICH CAUSED THE ISSUANCE OF FLIP-FLOPPING DECISIONS IN FINAL AND EXECUTORY CASES; IN CREATING AN EXCESSIVE ENTANGLEMENT WITH MRS. ARROYO THROUGH HER APPOINTMENT OF HIS WIFE TO OFFICE; AND IN DISCUSSING WITH LITIGANTS REGARDING CASES PENDING BEFORE THE SUPREME COURT.

#### ARTICLE IV

RESPONDENT BETRAYED THE PUBLIC TRUST AND/OR COMMITTED CULPABLE VIOLATION OF THE CONSTITUTION WHEN HE BLATANTLY DISREGARDED THE PRINCIPLE OF SEPARATION OF POWERS BY ISSUING A “STATUS QUO ANTE” ORDER AGAINST THE HOUSE OF REPRESENTATIVES IN THE CASE CONCERNING THE IMPEACHMENT OF THEN OMBUDSMAN MERCEDITAS NAVARRO-GUTIERREZ.

#### ARTICLE V

RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH WANTON ARBITRARINESS AND PARTIALITY IN CONSISTENTLY DISREGARDING THE PRINCIPLE OF RES JUDICATA IN THE CASES INVOLVING THE 16 NEWLY-CREATED CITIES, AND THE PROMOTION OF DINAGAT ISLAND INTO A PROVINCE.

#### ARTICLE VI

RESPONDENT BETRAYED THE PUBLIC TRUST BY ARROGATING UNTO HIMSELF, AND TO A COMMITTEE HE CREATED, THE AUTHORITY AND JURISDICTION TO IMPROPERLY INVESTIGATE A JUSTICE OF THE SUPREME COURT FOR THE PURPOSE OF EXCULPATING HIM. SUCH AUTHORITY AND JURISDICTION IS

PROPERLY REPOSED BY THE CONSTITUTION IN THE HOUSE OF REPRESENTATIVES VIA IMPEACHMENT.

#### ARTICLE VII

RESPONDENT BETRAYED THE PUBLIC TRUST THROUGH HIS PARTIALITY IN GRANTING A TEMPORARY RESTRAINING ORDER (TRO) IN FAVOR OF FORMER PRESIDENT GLORIA MACAPAGAL-ARROYO AND HER HUSBAND JOSE MIGUEL ARROYO IN ORDER TO GIVE THEM AN OPPORTUNITY TO ESCAPE PROSECUTION AND TO FRUSTRATE THE ENDS OF JUSTICE, AND IN DISTORTING THE SUPREME COURT DECISION ON THE EFFECTIVITY OF THE TRO IN VIEW OF A CLEAR FAILURE TO COMPLY WITH THE CONDITIONS OF THE SUPREME COURT'S OWN TRO.

#### ARTICLE VIII

RESPONDENT BETRAYED THE PUBLIC TRUST AND/OR COMMITTED GRAFT AND CORRUPTION WHEN HE FAILED AND REFUSED TO ACCOUNT FOR THE JUDICIARY DEVELOPMENT FUND (JDF) AND SPECIAL ALLOWANCE FOR THE JUDICIARY (SAJ) COLLECTIONS.<sup>4</sup>

After a heavily-publicized trial, the Senate declared Chief Justice Corona unfit to hold such a lofty position and removed him from his office due mainly to his act of non-declaration of his Statement of Assets, Liabilities, and Net Worth (SALN). The Senate, sitting as an impeachment court, so declared in its final judgment on May 29, 2012:

The SENATE sitting as an Impeachment Court, having tried Renato S. Corona, Chief Justice of the Supreme Court, upon three Articles of Impeachment charged against him by the House of Representatives, by a guilty vote of 20 Senators, representing at least two-thirds of all the Members of the SENATE, has found him guilty of the charge under Article II of the said Articles of Impeachment: Now, therefore, be it

ADJUDGED, That Renato C. Corona be, and is hereby, CONVICTED of the charge against him in Article II of the Articles of Impeachment.

WHEREFORE, in accordance with Article XI, Section 3(7) of the Constitution, the penalty of removal from office and disqualification to hold any office under the Republic of the Philippines is hereby imposed upon respondent Chief Justice Renato C. Corona.<sup>5</sup>

<sup>4</sup> <https://www.officialgazette.gov.ph/2011/12/12/articles-of-impeachment-against-chief-justice-renato-c-corona-december-12-2011/>. Accessed January 3, 2021.

<sup>5</sup> Per Ma. Cristina's letter. The Official Record of the Senate Sitting as an Impeachment Court taken on May 29, 2012, however, stated the Senate's original verdict in the following manner and without mention of the penalties imposed:

With at least two-thirds of all the members of the Senate having pronounced the Respondent guilty, the Chair, pursuant to Rule XXI of the *Rules of Procedure on Impeachment Trials*, directs judgment to be entered in accordance with the judgment of the Senate as follows:

The Senate, sitting as an Impeachment Court, having tried Renato S. Corona, Chief Justice of the Supreme Court, upon three Articles of Impeachment charged against him by the House of Representatives, by a guilty vote of 20 Senators, representing at least two-thirds of all the

No objection or a motion for reconsideration was interposed against the judgment of the Senate. Having been dishonorably stripped of his public office and having undergone a most difficult and stressful trial, the Chief Justice's health quickly deteriorated culminating to his death on April 29, 2016. The separate criminal charges for graft and corruption then pending before the Sandiganbayan, as well as the tax evasion and forfeiture cases, were all necessarily dismissed in view of the Chief Justice's demise.

The widow of the Chief Justice, Mrs. Corona, now pleads for judicial benevolence.

In a letter dated July 13, 2020 now docketed as A.M. No. 20-07-10-SC, Mrs. Corona asserts, albeit unseeking of its reversal, that the Senate judgment removing the Chief Justice from office should be voided for insufficiency of evidence and noncompliance with Section 14, Article VIII of the Constitution.

Citing the scholarly views of Father Joaquin G. Bernas (Fr. Bernas), Mrs. Corona insists that her late spouse's ouster by impeachment merely divested him of his political capacity as Chief Justice of the Supreme Court. Thus, she prays that she be allowed to reap the retirement benefits and other gratuities provided under Sections 1 and 3 of Republic Act No. 9946 (RA 9946), and monthly survivorship pension under Administrative Circular No. 81-2010 (AC 81-2010). She believes that the late Chief Justice is entitled to these benefits, having toiled for more than 20 years in public service until he was unseated at age 63. She also cites the previous acts of judicial benevolence accorded to a number of Supreme Court magistrates and implores for a similar treatment.

Mrs. Corona further claims that her prayer for monetary reliefs have already been impliedly granted in view of the issuance of clearances by the section heads of the Supreme Court's administrative arm and her receipt of her husband's monetized accrued leave credits, all in accordance with the Court's September 3, 2019 Resolution in A.M. No. 19-09-02-SC.

The matter was then referred to the Office of the Chief Attorney (OCA) for its report and evaluation.

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Members of the Senate, has found him guilty of the charge under Article II of the said Articles of Impeachment; *Now, therefore*, be it Adjudged, that Renato C. Corona be, and is hereby convicted of the charge against him in Article II of the Articles of Impeachment.

SO ORDERED.

The Secretary, as Clerk of Impeachment of Court, is directed to provide a certified copy of the judgment to the Respondent and his Counsel, the Speaker of the House of Representatives, the Supreme Court *En Banc*, the Judicial and Bar Council and the President of the Republic of the Philippines.

SO ORDERED.

In a Report dated September 28, 2020, the OCAAt shared Mrs. Corona's opinion that a verdict in an impeachment case has the sole effect of ousting the errant official from his/her post.

Its concurrence with Mrs. Corona, however, ended there. In its interpretation of Sections 1 and 3 of RA 9946, the OCAAt submits that it will be a stretch to consider former Chief Justice Corona's removal by impeachment tantamount to an act of resignation by reason of incapacity to discharge the duties of the office that he held. While forfeiture of retirement benefits is not expressly included as a penalty in a judgment on an impeachment proceeding, the OCAAt posits that the gap be left as it is and referred to legislative discretion. For lack of supporting legal basis, the OCAAt recommended the denial of Mrs. Corona's claims for the release of her late husband's retirement benefits and survivorship pension.

The matter is now before this Court for resolution.

### **Issue**

Ripe for judicial determination is the question of whether retirement benefits, other gratuities, and survivorship pension should be accorded to Mrs. Corona as the spouse of the late Chief Justice Corona despite the latter's ouster by impeachment.

### **Our Ruling**

The Court grants the plea of Chief Justice Corona's widow.

**The effects of a judgment on an impeachment complaint extends no further than to removal from office and disqualification from holding any public office.**

Impeachment was conceived as part of the system of checks and balances in the Constitution of the United States of America.<sup>6</sup> In the debates in the Constitutional Convention, the delegates aimed to craft a mechanism that would allow for the discipline of a President who abused his constitutional responsibilities without creating a weapon by which the President would be prevented from carrying them out.<sup>7</sup> The ultimate goal was to refine and make effective the separation of powers.<sup>8</sup>

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<sup>6</sup> *The Heritage Guide to the Constitution*. The Heritage Foundation.  
<https://www.heritage.org/constitution/#!/articles/1/essays/11/impeachment>. Accessed on December 6, 2020.

<sup>7</sup> Id.

<sup>8</sup> Id.

The delegates eventually crafted Article II, Section 4 of the US Constitution, which states that the President, Vice President, and all civil Officers of the United States can be impeached. The phrase “all civil Officers of the United States” encompasses the judges.<sup>9</sup> Article I, Section 3, Clauses 6 and 7 provides for the repercussions of a judgment of impeachment within their jurisdiction:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.”<sup>10</sup>

**Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States;** but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.”<sup>11</sup> (Emphasis supplied.)

When criminal penalties were excluded from the impeachment process, the Framers of the US Constitution departed from the English system, which incorporated provisions for criminal sanctions.<sup>12</sup> Article II, Section 4 only stated that the impeached official “shall be removed from Office” upon conviction.<sup>13</sup> Article I, Section 3 also provided that “[j]udgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States.”<sup>14</sup>

*Nixon v. United States*<sup>15</sup> and similar string of American jurisprudence,<sup>16</sup> confirmed this mutual exclusivity of impeachment proceedings and court trial. It was declared therein:

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<sup>9</sup> Id.

<sup>10</sup> USCS Const. Art. I, § 3, Cl 6.

<sup>11</sup> USCS Const. Art. I, § 3, Cl 7.

<sup>12</sup> Gormley, Ken. *Impeachment and the Independent Counsel: A Dysfunctional Union*. Stanford Law Review, vol. 51, no. 2, 1999. JSTOR, [www.jstor.org/stable/1229271](http://www.jstor.org/stable/1229271). Accessed December 27, 2020.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> 506 U.S. 224 (1993). Unofficial full text of the case viewed on <https://supreme.justia.com/cases/federal/us/506/224/>. Accessed on January 4, 2021.

<sup>16</sup> In *Burton v. United States* [202 U.S. 344 (1906)], a United States Senator made the comparable claim that a criminal conviction was the equivalent of expulsion from the Senate, which required a two-thirds vote of the Senate. The Court rejected this claim, stating: “the final judgment of conviction [does] not operate, *ipso facto* to vacate the seat of the convicted Senator, nor compel the Senate to expel him or to regard him as expelled by force alone of the judgment”.

In *Chandler v. Judicial Council of the Tenth Circuit*, [398 U.S. 74 (1970)], both Mr. Justice Douglas and Mr. Justice Black noted the important distinction between criminal proceedings and impeachment proceedings against federal judges. Justice Black, while emphasizing that federal judges could be removed from office only by impeachment, stated that “judges, like other people, can be tried, convicted, and punished for crimes”. Justice Douglas stated that “if they [federal judges] break a law they can be prosecuted. If they become corrupt or sit in cases in which they have a personal or family stake, they can be impeached by Congress.” Finally, the legislative history of the 1980 Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 is replete with statements recognizing that while Congress retains the exclusive power to remove federal judges from office for high crimes and misdemeanors, federal judges, like other people, are subject to criminal prosecution for their misdeeds.

There are two additional reasons why the Judiciary, and the Supreme Court in particular, were not chosen to have any role in impeachments. First, the Framers recognized that most likely there would be two sets of proceedings for individuals who commit impeachable offenses—the impeachment trial and a separate criminal trial. In fact, the Constitution explicitly provides for two separate proceedings. x x x The Framers deliberately separated the two forums to avoid raising the specter of bias and to ensure independent judgments:

**Would it be proper that the persons, who had disposed of his fame and his most valuable rights as a citizen in one trial, should in another trial, for the same offence, be also the disposers of his life and his fortune?** Would there not be the greatest reason to apprehend, that error in the first sentence would be the parent of error in the second sentence? That the strong bias of one decision would be apt to overrule the influence of any new lights, which might be brought to vary the complexion of another decision? (Citations omitted and emphasis supplied.)

**By sharply distinguishing a criminal prosecution from an impeachment, the Framers had made it clear that impeachment is not the means intended to redress and punish offenses against the state, but rather a mere political safeguard designed to preserve the state and its system of laws from internal harm.**<sup>17</sup> Precisely, it was not crafted to mete out punishment.<sup>18</sup>

In the same vein, **impeachment does not imply immunity from court processes, nor does it preclude other forms of discipline.**

In *United States v. Isaacs*,<sup>19</sup> the argument of the respondent judge therein that “the provisions of Articles I and II of the Constitution relating to impeachment provide the only means of removing a judge from office, and, because conviction on criminal charges is tantamount to removal from office, federal courts are without jurisdiction over the person,” was summarily rejected. The US Court of Appeals ruled that “[t]he [US] Constitution does not forbid the trial of a federal judge for criminal offenses committed either before or after his or her assumption of judicial office. Art. I, § 3, cl. 7, declaring that an impeached person is “subject to Indictment, Trial, Judgment and Punishment, according to Law”, does not cloak the person with immunity from indictment prior to or after being impeached.

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In *United States v. Claiborne* [727 F.2d 842 (1984)], it was held: “Claiborne also contends the Constitution's vesting of impeachment power exclusively in the Congress precludes criminal prosecutions of sitting federal judges. Two very important assumptions underlie this contention. First, impeachment is the exclusive means of removing federal judges from office; and second, a criminal prosecution is the equivalent of removal from office. We, like the court in *Hastings*, are unwilling to accept this second assumption. See *Hastings*, 681 F.2d at 710 n.10.”

<sup>17</sup> Supra note 11.

<sup>18</sup> Id.

<sup>19</sup> 493 F.2d 1124 (7th Cir. 1974). Unofficial full text of the case viewed on <https://casetext.com/case/united-states-v-isaacs-8>. Accessed on January 4, 2021.

Relevantly, it was decreed in *Nixon v. Sirica*,<sup>20</sup> that “[b]y contemplating the possibility of post-impeachment trials for violations of law committed in office, the Impeachment Clause itself reveals that incumbency does not relieve the [impeachable officer] of the routine legal obligations that confine all citizens. x x x The legality of judicial orders should not be confused with the legal consequences of their breach; for the courts in this country always assume that their orders will be obeyed, especially when addressed to responsible government officials.”

Owing to our country’s intertwined history with US expansionism in the Orient in the 19<sup>th</sup> century, our own basic law is worded and interpreted not too differently from that of the US as regards impeachment of public officers.

### **The 1935 Philippine Constitution:**

#### ARTICLE IX. - IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court, and the Auditor General, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

x x x x

SEC. 4. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Government of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law. (Emphasis supplied)

### **The 1973 Philippine Constitution:**

#### ARTICLE XIII ACCOUNTABILITY OF PUBLIC OFFICERS

x x x x

SEC. 2. The President, the Members of the Supreme Court, and the Members of the Constitutional Commissions shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, other high crimes, or graft and corruption.

x x x x

SEC. 4. Judgments in cases of impeachment shall be limited to removal from office and disqualification to hold any office of honor, trust, or profit under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, in

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<sup>20</sup> 487 F.2d 700 (1973). Unofficial full text of the case viewed on <https://casetext.com/case/nixon-v-sirica>. Accessed on January 4, 2021.

**accordance with law.** (Emphasis supplied)

### **The 1987 Philippine Constitution:**

#### ARTICLE XI Accountability of Public Officers

X X X X

SECTION 2. The President, the Vice-President, **the Members of the Supreme Court**, the Members of the Constitutional Commissions, and the Ombudsman **may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.** All other public officers and employees may be removed from office as provided by law, but not by impeachment. (Emphasis supplied.)

SECTION 3. (1) The House of Representatives shall have the exclusive power to initiate all cases of impeachment.

X X X X

**(7) Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment according to law.** (Emphasis supplied)

Father Bernas elucidated on the matter:

**The object of the process is not to punish but only to remove a person from office.** As Justice Storey put it in his commentary on the Constitution, impeachment is “a proceeding, purely of a political nature, is not so much designed to punish an offender as to secure the state against gross political misdemeanors. **It touches neither his person nor his property, but simply divests him of his political capacity.**” Put differently, **removal and disqualification are the only punishments that can be imposed upon conviction on impeachment.** Criminal and civil liability can follow after the officer has been removed by impeachment. Prosecution after impeachment does not constitute prohibited double jeopardy.<sup>21</sup> (Emphasis supplied)

Impeachment is, thus, designed to remove the impeachable officer from office, not punish him.<sup>22</sup> It is purely political, and it is neither civil, criminal, nor administrative in nature. **No legally actionable liability attaches to the public officer by a mere judgment of impeachment against him or her, and thus lies the necessity for a separate conviction for charges that must be properly filed with courts of law.**

<sup>21</sup> Bernas, Joaquin G. *The 1987 Constitution of the Republic of The Philippines: A Commentary*. Rex Book Store, Manila, Philippines (2003).

<sup>22</sup> *Impeachment[.] A Political and Historical Guide*.  
<https://www.gov.ph/documents/20147/233614/ImpeachmentPrimer.pdf/72801f41-71e1-ac60-d5bb-c69dbf622994?version=1.0>. Accessed January 4, 2021.

The nature and effect of impeachment proceedings is so limiting that forum shopping or alleged violation of the right against double jeopardy could not even be successfully invoked upon the institution of the separate complaints or Information.

There is forum shopping "when a party repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court."<sup>23</sup> The test to determine the existence of forum shopping is whether the elements of *litis pendentia* are present, or whether a final judgment in one case amounts to *res judicata* in the other.<sup>24</sup>

Thus, forum shopping exists with the concurrence of the following elements: (a) identity of parties, or at least such parties as represent the same interests in both actions; (b) identity of rights asserted and reliefs prayed for, the relief being founded on the same facts; and (c) the identity of the two preceding particulars, such that any judgment rendered in the other action will, regardless of which party is successful, amounts to *res judicata* in the action under consideration.<sup>25</sup> *Res judicata* refers to the rule that a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on all points and matters determined in the former suit.<sup>26</sup> Impeachment being *sui generis*, its final culmination, whether a dismissal or a conviction, would not constitute *res judicata* for the basic reason that the principle of *res judicata* does not find application in purely political processes.

The criminal law principle of double jeopardy also finds no application against an impeached public officer.

Double jeopardy exists when the following requisites are present: (1) a first jeopardy attached prior to the second; (2) the first jeopardy has been validly terminated; and (3) a second jeopardy is for the same offense as in the first.<sup>27</sup> A first jeopardy attaches only (a) after a valid indictment; (b) before a competent court; (c) after arraignment; (d) when a valid plea has been entered; and (e) when the accused has been acquitted or convicted, or the case dismissed or otherwise terminated without his express consent.<sup>28</sup> The right against a second conviction for the same offense shall not be imperiled upon a mere judgment of impeachment. Suffice it to state that a first jeopardy finds no opportunity to arise at that point, as the essence of impeachment is not criminal in nature.

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<sup>23</sup> *Heirs of Marcelo Sotto v. Palicte*, 726 Phil. 651 (2014).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Cerezo v. People*, 665 Phil. 365 (2011).

<sup>28</sup> *Id.*

An action for *quo warranto* will likewise proceed independently of the impeachment proceedings.

It has been already elaborated in *Republic v. Sereno*<sup>29</sup> that while both impeachment and *quo warranto* seek the ultimate removal of an incumbent government officer, the two differ as to nature, jurisdiction, grounds, the applicable procedural rules, and limitations.<sup>30</sup> Impeachment is political; *quo warranto* is judicial. In impeachment, the Congress is the prosecutor, the trier, and the judge, whereas *quo warranto* petitions are instituted either by the Solicitor General in behalf of the Republic of the Philippines or by an individual claiming the public office in issue, both of which petitions are cognizable only by the Supreme Court. Impeachment proceedings seek to confirm and vindicate the breach of the trust reposed by the Filipino people upon the impeachable official, but *quo warranto* determines the legal right, title, eligibility, or qualifications of the incumbent to the contested public office. The 1987 Constitution, as supplemented by the internal rules of procedure of the Congress, directs the course of impeachment proceedings. *Quo warranto* cases, on the other hand, are dictated by the Rules of Court. The end result of an impeachment proceeding is the removal of the public officer, and his or her perpetual political disqualification from holding public office. On the other hand, when a *quo warranto* petition is granted, ouster from office is likewise meted, but the Court can likewise impose upon the public officer additional penalties such as reimbursement of costs pertaining to the rightful holder of the public office and such further judgment determining the respective rights in and to the public office, position, or franchise of all the parties to the action as justice requires.<sup>31</sup>

In fine, a judgment of impeachment *per se* connotes mere removal from the post. Since our Constitution expressly limited the nature of impeachment, its effects must consequently and necessarily be confined within the constitutional limits. Impeachment proceedings are entirely separate, distinct, and independent from any other actionable wrong or cause of action a party may have against the impeached officer, even if such wrong or cause of action may have a colorable connection to the grounds for which the officer have been impeached.

**An impeached public officer whose civil, criminal, or administrative liability was not judicially established may be considered involuntarily retired from service.**

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<sup>29</sup> G.R. No. 237428, May 11, 2018.

<sup>30</sup> *Id.*

<sup>31</sup> Section 9, Rule 66.

After the judgment of impeachment was announced on May 29, 2012, tax evasion charges,<sup>32</sup> criminal cases for perjury,<sup>33</sup> administrative complaints for violation of the RA 6713 of the Code of Conduct of Ethical Standards for Public Officials and Employees, and a civil case for forfeiture<sup>34</sup> were slapped against Chief Justice Corona in 2014.

These charges, however, were terminated upon his demise.

How, then, will a failure to judicially convict for any liability post-impeachment affect the employment status, retirement benefits, survivorship pension, and other emoluments pertaining to the impeached?

The Court deems Chief Justice Corona to have been **involuntarily retired** from public service due to the peculiar circumstances surrounding his removal by impeachment, without forfeiture of his retirement benefits and other allowances.

*Retirement* is the termination of one's own employment or career, especially upon reaching a certain age or for health reasons.<sup>35</sup> **To retire is to withdraw from one's position or occupation, or to conclude one's active working life<sup>36</sup> or professional career.** Old age is the usual ground that retires one from work. It is not, however, the sole reason therefor. Other reasons may permanently bar a person from returning to the workforce like serious physical impediments, personal choice, dissolution of the office or position, or exercise of the employer's prerogative. The term may even refer to judges and justices who "retire" due to permanent disability, whether total or partial, or who died or were killed while in actual service.<sup>37</sup> Retirement then may be voluntary or involuntary.<sup>38</sup> Retirement is voluntary when one decides upon one's own unilateral and independent volition to permanently cease the exercise of one's occupation. Retirement is deemed involuntary when one's profession is terminated for reasons outside the control and discretion of the worker. Impeachment resulting in removal from holding office falls under the column on involuntary retirement.

The working tenets of this case bear tireless repetition. A respondent in impeachment proceedings does not risk forfeiture of the constitutional rights to life, liberty, or property.<sup>39</sup> A separate determination of liability under the courts

<sup>32</sup> <https://www.rappler.com/nation/doj-approves-tax-evasion-raps-vs-corona>. Accessed January 1, 2021.

<sup>33</sup> <https://www.rappler.com/nation/corona-ombudsman-charges>. Accessed January 1, 2021.

<sup>34</sup> Id.

<sup>35</sup> Black's Law Dictionary, 9<sup>th</sup> Ed. West Publishing Co., Unites States of America (2009).

<sup>36</sup> Merriam-Webster Online Dictionary. <https://www.merriam-webster.com/dictionary/retirement>. Accessed on January 4, 2021.

<sup>37</sup> Re: Requests for Survivorship Pension Benefits of Spouses of Justices and Judges Who Died Prior to the Effectivity of Republic Act No. 9946, A.M. No. 17-08-01-SC, September 19, 2017.

<sup>38</sup> *Republic v. Sereno*, supra note 29.

<sup>39</sup> Impeachment[:] A Political and Historical Guide.

<https://www.gov.ph/documents/20147/233614/ImpeachmentPrimer.pdf/72801f41-71e1-ae60-d5bb-c69dbf622994?version=1.0>. Accessed December 26, 2020.

of law is necessary to withhold such rights. *Sans* judicial conviction, the impeached official shall only be removed from office, with the Senate being empowered with the discretion to impose the additional penalty of permanent disqualification from holding any and all further public office.

Having been removed by the Congress from office with a lifetime ban from occupying any and all future public posts, **but without a proper determination of or even a basis for any recoverable liability under the law due to causes beyond his control**, Chief Justice Corona may be considered involuntarily retired from public service.

There is a sizeable vacuum in the law that blurred the circumstances of Chief Justice Corona's impeachment, in that no provision exists that lays out the consequences of his impeachment pending the resolution of the other charges filed against him. Notably, from the time the impeachment court rendered its judgment, there has been no law that commands the automatic cancellation of post-employment benefits and other privileges pertaining to the impeached official. Chief Justice Corona's untimely demise and the consequent termination of the other charges against him all the more compounded the issue. Considering the foregoing, we hold that Chief Justice Corona was involuntarily retired by virtue of his conviction arising from impeachment. This is fortified by the failure of the other forum to follow through and conclude the proceedings before it that should have brought to fruition the full consequences of his removal from his post.

This is where equity comes in. Under the prevailing circumstances, the fairer and more equitable treatment of the present claim for post-employment privileges is to first consider Chief Justice Corona as involuntarily retired, rather than to dismiss it outright without citing any legal basis. Equity is the material that fills in the open spaces in the silence, obscurity, or insufficiency of the law.<sup>40</sup> Where the prescribed or customary forms of ordinary law are inadequate, equity is the principle by which substantial justice shall be attained.<sup>41</sup> Needless to state, courts of law are courts of equity. The exercise of equity jurisdiction vows to do complete justice upon certain exceptional cases. This equity jurisdiction may be invoked despite applicable relevant laws, if their inflexibility would inflict injustice in the process.<sup>42</sup>

The Constitution may authorize the removal of a public official from his post upon just cause as determined by the Congress. However, the Constitution also dictates that no person shall be deprived of life, liberty, or property without due process of law. The Court shall not be the first hand to brush aside the most basic law of the land.

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<sup>40</sup> *Reyes v. Lim*, 456 Phil. 1 (2003).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

**An impeached public officer whose civil, criminal, or administrative liability was not judicially established is entitled to the retirement benefits provided under RAs 9946 and 8291.**

The OCAAt posits that the late Chief Justice failed to qualify under RA 9946, or *An Act Granting Additional Retirement, Survivorship, and Other Benefits to Members of the Judiciary, Amending for the Purpose Republic Act No. 910, as Amended, Providing Funds Therefor and for Other Purposes*. The initiatory sentence of Section 1 thereof was of alleged relevance to the case at hand:

SECTION 1. When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established who has rendered at least fifteen (15) years of service in the Judiciary or in any other branch of the Government, or in both, **(a) retires for having attained the age of seventy years, or (b) resigns by reason of his/her incapacity to discharge the duties of his/her office as certified by the Supreme Court** x x x (Emphasis supplied.)

According to the OCAAt, Chief Justice Corona did not retire or resign, and that the “resignation by reason of his/her incapacity to discharge the duties of his/her office” in Section 1 must refer to “physical incapacity”, as implied by the usage of the phrase “permanent disability” in Section 3 in the following manner:

SEC. 3. x x x *Provided, however*, That if the reason for the **retirement be any permanent disability contracted during his/her incumbency in office and prior to the date of retirement**, he/she shall receive a gratuity equivalent to ten (10) years' salary and the allowances aforementioned: *Provided, further*, That should the retirement under Section 1(a) hereof be with the **attendance of any partial permanent disability contracted during his/her incumbency and prior to the date of retirement**, he/she shall receive an additional gratuity equivalent to two (2) years lump sum that he/she is entitled to under this Act x x x (Emphasis lifted from the original Petition.)

The Court disagrees.

The OCAAt mistakenly focused on the preliminary wordings of Section 1, RA 9964. The former Chief Justice can never be deemed to have retired at the age of 70, nor can he be considered as resigned by reason of any permanent disability, as his separation from service was not in any way effected through resignation. What has the most proximate application to the case of former Chief Justice Corona is the *proviso* immediately succeeding the sentence quoted and relied upon by the OCAAt:

SECTION 1. x x x When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established **has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in the Government, the last three (3) of which shall have been continuously rendered in the Judiciary**, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life also in the manner hereinafter provided, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was then receiving and the non-wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college x x x

Section 1 of RA 9964 yields two instances of retirement available to a magistrate – first, a compulsory retirement at 70 years old; and second, an optional retirement upon reaching 60 years of age. The following legal requisites must concur for the optional retirement of a magistrate and the consequent entitlement to the benefits under RA 9946:

(1) That the retiree be a magistrate, *i.e.*, a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan, or of the Court of Tax Appeals, or a judge of the trial courts, *shari'a* court, or of any other judicial court;

(2) That the retiring magistrate has rendered at least fifteen (15) years of service in the judiciary, in any other branch of the government, or in both;

(3) That the retiring magistrate be at least sixty (60) years of age at the time of retirement; and

(4) That the last three (3) years of public service by the retiring magistrate be continuously rendered in the Judiciary.

**The requirements are straightforward and have all been satisfactorily complied with by the late Chief Justice.** Mrs. Corona recalled her husband's legal career in this wise:

My late husband first joined government service as a working student in the 1960s when he was an undergraduate student at the Ateneo de Manila University, and while obtaining his law degree at the Ateneo Law School; he worked in the Office of the President of the Philippines, in the Office of then Executive Secretary Alejandro Melchor, the Department of Public Information, and the City of Makati. After pursuing his private law practice since he became a lawyer in 1975, he was appointed in 1992 as Assistant Executive Secretary for Legal Affairs and concurrent Head of the Malacañang Legal Office during the administration of then President Fidel V. Ramos. He was thereafter designated

as Deputy Executive Secretary and later, Chief Presidential Legal Counsel in 1994-1998. He then became the Chief of Staff and Spokesperson of Vice President Gloria Macapagal-Arroyo in 1998-2001. Under the administration of President Gloria Macapagal[-]Arroyo, he served as Presidential Chief of Staff and Acting Executive Secretary in 2001 until his appointment as Associate Justice of the Supreme Court in April 2002. After eight (8) years of service as Associate Justice, he was appointed as its 23<sup>rd</sup> Chief Justice in 2010.

Indeed, the administrative penalty of dismissal shall carry with it the inherent disabilities of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualifications for re-employment in the government service.<sup>43</sup> The following accessory penalties of disqualifications from exercise of political rights, civil interdiction, indemnification, forfeiture or confiscation of instruments and proceeds of the offense, and payment of costs also flow from the criminal convictions of public officers.<sup>44</sup> Article 30(4) of the Revised Penal Code is clear on this: “loss of all right to retirement pay or other pension for any office formerly held” is expressly mentioned as one of the effects of the penalty of perpetual or absolute disqualification. The disparities between the salaries received and the declarations made in a SALN may be considered evidence of ill-gotten wealth during the declarant’s incumbency if properly proven in a civil case for forfeiture.

However, whether criminal, civil, or administrative, no court imposed any such liability upon the late Chief Justice. Impeachment is only preparatory to liability. Since a removal by impeachment does not explicitly provide for forfeiture as a consequence thereof, as opposed to a criminal conviction carrying the penalty of perpetual or absolute disqualification, an impeached official, like former Chief Justice Corona, cannot be deprived of his retirement benefits on the sole ground of his removal. Such forfeiture could have been imposed upon criminal conviction which, however, was pre-empted by his death. Viewing it from another angle, a judgment of liability in a separate legal proceeding is a resolutive condition after a verdict of ouster by impeachment has been rendered, in that the impeached official retains all the post-employment privileges already earned unless otherwise declared by the competent tribunals. Until his liability under the law is so established before the courts of law, retirement eligibility and benefits have properly accrued to Chief Justice Corona when he was removed by impeachment on May 29, 2012. There being no such determination of liability, his entitlement thereto subsisted.

Retirement laws are liberally construed and administered in favor of the persons intended to be benefited, and all doubts are resolved in favor of the retiree to achieve their humanitarian purpose.<sup>45</sup> One such humanitarian purpose is to provide financial means once life continues on but without a salary to support the retiree and his/her family.

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<sup>43</sup> Section 52, Revised Rules on Administrative Cases in the Civil Service.

<sup>44</sup> Article 25, Revised Penal Code.

<sup>45</sup> *Government Service Insurance System v. De Leon*, 649 Phil. 610 (2010).

Such was the objective of RA 10154, or *An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees*. Section 1, RA 10154 states:

Section 1. *Declaration of State Policy*. - It is hereby declared that it is the policy of the State to ensure the timely and expeditious release of the retirement pay, pensions, gratuities and other benefits of all retiring employees of the government. **Public officers and employees who have spent the best years of their lives serving the government and the public should not be made to wait to receive benefits which are due to them under the law.** Accordingly, it is hereby mandated that highest priority shall be given to the payment and/or settlement of the pensions, gratuities and/or other retirement benefits of retiring government employees.

X X X X

Section 4. *Coverage*. - **This Act shall cover all branches, agencies and/or instrumentalities of the government**, including government-owned and/or controlled corporations (GOCCs), excluding personnel of the Armed Forces of the Philippines, and shall be applicable both to applications for compulsory retirement and optional or early retirement as authorized by law. (Emphasis supplied.)

Section 3 of RA 10154 also finds particular relevance to the present case:

Section 3. *Retiring Employees With Pending Cases*. - In the case of retiring government employees with pending cases and whose retirement benefits are being lawfully withheld due to possible pecuniary liability, the head of the agency where such case is pending shall ensure that the said case shall be terminated and/or resolved within a period of three (3) months from the date of the retirement of the concerned, employee: *Provided, That in case the concerned agency fails to terminate and/or resolve the case within the said period without any justifiable reason(s), the retirement benefits due to the employee shall be immediately released to him/her without prejudice to the ultimate resolution of the case;* except, when the delay is deliberately caused by the retiring employee. (Emphasis supplied.)

Penal sanctions even loom over the government institution that unjustly fails to or delays the timely release of the monetary benefits of its retiring employee:

Section 5. *Penal Provisions*. - The unjustified failure and/or refusal to release the pension, gratuities and other retirement benefits due to a retiring government employee within the periods prescribed above or to comply with any provision of this Act shall be a ground for the filing of administrative disciplinary action against the erring officer(s) and/or employee(s). Such erring officer(s) and/or employee(s) shall, after hearing and due proceedings, be penalized with suspension from the service without pay from six (6) months to one (1) year, at the discretion of the disciplining authority.

This penalty shall not apply if the release of the retirement benefits could not be accomplished due to *force majeure* and other insuperable causes. In such cases, the thirty (30)-day period shall be counted from the time such cause(s) cease(s) to exist.

The more important consideration for granting retirement benefits is to compensate satisfactory service to the government.<sup>46</sup> **These are not mere gratuity, but a reward for allotting the best years of a public servant's life in the service of the country.**<sup>47</sup> In the same vein, retirement benefits also form part of the emolument that serve the alternative purpose of encouraging and retaining qualified employees in the government service.<sup>48</sup>

The late Chief Justice practically lived and died a public servant and thus entitled to retirement benefits, which the Court finds no rhyme or reason to withhold from him. In the computation of his retirement benefits, it shall be reckoned from the time he was convicted in the impeachment case.

**Mrs. Corona is entitled to the payment of Chief Justice Corona's survivorship benefits and other allowances under RA 9964.**

Having determined the entitlement of Chief Justice Corona to retirement benefits, it naturally follows that his widow is likewise entitled to survivorship benefits reckoned from the time of the demise of the late Chief Justice until the widow's death or remarriage.

RA 9946 has already been fully threshed out in *Re: Requests for Survivorship Pension Benefits of Spouses of Justices and Judges Who Died Prior to the Effectivity of Republic Act No. 9946*<sup>49</sup> (Re: Requests for Survivorship Pension Benefits), pertinent part of which is quoted hereunder:

Enacted in 1954, R.A. No. 910 is the law on retirement benefits for the justices of the Supreme Court and the Court of Appeals. It provides for two kinds of benefits: (1) retirement and (2) death benefits.

The retirement benefits granted under R.A. No. 910 may be compulsory or optional, subject to certain age and length of service requirements. For compulsory retirement, a justice must have reached the age of 70 years and must have rendered service in the Judiciary or any other government branch for at least 20 years; for optional retirement, 57 years of age and 20 years in government service, the last 10 of which must be continuously rendered in the Judiciary. Compulsory retirement also applies when the justice, regardless of age, is forced to resign by reason of incapacity to discharge the duties of the office.

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<sup>46</sup> Id.

<sup>47</sup> Id.

<sup>48</sup> Id.

<sup>49</sup> Supra note 37.

The death benefits, on the other hand, are given to the heirs of the justice who dies while in actual service. The benefits are equivalent to a five-year lump sum of the salary the justice was receiving during the period of death, provided the justice had reached the minimum 20 years of government service; and only two-year lump sum of the salary, if service rendered was less than 20 years. **The same benefits are granted as to justices who have not attained the 20-year service requirement but are compulsorily retired upon reaching the age of 70 years, or were forced to retire due to illness or other causes beyond their control.**

Under R.A. No. 910, the retirement benefits were granted the justice; the death benefits to the heirs. No benefits were granted to the surviving legitimate spouse of the retired justice except for the death benefit which is paid to the surviving spouse as a rightful heir.

Subsequent legislations expanded the coverage of R.A. No. 910 to include justices or judges of other courts, such as the Sandiganbayan, the Court of Tax Appeals (CTA), the Regional Trial Court (RTC), the Metropolitan Trial Court, the Municipal Trial Court (MTC), the Municipal Circuit Trial Court, the Shari' a District Court, the Shari' a Circuit Court, and any other court. The qualifications for entitlement to the benefits were likewise amended. Thus, in 1959, R.A. No. 2614 adjusted the minimum age for optional retirement of justices and judges to 65 years.

**The enactment of R.A. No. 9946 in 2010 introduced more changes to R.A. No. 910, more importantly the amendments to benefits granted to the surviving spouses of justices and judges: (1) Retirement Benefits; (2) Death Benefits; (3) Lump Sum Retirement Benefits; (4) Survivorship Pension Benefits; and (5) Automatic Pension Adjustment. x x x (Citations omitted and emphasis/underscoring supplied.)**

Mrs. Corona's claim for survivorship benefits relies mainly on Section 3 (2), RA 9946, the wordings of which are mirrored by Subsection E, AC No. 81-2010, or the *Guidelines on the Implementation of Republic Act No. 9946*:<sup>50</sup>

SEC 3. x x x

Upon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge has retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

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<sup>50</sup> Subsection E, AC No. 81-2010 provides:

*E. Survivorship Pension Benefits*

The legitimate surviving spouse of a Justice or Judge who (1) has retired or was eligible to retire optionally at the time of death, and (2) was receiving or would have been entitled to receive a monthly pension, shall be entitled to receive the said benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

*Re: Requests for Survivorship Pension Benefits* pointed out the surviving legitimate spouses entitled to receive the benefits under Section 3 (2) of RA 9946:

The benefits of [RA 9946], effective 11 February 2010, are granted to a **surviving legitimate spouse of a justice or judge who:**

1. **had retired; or**
2. **was eligible to retire optionally at the time of death.**

The Guidelines (RAC 81-2010) also describes the beneficiaries of the law to be the surviving legitimate spouse of a justice or judge who:

1. had retired and was receiving a monthly pension; or
2. **was eligible to retire optionally at the time of death and would have been entitled to receive a monthly pension.**

x x x x

x x x [T]he the term “retired” under Section 3, paragraph 2, of R.A. No. 9946 is used in its strict sense, *i.e.*, the justice or judge who is considered “retired” must be one who had reached certain age and length of service conditions only, just like a justice or judge who is eligible to retire optionally. A reading of the entire law, however, reveals that it also refers to justices and judges who “retire” due to permanent disability, whether total or partial, and justices or judges who died or were killed while in actual service.<sup>51</sup> (Emphasis supplied.)

AC No. 81-2010 provides the disqualifying circumstances to pension under RA 9946:

#### **PROHIBITIONS TO ENTITLEMENT TO PENSION**

1. A retired Justice of the SC, CA, SB, CTA or a Judge of the RTC, MeTC, MTCC, MTC, MCTC, SDC, SCC or his/her surviving spouse receiving benefits of RA No. 9946 during the time that he/she is receiving said pension shall not appear as counsel before any court in any civil case wherein the government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an incumbent or former office or employee of the government is accused of an offense committed in relation to his/her office, or collect any fee for his/ her appearance in any administrative proceedings to maintain an interest to the Government, National, Provincial or municipal, or to any of its legally constituted offices.

2. The member of the Judiciary or his/her surviving spouse who assumes an elective public office, shall not, upon assumption of office and during his/her term, receive the monthly pension due to him/her.

3. The surviving spouse who remarries shall no longer be entitled to the survivorship benefit.

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<sup>51</sup> Id.

Mere eligibility for optional retirement at the time of death, not actual retirement, suffices to grant survivorship benefits upon the bereaved surviving spouse of a deceased magistrate. Even if so declared ineligible for said optional retirement, there is established ground to deem the former Chief Justice as involuntarily retired due to the events immediately following his ouster by impeachment. As Chief Justice Corona had met the qualifications for an optional retirement, his widow, who likewise possesses none of the disqualifications under AC No. 81-2010 for entitlement, must be consoled by the grant of the benefits that are legally accorded to her as a surviving legitimate spouse of a magistrate under RA 9946.

As a postscript, the Court observes that even errant judges of lower courts that were found criminally and administratively liable still were graced with humanitarian respite from their penalties.

In *Talens-Dabon v. Arceo*,<sup>52</sup> the Court dismissed Judge Arceo from service in 1996 for committing lewd and lustful acts against complainant Atty. Jocelyn Talens-Dabon. His acts constituted gross misconduct and immorality prejudicial to the best interest of the service and he was convicted therefor by the Sandiganbayan in 2004 for violation of the Anti-Sexual Harassment Law and Article 336 of the Revised Penal Code. In 2012, having been released on probation and upon showing remorse and good conduct, Judge Arceo was granted judicial clemency, restoring his eligibility for re-employment in the government and allowing the release of his accrued leave credits.

In *Sabitsana, Jr. v. Villamor*,<sup>53</sup> Judge Villamor was found guilty of making untruthful statements in his Certificates of Service, of inexcusable negligence and gross inefficiency, and of serious misconduct for undue interest in a criminal case before a lower court over which he had exercised supervision, all in violation of the Code of Judicial Conduct. He was dismissed from service in 1991, with the correlative forfeiture of retirement benefits, leave, and other privileges and ban from re-employment in the government. In 1992, his case was reconsidered and was allowed to enjoy all vacation and sick leave benefits that he has earned during the period of his government service.<sup>54</sup> In 2001, the Court granted the release of 25% of former Judge Villamor's retirement benefits.<sup>55</sup>

In *Meris v. Ofilada*,<sup>56</sup> former Judge Ofilada had served the government for 37 years when he was dismissed in 1998 on the grounds of grave abuse of authority, evident partiality, gross incompetence, and ignorance of the law. It was his wife who requested the release of Judge Ofilada's retirement benefits

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<sup>52</sup> 699 Phil. 1 (2012).

<sup>53</sup> A.M. No. RTJ-90-474, October 4, 1991.

<sup>54</sup> 282 Phil. 897 (1992).

<sup>55</sup> A.M. No. RTJ-90-474 & RTJ-90-606, February 7, 1992, as cited in *Guerrero v. Villamor*, 357 Phil 90, 90-93 (1998).

<sup>56</sup> 419 Phil. 603 (2001).

in a *Plea for Mercy* before the Court, since Judge Ofilada was old, incapacitated, and in dire need of funds to cover his medical expenses. As former Judge Ofilada passed away pending consideration of his wife's letter, the Court in 2001 allowed the release of 25% of his retirement benefits, among other gratuities to his heirs.

In *Castillo v. Calanog*,<sup>57</sup> Judge Calanog was dismissed from service for immorality in 1991, having taken advantage of his power and authority and "of the complainant's helplessness and state of material deprivation and persuaded her to become his mistress."<sup>58</sup> Three years thereafter and upon the filing of a petition for clemency and compassion, the Court lifted his penalty of disqualification from appointment to any public office after Judge Calanog showed sincere repentance and upon considering his contributions during the period that he was a judge.<sup>59</sup>

In *Junio v. Judge Rivera, Jr.*,<sup>60</sup> former Judge Rivera's dismissal in 1993 was grounded on gross misconduct and conduct prejudicial to the best interest of the judiciary, having kissed his boarder's daughter while drunk during his birthday party. In 2005, the Court eventually lifted his ban from public service and accorded him his monetary gratuities in view of the length of his public service, relatively clean criminal record, demonstration of sincere repentance, regressing physical condition, and old age. Moreover, former Judge Rivera had never been found guilty of a criminal offense and never moved for the reconsideration of his dismissal, as he "accepted the verdict, in all humility."

With the foregoing jurisprudential precepts, the Court is not unmindful of the potential arguments that might militate against the full grant of retirement benefits to the former Chief Justice, as only 25% of the retirement benefits was the maximum amount so far specifically permitted to administratively dismissed judges, except that in *Junio*. However, a plain comparison of the dismissal cases with Chief Justice Corona's removal by impeachment only highlight the glaring contrast between their circumstances. For one, the acts committed by the dismissed judges weigh too heavily on the scales of moral depravity. The dismissed judges were heard, tried, and convicted in separate court proceedings for the offenses that they have committed while holding their public position. Chief Justice Corona was not so sentenced by a judicial tribunal. No evidence in any quantum of acceptable evidence had ever been proffered before the regular courts of law to hold the former Chief Justice liable for acts or crimes that would warrant the automatic denial of his entitlement to the emoluments that has already justly accrued to his name.

In terms of hierarchy, judges of the lower courts stand on unequal footing with the Justices of the Supreme Court. It may certainly be contended that their

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<sup>57</sup> 276 Phil. 70 (1991).

<sup>58</sup> Id.

<sup>59</sup> Cited in *Meris v. Ofilada*, supra note 56.

<sup>60</sup> 509 Phil. 65 (2005).

circumstances do not level with those of a Supreme Court Justice, much more the Chief Magistrate. However, whether a judge or a justice, all are members of the Philippine Judiciary who swear foremost fealty to the same Constitution and oath of public office, both of which demand the highest degree of awareness, loyalty, and submission regardless of professional ascendancy. It needs emphasizing that the peculiarities of the present case find no directly-analogous precedent, both in law or in fact, that the Court may rely on. Thus being the case, the liberalities granted to a judge can be allowed to the Chief Justice.

A final note. Ouster by impeachment is a stunning penalty for it ruins a life, as the late Senator Miriam Defensor-Santiago had exclaimed before casting her vote against its imposition upon then Chief Justice Corona.<sup>61</sup> A staunch supporter against the removal of Chief Justice Corona, Senator Defensor-Santiago phrased the unanswered question as a seeming rhetoric: “[d]oes omission in the SALN belong to the same class, as for example, treason, bribery...?”

Whether this would be finally addressed by a compelling authority in the proper forum, the late Chief Justice Corona has already been removed by impeachment. What was done is *fait accompli* and now a final, unalterable reality. For the future’s worth, it is herein stressed that the SALN is a tool for public transparency, never a weapon for political vendetta. The Filipino people live, toil, and thrive in a democracy, but the rule of law should not stand parallel to the rule of the mob. Toe this line, and the nation may eventually behold the laws that the Courts have forever sworn to uphold battered and bent. The Court finds this ironic occasion to quote the same prayer involved that fateful day of May 29, 2012, a silent plea that now rings ever so loudly and relevantly:

*Mangibabaw nawa ang respeto sa bawat isa. Mangibabaw nawa ang paggalang. Mangibabaw nawa ang katarungan. At higit sa lahat, mangibabaw nawa ang tama.*<sup>62</sup>

**WHEREFORE**, Chief Justice Renato C. Corona is hereby **DECLARED** entitled to retirement benefits and other allowances under Republic Act No. 9946 equivalent to a five-year lump sum of the salary and other allowances he was receiving at the time of his removal by impeachment on May 29, 2012. The claim of survivorship benefits of Ma. Cristina Roco Corona is hereby **GRANTED** reckoned from the lapse of the five-year period on the lump sum. All benefits granted herein are ordered immediately **RELEASED** to his widow and beneficiary, Ma. Cristina Roco Corona, subject to usual clearances.

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<sup>61</sup> Id.

<sup>62</sup> <https://www.officialgazette.gov.ph/downloads/2012/05may/20120529-Official-TSN.pdf>. Accessed January 3, 2020.

**SO ORDERED.**

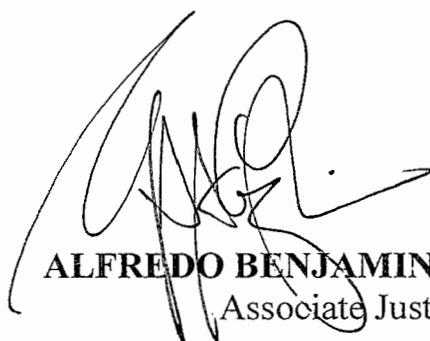
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

WE CONCUR:

  
**DIOSDADO M. PERALTA**  
Chief Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice





**ROSMAR D. CARANDANG**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



**HENRI JEAN PAUL B. INTING**  
Associate Justice



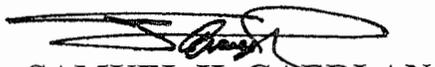
**RODIL N. ZALAMEDA**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice



**EDGARDO L. DELOS SANTOS**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice