

EN BANC

[A.M. No. 16-10-05-SB, March 14, 2017]

**RE: MEDICAL CONDITION OF ASSOCIATE JUSTICE MARIA
CRISTINA J. CORNEJO, SANDIGANBAYAN**

R E S O L U T I O N

LEONEN, J.:

Disability retirement is conditioned on the incapacity of the employee to continue his or her employment for involuntary causes such as illness or accident. The social justice principle behind retirement benefits also applies to those who are forced to cease from service for disabilities beyond their control.^[1]

On October 20, 2016, this Court received a letter^[2] from Sandiganbayan Presiding Justice Amparo M. Cabotaje-Tang stating that Sandiganbayan Associate Justice Maria Cristina J. Cornejo (Justice Cornejo) has been on sick leave since June 13, 2016. According to the attached clinical abstract^[3] from Dr. Santos/Tubig, Attending Physician/Resident-in-Charge of the Department of Internal Medicine, Cardinal Santos Medical Center, Justice Cornejo was diagnosed with acute cerebrovascular disease in bilateral cerebral and cerebellar hemispheres; controlled hypertension; systemic lupus erythematosus; pancytopenia; colon cancer stage III s/p left hemicolectomy; and acute kidney injury secondary to poor oral intake.

On November 8, 2016, this Court noted the letter from Presiding Justice Cabotaje-Tang and directed the Head of the Supreme Court Medical Services to certify Justice Cornejo's capability to function as a Sandiganbayan Justice.^[4]

On December 13, 2016, based on the reports^[5] submitted by the Supreme Court medical officers and his own physical evaluation of Justice Cornejo, Dr. Prudencio P. Banzon, Jr., Supreme Court Senior Chief Staff Officer, Medical and Dental Services, opined that as of November 25, 2016, Justice Cornejo was "physically and medically incapacitated to perform her duties, and responsibilities as Sandiganbayan Justice."^[6]

On January 10, 2017, this Court required Justice Cornejo to comment on Dr. Banzon's December 13, 2016 Memorandum.^[7]

On January 13, 2017, Justice Cornejo wrote Chief Justice Maria Lourdes P. A. Sereno to request the approval of her optional retirement, effective March 1, 2017, due to serious health concerns. She stated that she had been in government service since August 1977 and has been in the judiciary from January 1987 to the present. Justice Cornejo's letter request bore her thumbprint instead of a signature.^[8]

On February 6, 2017, Presiding Justice Amparo M. Cabotaje-Tang recommended the

approval of Justice Cornejo's request.^[9]

We rule to grant the request for retirement, but with modification.

Justice Cornejo will be 66 years, two (2) months, and 16 days old on March 1, 2017. She has been in government service for more than 39 years, the last 30 years of which she had continuously rendered in the judiciary.^[10]

Section 1 of Republic Act No. 910, as amended by Republic Act No. 9946, grants full retirement benefits to the following:

- a) Justices and judges who have rendered at least fifteen (15) years service in the Judiciary or in any other branch of the Government, or in both, and retires for having attained the age of seventy (70);
- b) Justices and judges who have rendered at least fifteen (15) years service in the Judiciary or in any other branch of the Government, or in both, and resigns by reason of his/her incapacity as certified by the Supreme Court; and
- c) Justices and judges who have attained the age of sixty (60) years and rendered at least fifteen (15) years service in the Government, the last three (3) of which have been continuously rendered in the Judiciary.

We acknowledge Justice Cornejo's request for optional retirement. However, in light of Justice Cornejo's actual medical condition, this Court will treat her letter request as one for retirement due to disability.

Section 3 of Republic Act No. 910, as amended, grants a 10-year lump sum of 10 years' gratuity—computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation, and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance to a retired Sandiganbayan Justice—if the reason for the retirement is any permanent disability contracted during his or her incumbency in office and before the date of retirement:

SEC. 3. Upon retirement, a Justice of the Supreme Court or of 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 in cities, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established shall be automatically entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance he/she was receiving on the date of his/her retirement and thereafter upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his/her natural life pursuant to Section 1 hereof: *Provided, however, That if the reason for the retirement be any permanent disability*