

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.

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.) 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