

EN BANC

[A.M. No. 03-10-05-SC, October 01, 2004]

RE: (A) REQUEST OF ASSISTANT COURT ADMINISTRATORS FOR UPGRADING OF THEIR RANK, SALARY AND PRIVILEGES UPON THE EFFECTIVITY OF REPUBLIC ACT NO. 9282 ELEVATING THE COURT OF TAX APPEALS TO THE LEVEL OF THE COURT OF APPEALS AND (B) GRANT OF SPECIAL DISTORTION ALLOWANCE TO POSITIONS IN THE JUDICIARY WITH RANK OF JUDGES OF METROPOLITAN TRIAL COURTS, ASSISTANT CLERK OF COURT OF THE COURT OF APPEALS AND DIVISION CLERKS OF COURT OF THE COURT OF APPEALS.

[A.M. NO. 03-11-25-SC]

RE: REQUEST FOR THE GRANT OF SPECIAL DISTORTION ALLOWANCE TO POSITIONS IN JUDICIARY WITH THE RANK OF METROPOLITAN TRIAL COURT JUDGES PARTICULARLY THE FIVE (5) EXECUTIVE CLERKS OF COURT III OF THE SANDIGANBAYAN.

R E S O L U T I O N

TINGA, J,:

This disposes of the subject consolidated administrative matters.

The recent passage of legislation affecting the Judiciary has spawned requests from certain court officials for their inclusion in the operation of these new laws.

The first set of requests deals with the effect of Republic Act (R.A.) No. 9282 on the rank, salary and privileges of the Assistant Court Administrators (ACAs). The second involves the application of Republic Act No. 9227 to these same officials, as well as the ACC and the DCCs of the Court of Appeals (CA), the DCCs of the Sandiganbayan (SB). Having no legal or logical basis, the former is denied; the latter, being meritorious, is granted.

I

By *Resolution* dated June 20, 1995, this Court granted to the Supreme Court (SC), Assistant Clerk of Court (ACC) and the SC Division Clerks of Court (DCCs) "the rank, salary and privileges of a Presiding Judge of the Specialized Court (CTA)." This Court's subsequent *Resolutions* of October 24, 1996^[1] and June 22, 1999^[2] also granted ACAs the rank, salary and privileges of a Presiding Judge (PJ) of the Court of Tax Appeals (CTA). At that time, the qualifications and salary of the CTA PJ was governed by Section 1 of R.A. No. 1125.^[3]

On March 30, 2004, the President approved R.A. No. 9282, *An Act Expanding the Jurisdiction of the Court of Tax Appeals, Elevating its Rank to the Level of a Collegiate Court with Special Jurisdiction and Enlarging its Membership, Amending for the Purpose Sections of Republic Act No. 1125, otherwise known as the Law Creating the Court of Tax Appeals*. Section 1 of R.A. No. 9282 amended Section 1 of R.A. No. 1125 to read:

SECTION 1. *Court; Justices; Qualification; Salary; Tenure.* – There is hereby created a Court of Tax Appeals (CTA) which shall be the same level as the Court of Appeals, possessing all the inherent powers of a Court of Justice, and shall consist of a Presiding Justice and five (5) Associate Justices. The incumbent Presiding Judge and Associate Judges shall continue in office and bear the new titles of Presiding Justice and Associate Justices. The Presiding Justice and the most Senior Associate Justice shall serve as chairmen of the two (2) Divisions. The additional three (3) Justices and succeeding members of the Court shall be appointed by the President upon nomination by the Judicial and Bar Council. The Presiding Justice shall be so designated in his appointment and the Associate Justices shall have precedence according to the date of their respective appointments, or when the appointments of two (2) or more of them shall bear the same date, according to the order in which their appointments were issued by the President. **They shall have the same qualifications, rank, category, salary, emoluments and other privileges, subject to the same inhibitions and disqualifications, and enjoy the same retirement and other benefits as those provided for under existing laws for the Presiding Justice and Associate Justices of the Court of Appeals.**

Whenever the salaries of the Presiding Justice and the Associate Justices of the Court of Appeals are increased, such increases in salaries shall be deemed correspondingly extended to and enjoyed by the Presiding Justice and Associate Justices of the CTA.

The Presiding Justice and Associate Justices shall hold office during their good behavior, until they reach the age of seventy (70), or become incapacitated to discharge the duties of their office, unless sooner removed for the same causes and in the same manner provided by law for members of the judiciary of equivalent rank. [Emphasis supplied.]

After fifteen days following its publication on April 7, 2004, in *Today, Times and Daily Tribune*, R.A. No. 9282 became effective on April 23, 2004.^[4]

In light of the amendment of Section 1, R.A. No. 1125, ACAs Antonio H. Dujua, Ismael G. Khan and Carlos L. de Leon seek the upgrading of their salaries and privileges to those of the CTA Presiding Justice. Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, also requests a clarification of the judicial rank, salary and privileges not only of the said ACAs but those of the SC ACC and the SC DCCs as well. In her *Memorandum* to this Court, dated May 6, 2004, Atty. Candelaria asserted that:

Under RA 6758 (1989 Salary Standardization Law), the positions of CTA Presiding Judge and CA Associate Justice have the same salary level of Salary Grade 30, while the position of CA Presiding Justice has Salary Grade 31, the same as that of an Associate Justice of this Court.

As a consequence of RA 9282, the salary level of the CTA Presiding Judge has been upgraded to Salary Grade 31, the same as those of the CA Presiding Justice and the Supreme Court Associate Justice.

However, this upgrading cannot be implemented in the case of our aforementioned officials holding the rank of CTA Presiding Judge, otherwise the hierarchy of our officialdom would be distorted. Giving Salary Grade 31 to the Assistant Clerk of Court and the Division Clerks of Court would not only put them on a higher salary level than their immediate superior, the SC Clerk of Court whose salary level is only at Salary Grade 30, but would also place their salary level equal to that of an Assistant Court Administrators vis-à-vis the Deputy Court Administrators whose salary level is also at Salary Grade 30.^[5]

In its Memorandum dated May 17, 2004, the Office of the Chief Attorney (OCAT), to which these requests were referred, agrees that the ACAs cannot be given the judicial rank of the CTA Presiding Justice for this would "disturb the hierarchy of positions in the OCA [Office of the Court Administrator]."^[6] Indeed, to do so would place the ACAs at par with their superior, the Court Administrator. By virtue of Section 2, Presidential Decree No. 828,^[7] the Court Administrator, like the CTA Presiding Judge, has the same rank, privileges and compensation as those of the CA Presiding Justice.

The OCAT, however, maintains that "the favorable effect upon the Assistant Court Administrators of the enactment of Rep. Act No. 9282 may not be brushed aside and denied them. Rep. Act No. 9282 may be considered a social legislation as far as the holders of the position of Assistant Court Administrator are concerned."^[8] Thus, it proposes that the ACAs "be placed on the same judicial rank as the Deputy Court Administrators [DCAs] who enjoy the rank of Associate Justices of the Court of Appeals." The reason given is that "there appears to be no issuance of the Court or of the Court Administrator that defines, delineates, and distinguishes the functions of the two OCA positions," which "may [both] be said to perform staff functions."^[9]

The only question posed by the first set of requests is the effect of the elevation of the position of the CTA "Presiding Judge" to that of a CA Presiding Justice on other positions vested with the judicial rank of a CTA "Presiding Judge." To this, the simple answer is none.

As a rule, the intent of the legislature is to be ascertained and thereafter given effect as expressed in the language of the statute.^[10] No intent on the part of Congress to increase the benefits of the subject positions may be discerned either from the statute's title or its sections. No intent to amend this Court's Resolutions conferring judicial rank or those positions may be gleaned from its letter. Clearly, the grant of the rank of the CA Presiding Justice to the CTA Presiding Justice by R.A. No. 9282 has no effect on positions with the equivalent rank of a CTA PJ.

This Court cannot heed the suggestion that R.A. No. 9282 is a piece of social or general welfare legislation. It can hardly be argued that R.A. No. 9282 is in the nature of a tenancy or a labor enactment, or one intended for the betterment of the underprivileged. Moreover, there is no intent to benefit the CTA Presiding Justice and the CTA Associate Justices as a class – much less those granted the equivalent rank of the former CTA PJ. The increase in rank, salary and privileges of the CTA Presiding Justice and Associate Justices is merely incidental to the elevation of the CTA in the judicial hierarchy.

There is, therefore, no reason at this point to accord ACAs the same judicial rank as DCAs, a recommendation premised on the purported favorable effects of R.A. No. 9282 on these positions.

The OCAT inaccurately states that there is nothing that delineates the functions of the three DCAs and the two ACAs.^[11] On March 26, 2004, Court Administrator Presbitero J. Velasco, Jr. issued *Office Order No. 10-2004*, stating:

SUBJECT: ALLOCATION OF AREAS OF RESPONSIBILITY IN THE OFFICE OF THE COURT ADMINISTRATOR

In the interest of the public service and for a more efficient supervision and management of lower courts, the assignment of regions shall be as follows:

National Capital Judicial Region –	CA Presbitero J. Velasco, Jr.
Regions 1, 2, 3, 4, and 5 –	DCA Jose P. Perez
Regions 6, 7 and 8 -	DCA Zenaida N. Elepaño
Regions 9, 10, 11, 12 and Shari’a Courts –	DCA Christopher O. Lock

Complaints against justices of the Court of Appeals and Sandiganbayan and judges of the Court of Tax Appeals and all matters relative to these courts shall be referred to the Court Administrator, for disposition.

All matters and concerns being attended to by the different offices in the Office of the Court Administrator shall be reviewed by the DCA concerned who shall submit his/her recommendation and/or draft actions papers to the Court Administrator for the latter’s appropriate action and/or signature.

With regard to the National Capital Judicial Region, the Court Administrator shall be assisted by the Assistant Court Administrators and the consultants. All matters pertaining to NCJR north shall be reviewed by ACA Antonio H. Dujua while those pertaining to NCJR south shall be reviewed by ACA Carlos L. De Leon. Their recommendations and/or proposed action papers shall be submitted to the Court Administrator for appropriate action.

This order takes effect on 1 April 2004 and shall remain in force until

further orders. All previous orders on work assignments inconsistent herewith are hereby amended.

Complementary thereto, in a *Memorandum* of even date addressed to ACAs Dujua and De Leon, Court Administrator Velasco, Jr. distributed the supervision and management of court stations in the National Capital Judicial Region to these two ACAs as follows:

Assistant Court Administrator Antonio H. Dujua

1. Quezon City
2. Pasig City
3. Mandaluyong City
4. San Juan
5. Taguig
6. Pateros
7. Marikina City
8. Kalookan City
9. Malabon City
10. Navotas
11. Valenzuela City

Assistant Court Administrator Carlos L. De Leon

1. Manila
2. Pasay City
3. Makati City
4. Parañaque City
5. Muntinlupa City
6. Las Piñas City

Thus, while the three DCAs' functions cover entire *regions*, those of the two ACAs are limited to *cities and municipalities in the National Capital Region*, and only then, in an assisting capacity to the Court Administrator.

Clearly, these two issuances of the Court Administrator conform to the theory behind P.D. No. 828, and this Court's Resolution dated October 24, 1996 and June 22, 1999. Section 2 of the Decree gave the three DCAs the same rank, privileges and compensation as those of an Associate Justice of the CA while this Court's Resolutions, as stated earlier, prescribed for ACAs the same qualifications, rank, salary and privileges as the CTA "Presiding Judge." As the benefits granted to DCAs are greater than those of ACAs, the presumption, again, is that the former should exercise greater responsibilities than the latter. This presumption is accurately reflected in the Court Administrator's issuances of March 26, 2004.

Not being entitled to the rank, salary and privileges of the CTA Presiding Justice would the ACAs nevertheless be entitled to the Special Allowance granted by another recent enactment, R.A. No. 9227?

II

On October 23, 2003, President Gloria Macapagal-Arroyo approved R.A. No. 9227. Entitled *An Act Granting Additional Compensation in the Form of Special Allowances*