



Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: MEDICAL CONDITION OF ASSOCIATE JUSTICE MARIA CRISTINA J. CORNEJO, SANDIGANBAYAN A.M. No. 16-10-05-SB Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
MARTIRES, and
TIJAM, JJ.

Promulgated:

March 14, 2017

X-----*[Signature]*-----X

RESOLUTION

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

¹ Re: Application for Survivorship Pension Benefits Under Republic Act No. 9946 of Mrs. Pacita A. Gruba, Surviving Spouse of the Late Manuel K. Gruba, Former CTA Associate Justice, 721 Phil. 330,

On October 20, 2016, this Court received a letter² 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 abstract³ 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 reports⁵ 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

341 (2013) [Per J. Leonen, En Banc].

² *Rollo*, pp. 1–2.

³ *Id.* at 4.

⁴ *Id.* at 9.

⁵ *Id.* at 16–18.

⁶ *Id.* at 12–13.

⁷ *Id.* at 19–20.

⁸ *Id.* at 22.

⁹ *Id.* at 21.

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

¹⁰ Justice Cornejo's Service Record from the Sandiganbayan.



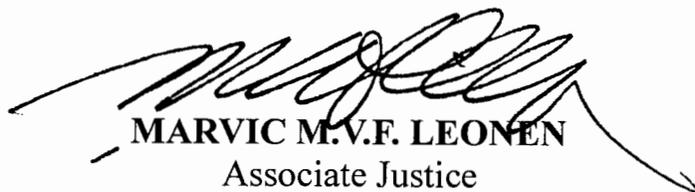
survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his/her natural life pursuant to Section 1 hereof: *Provided, however, That if the reason for the retirement be any permanent disability contracted during his/her incumbency in office and prior to 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; Provided, furthermore, That if he/she survives after ten (10) years or seven (7) years, as the case may be, he/she shall continue to receive a monthly annuity as computed under this Act during the residue of his/her natural life pursuant to Section 1 hereof: Provided, finally, That those who have retired with the attendance of any partial permanent disability five (5) years prior to the effectivity of this Act shall be entitled to the same benefits provided herein[.]* (Emphasis supplied)

Justice Cornejo's long and dedicated service warrants no less than all the benefits that the law allows for her condition. Like many others, the hazards and difficulties of sitting in the bench take their toll on the best among us.

We resolve that the benefits due to her be processed with the dispatch it deserves.

WHEREFORE, this Court resolves to **DECLARE** Associate Justice Ma. Cristina J. Cornejo to have suffered permanent total disability effective March 1, 2017 as requested; and **GRANT** her the lump sum permanent disability benefits provided for in Section 3 of Republic Act No. 910, as amended. The Fiscal Management and Budget Office is **DIRECTED** to compute the benefits due to Justice Cornejo under Republic Act No. 910, to be made available to her or her duly constituted guardian.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



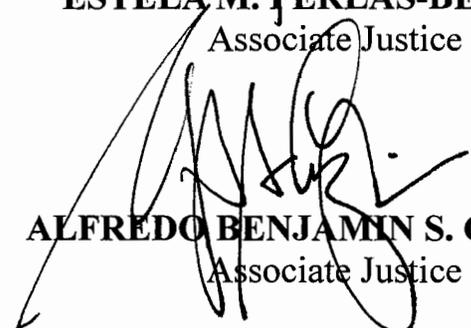
BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL R. MARTIRES
Associate Justice



NOEL TIJAM
Associate Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA

CLERK OF COURT, EN BANC
SUPREME COURT