

BONGCAWEL, Aristides B.

Re: Longevity Pay

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RESOLUTION NO. 002860

Aristides B. Bongcawel, Senior Fire Officer II, Bureau of Fire Protection (BFP), Lazi Fire Station, Lazi, Siquijor, requests the Commission for an opinion relative to his claim for longevity pay.

In his request, Bongcawel represents, as follows:

"I was formerly a member of the local police force of Lazi, Siquijor for nine(9) years from September 30, 1964 until October 20, 1973. After that, I discharge (sic) myself from the police force with four (4) years in civilian status. On March 16, 1978, I entered into the Fire service up to this moment in time without any interruption of my service.

"With my record in government service, I requested the Central Office of the BFP dated July 15, 1998 through the Regional Director dated August 21, 1998 for an issuance of 5th Long Pay Order so that my previous police service will be included in my government service in reference to Sections 71 and 72 of RA 6975. x x x.

"Due to this reason, I requested the Regional Director of the Civil Service Commission of Region 7 dated September 21, 1998 for a legal opinion on this regard. However, the CSC Regional Director had based its reasoning on the letter endorsement by the ARD for Fire Protection of Region 7 dated December 3, 1998, contending among others, that my services in the government was a broken one from the police service to the fire service. x x x

"What I am requesting of, is the inclusion of my police service with the fire service based on Sections 71 & 72 of RA 6975. My contemporaries from the Police and the Jail services having the same situation that I have, their (PNP & BJMP) broken services are recognized by their own respective bureaus through issuance of Long Pay order. x x x."

Records show that on February 16, 1999, the Commission issued an Order requesting Department of Interior and Local government (DILG) Assistant Secretary Raymundo E. Padua, Jr. Officer-in-Charge, Bureau of Fire Protection, to comment on Bongcawel's claim within five (5) days from receipt thereof. However, no comment was received prompting the Commission to issue an Order dated May 10, 1999, reiterating its directive contained in its earlier order. However, to date, the aforesaid comment has not yet been submitted. Hence, the instant case shall be resolved on the basis of available records.

Records show that Bongcawel was hired as a Policeman at the Lazi Police Department from September 30, 1964 to

October 20, 1973. He was on indefinite leave of absence from October 21, 1973 to January 1, 1974. Thereafter on January 2, 1974 he was considered resigned from the service. On March 16, 1978, he was employed at the Lazi Integrated National Police as a Fireman. To date, he is currently holding the position of Senior Fire officer II and presently assigned at the Lazi Fire Station.

A careful perusal of the service record of Bongcawel clearly reveals that his services rendered from the police service was a broken one. Be that as it may, the Commission is inclined to grant favorably the instant request of Bongcawel.

Sections 71 and 72 of Republic Act No. 6975 otherwise known as "An Act Establishing the Philippine National Police Under Reorganized Department of the Interior and Local government and For Other Purposes" provide, as follows:

"Sec. 71. Longevity Pay and Allowances.- Uniformed personnel of the Department shall be entitled to a longevity pay of ten (10) % of their basic monthly salaries for every five (5) years of service, which shall be reckoned from the date of the personnel's original appointment in the AFP, or appointment in the police, fire, jail or other allied services prior to the integration of the PC and the INP x x x.

"Sec. 72. Active Service. - For Purposes of this Act, active service of the uniformed personnel shall refer to services rendered as an officer and non - officer , cadet, trainee or draftee in the PNP, Fire or Jail Force or in the municipal police prior to the integration of the PC-INP or in the AFP x x x."

The aforequoted provisions of RA 6975 are explicit that a longevity pay equivalent to ten percent (10%) of the basic monthly salary shall only be granted to the uniformed personnel of the police, fire, jail or other allied services prior to the integration of the Philippine Constabulary (PC) and the Integrated National Police (INP) after every five (5) years of service reckoned from the date of issuance of the personnel's original appointment. As clearly spelled out in Section 72, *ibid*,., active service of the uniformed personnel includes services rendered in the municipal police prior to the integration of the PC-INP.

Based on the foregoing, it follows that the only criterion for the grant of a longevity pay is the five (5) -year service requirement rendered by virtue of an original appointment validly issued to a uniformed personnel. The law does not distinguish whether the said service requirement be rendered continuously or unbroken. It is a well recognized rule that where the law does not distinguish, courts should not distinguish (*Commissioner of Internal Revenue v. Commission on Audit*, 218 SCRA 203). In other words, there should be no distinction in the application of a statute where non is indicated (*Lo Cham v. Ocampo*, 77 Phil. 636).

In the instant case, while it is conceded that the services rendered by Bongcawel from the police department to the fire department was broken, the same cannot, however, deprive him of the grant of longevity pay in view of the foregoing discussion. In fine, Bongcawel's services as a municipal policeman at the Lazi Police Station from September 30, 1964 to October 20, 1973 should be considered for purposes of computing his longevity pay.

WHEREFORE, the Commission hereby rules that Aristides B. Bongcawel shall be entitled to the grant of longevity pay corresponding to actual services rendered from September 30, 1964 to October 20, 1973.

Quezon City, DEC 29 2000

(SGD.) **CORAZON ALMA G. DE LEON**

Chairman

(SGD.) **JOSE F. ERESTAIN, JR.**

Commissioner

(SGD.) **J.WALDEMAR V. VALMORES**

Commissioner

Attested by:

(SGD.) **ARIEL G. RONQUILLO**

Director III

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