

GENATO, Antonio L.

Re: Optional Retirement; Withdrawal

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RESOLUTION NO. 002554

Director Melanio S. Torio, National Printing Office (NPO), Quezon City, requests clarification on the opinion rendered by CSC Chairman Corazon Alma G. De Leon relative to the request of Antonio L. Genato, Printing Operations Chief, NPO, to withdraw his application for optional retirement.

Said opinion reads, in part, as follows:

"In his letter, Mr. Genato represented that on February 29, 2000, he filed an application for optional retirement to take effect November 2, 2000. On September 21, 2000, however, he requested for the withdrawal of subject application in view of the remarkable improvement of his health. In a letter dated 26 September 2000, the request was denied citing one of the reasons the Commission ruling in the case of Anita Bustillo which was quoted thus: while it is true that optional retirement may be revocable in principle, the option to review a retirement is accepted, and in any case must not wreak confusion, disruption or other prejudice upon the public service" ²⁹/_n

"* the application for optional retirement shall take effect on November 2, 2000, hence the position is not yet vacant when the request for withdrawal of the application for retirement was made;

"* the clearance given by the GSIS merely authorizes the agency to pay the terminal leave and other benefits payable by the National Printing Office, all of which were not received by Mr. Genato;

"* Mr. Genato has not reached the age of 65, the mandatory retirement age.

"It may be further stated that a person who has retired under RA 1616 (optional retirement) may be re-employed in the government service without the need to refund whatever benefits were paid by the government but his government service will again start from zero.

"In view of aforesaid reasons, the request of Mr. Genato for the withdrawal of his application for retirement should be granted."

As borne out by the records, the undisputed facts are summarized, as follows:

On February 29, 2000, Genato filed an application for optional retirement to take effect November 2, 2000, citing poor health as reason thereof. There is no showing from the records, however, whether said application was approved or when the same was actually approved by NPO Director Torio.

On September 21, 2000, Genato, feeling that his health condition has greatly improve, found it impractical if not unnecessary to still proceed with his untimely proposed retirement. Hence, he requested the withdrawal of his application for optional retirement but NPO Director Torio did not accede. Consequently, Genato sought a ruling from the Commission to which Chairman De Leon responded by rendering the earlier quoted opinion.

Entertaining some doubts on the propriety of such an opinion, however, NPO Director Torio now interposes the instant request for clarification.

The Commission has taken due consideration of the fact that Genato was merely compelled to avail of optional and untimely retirement on account of his supposed poor health. He did not file said retirement application simply to get rid of his job and to escape from the rigors entailed in the discharge of his functions. But since his health condition had already greatly improve, it could not be denied that he can still render valuable service to the government, as attested to by no less than Director Torio himself, until he finally reaches his compulsory retirement age of 65 years.

Thus, even on the assumption that Genato's application for optional retirement was approved, justice and equity would be better served if the approval of the same be withdrawn and the request for the withdrawal of his application for optional retirement be granted. This is especially true if we are to consider the fact that there are no immediate funds to cover his entire benefits should his retirement push through. Besides, the Commission has noted that his present job is the only source of income of Genato. And to allow him to proceed with his untimely retirement without any assurance of immediate availability of funds to cover his entire retirement without any assurance of immediate availability of funds to cover his entire retirement benefits will only add more sufferings to his misery.

WHEREFORE, the Commission hereby rules that the request of Antonio L. Genato to withdraw his application for optional retirement be granted.

Quezon City, NOV 10 2000

(SGD) CORAZON ALMA G. DE LEON

Chairman

(SGD.) JOSE F. ERESTAIN, JR.

Commissioner

J. WALDEMAR V. VALMORES

Commissioner

Attested by:

ARIEL G. RONQUILLO

Director III

JJC/MVM/Y9/vog/volt22

Genato

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