

JULIANA Z. LIMOICO, PLAINTIFF-APPELLEE, VS. BOARD OF ADMINISTRATORS, PHILIPPINE VETERANS AFFAIRS OFFICE, DEFENDANT-APPELLANT.

G.R. No. L-40244. October 31, 1984

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

This case was decided by the then Court of First Instance of Manila, Branch XIV, on the basis of the Stipulation of Facts submitted by the parties as follows:

"x x x x x

"1. Petitioner is the legal widow of the late veteran, Pablo Limoico, who died in the battlefield of Bataan during the last World War II;

"2. That the respondent is an agency of the Government charged with the administration of different laws providing various benefits in favor of Filipino veterans, their widows, orphans and parents;

"3. On April 23, 1958, petitioner filed an application for pension benefits under section 10 of RA 65 and was docketed under Claim No. D-23855;

"4. After due investigation and verification, said claim was approved on May 24, 1972 because it was only around that date when petitioner was able to complete her supporting papers, awarding her a monthly pension of P100 in accordance with RA 4117 amending section 10 of RA 65.

"5. After the approval of petitioner's application, she has been receiving continuously the said amount up to the present without questioning the action of the Board not until she filed this case in court on October 19, 1973;

x x x x x"

Plaintiff's complaint was one for Specific Performance wherein she prayed that defendant be ordered to make the effectivity of her pension commence from the date she filed her application and not from the date of approval.

Defendant, through the Solicitor General, interposed the defense of non-exhaustion of administrative remedies, and that pursuant to rules and regulations of defendant, payment of pension awards should commence only upon approval of the claim.

The judgment of the Trial Court ordered de-fendant

"x x x to pay petitioner a monthly pension of P50.00 from April 23, 1958 to be increased to P100.00 a month from date of effectivity of RA 4117. No pronouncement as to costs."

Defendant's plea for reconsideration having been denied, it elevated the case on appeal to the then Court of Appeals, which certified the same to this instance as involving a pure question of law.

The issues are whether the lower Court erred in hold-ing that the doctrine of exhaustion of administrative reme-dies does not apply in this case, and in ordering that pay-ment of the pension award shall commence upon approval of the claim.

Defendant's appeal must fail. This Court has held that the principle requiring exhaustion of administrative reme-dies is not applicable where the question in dispute is purely a legal one.[1] This doctrine was reaffirmed in Begosa vs. Chairman of the Philippine Veterans Administration, 32 SCRA 466 (1970), in Teoxon vs. Members of the Board of Administrators, Philippine Veterans Administration, 33 SCRA 585 (1970); and in Del Mar vs. Philippine Veterans Administration, 51 SCRA 340 (1973). In the case at bar, the parties had stipulated on the facts; no oral or documentary evidence was presented; and the question before the lower Court was solely one of law.

The second assigned error is neither persuasive. True, Section 10, Regulation No. 1, PVA Revised Rules and Regulations on Veterans Benefits does provide for payment of pension awards only upon approval of a claim. These rules were promulgated pursuant to Sections 6 and 7 of Republic Act No. 65,[2] and Section 11 of Republic Act No. 2664.[3] However, it is of significance that those rules were non-existent at the time plaintiff-appellee filed her claim in 1958, at which time it was Republic Act No. 65, enacted on October 18, 1946, that governed. The Rules were promulgated only in 1960 after the enactment of Republic Act No. 2664 on June 18, 1960, or twelve years after Republic Act No. 65 took effect. Like the laws from which they derive their existence, those rules and regula-tions should not be given retroactive effect unless the con-trary is provided.[4]

Furthermore, an established axiom ordains the construction of pension laws of war veterans in favor of those seeking their benefits.[5] Plaintiff's claim was valid and meritorious as of the date of its filing on April 23, 1958. In fairness and good conscience, payments to her should commence from said date[6] and not from the date of approval of her claim in 1972 or fourteen (14) years la-ter. The alleged length of time that plaintiff took to sub-mit the required supporting papers, should not prejudice her considering that more often than not, the majority of claimants for pension benefits are of low educational attain-ment and hail from distant provinces. The conclusion arrived at is but in keeping with the well-known spirit motivating our pension laws, that is, to assist the families of those who have died in defense of their country.

WHEREFORE, the judgment appealed from is hereby affirmed in toto. No costs.

SO ORDERED.

Teehankee, (Chairman), Plana, Relova, Gutierrez, Jr., and De La Fuente, JJ., concur.

[1] Gonzales vs. Hechanova, 9 SCRA 230 (1963).

[2] "Republic Act No. 65

"Section 6. It shall be the duty of the Board to pass upon the merits and qualifications of persons ap-plying for the rights and/or privileges extended by this Act, pursuant to such rules it may adopt to ensure the speedy fulfillment of its aims and purposes."

"Section 7. x x x The Board shall adopt with the approval of the Secretary of National Defense such rules and regulations as may be necessary to carry out the provisions of this Act x x x ."

[3] "Republic Act No. 2664

"Section 11. Policies, rules and regulations. - Subject to existing laws, the Administration shall have the power to promulgate and issue rules and regulations as may be found necessary to govern its operations and to carry

out the aims and purposes of this Act and all other laws to be administered by the Administration."

[4] See Article 4, Civil Code.

[5] *Del Mar vs. Philippine Veterans Administration*, 51 SCRA 340 (1973).

[6] See *Begosa vs. Chairman, PVA*, *supra*.

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