

DOMINGO B. TEOXON PETITIONER-APPELLANT, VS. MEMBERS OF THE BOARD OF ADMINISTRATORS, PHILIPPINE VETERANS ADMINISTRATION, RESPONDENTS-APPELLEES.*G.R. No. L-25619. June 30, 1970*

Ponente: FERNANDO, J.

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The pivotal question raised by petitioner, a veteran who suffered from permanent physical disability, in this appeal from a lower court decision dismissing his suit for mandamus, is its failure to accord primacy to statutory provisions fixing the amount of pension to which he was entitled.[1] Instead, it sustained the plea of respondent officials, members of the Board of Administrators of the Philippine Veterans Administration, relying on the administrative rules issued by them presumably in pursuance of their duty to enforce the Veterans' Bill of Rights. We have to resolve, then, whether or not there has been a failure to apply the doctrine to which this Court has been committed that if it can be shown that there is repugnancy between the statute and the rules issued in pursuance thereof, former prevails. Unfortunately, as will be hereafter shown, the lower court did not see it that way. It found nothing objectionable in respondents following a contrary norm and thus disregarding petitioner's legal right for which mandamus is the proper remedy. We, cannot lend our approval then to such a conclusion especially so in the light of our decision barely two months ago, *Begosa v. Chairman, Philippine Veterans Administration*[2] where we categorically held that a veteran suffering from permanent disability is not to be denied what has been granted him specifically by legislative enactment, which certainly is superior to any regulation that may be promulgated by the Philippine Veterans Administration, presumably in the implementation thereof. We reverse.

Petitioner, on April 23, 1965, filed his suit for mandamus before the Court of First Instance of Manila alleging that he filed his claim for disability pension under the Veterans' Bill of Rights, Republic Act No. 65, for having been permanently incapacitated from work and that he was first awarded only P25.00 monthly, thereafter increased to P50.00 a month contrary to the terms of the basic law as thereafter amended.[3] His claim, therefore, was for a pension effective May 10, 1955 at the rate of P50.00 a month up to June 21, 1957 and at the rate of P100. 00 a month, plus P10.00 a month for each of his unmarried minor children below 18 years of age from June 22, 1957 up to June 30, 1963; and the difference of P50.00 a month, plus P10.00 a month for each of his four unmarried minor children below 18 years of age from July 1, 1963. He would likewise seek for the payment of moral and exemplary damages as well as attorney's fees.[4] The answer for respondents filed on May 25, 1965, while admitting, with qualification the facts as alleged in the petition, would rely primarily in its special and affirmative defenses, on petitioner not having exhausted its administrative remedies and his suit being in effect one against the government, which cannot prosper without its consent.[5] In the stipulation of facts dated Oct. 13, 1965, it was expressly agreed: "That the petitioner sustained physical injuries in line of duty as a former member of a recognized guerilla organization which participated actively in the resistance movement against the enemy, and as a result of which petitioner suffered a permanent physical disability." [6] Mention was likewise made in the

aforesaid stipulation of facts that while petitioner would rely on what it set forth in the Veterans' Bill of Rights, as amended, respondents in turn would limit the amount of pension received by him in accordance with the rules and regulations promulgated by them.

In the decision now on appeal, promulgated on Dec. 4, 1965, the lower court, in dismissing the petition, expressed its conformity with the contention of respondents. Thus: "Upon examination of the issues involved in this case, the Court believes that a case for mandamus will not lie. The respondent Board has authority under the Pension law to process applications for pension, using as guide the rules and regulations that it adopted under the law and their decisions, unless shown clearly to be in error or against the law or against the general policy of the Board, should be maintained." [7] The lower court went even further in its recognition of the binding force to be given the administrative rules and regulations promulgated by respondents. Thus: "As mentioned above, under the provisions of the Veterans Law as subsequently amended, the Board is authorized to promulgate regulations to carry into effect the provisions of the law. In accordance with said law, the Board has promulgated rules and regulations which are considered in the approval of the claims for pension. The court sees no reason why the case of petitioner should be considered as an exception. There is no question that his disability is not complete, and, therefore, he cannot be entitled to complete disability allowance. That the decision of the Board is based on its regulations is also, according to the Court, justified because that is how the Board functions." [8]

Hence, this appeal, which, as noted at the outset, calls for an affirmative response. Petitioner's contention that his right as conferred by law takes precedence to what the administrative rules and regulations of respondents provide is indisputable. So our decisions have indicated with unfailing uniformity.

1. The recognition of the power of administrative officials to promulgate rules in the implementation of the statute, necessarily limited to what is provided for in the legislative enactment, may be found in the early case of *United States v. Barrias* [9] decided in 1908. Then came, in a 1914 decision, *United States v. Tupasi Molina*, [10] a delineation of the scope of such competence. Thus: "Of course, the regulations adopted under legislative authority by a particular department must be in harmony with the provisions of the law, and for the sole purpose of carrying into effect its general provisions. By such regulations, of course, the law itself can not be extended. So long, however, as the regulations relate solely to carrying into effect the provisions of the law, they are valid." In 1936, in *People v. Santos*, [11] this Court expressed its disapproval of an administrative order that would amount to an excess of the regulatory power vested in an administrative official. We reaffirmed such a doctrine in a 1951 decision, where we again made clear that where an administrative order betrays inconsistency or repugnancy to the provisions of the Act, "the mandate of the Act must prevail and must be followed." [12] Justice Barrera, speaking for the Court in *Victorias Milling Company, Inc. v. Social Security Commission*, [13] citing *Parker* [14] as well as *Davis* [15] did tersely sum up the matter thus: "A rule is binding on the courts so long as the procedure fixed for its promulgation is followed and its scope is within the statutory authority granted by the legislature, even if the courts are not in agreement with the policy stated therein or its innate wisdom * * *. On the other hand, administrative interpretation of the law is at best merely advisory, for it is the courts that finally determine what the law means."

It cannot be otherwise as the Constitution limits the authority of the President, in whom all executive power resides, to take care that the laws be faithfully executed. [16] No lesser administrative executive office or agency then can, contrary to the express language of the Constitution, assert for itself a more extensive prerogative. Necessarily, it is bound to observe the constitutional mandate. There must be strict compliance with the legislative enactment. Its terms must be followed. The statute requires adherence to, not departure from, its provisions. No deviation is allowable. In the terse language of the present Chief Justice, an administrative agency "cannot amend an act of Congress." [17] Respondents can be sustained, therefore, only if it could be shown that the rules and

regulations promulgated by them were in accordance with what the Veterans' Bill of Rights provides.

We examine, then, the original act approved in 1946[18] and its later amendments. The Veterans' Bill of Rights, as it read when enacted in 1946, insofar as pertinent, provides: "The persons mentioned in sections one and two hereof who are permanently incapacitated from work owing to sickness, disease, or injuries sustained in line of duty, shall be given a life pension of fifty pesos a month unless they are actually receiving a similar pension from other Government funds, and shall receive, in addition, the necessary hospitalization and medical care." The act took effect upon its approval, on Oct. 18 of that year. Then, in 1955, came the first amendment in these words: "[Sec.] 9. The persons mentioned in sections one and two hereof who are permanently incapacitated from work owing to sickness, disease, or injuries sustained in line of duty, shall be given a life pension of fifty pesos a month, and ten pesos a month for each of his un-married minor children below eighteen years of age, unless they are actually receiving a similar pension from other government funds, and shall receive, in addition, the necessary hospitalization and medical care." [19] The present Section 9, as again amended in 1957, reads as follows: "The persons mentioned in sections one and two hereof who are permanently incapacitated from work owing to sickness, disease, or injuries sustained in line of duty, shall be given a life pension of one hundred pesos a month, and ten pesos a month for each of his unmarried minor children below eighteen years of age, unless they are actually receiving a similar pension from other Government funds, and shall receive in addition, the necessary hospitalization and medical care." [20]

To the extent, therefore, that petitioner would base his suit on the legal rights thus conferred on him by the above statutory provisions, he is entitled to a favorable judgment. That is what was decided in *Begosa v. Chairman, Philippine Veterans Administration*, referred to by us earlier in the opinion. Ate decisive of a controversy of this nature. We do so again. Hence, reversal of the appealed decision is indicated.

2. The affirmative defenses as to non-exhaustion of administrative remedies as well as a proceeding of this character being a suit against the State were considered and rejected in the aforesaid *Begosa* decision.

WHEREFORE, the decision of December 4, 1965 of the lower court is reversed, and another one entered granting this petition for mandamus. Respondents are ordered to pay petitioner a pension effective as of May 10, 1955 at the rate of P50.00 a month up to June 21, 1957 and at the rate of P100.00 a month, plus P10.00 a month for each of his unmarried minor children below 18 years of age from June 22, 1957 up to June 30, 1963; and the difference of P50.00 a month, plus P10.00 a month for each of his four unmarried minor children below 18 years of age from July 1, 1963, until the statutory rate has been satisfied. Thereafter petitioner is entitled to the amount of P100.00 a month plus P10.00 a month for each of his four unmarried minor children below eighteen years of age, in accordance with law. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, and Teehankee, JJ., concur.
Barredo and Villamor, JJ., no part.

[1] Petitioner would avail himself of the rights granted him by Republic Acts Nos. 65, Veterans' Bill of Rights (1946) as amended by Republic Acts Nov. 1362 (1955) and 1920 (1957).

[2] L-25916, April 30, 1970

[3] Republic Acts Nos. 1362 (1955) and 1920 (1957).

[4] Petition, Record on Appeal, pp. 2-7.

[5] Answer, *ibid*, pp., 7-12.

- [6] Stipulations of Facts, *ibid*, p. 13.
- [7] Decision, *ibid*, p.49.
- [8] *Ibid*.
- [9] 11 Phil. 327.
- [10] 29 Phil. 119.
- [11] 63 Phil. 300.
- [12] *Chinese Flour Importers Association v. Price Stabilization Board*, 89 Phil. 439.
- [13] L-16704, March 17, 1962, 4 SCRA 627.
- [14] *Parker on Administrative Law*, p. 197 (1952).
- [15] *Davis on Administrative Law*, pp. 194-197 (1957).
- [16] Art. 7, sec. 10, par. 1, Constitution.
- [17] *Santos v. Estenzo*, 109 Phil. 419 (1960).
- [18] Republic Act No. 65.
- [19] Republic Act No. 1362, approved June 18, 1955.
- [20] Republic Act No. 1920, approved June 22, 1957.

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