

**ERIBERTO H. DECENA, PETITIONER, VS. THE ADMINISTRATOR,
PHILIPPINE VETERANS AFFAIRS OFFICE (FORMERLY PHILIPPINE
VETERANS ADMINISTRATION): AND PHILIPPINE VETERANS AFFAIRS
OFFICE,...**

G.R. No. L-44993. May 29, 1987

Ponente: CORTES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/df4c2187cde8/>

CORTES, J.:

Petitioner Eriberto H. Decena seeks to compel the payment by respondents, Administrator of the Philippine Veterans Affairs Office (PVAO) and the PVAO of back pension benefits due him, and the payment of monthly allowances to his wife, Anita Decena, granted by Republic Act No. 5753. Respondents do not dispute the right of the petitioner to the payment of differential disability life pension. The question left for Us to resolve is the period from which to reckon the computation of the back pensions.

As a disabled World War II veteran, Decena applied for and was granted a disability life pension of P50.00 per month for his pulmonary tuberculosis on August 5, 1957 under Republic Act No. 65, otherwise known as the G.I. Bill of Rights. Republic Act No. 65 was subsequently amended by other laws which provided for the following benefits:

- 1) Republic Act No. 1362, enacted on June 22, 1955, included as part of the P50.00 benefit a P10.00 monthly living allowance for each of the veteran's unmarried children below eighteen years of age;
- 2) Republic Act No. 1920, approved on June 22, 1957, increased the disability life pension of veterans to P100.00 a month and maintained the P10.00 monthly living allowance for each of unmarried children below eighteen years of age; and
- 3) Republic Act No. 5753, enacted on June 21, 1969 increased the disability life pension of veterans to P200.00 a month and granted a P30.00 monthly living allowance for the veteran's wife and each of the unmarried minor children below 18 years of age.

The amount of P19.00 which the petitioner was then receiving from the United States Veterans Administration as disability compensation for his varicose veins was deducted from the P50.00 monthly disability life pension granted to him so that he received only the net amount of P31.00. This was in conformity with Regulation No. 2 of the Rules and Regulations on Veterans' Benefits promulgated by the respondent administrative agency,[1] and which regulation was declared void by this Court in *Del Mar v. Philippine Veterans Administration*.[2]

When the monthly life pension was increased from P50.00 to P100.00 under Rep. Act No. 1920, the petitioner received only P62.00 per month, which was double the amount of P31.00 that he was previously receiving. The petitioner continued receiving the amount of P62.00 even after Republic Act No. 5753 increased the disability life pension to P200.00 per month.

In a letter dated May 8, 1984,[3] the petitioner made a demand on the Administrator for the payment of differential disability life pension representing the deductions made by the respondent. The Administrator's reply to the said letter stated that the petitioner's case was being looked into "with the end in view of promulgating the necessary policy on pension payments under Section 9, Republic Act No. 65, as amended, in consonance with the decision of the Supreme Court in the Begosa case." [4]

After more than two (2) years from his receipt of the aforementioned letter from the Administrator the petitioner filed the present suit for mandamus. Instead of filing an Answer as required by the Court, the respondent filed a Manifestation on March 14, 1977 stating that pursuant to Directive No. 875 issued on March 8, 1977 by the then Acting Administrator Juan Gacad, the petitioner's disability life pension had been adjusted pursuant to Republic Act No. 5753 to take effect March, 1977 but that the back pension payments shall be subject to the availability of funds and to be computed as follows:[5]

Amount of Differential

Pension Due Per Month Period

P 19.00 From Dec. 1957 to June 1963

38.00 From July 1963 to Dec. 1972

133.00 From Jan. 1972 to Feb. 1977

The petitioner insists, however, that the differential pension should be computed as follows:

Amount of Differential

Pension Due Per Month Period

P 33.00 From Aug. 5, 1957 (Date petitioner's pension was approved)

138.00 From June 21, 1969 (Date of effectivity of R.A 5753) to Feb. 1977.

The Administrator is of the opinion that the adjustment of the petitioner's pension benefits should not be reckoned from the dates of approval or effectivity of the amendatory laws because they do not carry with them the corresponding appropriation necessary for the payment of the increase in pension benefits. He maintains that inasmuch as the appropriations for Republic Act No. 1920 and Republic Act No. 5753 were made effective on July 1, 1963 and January 1972, respectively, then the back pension payments should be counted from these dates.

The resolution of the case hinges on a determination of the time when the right to the increases in the monthly disability life pension vested in the petitioner.

We hold that the petitioner had a vested right to the pension increases from the time of the enactment of the laws which so provided. It is true that no funds were immediately allotted to cover the increases but this does not mean that the petitioner had no claim to them ad interim. The right to receive the differentials might have been suspended from the time Republic Act Nos. 1920 and 5753 were approved to the time that appropriations were made but that was only as far as the implementation of these laws is concerned. The various appropriation acts providing for the payment of the pension increases did not delimit the period from which veterans of the same standing as petitioner are entitled to them. In fact, the appropriation acts provided that the payment of the increased pension is pursuant to the provisions of Republic Act No. 1920 and Republic Act No. 5753. An appropriation denotes nothing more but the setting aside of a certain sum from the public revenue for a specified purpose.

We likewise note that in the case of Board of Administrators, PVA vs. Bautista[6] which involved a similar issue on differential pensions, this court awarded the increased pensions and monthly allowances of the veteran's wife and children from the effectivity date of R.A. 1920 and R.A. 5753. We quote the dispositive portion of that case:

WHEREFORE, premises considered, the Board of Administrators of the Philippine Veterans Association (now the Philippine Veterans Affairs Office) is hereby ordered to make Gasilao's pension effective December 18, 1955 at the rate of P50.00 plus P10.00 per month for each of his then unmarried children below 18, and the former amount increased to P100.00 from June 22, 1957 to August 7, 1968.

The differentials in pension to which said Gasilao, his wife and his unmarried minor children below 18 are entitled for the period from June 22, 1969 to January 14, 1972 by virtue of R.A. 5753 are hereby declared subject to the availability of Government funds appropriated for the purpose. (Underscoring supplied)

We find a similar disposition in the case of Philippine Veterans Affairs Office v. Anover:[7]

WHEREFORE, the questioned decision is hereby SET ASIDE and another one is entered ordering PVAO to pay Estudillo the amount of P120.00 from June 22, 1969, the date of effectivity of R.A. 5753, up to the present. Payment to Estudillo of what is due him from June 22, 1969 is hereby declared subject to the availability of Government funds appropriated for the purpose.

This case, however, should be differentiated from that of Board of Administrators v. Agcaoili[8] wherein this Court refrained from ordering the payment of the pension increases "because the Government has thus far not provided the necessary funds. x x x" In the case at bar, the petitioner seeks to recover the differentials under Republic Act Nos. 1920 and 5753 and his wife's monthly dependent's allowance under Republic Act No. 5753, for which the then Congress of the Philippines had already made appropriations.

We note also that starting in 1963, the legislature had appropriated funds of more than ten million pesos (P10,000,000.00) per fiscal year for the payment of pensions to disabled veterans, reaching as much as P22,000,000.00 from 1967 to 1972.[9] Aside from these, the various appropriation acts gave authority to the PVAO to use unexpended amounts appropriated for some other item for the payment of said pension. Considering that the petitioner started claiming payment of the differentials since 1974, a period of thirteen (13) years up to the present time and that the respondents have been paying the petitioner the adjusted rate since March 1977. We hold that the respondents had sufficient time within which to include the claim of the petitioner in its yearly budget for which appropriations should have been made. Inasmuch as the petitioner's claim is minimal compared to the appropriations that have been made, the same should be paid immediately.

WHEREFORE, premises considered, the Administrator of the Philippine Veterans Affairs Office is ordered to immediately pay Eriberto H. Decena the differential disability life pensions in the amount of P38 00 per month from August 5, 1957 to June 20, 1969 plus the amount of P138.00 per month from June 21, 1969 to February 1977.

The payment of the P30.00 monthly living allowance due Anita Decena under Republic Act No. 5753 as petitioner's dependent is ordered effective from the date that the application for the same was approved by the respondent Administrator.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Gancayco, Padilla, Bidin, and Sarmiento, JJ., concur.

Feliciano, J., on leave.

[1] "Effect of receipt of U.S.V.A. pension benefit. - Termination, reduction. - An award of similar disability compensation from the United States Veterans Administration shall be a ground for the cancellation of a disability pension granted under this Regulation: Provided, however, that if and when the disability compensation awarded by the United States Veteran's Administration is less than the pension granted hereunder, the difference in amount shall be assumed and paid by the PVA; x x x"

[2] G.R. No. L-27299, June 27, 1973, 51 SCRA 340.

[3] Petition, Annex "B", Rollo, pp. 13-15.

[4] Petition, Annex "C", Rollo, p. 16. In *Begosa v. Chairman, Philippine Veterans Administration* (G.R. No. L-25916, April 30, 1970, 32 SCRA 466), the Court affirmed a CFI decision holding that the petitioner veteran should be given a disability life pension of P50.00 a month from June 21, 1955 (the effective date of his claim as found by the trial court) until June 21, 1957, and P100.00 a month for life from June 22, 1957 (when Section 9 of Republic Act No. 1362, was further amended by Republic Act No. 1920).

[5] Rollo, pp. 46-47.

[6] G.R. No. L-37867, February 22, 1982, 112 SCRA 59.

[7] G.R. No. L-39835, October 27, 1983, 125 SCRA 354.

[8] G.R. No. L-38129, July 23, 1974, 58 SCRA 72, 77.

[9] See Appropriation Acts for the Fiscal Years from 1963-1972.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.