

PAULA AQUINO POLICARPIO, PETITIONER AND APPELLEE, VS. THE PHILIPPINE VETERANS BOARD, RESPONDENT AND APPELLANT.

G.R. No. 10062. August 28, 1956

Ponente: REYES, J.B.L., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-10062/>

REYES, J.B.L., J.:

Appeal by the Philippine Veterans Board from a decision of the Court of First Instance of Manila, Judge Gavino S. Abaya presiding, ordering the board to release Treasury Warrant No. 2773868 for P1,253.23 and the treasury warrants covering the subsequent monthly pension payments corresponding to petitioner Paula Aquino Policarpio, "as granted to her by law".

The facts are not controverted. The appellee was the widow of a member of the Armed Forces killed in action in 1942; upon her application duly approved, she was granted a monthly pension by the appellant Board. The pension was stopped in July 1948 because the widow received a similar pension from U. S. Veterans Administration. However, the latter certified to the appellant that the widow had ceased receiving her pension from the U S. Veterans Administration since 1951, where-upon, in February 11, 1953, petitioner Policarpio applied to appellant for the resumption of her former pension. On February 28, 1953, the Secretary of the Philippine Veterans Board issued a memorandum that petitioner's pension was resumed effective January 30, 1951; and in view thereof the auditor caused treasury warrants to be prepared in favor of the widow. Delivery of the warrants was, however, subsequently stopped, for the reason that the appellant Board "had not yet granted the restoration of the petitioner's pension".

On the' basis of such facts, and in view of the refusal of the board officers to release the warrants, petitioner Policarpio applied to the Court of First Instance for a writ of mandamus to compel their release. In its answer the board specifically pleaded that the preparation of the warrants was ordered by mistake, because Policarpio's petition had not been as yet acted upon by the Board.

Submitted on the facts alleged, by agreement of the parties the court below decreed the issuance of the writ complained of on the basis that—

"The fact that the Secretary has signed the memorandum for the chairman of the board restoring petitioner's pension, and the further fact that said check has been drawn by virtue of such memorandum are sufficient reasons to justify the release of the same in payment of petitioner's accumulated pension". (Rec. p. 45)

The decision is untenable. It being an established fact that the resumption of the pension had not yet been approved by the Veterans Board, the memorandum of the Secretary and the preparation of the warrants were obviously unauthorized, and the taking of such action proves nothing but that the error or lack of authority was not discovered' until later, as shown by the subsequent withholding of the warrants.

It was improper to compel delivery of the warrants, because the Board might, in the exercise of it& discretion, refuse to restore petitioner's pension; and even if its refusal should be wrongful or erroneous, the court could not properly intervene until the appellee-petitioner should have exhausted her administrative remedies. (De la Paz vs.

Alcaraz, supra, p. 130; Miguel vs. Vda. de Reyes, 93 Phil., 542.) Therefore, the court below should have limited itself to ordering the Board to take action upon Policarpio's petition that her pension payments be resumed.

"* * * And it is a well-settled rule that mandamus does not lie to review or control the action or decision of a pension board or other board or officer having authority over pension matters, where the action or decision is one resting in the discretion of such board or officer, or where it involves the construction of the law and the application of the facts thereto. * * * Where a pension board or officer simply refuses to take any action whatever, the court will issue a mandamus to compel it or him to take some action, but will not attempt to prescribe the action to be taken and thereby control the discretion or judgment of the board or officer. * * *" (40 Am. Jur. pp. 993, 994).

The decision appealed from is modified in the sense of merely requiring the appellant Philippine Veterans Board to act without delay upon the application of February 11, 1953 for the restoration of pension benefits to appellee Paula, Aquino Policarpio. Without costs. So ordered.

Paras, C. J., Bengzon, Padilla, Montemayor, Bautista, Angelo, Labrador, Concepcion, Endenda, and Felix, JJ., concur.

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.