

THE PHILIPPINE VETERANS AFFAIRS OFFICE, PETITIONER, VS. BRIGIDA V. SEGUNDO, RESPONDENT.

G.R. No. 51570. August 15, 1988

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

The Court of Appeals[1] certified this case to this Court on the ground that it involves pure questions of law.

The facts are not controverted. We quote:

Petitioner Brigida V. Segundo is the widow of the late Feliciano Segundo, a veteran of the Second World War. She has remained unmarried. Soon after the death of her husband, she applied for pension benefits with the respondent, then known as the Philippine Veterans Board. Her application was approved effective April, 1947 and she become entitled to a monthly pension for life on condition that she remains unremar-ried and that no other similar benefits from the U.S. Government have been granted to her.

In November of 1951, the respondent cancelled and terminated petitioner's monthly pension benefits because she is the recipient of a similar benefit from the U.S. Veterans Administration, which is a violation of its standing policy.

It appears that on June 27, 1973, the Supreme Court, in the case of *Del Mar vs. Philippine Veterans Administration*, 51 SCRA 340, declared this policy of the respondent null and void. Notwithstanding the decision of the Supreme Court, the respondent still refused to restore the monthly pension of the petitioner.

On September 29, 1975, the trial court issued an order, the dispositive portion of which reads ?

"WHEREFORE, the Order dated March 26, 1975 is reconsidered and set aside, and judgment is hereby rendered in favor of the petitioner, directing the respondent to pay petitioner her monthly life pension effective November, 1951, pursuant to the provisions of Republic Act No. 65, and subsequent amenda-tory acts, subject to the availability of funds appro-priated and/or released for the purpose, without pronouncement as to costs."[2]

In the appeal, the petitioner submits the following errors:

I

The lower court erred in holding that petitioner-appellee's action to compel the restoration of her monthly pension effective from date of Cancel-lation thereof in November, 1951, had not prescribed.

II

The lower court erred in holding that the cases of *Del Mar vs. Philippine Veterans Administration* L-27299, June 27, 1973, 51 SCRA 340 is applicable in the instant case.

III

The lower court erred in not dis-missing the petition for mandamus for lack of cause of action not only

because (a) no demand whatsoever was made by the petitioner for the restoration of her monthly pension nor was there a refusal by the respondent to comply therewith but likewise (b) in view of the ruling laid down by the Supreme Court in "The Board of Administration, Philippine Veterans Administration vs. Hon. Mariano V. Agcaoili, et al." G.R. No. L-38128 promulgated July 23, 1974.[3]

These challenges are nothing new. In *Español v. Chairman, Philippine Veterans Administration*,^[4] we were confronted with the same questions. We reiterate here our holding therein.

That the respondent's claim has prescribed lacks merit.

In her petition below (for mandamus), she questions the continued enforcement by the petitioner of section 6 of its Regulation No. 2, cancelling disability benefits if the beneficiary is receiving a similar compensation from the United States Veterans Administration, in spite of our pronouncement in *Del Mar v. The Philippine Veterans Administration*^[5] wherein we invalidated the said provision. In *Español*, supra, we said that the prescriptive period cannot be counted from the actual act of cancellation and that at such a time, the right of action of such a party does not as yet accrue.

For the statute of limitation^[6] begins to run from the moment the right of action accrues.^[7] There is a right of action when there exists a cause of action. A cause of action in turn, arises: (1) when there exists a right in favor of the plaintiff under the law or contract; (2) there is a corresponding duty, by law or contract, on the part of the defendant to honor that right; and (3) there has been an act or omission by the defendant in violation of that right for which the law provides relief.^[8]

In *Español*, supra, we held that the cancellation of pension benefits in November, 1951 continued to enjoy a presumptive validity and hence, cannot be considered a violation of the right of the pensioner.^[9] The ten-year period, so we held, must then be reckoned from the promulgation of *Del Mar* on June 27, 1973, when we struck down section 6 of Regulation 2 abovesaid, and not from actual cancellation of benefits in 1951. It is only then, so we held, that the party's right of action can be said to acquire life.^[10] In other words, prescription began to run only from June 27, 1973.

The respondent filed her petition on February 28, 1974, and accordingly, within the ten-year period.

Neither is there merit in the second assigned error that *Del Mar* is not applicable since prescription was never raised therein. It is to be noted that *Del Mar* did not consider prescription because the challenge to the validity of the petitioner's rules is an act that does not admit of prescription.^[11] (Prescription, however, commenced to run again from the date invalidity was declared.)

At any rate, it cannot be seriously denied that to sustain the veteran's office is to allow it to perpetuate a policy the Court had already and precisely declared null and void. And it is plain that *Del Mar* notwithstanding, the veteran's office had not exerted efforts to restore cancelled pension benefits insofar as non-parties (to *Del Mar*) are concerned. Let it be admonished that decisions of the Supreme Court "applying or interpreting the laws or the Constitution . . . form part of the legal system of the Philippines,"^[12] and, as it were, "laws" by their own right because they interpret what the laws say or mean.^[13] Unlike rulings of the lower courts, which bind the parties to specific cases alone, our judgments are universal in their scope and application, and equally mandatory in character. Let it be warned that to defy our decisions is to court contempt.

In any case, we hold *Del Mar* to be the ruling case law on the matter, and applies whether to parties or non-parties.

The last assigned error, that mandamus does not lie in the absence of a prior demand and in view of our alleged ruling in *Board of Administration, PVA v. Agcaoili*,^[14] is not impressive. In *Español*, supra, we held that "when

a case involves solely legal questions, the litigant need not exhaust all administrative remedies before judicial relief is sought." [15] We reiterate that ruling herein.

We likewise reiterate our holding therein rejecting the application of *Agcaoili*, where it was held that claims for public funds must be covered by an appropriation for the purpose. As we said therein (in *Español*), *Agcaoili* involved an action to compel payment of additional benefits under Republic Act No. 5753. In the case at bar, however, the respondent is asking the resumption of cancelled monthly pension payments, the funding for which has been appropriated.

Republic Act No. 65, as amended, The Veteran's Bill Of Rights, is a social legislation, and as such, must be construed most strongly in favor of its beneficiaries. [16] "The State," declares the Constitution (1973), "shall establish, maintain, and ensure adequate social services in the field of education, health, housing, employment, welfare, and social security to guarantee the enjoyment by the people of a decent standard of living." [17] Under the present Constitution, the State's concern for war veterans finds an even more emphatic expression:

SEC. 9. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. [18]

SEC. 7. The State shall provide immediate and adequate care, benefits, and other forms of assistance to war veterans of military campaigns, their surviving spouses and orphans. Funds shall be provided therefor and due consideration shall be given them in the disposition of agricultural lands of the public domain, and in appropriate cases, in the utilization of natural resources. [19]

The PVAO's omissions are, in more ways than one, an act of betrayal of the veterans and the heroes of the last two wars of liberation. The Veteran's Bill of Rights is a measure designed not to compensate alone the war veterans or their bereaved for their injuries sustained in the line of duty, but more so, as a lasting memorial to their courage and selflessness in laying their lives for the country so that this generation shall be free. There should then be no repetition of the unfulfilled promises of the Government of the United States articulated by its then President, Franklin Delano Roosevelt, at the height of the U.S.-Japanese war of the Pacific, of compensation to our fighting men equal to that given to the American G.I.'s. Let them reap, finally, the honor long denied them.

WHEREFORE, the petition is DISMISSED. The petitioner is ORDERED to RESTORE monthly pension benefits in favor of the respondent in addition to such other and further increments as may be provided by law, effective November 1, 1951. Costs against the petitioner.

SO ORDERED.

Melencio-Herrera, (Chairperson), Paras, and Padilla, JJ., concur.

[1] CA-G.R. No. 04914-SP, Sixth Division, Pascual, Crisolito, J., Sundiam, Carlos and Gorospe, Benjamim, JJ.

[2] Resolution, 1-2.

[3] Brief for Respondent-Appellant, 1-2.

[4] No. L-44616, June 29, 1985, 137 SCRA 314.

[5] No. L-27299, June 27, 1973, 51 SCRA 340.

[6] CIVIL CODE, art. 1144, par. 2.

[7] Español, supra, 318.

[8] Supra.

[9] Supra, 318-319.

[10] Supra 319. As in Español, the pension benefits in this case were cancelled on November 1, 1951.

[11] Supra.

[12] CIVIL CODE supra, art. 8.

[13] Sevarillos v. Hermosisima, 100 Phil. 501 (1956).

[14] No. L-38129, July 23, 1974, 58 SCRA 72.

[15] Español, supra, 320.

[16] Del Mar, supra, 350.

[17] CONST. (1973), art. II, sec. 7.

[18] CONST. (1987), art. II, sec. 9.

[19] CONST. (1987), art. XVI, sec. 7.

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