

Addressing Grave Abuse of Discretion in Philippine Administrative Law: A Critical Analysis

Atty. Benedict A. Fernandez, AB, MDM, JD.

Administrative law plays a foundational role in maintaining order and fairness within the machinery of government. It provides the framework through which executive agencies exercise their regulatory functions, while ensuring that such powers are not wielded arbitrarily. In the Philippine context, this legal discipline is essential to striking a balance between the broad discretion granted to administrative bodies and the need for accountability under the rule of law.

Central to this balancing act is the principle of *grave abuse of discretion*, which serves as the primary standard for judicial review of administrative actions. As discussed in one jurisprudence, *grave abuse of discretion* denotes a capricious, arbitrary, and whimsical exercise of power. The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law—such that the act is considered, in contemplation of law, as not having been performed at all. It also arises when the power is exercised in an arbitrary and despotic manner, motivated by passion or hostility.¹

This doctrine allows courts to intervene when a government agency acts in a manner that is capricious, whimsical, or patently beyond its legal authority. It is a constitutional safeguard designed to prevent the misuse of administrative power and to uphold the integrity of public decision-making.

More distinctively, under the 1987 Constitution, judicial power includes the authority to review acts of government entities to determine whether they have committed *grave abuse of discretion*. This expanded mandate empowers courts to intervene when any branch or instrumentality of the government acts in a manner that is arbitrary, despotic, or patently beyond its jurisdiction. Such abuse must be so egregious that it effectively nullifies the legitimacy of the official act.

Under the 1987 Philippine Constitution it states that: “Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.”²

The doctrine serves a dual role, functioning both as a protective barrier and an instrument of correction. On one hand, it acts as a “shield” for administrative agencies, preventing unwarranted judicial interference that could undermine their autonomy and expertise. Courts are rightly hesitant to substitute their judgment for that of a specialized agency unless absolutely necessary. On the other hand, it serves as a “sword,” empowering the judiciary to step in and rectify blatant injustices. This power is reserved for instances where an agency's action is so arbitrary, whimsical, or patently illegal that it amounts to a refusal to perform a legal duty.

Ultimately, the continued importance of this doctrine lies in its ability to safeguard the integrity of government institutions and promote legal accountability. In a modern governance landscape where administrative bodies make decisions that increasingly impact the fundamental rights and overall well-being of the public, the ability of the courts to correct manifest injustices through this doctrine is more relevant than ever. It ensures that public officials and administrative agencies are accountable for their actions and that the rule of law prevails over arbitrary authority.

References

- 1 KMU vs Aquino III, G.R. No. 210500, April 2, 2019
- 2 Article 8 Section 1, 1987 Philippine Constitution