

A Question of Exhaustion

Jacinto D. Jimenez

16 ATENEO L.J. 205 (1967)

*TAG(S): POLITICAL LAW, ADMINISTRATIVE LAW, EXHAUSTION OF
ADMINISTRATIVE REMEDIES*

The Article discusses the doctrine of exhaustion of administrative remedies which provides that when an administrative remedy is provided by a statute, relief must be sought by first exhausting them before going to the courts. The application of this doctrine requires that an administrative remedy, which will substantially protect the right or claim of the injured party, is more or less immediately available to him on his initiative.

The Article begins by tackling the reason behind the said doctrine and proceeds by looking at its development. It then focused on the effect of non-compliance — will the court lack jurisdiction, or will the plaintiff have no cause of action? This issue was answered by looking into a string of judicial decisions. The same method was used in determining whether the doctrine requires appeal from Department Secretaries to the President and whether there must be a law expressly requiring the exhaustion of administrative remedies before the doctrine will apply. The Article then proceeds by looking at the application of the doctrine in cases involving public lands.

The Article also provides an in-depth discussion of the exceptions to the Doctrine, namely: (1) matters involving purely legal questions; (2) quo warranto proceedings; (3) denial of due process; (4) patently illegal decisions; (5) irreparable injury; (6) estoppel; (7) futility of resort to administrative remedies; (8) decisions of department heads and; (9) by express provision of law.