

# CONTENTS

	<i>Page</i>
Preface .....	iii

## **Chapter I. — Introduction**

1. Concept of administrative law.....	1
2. Scope of administrative law .....	3
3. Concerns of administrative law .....	4
4. Distinguished from international law .....	5
5. Distinguished from constitutional law.....	5
6. Distinguished from criminal law .....	5
7. Distinguished from law of public administration.....	6
8. Principal subdivisions of administrative law.....	6
9. Classification of administrative law .....	8
10. Origin and development of administrative law.....	10
11. Advantages of the administrative process .....	12
12. Criticisms against administrative action .....	16
13. Relation between administrative agencies and courts.....	16
14. Administration of government distinguished from administration of justice .....	18
15. Administration as a separate power .....	18
16. Administration as an organization distinguished from government.....	19

## **Chapter II. — Nature and Organization of Administrative Agencies**

### **A. Status and Characteristics**

1. Creation, reorganization, and abolition of administrative agencies.....	21
---	----

2. Meaning of administrative agency.....	22
3. Administrative agency or body and court distinguished .....	23
4. Status or character of particular administrative agencies .....	24
5. Main characteristics of administrative agencies.....	27
6. Consequence of characteristics.....	29
7. Delegation of function and authority .....	30
8. Types of administrative agencies.....	31

**B. Administrative Organization**

1. Distribution of powers of government.....	32
2. Organization of the Office of the President.....	34
3. Organization of Departments.....	35
4. Secretaries, Undersecretaries, and Assistant Secretaries .....	37
5. Department Services.....	38
6. Organization of Bureaus.....	39
7. Organization of Field Offices.....	41
8. Definition of administrative relationship .....	42
9. Powers and functions of Department Secretary .....	45
10. Authority of Department Secretary.....	46
11. Delegation of authority .....	47
12. Line bureau authority .....	47
13. Relationship of government-owned or -controlled corporations to the Department.....	48
14. Relationship of regulatory agencies to the Department.....	49
15. Mandates of the different Departments .....	49

**Chapter III. — Powers and Functions of Administrative Agencies**

**A. In General**

1. Meaning of powers and functions.....	55
2. Source of powers .....	55
3. Scope of powers .....	56
4. Nature of powers .....	62

5. What constitutes administrative power or administrative function .....	63
6. Powers of administrative agencies classified .....	64
7. Discretionary and ministerial powers.....	65

**B. Investigatory Powers**

1. Generally.....	66
2. Scope and extent of powers.....	69
3. Right to counsel in administrative investigations .....	76
4. Importance of administrative investigations.....	77

**C. Rule-Making Powers**

1. Generally.....	78
2. Legislation on the administrative level .....	80
3. Limitations on the rule-making power.....	81
4. Rules, regulations, and orders or rulings distinguished .....	82
5. Kinds of rule-making powers/rules and regulations .....	83
6. Legislative rules and regulations .....	84
7. Interpretative rules and regulations .....	85
8. Legislative and interpretative rules distinguished .....	87
9. Contingent rules and regulations.....	91
10. Procedural rules.....	92
11. Ordinance power of the President .....	93
12. Administrative issuances of secretaries and heads of bureaus, offices or agencies .....	94
13. Practical necessity of the rule-making power .....	95
14. Special advantages of the rule-making power .....	96
15. Requisites for validity of administrative rules and regulations.....	97
16. Grant of rule-making powers .....	98
17. Consistency with law and the Constitution .....	99
18. Determination of validity of rules.....	100
19. Tests applied in determining validity of rules.....	100
20. Requirement of reasonableness.....	115
21. Internal rules and regulations.....	119
22. Penal rules and regulations .....	121

23. Legal force and effect of administrative rules and regulations.....	128
24. Principles of administrative construction.....	130
25. Effect of reliance on rules.....	132
26. Retroactive operation of rules, regulations, and rulings.....	132
27. Amendment or repeal of administrative rules and regulations.....	133
28. Formal requirements on the promulgation, etc. of rules and regulations .....	143
29. Requirements of notice and hearing or publication .....	146

#### D. Adjudicatory Powers

1. Generally.....	151
2. Distinguished from judicial power.....	152
3. Extent of judicial or quasi-judicial powers of administrative agencies.....	153
4. Distinguished from investigate power .....	161
5. Distinguished from legislative power or rule-making.....	161
6. Nature of particular acts .....	164
7. Classification of adjudicatory powers.....	167

#### Chapter IV. — Separation of Administrative and Other Powers

1. Doctrine of separation of powers.....	170
2. Doctrine of non-delegation of powers.....	171
3. Non-delegation of legislative power .....	172
4. Doctrine of non-delegation not absolute.....	172
5. Delegation to administrative agencies.....	176
6. Sufficiency of standards .....	201
7. Restriction on grant of judicial power .....	218
8. Law where standard may be expressed or contained .....	222
9. Exceptions to rule requiring standards or guides.....	224
10. Permissible delegation of legislative power under the Constitution .....	225

11. Delegation of legislative powers to local governments .....	227
---	-----

#### Chapter V. — Administrative Proceedings

1. Generally.....	228
2. Character of proceedings .....	229
3. Jurisdiction .....	230
4. Procedure to be followed.....	236
5. Rules on adjudication under the Administrative Code .....	238
6. Controversies among government offices and corporations.....	244
7. Due process of law in administrative adjudication .....	245
8. Institution of proceedings .....	253
9. Necessity for notice and hearing.....	253
10. Sufficiency of notice .....	255
11. Waiver of right to notice .....	256
12. Denial of due process may be cured.....	256
13. Elements or essentials of right to hearing.....	257
14. Duty of administrative body to consider the evidence presented .....	258
15. Investigation and hearing distinguished .....	259
16. Requirement of notice and hearing by law or regulation.....	261
17. Constitutional requirement of notice and hearing .....	263
18. Proceedings in which no hearing is required .....	271
19. Applicability of rules governing judicial proceedings .....	278
20. Delegation of authority to hear and receive evidence.....	281
21. Evidence in administrative proceedings .....	284
22. Decisions or orders.....	297
23. Where administrative agency is a collegiate body.....	306
24. Power of administrative agencies to modify their decisions .....	307
25. Application of the doctrine of <i>res judicata</i> .....	308

26. Administrative appeal and review .....	311
27. Action by administrative appellate tribunal .....	312
28. Enforcement of administrative determinations .....	314

**Chapter VI. — Judicial Review of, or Relief  
Against, Administrative Actions**

1. Concept of judicial review .....	325
2. Right to judicial review .....	327
3. Rules governing appeals from judgments of quasi-judicial agencies .....	331
4. Administrative findings and constructions generally conclusive .....	335
5. Finality of administrative action for purposes of review .....	343
6. Exceptions to doctrine of finality .....	354
7. Timing of application to courts .....	355
8. Doctrine of primary jurisdiction .....	355
9. Application of the doctrine .....	358
10. Doctrine of exhaustion of administrative remedies .....	360
11. Legal and practical reasons for doctrine .....	361
12. Application of the doctrine .....	363
13. Instances where doctrine has been applied .....	366
14. Exceptions to the doctrine .....	368
15. Exhaustion doctrine and primary jurisdiction doctrine distinguished .....	381
16. Relation between exhaustion doctrine and due process concept .....	387
17. Doctrine of ripeness for judicial review .....	388
18. Application of the doctrine .....	389
19. Ripeness doctrine and exhaustion doctrine distinguished .....	391
20. Ripeness doctrine and primary jurisdiction doctrine distinguished .....	391
21. Scope and extent of judicial review .....	392
22. Judicial review does not import trial <i>de novo</i> .....	393
23. Methods or modes of relief or review .....	394
24. Statutory methods of review .....	395

25. Non-statutory methods of review .....	396
26. Relation between the two methods .....	396
27. Questions open to review .....	419
28. Grounds which would warrant reversal of administrative findings .....	434
29. Substantial evidence rule .....	435
30. Justiciable decision or conclusion to the contrary not precluded .....	436
31. Test to be applied .....	436
32. Hierarchy of evidentiary values .....	437
33. When rule not applicable .....	443
34. Liability of administrative agencies and officers .....	447
General Index .....	451

— oOo —