

[G.R. No. L-9695. September 10, 1956]

**IN THE MATTER OF THE ESTATE OF PETRGNILA BAGA, APPELLEE, VS.
PHILIPPINE NATIONAL BANK, APPELLANT.**

D E C I S I O N

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

Upon petition of the United States Veterans Administration, appellant Philippine National Bank was, on June 5, 1953, appointed by the Court of First Instance of Manila (Sp. Pr. No-19635) guardian of the estate of the minor Petronila Baga, born May 30, 1938, which estate consists of monetary benefits in the total sum of P4,281.57 awarded to said minor by the United States Veterans Administration. After appellant had qualified for the trust, the court fixed the sum of P25 as the minor's monthly allowance.

Four months thereafter, or on September 22, 1954, the minor Petronila Baga filed a petition in the court below alleging that on February 5, 1953, she contracted marriage with one Pacifico Garcia; that she was emancipated by such marriage under the New Civil Code; that her emancipation had the effect of terminating her guardianship and enabled her to administer her own property under Article 399 of the Code; that it would be more beneficial to her interests if she would be allowed to withdraw the remainder of her estate (in the amount of P3,567.49) which she proposed to use wisely and invest profitably in lucrative and sound business; that her estate was not earning anything and was being, periodically depleted by her monthly allowance, so that when she reached the age of majority, it would have no practical utility to her for purposes of making a profitable investment; that her monthly allowance of P25 became negligible since her marriage because of the high cost of living; and prayed for a declaration of emancipation by marriage, the discharge of her guardian, and the delivery to her of her estate.

Both the Administrator of Veterans Affairs and the guardian Philippine National Bank opposed the petition on the ground that the guardianship proceedings of the minor

Petronila Baga are governed, not by the general provisions on guardianship of the New Civil Code, but by the provisions of Republic Act No. 390; but the lower court held that Article 399 of the New Code is not repugnant to but complementary with Republic Act No. 390, and ordered the termination of the minor's guardianship and the release of her estate by the guardian. Motion of the guardian Philippine National Bank to set aside judgment having been denied, it appealed to the Court of Appeals, which certified the case to us upon petition of the minor Petronila Baga, concurred in by the appellant Philippine National Bank, on the ground that the appeal involves only questions of law.

The sole issue is whether the lower Court correctly held that Article 399 of the New Civil Code modified or supplemented section 23 of the Veterans Guardianship Act. Under said article of the New Code, a minor emancipated by marriage is qualified "to administer his property as though he were of age", although he can not borrow money or alienate or encumber real property without the consent of his parents or guardian, nor can he sue or be sued without their assistance. Republic Act No. 390 (Uniform Veterans Guardianship Act), on the other hand, provides only one ground for the termination of the guardianship over the estate of a minor beneficiary of the Veterans Administration, namely, the attainment of the age of majority (section 23).

The legislative Intent behind Republic Act No. 390 (passed on the same date as the New Civil Code) clearly excludes any application of the general provisions of the Code, especially its Article 399, to the termination and discharge of guardianship over minors entitled to benefits from the U. S. Veterans Administration.

The intention of Congress in passing Republic Act No. 390 is stated in the explanatory note to the original House Bill (No. 2383) as follows:

"The Uniform Veterans Guardianship Act was adopted by the National Conference of Commissioners of Uniform State Laws at the meeting in Seattle, Washington, in 1928 and approved by the American Bar Association. Since its adoption the Act has been passed either in whole or in part by all but three of the States, and Puerto Rico.

Experience in these jurisdictions has demonstrated that under this uniform law, the courts are materially aided in their judicial control of the estates of incompetents and minors who, as a class, are entitled to the maximum protection of the Government and the courts.

The chief attorney, through his legal staff, acts as an effective aide to the courts in these matters. Under this Act, the award and payment of benefits due to minors and incompetent beneficiaries from the Veterans Administration is materially expedited; the funds so paid are effectively safeguarded against faulty or improvident disbursements, and actual embezzlements are usually thwarted.

The passage of the Uniform Veterans Guardianship Act would provide precisely the same legal base and effect in the Philippines, for guardianship supervision and for the furnishing of direct legal assistance to minors and incompetents in their guardianship affairs as now obtains in the many jurisdictions where this or a similar Act has been passed, and enforced, in which the vast program of benefits to veterans and their dependants is being administered by the Veterans Administration.”

(Congressional Record, H. R., Vol. IV, No. 1).

It is readily seen that Congress intended primarily that the terms of Republic Act 390 should be uniform with the American Veterans Guardianship Act. It is to be assumed that the provisions of section 23 (providing that the guardianship of the minor beneficiary should terminate only by his majority) were likewise motivated by the same desire for uniformity, since the same grounds for discharge appear in section 16 of the American Uniform Veterans Guardianship Act (9 U.L.A. p. 738). To inject, therefore, the emancipation provisions of the new Civil Code into the cases provided for by section 23 of Republic Act 390 would result in its discordance with the model legislation, and violate the legislative intent.

A second reason against the opinion of the court below is that Republic Act 390, being a special law limited in its operation to money benefits from Veteran's Acts, must control as against the provisions of the new Civil Code, which is a general statute. It is a well settled principle that, because repeals by implication are not favored, a special law must be taken as intended to constitute an exception to the general law, in the absence of special circumstances forcing a contrary conclusion' (Lichauco & Co. vs. Apostol, 44 Phil. 138, 146; Motor Alcohol Corp. vs. Mapa, 64,Phil. 715; 723-724; Leyte Asphalt Co. vs. Block, 52 Phil. 429; Visayan Electric Co. vs. David, 49 Off. Gaz. 1385). In the particular case now

before us, the circumstances are against the supersession of the special law, especially in view of the provisions of section 23 of Republic Act No. 390, providing that it should apply "notwithstanding any other provisions of law relating to judicial restoration and discharge of guardians".

We conclude that Article 399 of the Civil Code of the Philippines on the effects of emancipation by marriage does not terminate a minor's guardianship constituted under Republic Act No. 390.

The resolution of the lower Court dated December 28, 1954 is reversed and set aside. Without costs.

Paras, C. J., Padilla, Montenmyor, Bautista Angelo, Labrador, Concepcion, Endencia, and Felix, JJ., concur.
