

**IN RE GUARDIANSHIP OF THE MINOR ROY REGINALD LELINA.
SEVERO VILORIA, GUARDIAN AND OPPOSITOR AND APPELLEE, VS.
ADMINISTRATOR OF VETERANS AFFAIRS, PETITIONER AND
APPELLANT.**

G. R. No. L-9620. June 28, 1957

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

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

In Special Proceedings No. 163 of the Court of First Instance of La Union, appellee Severo Viloria was, on October 27, 1948, appointed guardian of the person and estate of the minor Roy Reginald Lelina, beneficiary of arrears in pay, insurance, and other benefits from the U. S. Veterans Administration due to the death of his late father Constancio Lelina, supposedly a member of the U. S. Armed Forces during the war. On March 31, 1950, the court authorized the guardian to withdraw from the estate of his ward the sum of not to exceed P30 a month for the boy's support and other expenditures.

On March 20, 1952, the U. S. Veterans Administration filed a motion in the guardianship proceedings, alleging receipt of certain letters from its central office in Washington, D. C., to the effect that the minor's deceased father had no guerrilla or other service in the armed forces of the United States, and that consequently, Ms heir was not entitled to the payment of gratuitous National Service life Insurance, and prayed that the guardian be ordered to stop further payment of monthly allowances to the minor. The court found the motion well-founded and granted the same. A few years later, on February 15, 1955, the Administrator of Veterans Affairs again filed a motion in the same guardianship proceedings for a refund to the U. S. Veterans Administration of the sum of \$2,879.68, the balance of gratuitous insurance benefits allegedly wrongfully paid to the minor Roy Reginald Lelina, which was still on deposit with the Philippine National Bank, San Fernando, La Union Branch. Upon opposition of the guardian, who submitted evidence of the service record of the minor's deceased father duly recognized by both the Philippine and U. S. Armies, the motion for refund was denied. Then on April 27, 1955, the guardian moved to be allowed to withdraw P4,000 from the minor's estate to meet the minors needs. This motion was opposed by the Administrator of Veterans Affairs, arguing that the minor's right to National Service. Life Insurance benefits is governed exclusively by the U. S. Code Annotated, which provides (Tit. 38, section 808) that decisions of the Administrator—

"shall be final and conclusive on all questions of law or fact and no other official of the United States, except a judge or judges of the United States, shall have jurisdiction to review any such decisions;"

In the same motion, the Administrator prayed for the setting aside of the court's order denying the refund of the money in the hands of the minor's guardian, on the ground of "lack of jurisdiction".

Acting on the pending motions of the guardian and the Administrator, the lower court held:

"If the legal provisions alleged in the petition of the Veterans Administration is correct, and should be taken into account, this Court may not have the right to order the return of the amount of \$2,879.68 at present

credited as funds of the minor, and deposited in the name of said minor with the Philippine National Bank. Precisely, the issue now pending in this guardianship proceeding is whether or not, the father of the minor the deceased Constancio Lelina, has a valid military service to justify the payment to him or to his heirs of the National Life Service Insurance benefits. The minor Reginald Lelina through his guardian and his counsel claims that his father had rendered services as shown by certain papers submitted in this case to support that claim. As a matter of fact, the said minor was granted and paid those benefits as shown by the statements of accounts submitted and duly approved by this Court up to and including March 31, 1954, in the Order of Judge Primitivo L. Gonzales dated April 22, 1954. On the other hand the attorneys of the Veterans Administration now claim that such payment was an error because the deceased Constancio Lelina had no recognized military services or was he a member of the Commonwealth Army in the service of the Armed Forces of the United States Government. This is, therefore, a matter that should be determined in an appropriate action filed with the competent court.

This being the case, until this issue is finally determined by the competent court in an appropriate action, the balance of the amount now deposited in the name of the minor through his guardian could not be disposed of by this Court one way or another. In this proceeding, the matter at issue cannot be finally determined. Hence, this Court believes and so holds, that in the meantime, the status quo should be maintained with respect to the funds now existing and deposited with the Philippine National Bank, La Union Branch in the name, of the herein minor." (Rec. on Appeal, pp. 47-49)

and denied both the guardian's motion to withdraw from the minor's deposits, and the Administrator's position for refund. The Administrator of Veterans Affairs sought reconsideration of the above order, which was denied; wherefore, it appealed to this Court.

We are of the opinion that the appeal should be rejected. The provisions of the IT. S. Code, invoked by the appellant, make the decisions of U.S. Veteran Administrator final and conclusive when made on claims properly submitted to him for resolution; but they are not applicable to the present case, where the Administrator is not acting as a judge but as a litigant. There is a great difference between actions against the Administrator (which must be filed strictly in accordance with the conditions that are imposed by the Veterans' Act, including the exclusive review by United States courts), and those actions where the Veterans' Administrator seeks a remedy from our courts and submits to their jurisdiction by filing actions therein. Our attention has not been called to any law or treaty that would make the findings of the Veterans Administrator, in actions where he is a party, conclusive on our courts. That, in effect, would deprive our tribunals of judicial discretion and render them mere subordinate instrumentalities of the Veterans' Administrator.

In an analogous case, We have ruled:

"By filing this action of partition in the court a quo, the Philippine Alien Property Administrator has submitted to its jurisdiction and put in issue the legality of his vesting order. He can not therefore now dispute this power." (Brownell vs. Bautista, 50 Off. Gaz., 4772.)

From the time the amounts now sought to be recovered were paid to the appellee guardian, for the ward's benefit, the latter became their lawful possessor and he cannot be deprived thereof on the sole allegation of the Veterans' Administrator that the money was erroneously paid. The burden lies upon him to satisfy the court that the alleged mistake was really committed; and the Philippine courts' determination of the question is as binding upon the Veterans' Administrator as upon any other litigant.

Concerning the claim itself, We agree with the court below that it was not properly filed in the guardianship proceedings, since the latter are solely concerned with the ward's care and custody and the proper administration or management of his properties. Conflicts regarding ownership or title to the property in the hands of the guardian, in his capacity as such, should be litigated in a separate proceeding.

The order of the court below, dated 22 June 1955, is hereby affirmed, with costs against the appellant. So ordered.

Paras, C. .J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Conception and Felix, JJ., concur.

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