EUTIQUIO BERMOY, ET AL., PLAINTIFFS-APPELLANTS, V.S. PHILIPPINE NORMAL COLLEGE, ET AL. DEFENDANTS-APPELLEES.

G.R. No. L-8670. May 18, 1956

Ponente: REYES, A., J.

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REYES, A., J.:

On July 6, 1954, twenty employees of the Philippine Normal College, who were working as cooks, waiters, dishwasher, and in various other capacities in its dormitory known as Normal Hall, filed an action in the Court of First Instance of Manila against the said Philippine Normal College and/or Philippine Normal School for the recovery of salary differentials and overtime pay. The Solicitor General filed an answer on behalf of the defendants denying the latter" s liability. But before the case was tried on the merits, the court ordered it dismissed on the ground that neither one of the defendants was a corporation or a juridical entity with capacity to be sued. Reconsideration of this order having been denied, plaintiffs took this appeal to this Court, alleging that It was error to dismiss their case on the ground mentioned.

The appeal is, in cur opinion, meritorious.

Republic Act No. 416, which took effect In July., 1949, converted the old Philippine Normal School into the present Philippine Normal College and endowed it with the "general powers set out In section thirteen of Act Numbered Fourteen hundred and fifty-nine, as amended" (Corporation Law)., entrusting Its government and the administration of its affairs to a board of trustees therein created, which was to exercise for It "all the powers of a corporation as provided in (said) section," and in particular, "to administer and appropriate the funds of Normal Hill and to supervise and control its income and expenses, all provisions of law to the contrary notwithstanding."

One of the powers specifically enumerated in the said section. 13 of the Corporation Law is the power "to sue and be sued in any.court." With this express grant of power, we don't see how it could be doubted that the Philippine Normal College could be made a defendant in a suit in court.

The Solicitor General admits that the Philippine Normal College has a juridical personality of its own, but contends that, as it is an Instrumentality of government for the discharge of state functions, it may not be sued without the consent of the state. The answer to that contention is that the state has already given that consent by investing the College with the express power to be sued in courts That the Act Authorizes the College to be sued is also made clear in section 6, where it is provided that "all process against the Board of Trustees shall be served on the President or secretary thereof,"

Wherefore, the order appealed from is revoked and the case remanded to the court of origin for further proceedings. No costs.

Paras, C.J., Bengzon, Padilla, Montemayor, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., and Endencia, JJ., concur.

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