

ENGRACIA G. DE PONCE, PETITIONER AND APPELLEE, VS. ALICIA VASQUEZ SAGARIO, RESPONDENT. FRED RUIZ CASTRO, IN HIS CAPACITY AS JUDGE ADVOCATE GENERAL, ARMED FORCES OF THE PHILIPPIN...

G.R. No. L-2836. December 06, 1949

Ponente: TUASON, J.

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TUASON, J.:

This is an appeal from a decision of the Court of First Instance of Manila, in a petition for mandamus in which Engracia G. de Ponce sought to compel the respondent Lt. Col. Fred Ruiz Castro, in, his capacity as Judge Advocate General, National Defense Forces, and Lt. Col. Bernardino Jardeleza, in his capacity as Chief of the Finance Service, National Defense Forces, "to bring to the proper Court of First Instance by way of interpleader proceedings the conflicting claims between the herein petitioner and the respondent Alicia V. Sagario for the arrears in pay and allowances due the late Lt. Genaro Ponce." The proceedings were instituted under Republic Act No. 136 entitled "An Act providing for the immediate payment of monies due to deceased Filipino members of the United States Army, United States Navy, Philippine Scouts, Philippine Army, etc."

The facts of the case, which are not in dispute, and the issues are summarized in the appealed decision as follows:

Petitioner Engracia G. de Ponce, legitimate mother of Lt. Genaro G. Ponce, USAFFE, who was killed in line of duty sometime in May, 1942, at Bacolod Grande, Lanao, filed before the Recovered Personnel Division of the Philippine Army a claim for the arrears in pay and allowances due the said deceased Lieutenant Ponce. The claim was predicated upon the allegation that Lieutenant Ponce was, at the time of his death, unmarried and had no legitimate or acknowledged natural children. This claim was endorsed to the Claims Branch of the Judge Advocate General's Office for adjudication pursuant to Republic Act No. 136. After the reception of the necessary proofs from petitioner, the Claims Branch of the Judge Advocate General's Office made an adjudication and award in favor of petitioner in the amount of P7,200.

This amount, however, was not paid because of a claim filed by respondent Alicia Vasquez Sagario, who alleged that she was the legal wife of the deceased Lt. Genaro G. Ponce and had a minor daughter by him born on May 24, 1942, after his death.

Upon the conflicting claims, hearing was had before Capt. Ramon V. Diaz, Chief of the Claims Branch of the Judge Advocate General's Office. Both parties presented evidence in support of their respective contentions.

Petitioner herein predicated her claim on the allegation that the deceased Lt. Genaro G. Ponce was not married to respondent Alicia Vasquez Sagario.

Upon the other hand, oral and circumstantial evidence was presented tending to show that the deceased Lt. Genaro G. Ponce and Alicia Vasquez Sagario were really married, although the marriage certificate or other documentary proof of marriage could not be presented.

Upon the evidence presented, the Judge Advocate General held that the alleged marriage was sufficiently established under Republic Act No. 136 and that his office would adjudicate the arrear ages to, respondent Alicia Vasquez Sagario and her daughter, to the total exclusion of petitioner. This was communicated to petitioner on January 6, 1948.

Section 8 of Republic Act No. 136 provides:

"Whenever a dispute arises as to who of two or more claimants are the legal heirs of the deceased, the Judge Advocate General or his representative shall suspend, the summary distribution of the monies until the courts shall have finally decided the controversy in an action for interpleading under Rule fourteen of the Rules of Court: Provided, however, That complaints for interpleading presented pursuant to this section shall be exempt from the payment of all filing fees, legal fees, and costs."

The lower court held that there was here a dispute within the meaning of the above provision. It said that there were conflicting claims made to the same property; an "active antagonistic assertion of a legal right on the part of petitioner and a denial thereof on the part of respondent Alicia Vasquez Sagario, concerning a real question or issue."

The respondents rely on section 3 of the aforementioned Act which reads:

"The Judge Advocate General or his representative shall proceed to ascertain by the best means within his power the names and residences of the persons who are lawfully entitled to the monies referred to in this Act, and pursuant to the evidence submitted shall summarily distribute the same to said legal heirs as of the time of final decree of distribution in accordance with the provisions of the Civil Code regarding succession: Provided, however, That in the distribution of the estate under this Act, the usufructuary rights granted to the surviving spouse by the Civil Code shall not apply: Provided, further, That in the case of inheritance subject to 'reserva troncal' (art. 811, C. C.), the obligation to preserve will not be imposed on the 'reservista': And provided, finally, That in order to expedite the disposition of the monies referred to in this Act, where the evidence does not strictly conform with the statutory requirements, subject to the limitations imposed by section eight of this Act, the Judge Advocate General is empowered to pass upon the sufficiency of evidence of heirship."

The respondents maintain that under this section the Judge Advocate General has quasi-judicial powers. They allege that in the exercise of these powers this officer; made an investigation and found from the evidence that Alicia Vasquez Sagario was lawfully married to Lieutenant Ponce. It is their contention that in the light of this finding the conflict between Sagario and the petitioner is "apparent only" and "does not fall within the category of a bona fide dispute" as this word is used in the above-quoted section. It is argued that if every denial of a claim could divest the Judge Advocate General of jurisdiction and necessitate the forwarding of the case to the court, "the whole Republic Act No. 136 would be nullified and his (Judge Advocate General's) discretion a meaningless thing to be set aside by fictitious, groundless, dilatory, expensive and malicious petitions for mandamus, thus substituting the judgment of the court for that of the officers in whom the law entrusted such discretion." Referring to the evidence submitted by Alicia V. Sagario, the respondent Judge Advocate General says that this woman's marriage to Lieutenant Ponce has been proved by direct testimony of two witnesses, the widow's mother and uncle, to the marriage. He brushes aside the absence of a marriage certificate by observing that such "marriage certificate are things that may be lost." He calls attention to the fact that the wife followed Lieutenant Ponce "through the Visayas to Mindanao, suffering moral, physical and financial deprivations to be with him because he could not bear such separation any longer," and to the fact that "Lieutenant Ponce's co-officers and superiors knew that she was his wife and treated her as such, thus creating the presumption of law 'that a man and woman deporting themselves as husband and wife have entered into a lawful contract of marriage'."

We entirely agree with the trial court that a real dispute such as that contemplated in section 8 presents itself.

According to Bouvier's Law Dictionary, cited by the respondents, "a fact is properly said to be in dispute when it is alleged by one party and denied by the other, and by both with some show of reason." There is as much show of reason in the mother's evidence, extracted in the appealed decision, that the alleged marriage was not solemnized as there is in Sagario's evidence that she was the decedent's lawful wife. At any rate, the evidence for the latter is by no means conclusive, and it is not denied that the mother's claim is bona fide.

Good faith and some showing on the part of opposing claimants are the sole test of the existence or non-existence of a dispute under Republic Act No. 136. It is immaterial that the dispute is, in the opinion of the Judge Advocate General, only apparent, or that he is convinced, that one claim is well founded and others are not. The weighing of opposing evidence and a decision on questions of law and fact when conflicting claims, like the claims in question, are presented, requires the exercise of judgment or discretion. This function is eminently judicial and devolves, as it should, on the courts of law.

The theory that when the Judge Advocate General is convinced that one claim is well founded he may make the adjudication in disregard of other claims, is clearly untenable. This theory, carried to its logical conclusion, would place in the hands of the Judge Advocate General the power to determine whether a case should be referred to the proper court or be decided finally and definitely by him. Such construction finds no justification either in the letter or the spirit of Republic Act No. 136.

The Judge Advocate General's role under this Act is purely administrative and ministerial. This is manifest from the language of the Act, from the nature of his office, from the express provision of section 3 that his power to investigate is "subject to the limitations imposed by section 8," and from the fact that the investigation he is authorized to make is summary. It would be illogical to suppose that the legislature allowed the adjudication of contentious matters involving title to monies in a proceeding devoid of formality before an administrative officer whose decisions are final and unappealable, according to the respondents. That would run counter to the universal policy which secures to the parties the right to have reviewed all judicial determinations which are to be reached only after a regular and fair trial in which full opportunity to present evidence was given to the litigants.

What section 3 of Republic Act No. 136 envisages is the situation where only one or no claim is filed for monies due. In the first case, it is the duty of the Judge Advocate General "to ascertain by the best means within his power the names and residences of the persons who are entitled to the monies." In the second case, it is his duty to see that the claimant is not an impostor or that no others have a better right to, or are entitled to share in, the benefits.

The decision is affirmed, without costs.

Moran, C.J., Ozaeta, Paras, Bengzon, Padilla, Montemayor, and Reyes, JJ., concur.

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