

**INSURANCE COMPANY OF NORTH AMERICA,
PLAINTIFF-APPELLANT, VS. REPUBLIC OF THE PHILIPPINES AND/OR
LUZON BROKERAGE CORPORATION, DEFENDANTS-APPELLEES.**

G.R. No. L-27516. October 19, 1967

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Suit against the Republic, as arrastre operator, and/or Luzon Brokerage Corporation, which took custody from the Republic and delivered the imported cargo to the consignee, to recover losses and damages of P13,616.06, plus interest, attorneys' fees, and costs. The lower court's pre-trial order of February 13, 1967 sustained Republic's plea of non-suability, dismissed the case against it. Hence, this appeal.

The case must go for the Republic. A rule to which jurisprudence has with unwavering grasp is that plaintiff's being a claim - liquidated or unliquidated against the State, the latter may not be sued without its consent (*Equitable vs. Smith Bell*, L-24383, August 26, 1967; *Insurance Co. vs. Republic*, L-26532, August 30, 1967).

Order affirmed. Costs against plaintiff.

SO ORDERED.

Concepcion, CJ., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Castro, Angeles, and Fernando, JJ., concur.

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