

**REPUBLIC OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS.  
REPUBLIC SURETY AND INSURANCE COMPANY, INC., DEFENDANT  
AND APPELLEE.**

*G.R. No. L-21415. February 28, 1966*

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7f1613493f65/>

---

**BAUTISTA ANGELO, J.:**

On June 6, 1960, the Republic of the Philippines filed a complaint before the Municipal Court of Manila against the Republic Surety & Insurance Co., Inc. to recover the sum of P3,000.00, with legal interest thereon from February 8, 1960. Basis of the complaint is the allegation that defendant has violated some of the conditions of the bond put up by it in favor of the Bureau of Immigration for the temporary release of immigrant Yu Ngo, and so the bond was forfeited by Commissioner of Immigration Emilio Galang.

Defendant filed its answer on February 23, 1961 alleging as its main defense that its failure to comply with the conditions of the bond alleged to have been violated was due to some supervening circumstances which have the effect of relieving it from liability. However, on May 3, 1962, defendant filed a motion to dismiss on the ground that Acting Commissioner of Immigration Agapito R. Conchu had lifted the forfeiture of the bond and cancelled the same.

Since the motion to dismiss was upheld, plaintiff appealed the case to the Court of First Instance of Manila, where defendant reproduced the answer it had filed before the municipal court. In said answer defendant reiterated the same special defense it invoked before the municipal court to the effect that the forfeiture of the bond had already been lifted and later cancelled by the Acting Immigration Commissioner. Considering that the issue raised in the complaint as well as in the answer was purely of law, the court a quo required the parties to submit memoranda in support of their respective contentions. This done, the court a quo issued an order upholding the dismissal entered by the municipal court.

Plaintiff interposed the present appeal.

It appears that defendant put up a bond dated April 1, 1949 in favor of the Bureau of Immigration and on behalf of immigrant Yu Ngo to enable her to stay temporarily in the Philippines. The bond is subject to certain conditions which the immigrant had to fulfill, violation of any one of which would render defendant liable under said bond. It appears, however, that the immigrant violated some of the conditions set forth therein for which reason Commissioner of Immigration Emilio Galang declared the bond forfeited on February 5, 1960. This forfeiture gave rise to the present litigation.

However, three months after the filing of defendant's answer in the case, or on May 3, 1962 to be exact, defendant filed a motion to dismiss alleging as main ground the fact that Acting Commissioner of Immigration Agapito R. Conchu lifted the forfeiture of the bond and cancelled the same. And in view of such cancellation, the court a quo, as well as the municipal court, dismissed the complaint. This dismissal is now disputed by the government on the ground that the same is not warranted by the circumstances.

The order of Commissioner Conchu decreeing the cancellation of the bond says in its pertinent part as follows:

"In view of the foregoing considerations and against the recommendation of Messrs. Camus and Acurantes of our Law Division, the undersigned is of the opinion that the order of the (former) Commissioner of Immigration declaring- the bond posted by the Republic Surety & Insurance Co. for the stay of Yu Ngo as temporary visitor should be recalled and that the bond itself be declared cancelled and substituted by that of the Malayan Surety & Insurance Co. There is actually a court case pending in the Court of First Instance of Manila in which the government is trying to compel the Republic Surety & Insurance Co. to pay the full amount of its undertaking and on the other hand there is also the offer of the Republic Surety & Insurance Co. to compromise the case in the amount of 10% of the total indebtedness. We are of the opinion that both the case and the offer to compromise are based on the wrong premise and that the Office of the Solicitor General has been misled into exerting efforts to demand the full payment of the undertaking of the Republic Surety & Insurance Co. by the mistaken representations and analysis of facts made by Messrs. Yapdiangco, Camus and Acurantes of the Law Division of the Bureau of Immigration. The bond of the Republic Surety & Insurance Co. is therefore declared cancelled and of no effect."

It appears that Commissioner Conchu overruled the order of the previous commissioner declaring the bond posted by defendant forfeited in view of his opinion that said forfeiture was based on a wrong premise for which reason he lifted the forfeiture and declared the bond cancelled. But his order notwithstanding, Commissioner Conchu, on his own initiative, brought the matter to the attention of the then Secretary of Justice who, before acting thereon, referred the same to the Solicitor General for comment, and acceding to the request this official submitted to said Secretary a memorandum on March 28, 1962 wherein the points considered by Commissioner Conchu were refuted and the opinion was expressed that Commissioner Galang was correct in declaring the forfeiture of the bond put up by respondent insurance company. However, the Secretary of Justice returned the paper to the Bureau of Immigration without action, having expressed neither his approval nor disapproval. The result was that that inaction was interpreted by defendant as an implied approval of the action of Commissioner Conchu.

In this connection, it is pertinent to quote what the court a quo has said relative to the power and authority of a Commissioner of Immigration concerning bonds that are filed under the Immigration Law:

"Under the Immigration Act of 1940 as amended, the Commissioner of Immigration is charged with the administration of all laws relating to the immigration of aliens into the Philippines. Among such powers is to declare immigration bonds forfeited in favor of the government (*Lee Suan vs. Galang*, 106 Phil. 705, December 23, 1959). The plaintiff in the instant action does not question this authority and, in fact, bases its cause of action upon the validity of the forfeiture decreed by the Commissioner of Immigration on February 5, 1960. The said forfeiture was done without the approval or any intervention on the part of the Secretary of Justice. There is no law or regulation which requires such approval, in the same manner as there is an absence of any law or regulation making the lifting of the forfeiture or the cancellation of a bond subject to the approval of the Secretary of Justice. It seems quite obvious that if the Commissioner of Immigration may order a bond forfeited, he may also lift such order of forfeiture, the latter power being a mere corollary of the former. As pointed out by the defendant, although the order of Commissioner Conchu of March 23, 1962 was not signed by the Secretary of Justice to indicate his approval of the same, neither does it appear that the said order had been disapproved by the said official."

We find no reason to disagree with the foregoing opinion of the court a quo.

Wherefore, the order appealed from is affirmed. No costs.

Bengzon, C. J., Concepcion, Reyes, J. B. L., Barrera, Dizon, Regala, Makalintal, Bengzon, J. P., Zaldivar and Sanchez, JJ., concur.

Order affirmed.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.