

## **CHAMPION AUTO SUPPLY CO., INC., PLAINTIFF-APPELLANT, VS. THE BUREAU OF CUSTOMS, ETC., DEFENDANT-APPELLEE.**

*G.R. No. L-25162. October 23, 1967*

Ponente: BENGZON, J.P., J.

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### **BENGZON, J.P., J.:**

This is a suit against the Bureau of Customs for shipment allegedly lost in its custody as arrastre operator. The Court of First Instance of Manila dismissed the action on the ground that defendant is a mere agency of the Republic of the Philippines, with no personality of its own, so that the suit is in effect against the Republic, which cannot be sued without its consent. Plaintiff appealed.

SS "Siquijor" delivered, on March 24, 1964, three (3) cases of U.S. Army Foreign Excess Property-Gears from Yokohama, Japan, to the custody of the Bureau of Customs as arrastre operator at Manila, for delivery to Champion Auto Supply Co., Inc., consignee. The three cases, when delivered to the consignee, were empty of their contents, worth P15,499.49.

To recover for said loss plus attorney's fees of P3,850.00, Champion Auto Supply Co., Inc. filed on October 8, 1964 the present suit. As stated, the court a quo, in its decision of July 28, 1965, dismissed the case.

In *Mobil Philippines Exploration, Inc. v. Customs Arrastre Service and Bureau of Customs*, L-23139, December 17, 1966, We already settled the point at issue: The Bureau of Customs may not be sued for claims arising from its arrastre operation, the same being undertaken by it as an incident of a prime governmental function. And the fixed money claim in this case could have been filed with the Auditor General under Act 3083 and Commonwealth Act 327. No pressing reason obtains to sanction this direct suit against the State without its consent.

WHEREFORE, the decision appealed from is affirmed. No costs.

### **SO ORDERED.**

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

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