

**UNION INSURANCE SOCIETY OF CANTON, LTD.,
PLAINTIFF-APPELLANT, VS. REPUBLIC OF THE PHILIP-PINES, ET
A.L., DEFENDANTS-APPELLEES.**

G.R. No. L-25338. March 28, 1969

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

Direct appeal from a decision of the Court of First Instance of Manila, in its Civil Case No. 62264, dismissing, upon motion, appellant's complaint against the Republic and the Bureau of Customs Arrastre Service, on the ground of non-suability of defendants.

Subrogated to the rights of the consignee, Sillicons Manufacturing Company, the appellant, Union Insurance Society of Canton, Ltd., brought action to re-cover P42,370.30, as the value of 135 coils of copper wire unloaded from the vessel "Eastern Star" on 27 September 1964 and allegedly lost while in possession of the Customs Arrastre Service by negligence of the latter. The defendants pleaded (a) that the complaint: was based on a money claim against the Republic, which is immune from suit without its consent, neither the Bureau of Customs nor the Customs Arrastre Service being juridical persons that can be parties to any suit, but mere dependencies of the Republic; and (b) that, under section 902 of the "Tariff and Customs Code, the "Government assumes no legal responsibility in respect to the safekeeping of articles stored in any customs or bonded warehouse". The court below having upheld defendants' motion to dismiss, plaintiff insurance company appealed to this Court.

The issue of the Republic's non-suability for acts of the Customs Arrastre personnel raised in the appeal, is not new. It was extensively considered and discussed in *Mobil Philippines Exploration, Inc., vs. Customs Arrastre Service*, 17 December 1966, 18 S. C. R. A. 1121, where the Republic's immunity was upheld, and the doctrine has been uniformly reiterated repeatedly since then. The cases are collated in the annotations at 18 S. C. R. A., pages 1127, et, seq.; 21 S. C. R. A. 428. See also *Caltex (Phil.) Inc. vs. Customs Arrastre Service*, 26 December 1967, and numerous cases therein cited.

The principles and rulings of the previous cases equally govern the one at bar. There is nothing here that would justify a deviation from a doctrine so uniformly and firmly established.

WHEREFORE, the order of dismissal appealed from is affirmed. Costs against appellant.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

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