

ROSITA H. PORCUNA, PETITIONER, VS. UNITED STATES VETERANS ADMINISTRATION, RESPONDENTS.

G.R. No. 11563. May 29, 1959

Ponente: PADILLA, J.

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PADILLA, J.:

Petition for review of a judgment rendered by the Court of Appeals reversing an order entered by the Court of First Instance of Manila in special proceedings No. 18569 which allowed the claim of Rosita H. Porcuna in the sum of P3,710 and directed the guardian People's Bank & Trust Co. to pay it out of the available funds of the wards.

The Court of Appeals found and held as follows:

In this special proceedings, Rosita H. Porcuna filed a petition in which, for the reasons stated therein, she prays that she be authorized to collect the sum of P3,710 from the People's Bank and Trust Company, the guardian of the minors Elena and Dominador Coca. Petitioner alleges that from December 20, 1951 up to April 30, 1953, she gave to Visitación Almonte Vda. de Coca, mother of the minors Elena and Dominador Coca, for the maintenance, support and education of said minors several sums of money amounting to P3,710; that she gave these various loans to Visitación Almonte Vda. de Coca on the condition that they would be paid by the latter from the money due to the minors Elena and Dominador Coca from the U.S. Veterans Administration Office; and that the aforesaid minors have already received certain sums of money from the U.S. Veterans Administration, which money can be applied to the money borrowed by their mother for their maintenance, support and education.

The U.S. Veterans Administration opposed the petition on the ground (1) that Visitación Vda. de Coca is personally liable for the payment of the claim of Rosita H. Porcuna; and (2) that even granting, without admitting, that Visitación Almonte Vda. de Coca, mother of the aforementioned minors, obtained funds from Rosita H. Porcuna for the maintenance, support and education of said minors, these amounts of money obtained by her are not payable from the estate of the two minors for the reason that said Visitación Almonte Vda. de Coca has no power to encumber the property of the wards.

We opine that the only question to be resolved in this appeal is whether the petitioner appellee Rosita H. Porcuna has the right to collect the amount of P3,710 from the estate of the minors Elena and Dominador Coca.

There is no dispute that the amounts of money stated in Exhibits A, A-1 to A-19 amounting to P3,710 were actually given by Rosita H. Porcuna to the mother of the minors Elena and Dominador Coca. According to the testimony of Visitación Almonte Vda. de Coca she received said sums of money as loans for the expenses of her children Elena and Dominador Coca, who were studying at the Manila Northern College during the years 1951 to 1953; that the monthly tuition fees of these two children were P10.00 and P5.00 respectively; that the monthly expenses for their support, maintenance and education was P250.00 more or less monthly; and that she did not have any means of livelihood during the period from December 20, 1951 to April 30, 1953.

Oppositor-appellant U.S. Veterans Administration has established that Visitacion Vda. de Coca received from it during the period from December 12, 1951 to November 10, 1952 the amount of \$2,322.50 as indemnity for the insurance due to Valentin Coca, the deceased father of the minors Elena and Dominador Coca, another amount of P2,600.00 as gratuity pay due to said Visitacion Almonte Vda. de Coca; and that she has been receiving a monthly pension of \$92.90.

From the testimony of Visitacion Almonte Vda. de Coca we deduced that/for the period of two years from 1951 to 1953 she had spent P6,360 for the maintenance, support and education of her two children, the minors Elena and Dominador Coca. She received from the United States Veterans Administration the total sum of P7,245. This amount is even more than what she had actually spent for her two children during the above mentioned period. In addition to this amount, Visitacion Almonte Vda. de Coca had been receiving a monthly pension from the U.S. Veterans Administration. It is apparent that she had sufficient money in her possession to pay the loans she secured from Rosita H. Porcuna, even granting that these loans were for the maintenance, support and education of Elena and Dominador Coca. Consequently there is no reason now why the estate of these two minors should answer for said loans.

Furthermore, legally speaking, said loans can not be paid from the estate of the minors, for the reason that the mother of the minors has no authority to encumber the minors' property in order to guarantee a loan she secured for the purpose of purchasing food, clothing and other necessities for said minors. In the case at bar, Visitacion Almonte Vda. de Coca, the mother of the minors Elena and Dominador Coca, is only the natural guardian of the persons of said minors, while the People's Bank and Trust Company is the judicial guardian of said minors' properties. As such judicial guardian, the latter is the only one authorized to secure loans to be paid from the property of the ward. And even then, it needs, the court's approval, before it can validly contract such loans. (U.S.V.A. vs. Bustos, 48 Off. Gaz., 5240; Section 3, Rule 96, Rules of Court.)

In the light of the foregoing considerations, we declare that the estate of the minors Elena and Dominador Coca is not obliged to pay Rosita H. Porcuna's claim in the amount of P3,710. Premises Considered, the resolution appealed from is hereby reversed. The petition of Rosita H. Porcuna is dismissed. Costs against appellee.

It is alleged that the sum of P3,710 received by the wards' mother from the petitioner during the period from 20 December 1951 to 30 April 1953 was disbursed for the maintenance, support and education of the minors; and that the said sum was lent by the petitioner to the wards' mother on condition that it would be paid by the latter out of the money due the wards from the United States Veterans Administration. It appears that the ward's mother had received from the United States Veterans Administration from 12 December 1951 to 10 November 1952 the sum of \$2,322.50 or P4,645 as insurance indemnity and P2,600 as gratuity pay due to the estate of Valentin Coca, her deceased husband and father of the minors, or a total of P7,245, in addition to a monthly pension of \$92.90 or P185.80; that the guardianship proceedings in this case was begun on 15 January 1953; and that only in May 1953 did the wards begin to receive from the United States Veterans Administration the sum of P30 each for monthly allowance and P50 each for immediate necessities (Annex B to petition). From 20 December 1951 to 30 April 1953, when the wards' mother borrowed the money from the petitioner, she was in a position to give support to her minor children who had not yet received any benefit from the United States Veterans Administration and were not in a position to support themselves. The following provisions of the Civil Code on support provide;

ART. 290. Support is everything that is indispensable for sustenance, dwelling, clothing and medical attendance, according to the social position of the family.

Support also includes the education of the person entitled to be supported until he completes his education or training for some profession, trade or vocation, even beyond the age of majority.

Art. 291. The following are obliged to support each other to the whole extent set forth in the preceding article:

(1) The spouses;

(2) Legitimate ascendants and descendants;

* * *

ART. 294. The claim for support, when proper and two or more persons are obliged to give it, shall be made in the following order:

- (1) From the spouse;
- (2) From the descendants of the nearest degree;
- (3) From the ascendants, also of the nearest degree;

Granting that the sum of money lent by the petitioner was spent for the maintenance, support and education of the wards, still their funds due from the United States Veterans Administration cannot legally be made answerable for the loan secured by their mother, because the latter was in duty bound to give them support at a time when they did not have the means to support themselves and she was in a position to do so.

Appellant contends that pursuant to articles 320 and 326 of the Civil Code, the mother is the administratrix and guardian of the child's properties; that the incurring of debts for the purchase of necessities and for the maintenance, support and education of the child is a pure act of administration which may be exercised without previous authority of the court; and that pursuant to section 2, Rule 97, such debts must be paid out of the ward's personal estate and the income of his real estate.

Republic Act No. 390, approved on 18 June 1949, governs the guardianship of incompetent veterans, other incompetents and minor beneficiaries of the United States Veterans Administration. Being a special law limited in operation to money benefits received from the United States Veterans Administration, it prevails over the provisions of the Civil Code.[1] Section 17 of the said Act provides:

A guardian must manage the estate of his ward frugally and without waste, and shall not apply any portion of the income or the estate for the support or maintenance of any person other than the ward, the spouse and the minor children of the ward, except upon petition to and prior order of the Court after a hearing. A signed duplicate or certified copy of said petition shall be furnished the Chief Attorney of the Veterans Administration and notice thereof shall be given the Chief Attorney as provided in the case of hearing on a guardian's account or other pleading.

Section 18 of the same Act provides:

Guardians appointed under this Act, at their discretion, and with written approval of the Chief Attorney of the Veterans Administration, may make expenditures of guardianship funds for the benefit of their wards, without court approval: Provided, however, That no single expenditure shall exceed the sum of twenty pesos, and the aggregate of all such expenditures in any twelve months period shall not exceed four hundred pesos for any ward.

In *United States Veterans Administration vs. Bustos*, 48 Off. Gaz., 5240-5242, this Court held:

Assuming, arguendo, that the mother and her natural children secured loans from claimant-appellant with which to purchase the food, clothing, and necessities of her minor wards or to provide them with education, she certainly has no power nor authority to encumber the property of the wards to guaranty the loan thus secured, or to bind for the payment of the loan the pensions that the minors may be entitled to receive thereafter. Only a judicial guardian of the ward's property may validly do so, and even then only with the court's prior approval secured in accordance with the proceedings set forth by the rules. (Rule 96, Rules of Court.) The execution of the "Deed of Loan" in the case at bar is, therefore, clearly beyond the scope of a natural guardian's power or authority.

Moreover, section 1, Republic Act No. 360, approved on 9 June 1949 provides:

Payments of benefits due or to become due to any person residing in the Philippines under the laws of the United States administered by the United States Veterans Administration shall not be assignable, and such payments made to, or on account of, a beneficiary under any of the laws of the United States administered by the United States Veterans Administration relating to veterans residing in the Philippines shall be exempt from taxation as well as from claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatsoever, either before or after receipt-by the beneficiary. * * *.

The judgment under review is affirmed, without pronouncement as to costs.

Paras, C. J., Bengzon, Montemayor, Reyes, A.. Bautista Angelo, Labrador, Concepcion, and Endencia, JJ., concur.

[1] Baga vs. Phil. National Bank, 52 Off. Gaz., 6140.

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