

LUCIO ARIZ, PETITIONER, VS. THE COURT OF FIRST INSTANCE OF MANILA, THE CITY FISCAL, THE DIRECTOR OF POSTS, MANILA, AND MARIA ABELLA VIUDA DE EUSTAQUIO PASCUA, RESPONDENTS.

G. R. No. 41202. February 23, 1934

Ponente: MALCOLM, J.

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MALCOLM, J.:

These certiorari proceedings raise the question of the right of a party to have a writ of execution or garnishment on the savings of insular prisoners deposited in the Philippine Postal Savings Bank.

Lucio Ariz is serving a sentence of life imprisonment for murder in Bilibid Prison, and is also under obligation to pay the heirs of the deceased P1,000 as indemnity. During his confinement the prisoner has succeeded in earning the sum of P67.06 which has been deposited in his name in the Philippine Postal Savings Bank. Ascertaining this fact in some unknown manner, the offended party in the criminal case, the widow of the deceased, filed a motion in the Court of First Instance of Manila, in which she prayed for the issuance of a writ of execution directed to the Philippine Postal Savings Bank ordering the bank to turn over to her the sum of P67.06 standing to the credit of Lucio Ariz. The Assistant City Fiscal noted his conformity to the motion, and the trial judge appended thereto "como se pide". The Director of Posts had no other recourse than to obey the order and to pay over to the widow of the deceased the money deposited by Lucio Ariz. Up to this point, it should be mentioned that neither the prisoner nor the Director of Prisons had notice of the pendency of the motion. It was only when the Director of Posts asked the Director of Prisons to turn in the deposit book to the Philippine Postal Savings Bank that the prison authorities became aware of the withdrawal and thereupon entered their protest.

The Code of Civil Procedure lists the property exempt from attachment and execution, without including money in the situation of that here involved. However, the Philippine Postal Savings Bank Law provides that deposits which do not aggregate more than five hundred pesos shall not be liable to attachment upon mesne process in any case except where the cause of action is founded on fraud (Adm. Code, sec. 1995). As this exemption applies only to attachment upon mesne process, it would afford no protection to a writ of execution upon a final judgment, which is the case before us. But there is more to be said than is disclosed by the Code of Civil Procedure and the above-mentioned provision of the Philippine Postal Savings Bank Law. The law more specifically controlling is Act No. 2489.

Act No. 2489 of the Philippine Legislature authorizes special compensation for prisoners as a reward for exceptional conduct and workmanship. It provides that at least fifty per centum of any amount that may accumulate to the credit of prisoners under this Act shall be withheld until after final discharge, the remainder to be subject to disbursement upon request of the prisoner for the support of dependent members of his family or for such personal use as may be approved by the Director of Prisons. As we understand this law, the earnings of the prisoners are in the nature of trust funds held for the benefit of the prisoners under the direction of the Director of Prisons. It would, accordingly, appear appropriate for such funds, when deposited in the Philippine Postal Savings

Bank, to be so deposited by the Director of Prisons for and on behalf of the prisoner. As a trust fund, a part held for an indefinite period until the discharge of the prisoner and a part held for disbursement from time to time, the money earned by the prisoner would not be liable to garnishment. To hold otherwise would put at naught the purposes of Act No. 2489, for all incentive for the prison inmate to work and save would be removed.

Our answer to the inquiry must be in the negative. This means that the writ of certiorari will issue and that the order of the Court of First Instance of Manila of August 26, 1933, will be vacated, and the privilege will be afforded the petitioner of requesting the Court of First Instance to direct Maria Abella Viuda de Eustaquio Pascua to restore the amount of P67.06 to the Philippine Postal Savings Bank to stand to the credit of the petitioner under the direction and control of the Director of Prisons. So ordered, without costs.

Villa-Real, Hull, Imperial, and Goddard, JJ., concur.

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