

Title: Gashem Shookat Baksh vs. Hon. Court of Appeals and Marilou T. Gonzales

Facts:

Marilou T. Gonzales, a 22-year-old Filipina, filed a civil complaint without counsel for damages against Gashem Shookat Baksh, an Iranian exchange student and petitioner, alleging a breach of their marriage agreement. According to Gonzales, Baksh courted and proposed to her, with marriage planned for after the semester's end in October 1987. Baksh gained the approval of Gonzales' parents and began living with her at an apartment, where she claimed she was a virgin before cohabitation. Shortly before the complaint, Baksh's behavior changed, resulting in maltreatment and physical injury, culminating in his repudiation of their marriage plan. Gonzales sought damages of at least P45,000, reimbursement for actual expenses, and attorney's fees.

Baksh denied the material allegations, claiming no marriage proposal, no forced cohabitation, and no maltreatment. Instead, he accused Gonzales of theft. Baksh sought damages for the baseless complaint causing him expenses, mental anxiety, and reputational harm.

After a pre-trial and trial on the merits, the RTC ruled in Gonzales' favor, applying Article 21 of the Civil Code, and ordered Baksh to pay moral damages and attorney's fees. The CA affirmed the RTC's decision in toto.

Procedurally, Gonzales initiated the case at the RTC, which ruled in her favor. Baksh appealed to the CA, which also ruled in Gonzales' favor. Baksh then filed an appeal by certiorari under Rule 45 with the Supreme Court.

Issues:

The legal issues include:

1. Whether damages can be recovered for breach of promise to marry under Article 21 of the Civil Code of the Philippines.
2. Assessment of factual basis for the claims of promise to marry, deception, and moral seduction.
3. Applicability of Article 21 to foreigners unfamiliar with Philippine customs.
4. The impact of both parties' conduct on the claim for damages.

Court's Decision:

The Supreme Court upheld the respondent court's decision, denying Baksh's petition. The Court emphasized that breach of promise to marry is not actionable per se, but Article 21

applies in cases of moral seduction using fraudulent methods. The Court found Baksh's fraudulent representations of love and promise to marry led Gonzales to surrender her virginity under the belief of an impending marriage. Hence, it justified the award of damages. The Court also rejected the *pari delicto* argument, stating Gonzales' submission was due to moral seduction, not equal guilt.

**Doctrine:**

The case restates the doctrine that a mere breach of promise to marry is not an actionable wrong. However, under Article 21 of the Civil Code of the Philippines, if the promise to marry is proven to be part of a deceitful scheme causing moral seduction, damages may be recoverable for the fraudulent acts and subsequent moral injury.

**Class Notes:**

Key legal concepts central to the case:

- Article 21 of the Civil Code: provides legal remedy for moral wrongs contrary to morals, good customs, or public policy.
- Moral seduction: a concept where a party is led to engage in sexual relations due to fraudulent and false promises of marriage.
- *Pari delicto*: means "in equal fault." Does not apply when one party is found to have been morally seduced rather than acting out of mutual lust.
- Doctrine under discussion: breach of promise to marry is not actionable, but if it entails deceptive practices resulting in moral wrong, compensation may be warranted.

**Historical Background:**

This case reflects cultural values in the Philippines regarding marriage promises and reflects the moral expectations from both Filipinos and foreigners residing in the country. It arises in a context where Filipino society generally holds marriage and women's honor in high regard, expecting any promise of marriage to be fulfilled, and where perceived moral wrongs might not have a precise legal avenue for redress, necessitating the invocation of broad provisions like Article 21. The Supreme Court's decision underscores the legal protection against moral wrongs and deceptive practices, especially in matters of love and marriage.