

ERLINDA ESTOPA, PLAINTIFF AND APPELLEE, VS. LORETO PUNSAY, JR., DEFENDANT AND APPELLANT.

G.R. No. L-14733. September 30, 1960

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1a008dd72886/>

BENGZON, J.:

Appeal from the decision of the Negros Occidental court, of first instance awarding to plaintiff the sum of P5,000.00 by way of moral damages, P2,000.00 as exemplary damages and P1,000.00 as attorney's fees.

As stated by the court below, "this is an action for recovery of moral and exemplary damages and attorney's fees. There is no dispute regarding the facts of this case. The plaintiff Erlinda Estopa, a beautiful girl of twenty-three, residing in Bago, Negros Occidental, with her widowed mother, Felicidad Estopa, stated that she fell in love and submitted herself completely to the defendant Loreto Piansay, Jr., sometime in September, 1957, after a courtship that lasted for a couple of months during which period the defendant consistently promised and succeeded to make her believe in him that he was going to marry her; that sometime in December, 1957, the plaintiff was informed reliably that defendant was backing out from his promise of marriage so she demanded defendant's compliance to his promise in order to vindicate her honor, and plaintiff went to the extent of asking the help of defendant's parents, but all her efforts were in vain. Finally, realizing that her efforts were futile but knowing that her cause was not completely lost, she decided to file her complaint, not to compel defendant to marry her, but to demand from him a compensation for the damages that she sustained."

There is no claim for any other kind of damages. In fact, Erlinda Estopa filed no brief here. And her complaint merely alleged "social humiliation, mental anguish, besmirched reputation, wounded feelings and moral shock."

We have today decided that in this jurisdiction, under the New Civil Code, the mere breach of a promise to marry is not actionable. (*Hermosisima vs. Court of Appeals*, Supra, 631); and we have reversed the Cebu court's award for moral damages in a breach of promise suit. Consistently with such ruling, Loreto Piansay, Jr. may, not be condemned to pay moral damages, in this case.

Now, as plaintiff has no right to moral damages, she may not demand exemplary damages. (She lays no claim to temperate or compensatory damages.)

"While the amount of the exemplary damages need not be proved, the plaintiff must show that he is entitled to moral, temperate or compensatory damages before the court may consider the question of whether or not exemplary damages should be awarded. (Art. 2234, New Civil Code.) (Italics supplied.)

Therefore, as plaintiff is not entitled to any damages at all, there is no reason to require Piansay, Jr. to satisfy attorney's fees.

Judgment reversed, defendant absolved from all liability. No costs.

Padilla, Bautista Angelo, Reyes, J. B. L., Barrera, Gutierrez David, and Paredes, JJ, concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.