

OSCAR LAGMAN AND ROBERTO ANGELES, PLAINTIFFS AND APPELLEES, VS. INVESTMENT PLANNING CORPORATION OF THE PHILIPPINES, DEFENDANT AND APPELLANT.

G.R. No. L-18103. February 29, 1964

Ponente: REGALA, J.

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REGALA, J.:

This is an appeal from the decision of the Court of First Instance of Manila.

The facts, as found by the lower court, are:

"This is an action for collection of unpaid balance of the first prize won by plaintiff Oscar Lagman with damages. It appears that in a contest drive conducted by defendant from March 28 to June 26, 1959, plaintiff won the first prize which under the rules of the contest were; (1) Two (2) round trip tickets to Hongkong; (2) Seven-day stay at a swanky Hongkong Hotel with room accommodations paid for; and (3) An honorary plaque and a place of honor at the presidential table (Exh. 2-a). The third item has been complied with and is not in issue. The question hinges on whether or not there was a complete compliance-by defendant of the first two items.

"Plaintiff Ocsar Lagman testified in substance that four daya after he won the first prize of the July 4th drive, he demanded from Mr. Alex Gonzalez, Director of Sales Department of defendant corporation, his prizes; that Mr. domiciles referred him to the Travel Guide Agency which had been commissioned to procure the two round trip tickets for plaintiff alleging that defendant was too busy to attend to the matter; that the Travel Guide Agency failed to secure the approval of the Central Bank on the matter; so Mr. Gonzales sent a communication to the Central Bank which was denied; that subsequent request for reconsideration sent by Mr. Gonzales. and by Dr. Wellington Koo, President of the corporation, met fine same fate; that, the fifth letter on reconsideration dated August 12, 1959 (Exhibit 15), was finally approved on September 3, 1959 by the 'Central Bank on condition that the trip would be 'via Prepaid basis' (Exh. 15-A), that is, the fare would be payable in Hongkong dollars; that on September 2, 1959, the defendant remitted the sum of P540 for two tickets including Central Bank fees to the Tourist World Service (Exhibit 4); that out of the said amount, the Tourist World Service delivered P50.00 to Oscar Lagman who paid it to the Central Bank for the licenses' (Exhibit B), but the balance of P490.00 was not sufficient to pay for the "two tickets; that upon suggestion and authority of Mr. Gonzalez, Lagman surveyed the different travel agencies which quoted the price of the round-trip ticket to Hongkong at HK\$667, equivalent to P496.00 payable in Manila; that upon being informed thereof, Mr. Gonzalez told Lagman to procure the tickets giving him in addition to P490 (P540-P50) another check of P840.00 on September 4, 1959 (Exhibit 3), for hotel accommodations for seven-day stay for two persons at the rate of P60.00 one person per day; that after cashing the second check" and following instruction of Mr. Gonzalez to use the money first for other items, defendant to reimburse whatever deficit might be incurred, paid P496 for one round trip ticket, P15.00 exchange tax, P35.00 for visa fees, P110.00 passport fees; P140.00 expenses in negotiating the approval by the Central Bank and purchasing of tickets for five weeks, P20 aside from P50.00 for Central Bank fees above-mentioned, of a total of P866.00; that not having enough money left with which to purchase the other ticket for his companion and for hotel accommodation in Hongkong, Lagman

approached Mr. Gonzalez who refused to give more money until he has consulted first with Dr. Koo; that despite such attitude of defendant, he proceeded to Hongkong on September 12, 1959, stayed there ten days and returned here on September 22, 1959; that he is charging only for hotel accommodations for P840 for seven days as per agreement between the parties as contained in Exhibits 1 and 3. He denied, however, having; required at any time by defendant to submit receipts for hotel accommodations in Hongkong. He testified further that he left Mr. Roberto Angeles behind because of insufficiency of funds given to him and due to such non-compliance with defendant's commitment, plaintiff Lagman suffered moral damages.

"* * * as shown above, Lagman already spent P866.00 out of the P1380 received by him, thus leaving a balance of P514. It appears, however, that the cost of hotel accommodations as agreed between the parties in Exhibits 1 and 3 is P840.00, the cost of the other round trip tickets for Mr. Angeles is P496 plus P15.00 for exchange tax; P110 for passport fees and P35.00 for visa fees or a total of P1,496.00 hence the balance of P514.00 is still short of P982.00 which is due plaintiff Oscar Lagman, None of the items claimed by Mr. Lagman thus enumerated has been rebutted by defendant or shown to be unjustified and unreasonable. They were clearly incidental expenses and clearly included as part of the first prize won by plaintiff Lagman. * * *"

On the basis of this finding, the court ordered defendant to pay plaintiff Lagman the sum of P982, plus attorney's fees in the amount of P400.00.

Indeed, on page 7 of its brief, defendant states that it is appealing "on questions of law and, of fact." This appeal, therefore, should have been brought to the Court of Appeals.

Furthermore, as shown in the findings of fact of the Court of First Instance, the amount involved does not exceed P200,000.00.

WHEREFORE, this case is hereby remanded to the Court of Appeals.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Barrera, Paredes, Dizon and Makalintal, JJ., concur.

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