

**MELQUIADES RAAGAS AND ADELA LAUDIANO RAAGAS,
PLAINTIFFS-APPELLEES, VS. OCTAVIO TRAYA, MRS. OCTAVIO
TRAYA AND BIENVENIDO CANCELLER, DEFENDANTS-APPELLANTS.**

G.R. No. L-20081. February 27, 1968

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ae4904b87339/>

CASTRO, J.:

The complaint filed on April 1, 1960 with the Court of First Instance of Leyte (civil case 2749) by the spouses Melquiades Raagas and Adele Laudiano Raagas against Octavio Traya, his wife, and Bienvenido Canciller, alleges in essence that on or about April 9, 1958, while the latter was "recklessly" driving a truck owned by his co-defendants, along the public highway in MacArthur, Leyte, the said vehicle ran over the plaintiffs' three-year old son Regino, causing his instantaneous death. The plaintiffs ask for actual damages in the sum of P10,000, moral, nominal and corrective damages in a sum to be determined by the court, P1,000 as attorney's fees, P1,000 for expenses of litigation, plus costs.

In their answer with counterclaim for moral and actual damages and attorney's fees, filed on April 22, the defendants specifically deny that Canciller was "driving recklessly" at the time of the mishap, and assert that the truck "was fully loaded and was running at a very low speed and on the right side of the road"; that it was the child who "rushed from an unseen position and bumped the truck so that he was hit by the left rear tire of the said truck and died", and consequently the defendants are not to blame for the accident which was "entirely attributable to an unforeseen event" or due to the fault of the child and negligence of his parents; that the defendants-spouses have exercised due diligence in the selection and supervision of their driver Canciller, whom they hired in 1946 only after a thorough study of his background as a truck driver; and that each time they allowed him to drive it was only after a check of his physical condition and the mechanical fitness of the truck assigned to him.

On May 4 the plaintiffs' moved for a judgment on the pleadings, upon the claim that the defendants' answer not only "failed to tender an issue" but as well "admitted material allegations" of the complaint. This motion was set for hearing on June 18. On the previous day, however, the clerk of court received a telegram from the defendants' counsel, requesting for postponement of the hearing to July 2 on the ground that he was sick of influenza. The lower court denied the request for lack of "proper notice to the adverse party" and considered the case submitted for decision upon the filing of the plaintiffs' memorandum.

On June 24 it rendered a judgment on the pleadings, condemning the defendants, jointly and severally, to pay "to the plaintiffs the sum of P10,000 for the death of their child Regino Laudiano Raagas, P2,000 for moral damages, P1,000 actual damages, P1,000 for attorney's fees, and the costs."

The court reasoned that the denial in the answer of the charge of reckless driving "did not affect the plaintiffs' positive allegation in their complaint that the truck * * * did not have a current year registration plate * * * for the year 1958 when the accident occurred," that "this failure * * * has the effect of admitting hypothetically that they

operated * * * the said car without proper license * * * when the accident occurred," and that "unless there is proof to the contrary, it is presumed that a person driving a motor vehicle has been negligent if at the time of the mishap, he was violating any traffic regulation (article 2185 new Civil Code)." The court went on to conclude that under the cir-cumstances a judgment on the pleadings was "irremediably pro per and fitting."

The defendants appealed to the Court of Appeals, which certified the case to this Court because the issues raised are purely of law.

Section 10 of Rule 35 of the old Rules of Court[1] authorized a judgment on the pleadings "where an answer fails to tender an issue, or otherwise admits the material allegations of the adverse party's pleading."

The vital issue, therefore, to which the other issues are subsidiary or interstitial, is whether the court a quo acted correctly when it rendered judgment on the pleadings. It is our view that the court erred.

The plaintiffs' claim for actual, moral, nominal and cor-rective damages, was controverted by the averment in the answer to the effect that the defendants "have no knowledge or information sufficient to form a belief as to the truth of the allegations" as to such damages, "the truth of the matter being that the death of Regino Raagas was occasioned by an unforeseen event and/or by the fault of the small boy Regino Raagas or his parents." Such averment has the effect of tendering a valid issue. We so held in *Philippine National Bank vs. Lacson*, L-9419, May 29, 1957 and in *Benavides vs. Alabastro*, L- 19762, Dec. 23, 1964. In *Abubakar Tan vs. Tian Ho*, L-18820, December 29, 1962 and *Lim Giok vs. Bataan Cigar and Cigarette Factory*, L-15861, April 16, 1960, we held that even if the allegations regarding the amount of damages in the complaint are not specifically denied in the answer, such damages are not deemed admitted. In *Tomassi vs. Villa-Abrille*, L-7047, August 21, 1958, *Suntay Tanjangco vs. Jovellanos, et al*, L-12332, June 30, 1960, and *Delfin vs. Court of Agrarian Relations, et al*, L-23348, March 14, 1967, 1967A PHILD 453, we declared in no uncertain terms that actual damages must be proved, and that a court cannot rely on "specu-lation, conjecture or guesswork" as to the fact and amount of damages, but must depend on actual proof that damages had been suffered and on evidence of the actual amount. Finally, in *Malonzo vs. Galang, et al*, L-13851, July 27, 1960, we reaf-firmed the rule that although an allegation is not necessary in order that moral damages may be awarded, "it is, nevertheless, essential that the claimant satisfactorily prove the existence of the factual basis of the damage and its causal relation to defendant's acts."

The preceding disquisition points up the inescapable need of a full-blown trial on the merits at which the par-ties will be afforded every opportunity to present evidence in support of their respective contentions and defenses.

ACCORDINGLY, the judgment on the pleadings of June 24, 1960, is set aside, and this case is hereby remanded to the court of origin for trial on the merits. No pronouncement as to costs.

Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

[1] Now section 1 of Rule 19 of the new Rules of Court.

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.