

ALFONSO HILADO, PLAINTIFF AND APPELLANT, VS. VICTORIAS MILLING CO, INC., AND CARLOS L. LOCSIN, DEFENDANTS, CARLOS L. LOCSIN, DEFENDANT AND APPELLEE.

G. R. No. L-17126. February 27, 1965

Ponente: DIZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c87f4164d3bf/>

DIZON, J.:

Appeal taken by Alfonso Hilado, plaintiff in Civil Case No. 40745 of the Court of First Instance of Manila, from an order of said court dismissing his complaint as against Carlos L. Locsin, one of the defendants therein, for lack of cause of action.

On July 11, 1959, appellant instituted said action against the Victorias Milling Co., Inc. and Locsin, its President, to recover from them, jointly and severally, the sums of P18,000.00 as actual damages, P200,000.00 as moral damages, P50,000.00 as exemplary damages and P10,000.00 as attorney's fees, plus the costs of suit.

The complaint alleged in synthesis that sometime in the month of July or August, 1956, Locsin, in his capacity as President of the Victorias Milling Co., Inc. offered appellant the position of Technical Assistant to the President of the corporation, with a monthly salary of P1,500.00; that, at first, appellant was not inclined to accept the offer because it meant transferring his residence and family from Manila to Occidental Negros; that upon the insistence of Locsin, coupled with an offer of a loan of P2,000.00, appellant was prevailed upon to accept the offer, for which reason he resigned his position as chief of the legal department of the Binalbagan-Isabela Sugar Co., Inc. and gave up his teaching assignments in various universities in Manila; that on September 1, 1956, appellant assumed his new position as Technical Assistant to the President of the Victorias' Milling, Co., Inc. at a monthly salary of P1,500.00; that on June 30, 1959, his employment thereat was unjustly terminated; that as a result of his sudden and unexpected dismissal, he suffered damages.

Locsin moved to dismiss the complaint as against him on the ground that it stated no cause of action, alleging that, in hiring appellant, he acted in an official capacity as president of the corporation, and that, if at all, appellant's cause of action was only against the corporation which had a personality separate and distinct from that of its stockholders and officers.

In July 30, 1959, the trial court issued the appealed order. Appellant's motion for reconsideration having been denied, the present appeal was taken.

The only issue to be resolved is whether the facts alleged in the complaint constitute a sufficient cause of action against appellee Locsin. After a careful study thereof, we are inclined to believe that appellant's allegation in paragraph 3 of his complaint that Locsin, in his capacity as President of the Victorias Milling Co., Inc., offered him the position of Technical Assistant to the President, renders his cause of action against Locsin doubtful. It must be observed furthermore that paragraph 9 of the complaint does not allege specifically that the notice terminating appellant's services was signed by Locsin and if so, whether he signed it in his personal capacity or as President of the corporation. In view of these circumstances, it can not be said that the lower court was entirely

wrong in dismissing the complaint as far as Locsin is concerned.

We are of the opinion, however, that the deficiency of the complaint, insofar as it purported to state a cause of action against Locsin, was one that may be cured. Therefore, instead of dismissing the complaint as against said party, the lower court should have given appellant a reasonable opportunity to amend his complaint, if he so desired.

In conformity with what has been said heretofore, judgment is rendered setting aside the order of dismissal and remanding the case below for further proceedings in accordance with this decision.

Bengzon, C. J., Bautista Angelo, Reyes, J.B.L., Barrera, Regala, Makalintal, Bengzon, J.P. and Zaldivar, 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.