

BARTOLOME CAUNCA, IN BEHALF OF HIS COUSIN ESTELITA FLORES Y CAUNCA, PETITIONER, VS. JULIA SALAZAR, OWNER OF FAR EASTERN EMPLOYMENT BUREAU AND ESTRELLA DE JUSTO, RESPONDENTS.

G.R. No. L-2690. January 01, 1949

Ponente: PERFECTO, J.

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PERFECTO, J.:

HABEAS CORPUS; EMPLOYMENT AS MAID IN EMPLOYMENT AGENCY.—An employment agency, regardless of the amount it may advance to a prospective employee or maid, has absolutely no power to curtail her freedom of movement. The fact that no physical force has been exerted to keep her in the house of the respondent does not make less real the deprivation of her personal freedom of movement, freedom to transfer from one place to another, freedom to choose one's residence. Freedom may be lost due to external moral compulsion, to founded or groundless fear, to erroneous belief in the existence of an imaginary power of an impostor to cause harm if not blindly obeyed, to any other psychological element that may curtail the mental faculty of choice or the unhampered exercise of the will. If the actual effect of such psychological spell is to place a person at the mercy of another, the victim is entitled to the protection of courts of justice as much as the individual who is illegally deprived of liberty by duress or physical coercion. (Decision signed by only one Justice: Perfecto, J.)

DECISION

Estelita Flores, 21, orphan of father and mother, illiterate, was brought from her native torni, Buruanga, Capiz, by Estrella Justo, maid recruiter, to Manila, where she arrived on December 24, 1948, and stayed in the house of Julia Salazar at 1343 Felix Huertas St., where the latter is running the Far Eastern Employment Bureau.

On December 26, 1948, when her cousin Bartolome Caunca went to pay her a visit, Estelita manifested her earnest desire to go along with him, but was prevented by Julia Salazar and Estrella Justo, both demanding the condition that the sum of P83.85 advanced for the fare and other transportation expenses of Estelita from Buruanga to Manila be paid first before she could leave the house of Julia Salazar.

Although there is no evidence that any physical force has been used to prevent her from leaving the house, Estelita failed to leave it. Bartolome testified that, although Estelita was embracing him in her desire to go with him, he/was unable to take her with him because of respondents' opposition and of the many people in the house. Considering the crass ignorance of Estelita, her low mentality, her apparent undernourishment and weak vitality, her pusillanimous character,—she is so timid that she hardly dared to speak during her testimony, given in Hiligaynon, the only language she knows,—there should not be any doubt that by sheer mental and social superiority,—respondent Julia Salazar is an able and very intelligent businesswoman,—respondents exerted moral compulsion strong enough to have effectively deprived Estelita of her personal liberty and of the freedom to go along with her cousin.

Bartolome promised Estelita to take steps to seek her release and filed the petition giving rise to this proceeding for a writ of habeas corpus.

The writ was issued on the very morning when the petition was filed on December 31, 1948, ordering respondents to bring to this Court the person of Estelita at 2 o'clock that afternoon, the hour set for the hearing of the case. At said hearing both Estelita and respondent Julia Salazar failed to appear. The latter, according to Estrella Justo, brought Estelita that morning to Silang, Cavite, and would not return until the evening. Continuation of the hearing was set for January 1, 1949, at 9 o'clock in the morning.

Julia Salazar appeared at said hour and explained that she had no sufficient time to bring Estelita, because the latter was left in Silang, and requested for time to bring the girl to this Court. She was granted time to bring the girl at 5 o'clock in the afternoon of January 1, 1949, and at the hearing which started at said hour the testimonies of Estelita and Julia Salazar, as the last witnesses, were taken.

Upon the evidence, there is no question that Estelita is restrained of her personal liberty and not free to go with her cousin at her will. The fact that no physical force has been exerted to keep her in the house of Julia Salazar, at 1343 Felix Huertas St., or to stay in Silang, Cavite, in the house of Julia Salazar's cousin, a place that Estelita could not identify better than just describing it as a place very far from Manila, does not make less real the deprivation of Estelita's personal freedom which includes the freedom of movement, freedom to transfer from one place to another, freedom to choose one's residence. Freedom may be lost due to external moral compulsion, to founded or groundless fear, to erroneous belief in the existence of an imaginary power of an impostor to cause harm if not blindly obeyed, to any other psychological element that may curtail the mental faculty of choice or the unhampered exercise of the will. If the actual effect of such psychological spell is to place a person at the mercy of another, the victim is entitled to the protection of courts of justice as much as the individual who is illegally deprived of liberty by duress or physical coercion.

On the hypothesis that Estelita is really indebted in the amount of P83.85, such is not a valid reason for the respondents to obstruct, impede or interfere with Estelita's desire to leave the house of Julia Salazar and to live in the residence of his cousin Bartolome. Said indebtedness may be multiplied by thousands or millions, but would not in any way subtract an iota from Estelita's fundamental right to have a free choice of abode.

An employment agency, regardless of the amount it may advance to a prospective employee has absolutely no power to curtail the freedom of movement of said employee. The fact that power to control said freedom may be an effective means of avoiding monetary losses to the agency is no reason for jeopardizing a fundamental human right. The fortunes of business can not be controlled by controlling a fundamental human freedom. Human dignity is not a merchandise appropriate for commercial barter or business bargains. Fundamental freedoms are beyond the province of commerce or any other business enterprise.

In the scale of values, there is no acceptable equivalence between matters involving human dignity and those belonging to the domain of business. The latter are characterized by transience and precariousness, while the former are the nearest things to what are everlasting, if ever there are any, in humanity. Human dignity and human freedoms are essentially spiritual, notwithstanding their material manifestations in the external world, and the universal concept of the spirit is inseparable from the idea of the eternal, of the unlimited by space or time. Money, power, domination, satisfaction of the pleasures of the flesh, like all lusts, belong to the ephemeral and perishable, an order of things which has no possible equation with the moral values of the spirit, among which are human freedoms.

The petition is granted and it is accordingly ordered that Estelita Flores be allowed to go with her cousin Bartolome Caunca or to any place of her choice, and respondents are ordered not to impede, obstruct or, in any

way, interfere with such freedom of Estelita Flores.

This decision shall be executed today, January 1, 1949, immediately upon its promulgation at the close of the hearing of this case.

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