

**BEATRIZ GALANG, PETITIONER, VS. HON. COURT OF APPEALS,
MAXIMINO QUNIT AND RODRIGO QUNIT, RESPONDENTS.***G.R. No. 17248. January 29, 1962*

Ponente: CONCEPCION, J.

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This is an action against Rodrigo Qunit and his father Maximino Qunit to recover damages claimed to have been sustained by plaintiff Beatriz Galang for an alleged breach of promise on the part of Rodrigo Qunit to marry her. In due course, the Court of First Instance of Baguio, in which the case was originally instituted, rendered a decision sentencing the defendants jointly and severally to pay the sums of P275.00, by way of actual damages, P5,000.00, as moral damages, and P500.00, as attorney's fees, apart from the costs. On appeal, taken by the defendants, the Court of Appeals absolved Maximino Qunit, and accordingly, reversed said decision insofar as he is concerned, and modified it as regards Rodrigo Qunit, by eliminating the awards for moral damages and attorney's fees. The case is before us on appeal by certiorari taken by plaintiff Beatriz Galang.

As found by the Court of Appeals, it appears that plaintiff "and Rodrigo Qunit were engaged, but Rodrigo's parents were strongly opposed to their marriage"; that "from April 27, 1955", plaintiff "and Rodrigo lived as husband and wife in the house of Adolfo Dagawan located at Colorado Falls, Tuba, Mountain Province, until May 9 when Rodrigo left and never returned"; that "both were from the same town of Sison, Pangasinan, and their love relations started in the year 1953, the two having exchanged a long series of love letters since then until they separated", and that "at the time when they went to Colorado Falls, both were of age."

The evidence on other pertinent facts is, however, conflicting. In the language of the decision appealed from, plaintiff—also referred to therein as appellee—tried to prove

"* * * that Rodrigo courted her in 1953 and they, thereafter, became engaged, albeit Rodrigo's mother was opposed to their marriage; that on April 15, 1955 Rodrigo and his father went to her house and her marriage with Rodrigo were arranged, with the concurrence of her mother, appellant Maximino Qunit having agreed to give dowry and to defray the expenses of the marriage, with the exception of the wedding dress of appellee; that they agreed to have the marriage celebrated in Baguio, for which reason on April 27, 1955, appellee, Rodrigo and the latter's father left for Bagnio; that upon arriving at Colorado Falls, however, Maximino made them alight from the bus and took them to the house of Adolfo Dagawan with whom Maximino agreed that appellee and Rodrigo would stay in said house, Maximino to pay P5.00 daily for their lodging and P6.00 daily for their board; that Maximino further asked Dagawan to make all arrangements for their wedding in Baguio and to act as their sponsor; that after making these arrangements Maximino left, while appellee and Rodrigo remained in Dagawan's house where they lived as husband and wife until May 9; that on May 7, appellee and Rodrigo, accompanied by Dagawan, went to Baguio to secure a marriage license but failed because Rodrigo did not have a residence certificate, although both prospective contracting parties signed the corresponding application; that on May 9, on the pretext that he was going to their hometown to get his residence certificate, Rodrigo left Colorado Falls and never returned; that when appellee returned to their hometown (Sison, Pangasinan), she found out that Rodrigo's parents had spirited him away because, in their opinion, appellee's

reputation was unsavory."

Upon the other hand, the defendants sought to establish that Rodrigo and plaintiff

"* * * were engaged; that Rodrigo's parents were opposed to their marriage; that while Rodrigo was agreeable to marrying appellee, he wanted the marriage to take place after his graduation, while appellee was impatient and wanted the marriage to be held at an earlier date; that on April 26, 1955, in view of Rodrigo's continued relations with appellee, his parents told him to leave the parental home, for which reason on that date he left their house with his belongings and some gantas of rice; that before leaving their hometown he passed by the house of appellee and told her what had happened and further told her that he was intending to go to Manila to look for a job; that appellee convinced him to go, instead, to Colorado Falls where they could discuss their plans and so there he went—followed later by appellee—both staying at the house of Dagawan; that because Rodrigo persistently refused to marry appellee, the latter's relatives, accompanied by policemen and constabulary soldiers, arrived at the place and tried to intimidate him; that in view of his continued refusal they brought him down to Sison where he was allowed to go home; that thereupon his parents placed him under the custody of Mayor Madriaga of the neighborinjr town of Rosario where he stayed from May 1, to June, 1955; that sometime during the month of June, Adolfo Dagawan sought Rodrigo on the pretext that he was going to tell him something important and was able to lure him to a secluded place where he was made to sign an application for a marriage license; that because of his nonappearance before a notary public, the latter refused to acknowledge the application.

"With respect to Maximino Qunit the evidence for appellants tends to show that he had never agreed to have his son marry appellee nor to give a dowry to the latter; that he did not go with appellee and Rodrigo to Colorado Falls and that he did not concoct, much less carry out any plan to have his son satisfy his lust and then get rid of appellee."

The court of first instance sustained plaintiff's pretense, but the Court of Appeals considered her evidence unworthy of credence, and, hence, absolved Maximino Qunit. Plaintiff maintains that the Court of Appeals had erred in the appreciation of the evidence, but the findings of said Court on the credibility of said evidence are beyond our power of review on appeal by certiorari and, consequently, conclusive upon us.

It is next urged that said Court had also erred in not awarding moral damages to plaintiff, who insists that moral damages for breach of promise to marry are collectible under our laws, but this question has already been settled adversely to plaintiff's pretense in *Hermosisima vs. Court of Appeals*, 109 Phil., 629; 60 Off. Gaz., (13) 1846.

The appealed decision of the Court of Appeals is hereby affirmed, therefore, without special pronouncement as to costs. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Barrera, Paredes, and De Leon, JJ., concur.

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