

CECILIO PE, ET AL., PLAINTIFFS AND APPELLANTS VS. ALFONSO PE, DEFENDANT AND APPELLEE.*G. R. No. 17396. May 30, 1962*

Ponente: BAUTISTA ANGELO, J.

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Plaintiffs brought this action before the Court of First Instance of Manila to recover moral, compensatory, exemplary and corrective damages in the amount of P94,000.00, exclusive of attorney's fees and expenses of litigation.

Defendant, after denying some allegations contained in the complaint, set up as a defense that the facts alleged therein, even if true, do not constitute a valid cause of action.

After trial, the lower court, after finding that defendant had carried on a love affair with one Lolita Pe, an unmarried woman, being a married man himself, declared that defendant cannot be held liable for moral damages it appearing that plaintiffs failed to prove that defendant, being aware of his marital status, deliberately and in bad faith tried to win Lolita's affection. So it rendered decision dismissing the complaint.

Plaintiffs brought this case on appeal before this Court on the ground that the issues involved are purely of law.

The facts as found by the trial court are: Plaintiffs are the parents, brothers and sisters of one Lolita Pe. At the time of her disappearance on April 14, 1957, Lolita was 24 years old and unmarried. Defendant is a married man and works as agent of the La Perla Cigar and Cigarette Factory. He used to stay in the town of Gasan, Marinduque, in connection with 'his aforesaid occupation. Lolita was staying with her parents in the same town. Defendant was an adopted son of a Chinaman named Pe Beco, a collateral relative of Lolita's father. Because of such fact and the similarity in their family name, defendant became close to the plaintiffs who regarded him as a member of their family. Sometime in 1952, defendant frequented the house of Lolita on the pretext that he wanted her to teach him how to pray the rosary. The two eventually fell in love with each other and conducted clandestine trysts not only in the town of Gasan but also in Boac where Lolita used to teach in a barrio school. They exchanged love notes with each other the contents of which reveal not only their infatuation for each other but also the extent to which they had carried their relationship. The rumors about their love affair reached the ears of Lolita's parents sometime in 1955, and since then defendant was forbidden from going to their house and from further seeing Lolita. The plaintiffs even filed deportation proceedings against defendant who is a Chinese national. The affair between defendant and Lolita continued nonetheless.

Sometime in April, 1957, Lolita was staying with her brothers and sisters at their residence at 54-B Espana Extension, Quezon City. On April 14, 1957, Lolita disappeared from said house. After she left, her brothers And sisters checked up her things and found that Lolita's clothes were gone. However, plaintiffs found a note on a crumpled piece of paper inside Lolita's aparador. Said note, written on a small slip of paper approximately 4" by 3" in size, was in a handwriting recognized to be that of defendant. In English it reads:

"Honey, suppose I leave here on Sunday night, and that's 13th of this, month and we will have a date on the 14th, that's Monday morning at 10 am.

Reply

Love"

The disappearance of Lolita was reported to the police authorities and the NBI but up to the present there is no news or trace of her whereabouts.

The present action is based on Article 21 of the new Civil Code which provides:

"Any person who wilfully causes loss or injury to another in a manner which is contrary to morals, good customs or public policy shall compensate the latter for the damage."

There is no doubt that the claim of plaintiffs for damages is based on the fact that defendant, being a married man, carried on a love affair with Lolita Pe thereby causing plaintiffs injury in a manner contrary to morals, good customs and public policy. But in spite of the fact that plaintiffs have clearly established that an illicit affair was carried on between defendant and Lolita which caused great damage to the name and reputation of plaintiffs who are her parents, brothers and sisters, the trial court considered their complaint not actionable for the reason that they failed to prove that defendant deliberately and in bad faith tried to win Lolita's affection.

Thus, the trial court said: "In the absence of proof on this point, the court may not presume that it was the defendant who deliberately induced such relationship. We cannot be unmindful of the uncertainties and sometimes inexplicable mysteries of the human emotions. It is a possibility that the defendant and Lolita simply fell in love with each other, not only without any desire on their part, but also against their better judgment and in full consciousness of the disastrous consequences that such an affair would naturally bring on both, of them. This is specially so with respect to Lolita, being an unmarried woman, falling in love with defendant who is a married man."

We disagree with this view. The circumstances under which defendant tried to win Lolita's affection cannot lead to any other conclusion than that it was he who, thru an ingenious scheme or trickery, seduced the latter to the extent of making her fall in love with him. This is shown by the fact that defendant frequented the house of Lolita on the pretext that he wanted her to teach him how to pray the rosary. Because of the frequency of his visits to the latter's family who was allowed free access because he was a collateral relative and was considered as a member of her family, the two eventually fell in love with each other and conducted clandestine love affairs not only in Gasan but in Boac where Lolita used to teach in a barrio school. When the rumors about their illicit affair reached the knowledge of her parents, defendant was forbidden from going to their house and even from seeing Lolita. Plaintiffs even filed deportation proceedings against defendant who is a Chinese national. Nevertheless, defendant continued his love affairs with Lolita until she disappeared from the parental home. Indeed, no other conclusion can be drawn from this chain of events than that defendant not only deliberately, but through a clever strategy, succeeded in winning the affection and love of Lolita to the extent of having illicit relations with her. The wrong he has caused her and her family is indeed immeasurable considering the fact that he is a married man. Verily, he has committed an injury to Lolita's family in a manner contrary to morals, good customs and public policy as contemplated in Article 21 of the new Civil Code.

Wherefore, the decision appealed from is reversed. Defendant is hereby sentenced to pay the plaintiffs the sum of P5,000.00 as damages and P2,500.00 as attorney's fees and expenses of litigation. Costa against appellee.

Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ. concur.

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