

FLOYD ENGLE, BY HIS NEXT FRIEND E. WOMACK, PLAINTIFF AND APPELLEE, VS. VICTORIA DOE (ALIAS SILVESTRA PULGA), DEFENDANT AND APPELLANT.

G.R. No. 23317. August 07, 1925

Ponente: STATEMENT By E. Womack, his next friend, it is alleged that Floyd Engle for about two months has been an inmate of the St. Luke's Hospital in the City of Manila, where he was being treated for serious physical and mental disorders by Doctor N. M. Saleeby, the Director of the Hospital. That the defendant is a resident of the town of Tacloban, Province of Leyte, but at present is somewhere in the City of Manila. That on or about December 9, 1922, and in the hospital in the City of Manila, the defendant, through the aid of her friends and agents, induced and coerced Floyd Engle to go through some sort of a marriage ceremony with her, knowing at the time that he, Floyd Engle, was out of his mind and mentally deranged. That after the procuring of the certificate of the so-called marriage, the defendant forthwith returned to Tacloban, and endeavored to take possession of all of Engle's property who was worth at least P50,000. That the conspiracy of the defendant to marry him was for the sole purpose of obtaining his property, and to defraud Engle and his legitimate heirs of their property. That it is proper that the court should appoint a guardian ad litem under the provisions of sections 116 and 117 of the Code of Civil Procedure. Wherefore, plaintiff prays that a special provisional guardian be appointed for Engle, and that a preliminary injunction issue against the defendant, restraining her from interfering with his property, and that the alleged marriage be declared void ab initio, and for costs, and such other and further relief as may be deemed just and equitable. For answer, the defendant made a general and specific denial of all the material allegations of the complaint, and as a special defense, alleges that for the last fourteen years she has been living maritally under the same roof with the plaintiff by whom she has had six children, the oldest of whom is twelve years of age. That on December 7th of last year, they were legally married. That in contracting the marriage, plaintiff was in the full enjoyment of all of his mental faculties, and that he entered into the contract freely, not only for the purpose of making his status and that of the defendant and her children legal, but to provide for her future in case of his death. That induced by his alleged friends, the plaintiff has caused and consented to the filing of the complaint, together with the application for the appointment of a guardian of his person and property, to make it appear that he is not of sound mind, when in truth and in fact he was then and is now in the full enjoyment of all of his mental faculties, and as a counterclaim, defendant alleges that when they began living together, plaintiff did not have any property, and that through her aid and assistance, he has amassed a considerable fortune, which at present is not less than P200,000. That the defendant has nothing with which to support herself and her children, and that the P80 which at present the plaintiff is giving the defendant is not sufficient for that purpose. That to properly support herself and the children and to employ an attorney to defend the suit, she requires a pension of P500 per month and the sum of P800 to be paid in advance on account of attorney's fees, and the defendant prays that she be absolved from the complaint, and that the court make an order requiring the plaintiff to make such allowances for her pension and attorney's fees. Upon such issues, testimony was taken, and in a well written opinion the lower court found: "That plaintiff at the time of said marriage ceremony in St. Luke's Hospital was mentally deranged to such an extent that he was incapable of entering into the marriage contract or any other contract, and that for this reason the marriage ceremony was null and void." "The court also finds that the defendant is not entitled to anything under her so-called counterclaim, and said. counterclaim is hereby dismissed," and rendered a decree to the effect that the marriage between the plaintiff and the defendant was "illegal, null, and void ab initio, and without any legal effect as to plaintiff's and defendant's property rights, without costs to either party." The defendant appeals, contending: "I. The lower court erred in holding that the plaintiff was mentally deranged to such an extent that he was incapable of entering into the marriage contract, and therefore "II. The lower court erred in declaring the marriage between plaintiff and defendant to be illegal, null, and void ab initio."

JOHNS, J.

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Upon such issues, testimony was taken, and in a well written opinion the lower court found:

"That plaintiff at the time of said marriage ceremony in St. Luke's Hospital was mentally deranged to such an extent that he was incapable of entering into the marriage contract or any other contract, and that for this reason the marriage ceremony was null and void.

"The court also finds that the defendant is not entitled to anything under her so-called counterclaim, and said. counterclaim is hereby dismissed," and rendered a decree to the effect that the marriage between the plaintiff and the defendant was "illegal, null, and void ab initio, and without any legal effect as to plaintiff's and defendant's property rights, without costs to either party."

The defendant appeals, contending:

"I. The lower court erred in holding that the plaintiff was mentally deranged to such an extent that he was incapable of entering into the marriage contract, and therefore

"II. The lower court erred in declaring the marriage between plaintiff and defendant to be illegal, null, and void ab initio."

JOHNS, J.:

Opposing counsel have submitted able and exhaustive briefs. The question submitted is largely one of fact.

October 18, 1922, Floyd Engle became an inmate of St. Luke's Hospital in the City of Manila with Dr. N. M. Saleeby as his physician. It appears from the hospital records that at the time of his admission his disease was defined as:

"Insanity, Delusional & Melancholic & Amebic Infection & Tertiary Syphilis"

He remained in the hospital under the care of Doctor Saleeby until some time in March, 1923, when he was taken to Baguio, and upon his return to Manila in June, he left for the United States. The marriage ceremony between Engle and the defendant was performed in the hospital on December 7, 1922. December 20, 1922, a petition for the appointment of a guardian for him, alleging insanity, was filed in the Court of First Instance of Manila, and on December 29, 1922, H. C. Powers was appointed guardian of his person and J. V. House guardian of his property. After the marriage Engle and the defendant never lived together as husband and wife, and on the following day the defendant left Manila and went back to Tacloban, Leyte, which was Engle's former residence, and made an effort to obtain possession of all of his business and property.

The question presented is whether or not at the time of the marriage Engle was of sound mind and mentally capable of entering into a marriage contract. It will be noted that he was admitted to the hospital October 18, 1922, and the nature of his disease at the time of his admission was described in the hospital records as: "Insanity, Delusional & Melancholic & Amebic Infection & Tertiary Syphilis," and that his alleged marriage to the defendant took place on December 7, 1922, fifty days after that time.

It appears from his testimony that Doctor Saleeby is 54 years old, and that he graduated from the University of New York Medical College in 1897, and, with the exception of four years, he has been engaged in the active practice of his profession ever since, and that he was in charge of St. Luke's Hospital from March, 1907, to September, 1912, and from March 1, 1921, to the present time. That during all of the time that Engle was in the hospital, he was under the personal charge of Doctor Saleeby, who was his only physician, and who testifies:

"Q. Will you state to the court what was his mental condition during all the time that he was there; that is, from the time he entered the hospital in October, 1922, up to the time he left in March, 1923?—A. All the time he was under my care he was unable to exercise judgment or express his will or decision definitely on any question of any significance.

"Q. Will you state to the court whether or not during all that time he had sufficient mentality to knowingly enter into a contract of any kind?—A. He was absolutely unable to make any decision of any kind, and was not fit to make a contract with any one in any business transaction of any significance.

"Q. Was the mental condition of Mr. Engle the same from the time he entered the hospital up to the time he left, or did it suffer any change?—A. He was at his worst at the time the priest visited him, and he kept in that same condition until about a month prior to his discharge from the hospital. At the time of his discharge he was in better condition than when the priest visited him, but he was by no means in a fit mental condition.

"Q. Will you state to the court whether or not during the time that Mr. Engle was in the hospital he was sane or insane?—A. Mr. Engle was insane from the date he entered the hospital until he was discharged."

The record is conclusive that Doctor Saleeby was a fair and impartial witness, and that he had no interest whatever in the result of this suit, and that he was in daily attendance upon Engle from the time that he entered until he left the hospital, covering a period of about five months. His testimony is materially strengthened and corroborated by the evidence of J. V. House, H. C. Powers, and E. Womack, who were lifelong personal and intimate friends of Engle.

Opposed to this is the evidence of the defendant and the Reverend H. J. Parker, who performed the marriage ceremony.

It must be conceded that the defendant is a party in interest, and the evidence of the Reverend Parker does not carry conviction. It is true that he gave it as his opinion that Engle was mentally sound, but he did not testify as to any fact or circumstance upon which he based his opinion. All of his answers to the questions propounded were more or less categorical, and it appears that any knowledge which he had as to the mental condition of Engle was confined and limited to the two conversations which he had with him in the hospital and which were about and concerning his marriage to the defendant. Much is also said about the evidence of Miguel Romualdez, the present Mayor of the City of Manila. But giving to it full force and credit, he did not see Engle after the 5th of December, 1922, and the marriage was on December 7th, and in answer to the question: "Did you notice any change or difference, in the manner of his conversation and behavior on December 5, 1922, as compared to previous conversation with Engle?" he said, "I have not noticed any change." That may all be true, and yet Engle would be of unsound mind. Be that as it may, the evidence for the defense is not sufficient to overcome that of the plaintiff.

The records of the admission of Engle to the hospital are authentic, and were made when there was no thought of any litigation.

Section 10 of General Orders No. 68 provides, among other things, that a marriage may be annulled for any of the following causes, existing at the time of the marriage:

* * * * *

"3. That either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband or wife.

* * * * *

"6. That either party was, at the time of marriage, physically incapable of entering into the married state, and such incapacity continues, and appears to be incurable."

Section 9 of Act No. 2122 provides:

"Within the meaning of this Act, insanity is a manifestation, in language or conduct, of disease or defect of the brain, or a more or less permanently diseased or disordered condition of the mentality, functional or organic, and characterized by perversion, inhibition, or disordered function of the sensory or of the intellectual faculties, or by impaired or disordered volition."

The evidence is conclusive that at the time he was admitted to the hospital Engle was of unsound mind, and it

tends to show that his disease was incurable. The fact that Engle was received and treated as an insane patient on October 18, 1922, and that he was not discharged from the hospital until March, 1923, throws the burden of proof upon the defendant to establish the fact that he was of sound mind at the time of the alleged marriage.

In Corpus Juris, volume 32, pages 757 and 758, it is said:

"(Sec. 561) 2. Continuance of Insanity—(a) In General.—General insanity admitted, or once proved to exist, is presumed to continue; and, if a recovery or a lucid interval is alleged to have occurred, the burden to prove such allegation is on the person making it. * * *

"(Sec. 562) (b) Rebuttal of Presumption.—The presumption that a person shown to be insane continued so is rebuttable. In order to rebut the presumption of continuance of insanity it is not necessary to show that the person has been restored to the full possession of his mental vigor. However, when insanity has once existed and it is sought to be proved that a subsequent act of its subject was done in a lucid interval, sanity must be shown as of the very time of the act in question; it is not sufficient to show a lucid interval before and after the day of the act."

Ruling Case Law, vol. 14, page 622, says:

"74. Burden of Proof in Civil Cases Generally.—In all civil actions it is generally held that the burden of proof of insanity rests upon him who alleges insanity, or seeks to avoid an act on account of it, and it devolves upon him to establish the fact of insanity by a preponderance of the evidence. If, however, a previous state of insanity is proved, the burden of proof is then usually considered to shift to him who asserts that the act was done while the person was sane, though it has frequently been held that insanity which is not shown to be settled or general as contradistinguished from a mere temporary aberration or hallucination will not be presumed to continue until the contrary is shown. A lucid interval is in its nature temporary and uncertain in its duration, and there is no legal presumption of its continuance."

Applying this rule, there is a failure of proof on the part of the defendant. It is not sufficient to overcome the clear, positive and convincing testimony for the plaintiff, that Engle was of unsound mind at the time of the marriage. Again, on all questions of fact the lower court found for the plaintiff, and its findings are entitled to some weight.

The judgment of the lower court is affirmed, without costs to either party. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, and Villa-Real, JJ., concur.

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