

**JOSE PEREZ PASTOR, PLAINTIFF AND APPELLEE, VS. PEDRO NOEL ET AL., DEFENDANTS AND APPELLANTS.***G.R. No. 8362. March 30, 1914*

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8362/>**CARSON, J.:**

After a careful review of all the evidence of record, we find nothing which would justify us in disturbing the findings of fact by the trial judge upon which is based his judgment in favor of the plaintiff for P4,990.46, the value of certain property wrongfully and forcibly taken by the defendants and appellants from plaintiff's store in Dumanhug, which property has long since been destroyed or consumed. The contentions of counsel for defendants and appellants in this connection are sufficiently and satisfactorily disposed of in the opinion of this court in the case of *Aldamis vs. Leuterio* (8 Phil. Rep., 688, 691), and the cases there cited, *Williams vs. Bruffy* (96 U. S., 176); *Stevens vs. Griffith* (111 U. S., 48); *Baldy vs. Hunter* (171 U. S., 388). The principles announced in the former case are clearly applicable to the case at bar and decisive of it, so that, adhering to the doctrine therein announced, the judgment of the court below should be and is affirmed on this branch of the case.

We cannot, however, agree with the trial judge, in his finding that it was necessary for the plaintiff to pay the sum of P2,850 Mexican currency to the *Compañía General de Tabacos* (referred to hereinafter as the company) in order to recover possession of certain tobacco which was unlawfully and forcibly seized by the defendants and which thereafter came into the possession of that company. We have no doubt that plaintiff did in fact pay over that amount to the company in order to secure possession of the tobacco, but we think it is very clear from all the evidence of record, that there was no legal necessity therefor. In other words, upon the evidence as developed by the record in this case, the plaintiff was entitled to recover and by the institution of the proper action might have recovered his tobacco from the company without the necessity for making payment therefor. Upon the plaintiffs own showing he was wrongfully and forcibly dispossessed of the tobacco which came into the possession ,of the company, and in the light of the facts as disclosed by this record he had a perfect right to recover possession of his property from the company, without the payment of any indemnity whatever. It is not even suggested in the record that the payment of this money was rendered necessary by the threatened or actual insolvency of the company or for any other reason whatever which could have justified the payment under protest, in order to avoid loss and damage to an amount still greater than that paid to the company.

The trial judge rendered judgment in favor of the plaintiff and against the defendants for the amount thus paid to the company, and the judgment must therefore be reversed to that extent. It is admitted that the plaintiff recovered the tobacco which was unlawfully seized by the defendants, and the measure of his damages arising out of the transaction, for which they could properly be held responsible in a civil action, is compensation for the wrongful detention, together with his necessary and reasonable expenditures incurred in his efforts to recover possession. (38 Cyc, 2101, and cases there cited.) There is no evidence in the record as to loss or damage of this nature, except the evidence touching the payment to the company, and it appearing that there was no reasonable or legal necessity for the payment of the amount in question in order to recover possession of the tobacco, we are of

opinion that plaintiff is not entitled to reimbursement therefor from these defendants. To hold otherwise would put it in the power of the injured party in cases such as that at bar, to augment the damages suffered by him to any extent which malice or a willful disregard of the rights of the offender might dictate, and would open the door to fraud in all such cases. To allow the owner of property who has been wrongfully deprived of possession to pile up expenses for the alleged purpose of recovering the property, which are not reasonable and necessary to that end, and to recover as damages the amount of such expenditures, would in many instances work a greater wrong than that originally committed. Such expenditures can in no proper sense be held to have been occasioned by the wrongful act of the trespasser, whose liability is limited to the repair of the damage resulting from such wrongful act.

Let judgment be entered affirming the judgment in all respects, except as to so much thereof as allows damages (daños y perjuicios) in the sum of P2,850, and reversing so much thereof as allows the said damages, without special condemnation of costs in this instance.

Moreland, Trent, and Araullo, JJ., concur.

Arellano, C. J., concurs to the extent that the judgment should be affirmed in full.

**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.