

****Title:** Antonio Geluz vs. Court of Appeals and Oscar Lazo**

****Facts:****

1. ****Initial Encounter and First Abortion (1948-1950):**** Nita Villanueva first met Dr. Antonio Geluz in 1948 through her aunt Paula Yambot. In 1950, Nita, unmarried at the time, became pregnant and sought an abortion performed by Dr. Geluz on her aunt's advice.
2. ****Subsequent Pregnancies and Abortions (1953 & 1955):**** After marrying Oscar Lazo, Nita became pregnant again in 1953. She was employed at the Commission on Elections, and due to the inconvenience of her pregnancy, underwent another abortion by Dr. Geluz in October 1953. Less than two years later, in February 1955, Nita again became pregnant and chose to abort the two-month-old fetus at Dr. Geluz's clinic. Nita was accompanied by her sister Purificacion and Purificacion's daughter Lucida during the procedure, which cost fifty pesos.
3. ****Husband's Unawareness and Legal Action:**** At the time of the third abortion, Oscar Lazo was in Cagayan, campaigning for a provincial board seat, and was unaware and did not consent to the abortion. He later filed a suit against Dr. Geluz for damages.
4. ****Procedural Posture:**** The Court of First Instance ruled in favor of Oscar Lazo, awarding him P3,000 in damages, P700 for attorney's fees, and the costs of the suit. Dr. Geluz appealed, but the Court of Appeals upheld the lower court's decision by a narrow majority of three to two. Dr. Geluz then sought certiorari with the Supreme Court.

****Issues:****

1. ****Can the husband of a woman who voluntarily procured an abortion recover damages from the physician?****
2. ****Does Article 2206 of the Civil Code of the Philippines apply to the unborn fetus?****
3. ****Are the parents entitled to damages for the death of an unborn child under Philippine law?****

****Court's Decision:****

1. ****First Issue:**** The Supreme Court ruled that the husband could not recover damages for the abortion undertaken by his wife without his knowledge or consent. The Court reasoned

that the action for damages is primarily for personal injury or death, which pertains directly to the one injured.

2. **Second Issue:** The Court found that Article 2206 of the Civil Code, which allows for damages for the death of a person, does not cover an unborn fetus, as the fetus is not recognized as having juridical personality.

3. **Third Issue:** The Court stated that damages could potentially be awarded to the parents for moral distress and anguish. However, in this case, such an award was not justified because the husband did not demonstrate distress over previous abortions, showing a lack of concern for his parental expectations.

The Supreme Court concluded that the award of P3,000 based on Article 2206 was erroneous since it applied only to persons with juridical personality. The Court reversed the appellate court's decision and dismissed the complaint, highlighting that both lower courts found insufficient basis for moral damages and criticized the husband's apparent financial motivation for suing.

Doctrine:

- Article 2206 of the Civil Code does not apply to unborn fetuses as they do not possess juridical personality.
- Claims for damages of unborn children cannot be validated given their absence of personality recognized by law.
- Moral damages may be awarded if the unlawful act directly inflicts distress upon the parents, but not automatically for the loss of the unborn fetus.

Class Notes:

- **Key Legal Concepts:**
- **Juridical Personality:** Defined under civil law as the capacity to have rights and obligations.
- **Article 2206, Civil Code of the Philippines:** Governs damages awarded for wrongful death but does not extend to unborn fetuses.
- **Provisional Personality (Article 40, Civil Code):** States that the fetus is considered a person if it is born alive, which is not relevant if the fetus dies before delivery.
- **Moral Damages (Article 2217):** Granted for mental anguish, emotional distress, and personal affliction but must be substantiated.

– **Statutory Provisions:**

- **Article 2206, Civil Code:** “...families of the deceased can claim a minimum award of P3,000 for death caused by wrongful act or negligence.”
- **Article 2217, Civil Code:** Details parameters for awarding moral damages.
- **Article 40, Civil Code:** Provisional personality of a conceived child applies only if born alive.

Historical Background:

The case exemplifies the legal and moral complexities of abortion in the Philippines during the mid-20th century. This period saw evolving views on medical ethics, women’s rights, and reproductive health. The Supreme Court’s decision reflects the legal principles derived from Spanish civil law influences and highlights the limitations imposed by juridical personality in recognizing claims for the loss of an unborn fetus. The decision also underscores judicial efforts to demarcate the bounds of applying civil liability in cases involving moral turpitude and personal injury veiled under family expectations and legal ethics.