

Notes on Moral Damages

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2 ATENEO L.J. 70 (1952)

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Damages, in its legal sense, is defined as “the compensation which the law awards for an injury done” (*Hege v. Newsom*, 170 N.E. 336). Under the old Civil Code, the only damages provided for are compensatory damages and those agreed upon in penal clauses of contracts. No thought was given to damages that are “moral” in nature. However, with the introduction of Article 2217 of the New Civil Code, moral damages are now provided for by law. These include damages brought about by “physical suffering, mental anguish, serious anxiety, besmirched reputation, social humiliation and similar injuries, when they are the proximate result of the defendant’s wrongful act or omission” (Article 2217, Republic Act No. 368).

This Note examines certain cases promulgated by the Supreme Court before and after the introduction of Article 2197 and reveals how the Court’s thinking has evolved, from denying any form of damages for “pain and suffering,” to recognizing certain responsibilities that must be observed by parties to a contract, the willful disregard of which may give rise to an award for moral damages.

Cases Noted:

- (1) *Marcelo v. Velasco*, 11 Phil. 287 (1952).
- (2) *Algarra v. Sandejas*, 27 Phil. 284 (1952).
- (3) *De Guia v. Manila Electric Railway and Light, Co.*, 40 Phil. 706 (1952).
- (4) *Gutierrez v. Guterrez*, 56 Phil. 177 (1952).
- (5) *Tamayo v. Gsell*, 35 Phil. 935 (1952).
- (6) *Macleod v. Philippine Publishing Co.*, 12 Phil. 427 (1952).
- (7) *Jimenez v. Reyes*, 37 Phil. 52 (1952).
- (8) *Lilius v. Manila Railroad, Co.*, 59 Phil. 768 (1952).
- (9) *Castro v. Acro Taxi-cab Co.*, 46 O.G. No. 5 p. 2023 (1952).
- (10) *Layda v. Court of Appeals*, 90 Phil. 724 (1952).