

FIRST DIVISION

[G.R. No. 189998, August 29, 2012]

**MAKATI SHANGRI-LA HOTEL AND RESORT, INC., PETITIONER,
VS. ELLEN JOHANNE HARPER, JONATHAN CHRISTOPHER
HARPER, AND RIGOBERTO GILLERA, RESPONDENTS.**

D E C I S I O N

BERSAMIN, J.:

The hotel owner is liable for civil damages to the surviving heirs of its hotel guest whom strangers murder inside his hotel room.

The Case

Petitioner, the owner and operator of the 5-star Shangri-La Hotel in Makati City (Shangri-La Hotel), appeals the decision promulgated on October 21, 2009,^[1] whereby the Court of Appeals (CA) affirmed with modification the judgment rendered on October 25, 2005 by the Regional Trial Court (RTC) in Quezon City holding petitioner liable for damages for the murder of Christian Fredrik Harper, a Norwegian national.^[2] Respondents Ellen Johanne Harper and Jonathan Christopher Harper are the widow and son of Christian Harper, while respondent Rigoberto Gillera is their authorized representative in the Philippines.

Antecedents

In the first week of November 1999, Christian Harper came to Manila on a business trip as the Business Development Manager for Asia of ALSTOM Power Norway AS, an engineering firm with worldwide operations. He checked in at the Shangri-La Hotel and was billeted at Room 1428. He was due to check out on November 6, 1999. In the early morning of that date, however, he was murdered inside his hotel room by still unidentified malefactors. He was then 30 years old.

How the crime was discovered was a story in itself. A routine verification call from the American Express Card Company to cardholder Harper's residence in Oslo, Norway (*i.e.*, Bygdoy Terrasse 16, 0287 Oslo, Norway) led to the discovery. It appears that at around 11:00 am of November 6, 1999, a Caucasian male of about 30–32 years in age, 5'4" in height, clad in maroon long sleeves, black denims and black shoes, entered the Alexis Jewelry Store in Glorietta, Ayala Center, Makati City and expressed interest in purchasing a Cartier lady's watch valued at P320,000.00 with the use of two Mastercard credit cards and an American Express credit card issued in the name of Harper. But the customer's difficulty in answering the queries phoned in by a credit card representative sufficiently aroused the suspicion of saleslady Anna Liza Lumba (Lumba), who asked for the customer's passport upon suggestion of the credit card representative to put the credit cards on hold. Probably sensing trouble for himself, the customer hurriedly left the store, and left the three

credit cards and the passport behind.

In the meanwhile, Harper's family in Norway must have called him at his hotel room to inform him about the attempt to use his American Express card. Not getting any response from the room, his family requested Raymond Alarcon, the Duty Manager of the Shangri-La Hotel, to check on Harper's room. Alarcon and a security personnel went to Room 1428 at 11:27 a.m., and were shocked to discover Harper's lifeless body on the bed.

Col. Rodrigo de Guzman (de Guzman), the hotel's Security Manager, initially investigated the murder. In his incident report, he concluded from the several empty bottles of wine in the trash can and the number of cigarette butts in the toilet bowl that Harper and his visitors had drunk that much and smoked that many cigarettes the night before.^[3]

The police investigation actually commenced only upon the arrival in the hotel of the team of PO3 Carmelito Mendoza^[4] and SPO4 Roberto Hizon. Mendoza entered Harper's room in the company of De Guzman, Alarcon, Gami Holazo (the hotel's Executive Assistant Manager), Norge Rosales (the hotel's Executive Housekeeper), and Melvin Imperial (a security personnel of the hotel). They found Harper's body on the bed covered with a blanket, and only the back of the head could be seen. Lifting the blanket, Mendoza saw that the victim's eyes and mouth had been bound with electrical and packaging tapes, and his hands and feet tied with a white rope. The body was identified to be that of hotel guest Christian Fredrik Harper.

Mendoza subsequently viewed the closed circuit television (CCTV) tapes, from which he found that Harper had entered his room at 12:14 a.m. of November 6, 1999, and had been followed into the room at 12:17 a.m. by a woman; that another person, a Caucasian male, had entered Harper's room at 2:48 a.m.; that the woman had left the room at around 5:33 a.m.; and that the Caucasian male had come out at 5:46 a.m.

On November 10, 1999, SPO1 Ramoncito Ocampo, Jr. interviewed Lumba about the incident in the Alexis Jewelry Shop. During the interview, Lumba confirmed that the person who had attempted to purchase the Cartier lady's watch on November 6, 1999 had been the person whose picture was on the passport issued under the name of Christian Fredrik Harper and the Caucasian male seen on the CCTV tapes entering Harper's hotel room.

Sr. Insp. Danilo Javier of the Criminal Investigation Division of the Makati City Police reflected in his Progress Report No. 2^[5] that the police investigation showed that Harper's passport, credit cards, laptop and an undetermined amount of cash had been missing from the crime scene; and that he had learned during the follow-up investigation about an unidentified Caucasian male's attempt to purchase a Cartier lady's watch from the Alexis Jewelry Store in Glorietta, Ayala Center, Makati City with the use of one of Harper's credit cards.

On August 30, 2002, respondents commenced this suit in the RTC to recover various damages from petitioner,^[6] pertinently alleging:

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7. The deceased was to check out and leave the hotel on November 6, 1999, but in the early morning of said date, while he was in his hotel room, he was stabbed to death by an (sic) still unidentified male who had succeeded to intrude into his room. 8. The murderer succeeded to trespass into the area of the hotel's private rooms area and into the room of the said deceased on account of the hotel's gross negligence in providing the most basic security system of its guests, the lack of which owing to the acts or omissions of its employees was the immediate cause of the tragic death of said deceased.

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10. Defendant has prided itself to be among the top hotel chains in the East claiming to provide excellent service, comfort and security for its guests for which reason ABB Alstom executives and their guests have invariably chosen this hotel to stay.^[7]

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Ruling of the RTC

On October 25, 2005, the RTC rendered judgment after trial,^[8] viz:

WHEREFORE, finding the defendant hotel to be remiss in its duties and thus liable for the death of Christian Harper, this Court orders the defendant to pay plaintiffs the amount of:

PhP 43,901,055.00 as and by way of actual and compensatory damages;

PhP 739,075.00 representing the expenses of transporting the remains of Harper to Oslo, Norway;

PhP 250,000.00 attorney's fees;

and to pay the cost of suit.

SO ORDERED.

Ruling of the CA

Petitioner appealed, assigning to the RTC the following errors, to wit:

I

THE TRIAL COURT ERRED IN RULING THAT THE PLAINTIFFS APPELLEES ARE THE HEIRS OF THE LATE CHRISTIAN HARPER, AS THERE IS NO COMPETENT EVIDENCE ON RECORD SUPPORTING SUCH RULING.

II

THE TRIAL COURT ERRED IN RULING THAT THE DEFENDANT APPELLANT'S NEGLIGENCE WAS THE PROXIMATE CAUSE OF THE DEATH OF MR. HARPER, OR IN NOT RULING THAT IT WAS MR. CHRISTIAN HARPER'S OWN NEGLIGENCE WHICH WAS THE SOLE, PROXIMATE CAUSE OF HIS DEATH.

III

THE TRIAL COURT ERRED IN AWARDING TO THE PLAINTIFFS APPELLEES THE AMOUNT OF PHP43,901,055.00, REPRESENTING THE ALLEGED LOST EARNING OF THE LATE CHRISTIAN HARPER, THERE BEING NO COMPETENT PROOF OF THE EARNING OF MR. HARPER DURING HIS LIFETIME AND OF THE ALLEGATION THAT THE PLAINTIFFS-APPELLEES ARE MR. HARPER'S HEIRS.

IV

THE TRIAL COURT ERRED IN AWARDING TO THE PLAINTIFFS APPELLEES THE AMOUNT OF PHP739,075.00, REPRESENTING THE ALLEGED COST OF TRANSPORTING THE REMAINS OF MR. CHRISTIAN HARPER TO OSLO, NORWAY, THERE BEING NO PROOF ON RECORD THAT IT WAS PLAINTIFFS-APPELLEES WHO PAID FOR SAID COST.

V

THE TRIAL COURT ERRED IN AWARDING ATTORNEY'S FEES AND COST OF SUIT TO THE PLAINTIFFS-APPELLEES, THERE BEING NO PROOF ON RECORD SUPPORTING SUCH AWARD.

On October 21, 2009, the CA affirmed the judgment of the RTC with modification,^[9] as follows:

WHEREFORE, the assailed Decision of the Regional Trial Court dated October 25, 2005 is hereby **AFFIRMED** with **MODIFICATION**. Accordingly, defendant-appellant is ordered to pay plaintiffs-appellees the amounts of P52,078,702.50, as actual and compensatory damages; P25,000.00, as temperate damages; P250,000.00, as attorney's fees; and to pay the costs of the suit.

SO ORDERED.^[10]

Issues

Petitioner still seeks the review of the judgment of the CA, submitting the following issues for consideration and determination, namely:

I.

WHETHER OR NOT THE PLAINTIFFS-APPELLEES WERE ABLE TO PROVE WITH COMPETENT EVIDENCE THE AFFIRMATIVE ALLEGATIONS IN THE COMPLAINT THAT THEY ARE THE WIDOW AND SON OF MR. CHRISTIAN HARPER.

II.

WHETHER OR NOT THE APPELLEES WERE ABLE TO PROVE WITH COMPETENT EVIDENCE THE AFFIRMATIVE ALLEGATIONS IN THE COMPLAINT THAT THERE WAS NEGLIGENCE ON THE PART OF THE APPELLANT AND ITS SAID NEGLIGENCE WAS THE PROXIMATE CAUSE OF THE DEATH OF MR. CHRISTIAN HARPER.

III.

WHETHER OR NOT THE PROXIMATE CAUSE OF THE DEATH OF MR. CHRISTIAN HARPER WAS HIS OWN NEGLIGENCE.

Ruling

The appeal lacks merit.

1.

Requirements for authentication of documents establishing respondents' legal relationship with the victim as his heirs were complied with

As to the first issue, the CA pertinently held as follows:

The documentary evidence that plaintiffs-appellees offered relative to their heirship consisted of the following –

1. Exhibit "Q" -Birth Certificate of Jonathan Christopher Harper, son of Christian Fredrik Harper and Ellen Johanne Harper;
2. Exhibit "Q-1" -Marriage Certificate of Ellen Johanne Clausen and Christian Fredrik Harper;
3. Exhibit "R" -Birth Certificate of Christian Fredrick Harper, son of Christopher Shaun Harper and Eva Harper; and
4. Exhibit "R-1" -Certificate from the Oslo Probate Court stating that Ellen Harper was married to the deceased, Christian Fredrick Harper and listed Ellen Harper and Jonathan Christopher Harper as the heirs of Christian Fredrik Harper.

Defendant-appellant points out that plaintiffs-appellees committed several mistakes as regards the above documentary exhibits, resultantly making them incompetent evidence, to wit, (a) none of the plaintiffs-appellees or any of the witnesses who testified for the plaintiffs gave evidence that Ellen Johanne Harper and Jonathan Christopher Harper are