

101 Phil. 893

[G. R. No. L-9109. July 24, 1957]

**JAIME G. VILLANUEVA, PLAINTIFF AND APPELLANT, VS. FLORENCIO CATINDIG,
DEFENDANT AND APPELLEE.**

D E C I S I O N

KAPUNAN, J.:

On January 12, 1952, the plaintiff-appellant, a civilian employee of the Manila Police Department, filed a series of administrative charges against defendant-appellee a major and administrative officer of said Department. Nine of the twelve charges were found to be without basis, and as to the other three charges no complaint was filed by the City Mayor (since the submission of the recommendation of the investigating committee) with the Municipal Board. On May 3, 1952, while said charges were under investigation by the proper committee, the appellee filed a suit in the Court of First Instance of Manila (Civil Case No. 16439) against the appellant for damages allegedly arising from the series of administrative charges filed against him. On May 29, 1952, the appellant, without filing an answer, moved to dismiss appellee's complaint. The court dismissed the same for being premature. The appellee appealed but his appeal was dismissed for failure to pay the docketing fee and the printing deposit. On November 4, 1954, almost two years after the dismissal of Civil Case No. 16439, the appellant filed the present complaint for damages, alleging as its basis the malicious and unfounded complaint against him filed by the appellee in said Civil Case No. 16439. On appellee's motion, the lower court dismissed the complaint for lack of cause of action. A motion for reconsideration having been denied, the plaintiff has taken the instant appeal.

The appellant has assigned the following errors:

1. THE LOWER COURT ERRED IN HOLDING THAT PLAINTIFF-APPELLANT'S FAILURE TO SET AS A COUNTERCLAIM IN CIVIL CASE NO. 16439, FLORENCIO CATINDIG VS. JAIME G. VILLANUEVA HIS

- PRESENT CLAIM FOR FOR IMAGES AGAINST THE APPELLEE IS A
EAR TO HIS INSTANT ACTION.
2. THE LOWER COURT ERRED IN DENYING THE FIRST MOTION FOR RECONSIDERATION OF PLAINTIFF-APPELLANT AND IN DISMISSING THIS CASE ALLEGEDLY FOR LACK OF CAUSE OF ACTION FOR THE REASON, AS IT STATED, THAT 'CIVIL OASE NO. 16430, FLORENCIO CATINDIG VS. JAIME G. VILLANUEVA, FOR DAMAGES, WHICH WAS DISMISSED AND UPON WHICH THE PRESENT ACTION IS RASED, IS NOT ONE OF THOSE CASES SPECIFIED IN THE CIVIL CODG WHERKIN MORAL DAMAGES MAY BE RECOVERED.'
 3. THE LOWER COURT LIKEWISE ERRED IN DENYING THE SECOND MOTION FOR RECONSIDERATION FILED RY PLAINTIFF-APPELLANT IN THIS CASE FOR LACK OF MERITS AND IN HOLDING THAT IT IS AT A 'LOSS TO UNDERSTAND WHY THE FILING OF CIVIL CASE NO. 16439 WOULD BE CONTRARY TO MORALS, GOOD CUSTOMS, OR PUBLIC POLICY, ESPECIALLY TAKING INTO CONSIDERATION THAT THE CASE WAS DISMISSED BECAUSE OF A PREJUDICIAL QUESTION.'
 4. THE LOWER COURT ERRED IN DISMISSING THE COMPLAINT FILED IN THIS CASE WITH GRAVE ABUSE OF DISCRETION."

We are of the opinion that the appealed order is not erroneous. The present complaint was filed because of the previous suit filed by the appellee against the appellant (Civil Case No. 16439). The latter case was dismissed not for want of cause of action, but because the lower court considered that, inasmuch as the determination of the administrative case was a prejudicial question, no cause of action yet existed. The court thus said:

"II. The determination of the administrative case is a prejudicial question; that is, facts charged and quoted by plaintiff are so in separably connected with this administrative case so much so that with the absence of any result of said administrative case it is PREMATURE to advance the opinion that charges there are unfounded, as plaintiff did."

"Viewed from all. angles, no cause of action will He against defendant Jaime Villanueva at this stage of the civil case, and a cause of action depends upon the result of the administrative case still pending: before an administrative body."

We agree with the appellee that the mere filing of a civil case is not in itself malicious or contrary to morals, good custom or public policy. It is true that articles 21, 2217 and 2219 of the new Civil Code provide for moral damages in case of undue prosecution; but they should not be so construed as to encourage or sanction endless actions for damages where, as in this case, a complaint is dismissed on a mere technicality, not after trial on the merits, and without pronouncement as to the existence and legality of the alleged wrongful acts.

It should be remembered that the appellee was exonerated from the administrative charges against him. This fact sustains appellee's contention that when he filed Civil Case No. 16439, he was not prompted by malice or prejudice. The same fact should also warrant the lower court's refusal to hold that the filing of Civil Case No. 16439 was contrary to morals, good custom or public policy.

Wherefore, the appealed order dismissing appellant's complaint is hereby affirmed. So ordered, with costs against the appellant.

Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.
