

MANUEL SAN ANDRES, PETITIONER, VS. HON. COURT OF APPEALS AND FILOMENO AGUILA, RESPONDENTS.

G.R. No. L-59493. August 21, 1982

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

The Court of Appeals* awarded moral damages of P30,000.00 and attorney's fees of P5,000.00 in favor of private respondent, Filomeno Aguila, in a suit for damages arising from malicious prosecution filed by the latter against petitioner, Manuel San Andres, before the Court of First Instance of Batangas, Lipa City, based on the following antecedents:

"On April 16, 1971, plaintiff Filomeno Aguila purchased from de-fendant Manuel San Andres 38 hogs, 2 goats and 10 chickens with a total value of P5,571.50. Of said amount, plaintiff paid defendant P2,927.55. Subsequently, plaintiff paid another P1,100.00, leaving a balance of P1,543.95. Plaintiff brought said livestock with him to Manila on April 16, 1971 accom-panied by Eligio Callada, a representative of defendant Manuel San Andres to whom plaintiff was supposed to pay the balance of the purchase price of said livestock. However, plaintiff was not able to give to Callada the full balance which he had promised defendant San Andres. Instead, he wrote a letter to defendant explaining why he failed to comply with his commitment.

"On July 1, 1971, San Andres filed a complaint against Aquila with the Chief of Police of Pasacao, Camarines Sur for estafa claiming that on April 16, 1971, Aquila received from him 29 hogs, 2 goats and 10 chickens valued at P3,681.30 which he brought with him to Manila promising that the costs of said livestock will be paid by him within three or four days, but notwithstanding said promise, he failed to do so. On the basis of said complaint, the chief of police filed with the municipal court of Pasacao, Camarines Sur a criminal complaint for estafa docketed as Criminal Case No. 729. In the preliminary examination before Judge Daniel O. Banks, municipal judge of Pasacao, Cama-rines Sur, San Andres executed a sworn statement in addition to his sworn statement before the chief of police (Exhibits 'B' and 'C'). In addition, the municipal judge took the statements of Eligio Callada and two other witnesses, namely, Santiago Garcia and Ramon Belgina. On the basis of the sworn statements of complainant San Andres and his three witnesses, the municipal judge issued an order for the arrest of Filomeno Aquila. Since said order was to be served outside the muni-cipality, the chief of police had said order approved and signed by the Executive Judge of the Court of First Instance of Camarines Sur in Naga City.

"In the morning of July 6, 1971, three policemen from Pasacao, Camarines Sur, accompanied by a policeman from the City of Manila, arrested Aquila inside his store at the Paco Market, Manila. He was brought first to the police outpost of the Paco Market and later to the police precinct of the Manila Police Department at the United Nations where he was confined from 9:30 in the morning to 4:30 in the afternoon. In the afternoon, he was brought to the Tutuban Railroad Station accompanied by the arresting police officers from Pasacao, Camarines Sur where he boarded the train bound for Naga City, arriving at Pasacao at 7:00 the following morning of July 7, 1971. He was brought to the municipal jail where he was detained. The follow-ing day, he appeared before the munici-pal judge who asked him whether he was going to file a bond. On the same day, the chief of police filed a

motion praying for the dismissal of the complaint since Aguila and San Andres have arrived at an amicable settlement under which the former agreed to pay the balance of his obligation of P1,543.95 plus an additional sum of P320.00 re-presenting incidental expenses incurred by San Andres in collecting said amount. Aguila paid on said date P1,000.00 and promised to pay the balance before July 15, 1971. Subsequently, the balance of Aguila's obligation was finally paid."[1]

On August 31, 1971, respondent Aguila instituted the aforesaid civil suit for damages (Civil Case No. 2159) against petitioner San Andres, the Chief of Police, and the Municipal Judge. The Trial Court dismissed the Complaint for damages filed by Aguila, holding that the filing by San Andres of the Estafa case was understandable because the behavior of Aguila in forgetting his obligation to San Andres naturally made the latter conclude that Aguila had deceived him; that the Chief of Police who signed the Complaint for Estafa and the Municipal Judge who issued the Warrant of Arrest were not to be blamed for they were only performing their respective duties; that the issuance of the Warrant of Arrest was justified; that the arrest of Aguila and the way he was treated had not been irregular nor cruel; that Aguila had no sufficient cause of action based on the facts which were of his own making; and that as to the counter-claim of San Andres, there was no sufficient evidence of the actual damages suffered.

On appeal by Aguila, the Court of Appeals modified the lower Court Decision in that it held San Andres liable to Aguila in the sum of P30,000.00 as moral damages, and P5,000.00 as attorney's fees, but affirmed the dismissal of the complaint against the Chief of Police and the Municipal Judge. Respondent Appellate Court noted from the evidence that:

"x x x defendant San Andres had admitted during the pre-trial that what was purchased by plaintiff from him on April 16, 1971 were 38 hogs, 2 goats and 10 chickens having a total amount of P5,571.50 and that of said amount, plaintiff paid him on the same day P2,975.55. (TSN, August 21, 1972, pp. 3,6). However, any (sic) sworn statement before the chief of police on July 1, 1971 when he filed the complaint against plaintiff for estafa, he stated that what plaintiff got from him on April 16, 1971 were 29 hogs, 2 goats and 10 chickens valued at P3,681.30 (Exhibit 'B'). He reiterated said statement under oath before municipal judge during the preliminary examination of the complaint for estafa which was filed by the chief of police against Aguila giving the impression that plaintiff had taken from him only 29 hogs, 2 goats and 10 chickens valued at P3,681.30 without paying a single centavo for said livestock and promising to pay the same within three or four days after he has sold them in Manila (Exhibit 'C'). He deliberately concealed the fact that what was given by him to plaintiff was 38 hogs, 2 goats and 10 chickens worth P5,571.50 of which the sum of P2,927.55 was actually paid by plaintiff to him on the same day said livestock were received, April 16, 1971. In deliberately misrepresenting the facts, San Andres' purpose was to make it appear that plaintiff had induced him to deliver to him some livestock upon his representation that the costs of said livestock would be paid by plaintiff some three days after when he would have disposed of said livestock in Manila, thereby showing a prima facie case of estafa that would justify the filing of a case of estafa against Aguila by the chief of police, the issuance of a warrant of arrest against plaintiff by the municipal judge.

"The bad faith of San Andres is further shown by the fact that according to the testimony of plaintiff, he had three other previous transactions with San Andres involving the sale of livestock on credit (transcript, October 9, 1972, pages 26, 29). This was not denied by San Andres."[2]

Before us now, petitioner-vendor San Andres seeks a review of respondent Court's aforesaid judgment contending that the filing of the Estafa case was without malice and was not intended to besmirch the reputation of respondent-vendee Aguila nor to humiliate him; that petitioner is a layman and not a lawyer and had to present his problem to the Chief of Police who, upon investigation, filed the complaint for Estafa in good faith; and that the

award of damages was excessive and based on misapprehensions, surmises and conjectures.

Respondent Court's finding of bad faith and malice in the filing of the Estafa charge by petitioner-vendor is supported by law^[3] and the evidence showing that petitioner-vendor failed to disclose all matters within his knowledge which had attended their transaction and which would have affected the Chief of Police's assessment of the facts charged as having resulted in a criminal act.

Nonetheless, we resolved to give due course to the Petition, only in so far as the award of damages is concerned.

While, indeed, the amount of moral damages is a matter left largely to the sound discretion of a Court,^[4] we find that the sums of P30,000.00 and P5,000.00 awarded herein as moral damages and attorney's fees, respectively, by the Court of Appeals, are excessive and should be reduced to more reasonable amounts, considering the attendant facts and circumstances. Moral damages, though incapable of pecuniary estimation, are in the category of an award designed to compensate the claimant for actual injury suffered, and not to impose a penalty on the wrongdoer.^[5]

WHEREFORE, modifying the judgment under review, petitioner Manuel San Andres is hereby ordered to pay private respondent, Filomeno Aguila, the sum of P10,000.00 as moral damages, and P3,000.00 as attorney's fees. In all other respects, the Court of Appeals judgment is affirmed.

No costs

SO ORDERED.

Teehankee, (Chairman), Makasiar, Plana, Vasquez, and Relova, JJ., concur. Gutierrez, Jr., J., on leave.

* First Division composed of Acting Presiding Justice Ramon G. Gaviola, Jr., and Justices Milagros A. German and Lino M. Patajo (ponente).

[1] pp. 2-3, Court of Appeals Decision, pp. 21-22, Rollo.

[2] pp. 3-4, Court of Appeals Decision, pp. 22-23, Rollo.

[3] Article 21, 2217 and 2219 (8), Civil Code.

[4] Art. 2216, Civil Code.

[5] Malonzo vs. Galang, 109 Phil. 16, 20-21, cited in Enervida vs. de la Torre, 55 SCRA 339.

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