

GENARA ALIGUAY, BABY ALIGUAY, NARCISO ALIGUAY AND MARY ALIGUAY, PETITIONERS, VS. REYNALDO LAURE, RESPONDENT.

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This is a Petition for Review[1] under Rule 42 of the Rules of Court seeking to set aside the February 24, 2011 Decision[2] of the Regional Trial Court (RTC), 10th Judicial Region, Branch 30, Surigao City, rendered in the exercise of its appellate jurisdiction, affirming with modification the January 29, 2010 Judgment[3] of the Municipal Trial Court in Cities (MTCC), 10[th] Judicial Region, Branch II, Surigao City, in Civil Case No. 5191, an action for “Damages with Injunction.”

The Facts of the Case

On April 8, 1999, plaintiff Reynaldo Laure (herein respondent) filed a complaint against defendants Genara, Baby, Narciso and Mary, all surnamed Aliguay (herein petitioners) before the MTCC, 10[th] Judicial Region, Branch II, Surigao City, docketed as Civil Case No. 5191, seeking the order of the court to prohibit the defendants from disturbing plaintiff's workers and to direct the defendants to pay plaintiff moral and exemplary damages as well as attorney's fees.[4]

According to the plaintiff, on September 9, 1998, he caused the construction of a residential building and fence on a lot owned by his parents located along Rizal Street, Surigao City. Defendants, who are the owners of the land bounding plaintiff's property on the Northern side, interrupted the construction by throwing into plaintiff's premises dirt & debris and by scolding, quarreling and threatening with bodily harm plaintiff's carpenters. Because of these, the carpenters stopped working thus delaying the project. The stoppage caused plaintiff's actual losses amounting to not less than P5,000 representing the carpenters' wages because the stoppage of work was involuntary.[5]

Further, plaintiff added that the defendants called him names such as landgrabber and other insulting and defamatory remarks causing him embarrassment before his laborers and neighbors. Defendants also threatened him that something will happen to him should he persist in the construction of his house and fence. Thus, plaintiff prayed that upon the filing of the complaint, an injunction order be issued prohibiting the defendants from disturbing plaintiff's workers and thereafter, to make the said injunction permanent. Plaintiff, likewise, prayed that defendants be ordered to pay the sum of P30,000 as moral damages, P20,000 as exemplary damages, P10,000 as attorney's fees, and other reliefs as the court may deem just and equitable.[6]

Defendants for their part, denied having committed any of the acts alleged by the plaintiff. By way of counterclaim, defendants asserted that because of the filing of this malicious and baseless complaint, they suffered sleepless nights, serious anxiety and besmirched reputation, entitling them to moral damages in the amount of P60,000. Moreover, because of the precipitate filing of the complaint, defendants were compelled to incur litigation expenses in the amount of P10,000.[7]

During trial, plaintiff testified that when his carpenters started the lay-out on September 9, 1998, at about 8

o'clock in the morning,

defendants Genara, Dodong also known as Narciso and Baby, all surnamed Aliguay, came over to the place. Baby was carrying a knife and uttered, “Ja-oy maihaw coman pyista” (Somebody will be butchered this coming fiesta). The defendants then scolded the carpenters, humiliated the plaintiff by throwing debris and calling him landgrabber and squatter. This made the carpenters stop working.[8] Manuel Zubiri, who was one of the carpenters of the plaintiff, testified that they were about to start working on September 9, 1998, but the defendants prevented them from doing so. [9]

For the defendants, only Genara Aliguay testified in court. She denied the acts attributed to her and her siblings and further claimed that she was working with Dr. Hatague at that time as shown by the certification issued by the doctor in her favor. The doctor, however, was not presented in court.[10]

On January 29, 2010, the MTCC rendered a Judgment the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered in favor of plaintiff and against the defendants, ordering the latter to jointly and severally pay the plaintiff moral damages in the amount of P20,000.00, exemplary damages of P20,000.00, as well as attorney's fees of P10,000.00; and further ordering the defendants to cease from disturbing the plaintiff in the enjoyment of his rights over his property.

SO ORDERED.[11]

On appeal, the RTC affirmed the January 29, 2010 MTCC's Judgment with modification that only Genara, Baby and Narciso, all surnamed Aliguay be ordered jointly and severally liable to pay damages.[12]

In its Order dated June 29, 2011, the RTC denied defendants-appellants' motion for reconsideration.[13]

In this recourse, petitioners Genara, Baby, Narciso and Mary, all surnamed Aliguay raise the following:

I

THE REGIONAL TRIAL COURT ERRED IN AFFIRMING THE DECISION OF THE MUNICIPAL TRIAL COURT IN CITIES, BRANCH II OF SURIGAO CITY FINDING THE PETITIONERS-DEFENDANTS JOINTLY AND SEVERALLY LIABLE FOR MORAL AND EXEMPLARY DAMAGES DESPITE THE ABSENCE OF FACTUAL AND LEGAL BASIS[.]

II

THE REGIONAL TRIAL COURT ERRED IN AWARDING ATTORNEY'S FEES.[14]

The Ruling of the Court

At the outset, this Court notes the following finding of facts as found by the MTCC and affirmed by the RTC: 1) On September 9, 1998, at about 8 o'clock in the morning, petitioners Genara, Dodong also known as Narciso and Baby, all surnamed Aliguay, came over to the subject lot where respondent and his carpenters were about to start working on the project lay-out; 2) Petitioner Baby was then carrying a knife and uttered, “Ja-oy maihaw coman pyista” (Somebody will be butchered this coming fiesta); 3) The petitioners then scolded the carpenters and humiliated the respondent by throwing debris and calling him landgrabber and squatter; and 4) Because of petitioners' acts, respondent's carpenters stopped working.[15]

Save in clearly exceptional cases, the finding of facts by the trial court is entitled to great weight because it has the opportunity to observe the deportment of witnesses and the evaluation of evidence presented during the trial.[16] This case does not fall in the exceptions. Hence, this Court finds no reason to deviate from the findings of the

lower court.

This Court now addresses the issue on whether the petitioners should be held liable to the respondent for moral damages, exemplary damages and attorney's fees.

Moral damages are not punitive in nature but are designed to compensate and alleviate in some way the physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury unjustly caused to a person. Although incapable of pecuniary computation, moral damages, nevertheless, must somehow be proportional to and in approximation of the suffering inflicted. Such damages, to be recoverable, must be the proximate result of a wrongful act or omission the factual basis for which is satisfactorily established by the aggrieved party.[17] An award of moral damages would require certain conditions to be met; to wit: (1) First, there must be an injury, whether physical, mental or psychological, clearly sustained by the claimant; (2) second, there must be a culpable act or omission factually established; (3) third, the wrongful act or omission of the defendant is the proximate cause of the injury sustained by the claimant; and (4) fourth, the award of damages is predicated on any of the cases stated in Article 2219 of the New Civil Code.[18]

All the required conditions obtain in this case. First, the respondent suffered psychological injury when petitioner Baby Aliguay, while carrying a knife uttered, “Ja-oy maihaw coman pyista” (Somebody will be butchered this coming fiesta) and the other petitioners scolded the carpenters, threw debris towards them and called the respondent landgrabber and squatter.[19] Second, these culpable acts were established by the respondent's testimonial evidence

and corroborated by the testimony of one of the carpenters named Manuel Zubiri. Petitioners' alibi and denial cannot overcome the positive testimonies of Zubiri and the respondent. Third, the wrongful acts of the petitioners are the proximate cause of the psychological injury sustained by the respondent. And fourth, the award of damages is predicated on the cases stated in Article 2219 of the New Civil Code particularly Numbers 7 and 10 thereof.

From the foregoing, it is plainly obvious that respondent is entitled to moral damages. There is no hard-and-fast rule in the determination of what would be a fair amount of moral damages since each case must be governed by its own peculiar facts. The yardstick should be that it is not palpably and scandalously excessive.[20] This Court finds that the amount of P20,000 is not palpably and scandalously excessive.

Moreover, the law allows the grant of exemplary damages by way of example for the public good.[21] To warrant the award of exemplary damages, the wrongful act must be accompanied by bad faith or done in a wanton, fraudulent, reckless or malevolent manner.[22] This Court finds that the wrongful acts of petitioners were accompanied by bad faith and were done in an oppressive manner. These are apparent from the parties' protracted animosity coupled with petitioners' acts of carrying of a knife while uttering hurtful words against respondent, and throwing of debris towards respondent and his carpenters. Thus, the lower court did not err in awarding exemplary damages of P20,000.

The award of attorney's fees is also proper when exemplary damages are awarded and when, as in this case, respondent was compelled to incur expenses to protect his interest from petitioners' oppressive acts.[23] The standards in fixing attorney's fees are: (1) the amount and the character of the services rendered; (2) labor, time and trouble involved; (3) the nature and importance of the litigation and business in which the services were rendered; (4) the responsibility imposed; (5) the amount of money and the value of the property affected by the controversy or involved in the employment; (6) the skill and the experience called for in the performance of the services; (7) the professional character and the social standing of the attorney; (8) the results secured, it being a recognized rule that an attorney may properly charge a much larger fee when it is contingent than when it is

not.[24] In this case, all the aforementioned weighed, this Court assents to the award of P10,000 for attorney's fees.

Finally, this Court finds no reason to depart from the RTC's modification of the MTCC's ruling finding only Genara, Baby, and Narciso, all surnamed Aliguay, to be jointly and severally liable to respondent for the awarded damages since there is no evidence presented against Mary Aliguay.

WHEREFORE, the petition for review is DENIED. The Decision dated February 24, 2011 of the Regional Trial Court, 10[th] Judicial Region, Branch 30, Surigao City, is AFFIRMED.

SO ORDERED.

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Borja, J., Chairperson and Badelles, JJ., concur.

[1] Rollo, pp. 6-25.

[2] Rollo, pp. 26-38.

[3] Rollo, pp. 48-53.

[4] Rollo, pp. 43-45.

[5] Ibid.

[6] Ibid.

[7] Rollo, pp. 48-49.

[8] Rollo, pp. 49-50.

[9] Rollo, p. 51.

[10] Rollo, pp. 51-52.

[11] Rollo, p. 53.

[12] Supra at note 2.

[13] Rollo, p. 42.

[14] Rollo, p. 13.

[15] Rollo, p. 51.

[16] Deheza-Inamarga v. Alano, G.R. No. 171321, December 18, 2008.

[17] Expertravel and Tours, Inc. v. Court of Appeals, 309 SCRA 141, 145-146 [1999].

[18] Art. 2219. Moral damages may be recovered in the following and analogous cases:

- 1) A criminal offense resulting in physical injuries;
- 2) Quasi-delicts causing physical injuries;
- 3) Seduction, abduction, rape, or other lascivious acts;
- 4) Adultery or concubinage;
- 5) Illegal or arbitrary detention or arrest;
- 6) Illegal search;
- 7) Libel, slander or any other form of defamation;
- 8) Malicious prosecution;
- 9) Acts mentioned in Article 309;
- 10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34 and 35.

The parents of the female seduced, abducted, raped, or abused, referred to in No. 3 of this Article, may also recover moral damages.

The spouse, descendants, ascendants, and brothers and sisters may bring the action mentioned in No. 9 of this Article, in the order named.

[19] Rollo, pp. 49-50.

[20] PNB v. Court of Appeals, G.R. 116181, April 17, 1996.

[21] CIVIL CODE, Article 2229.

[22] Francisco v. Ferrer, G.R. 142029, February 28, 2001.

[23] CIVIL CODE, Article 2208.

[24] Pascual v. Court of Appeals, 300 SCRA 214, 233 (1998).

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