

LUIS BUENAVENTURA, ET AL., PLAINTIFFS AND APPELLANTS, VS. DAMASO STO. DOMINGO AND FILEMON IGNACIO, AS CHIEF OF POLICE OF BOAC, MARINDUQUE, DEFENDANTS AND APPELLEES.*G. R. No. 10651. March 29, 1958*

Ponente: FELIX, J.

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This is an appeal from a resolution of the Court of First Instance of Marinduque dismissing the complaint in Civil Case No. R-966 for lack of sufficient evidence to establish that therein defendants acted with malice in the filing of the complaint in Criminal Case No. 501 of the Justice of the Peace Court of Boac, Marinduque. The facts of the case are as follows:

It appears that on July 23, 1953, at the order of Rufina Mandia, administratrix of Espiridion Llena's estate, Luis Buenaventura, Dominador Linga, Santos Mascarenas, Luis Malagotnot, Efren Mascarenas, Bienvenido Mascarenas, Pedro Mandia and Basilio Linga gathered nuts from coconut trees planted on certain parcels of land located at barrio Bantay, Boac, Marinduque. Damaso Sto. Domingo, claiming that he was the owner of the said parcels of land in virtue of a deed of sale dated April 25, 1951, executed by Leoncia Largado, widow of the deceased Espiridion Llena (Exhibit E), accompanied by the Chief of Police of said municipality, advised them to desist from continuing said work, which they did. On being apprised of the incident, Rufina Mandia instructed them to continue the picking, with the assurance that she would be responsible for any consequence thereof. Hence, on July 26, 1953, they returned to the premises and continued the gathering of nuts. Damaso Sto. Domingo once more came with the Chief of Police and accosted them for allegedly taking his properties. One of them thus fetched Rufina Mandia who arrived at the scene and talked the matter over with Damaso Sto. Domingo. On this occasion, Sto. Domingo even showed the documents purportedly supporting his claim of ownership over said properties and two days later, the above-named persons, together with Rufina Mandia, were arrested and named accused in a complaint filed with the Justice of the Peace Court by the Chief of Police for qualified theft; which was docketed as Criminal Case No. 501 (Exhibit A). This complaint was later amended so as to specify that the unlawful act consisted in the taking, stealing and carrying away about 1,901 nuts belonging to Damaso Sto. Domingo, valued at P158.76 (Exhibit B). Hearing was duly conducted and on August 26, 1953, the Justice of the Peace Court of Boac, Marinduque, rendered judgment finding Rufina Mandia guilty as charged, but her co-defendants were absolved on the ground that they were merely hired by the former to perform the act complained of and that the evidence did not warrant even their inclusion in the complaint (Exhibit C).

On January, 19, 1954, Luis Buenaventura, Dominador Linga, Pedro Mandia, Basilio Linga, Santos Mascarenas, Efren Mascarenas, Bienvenido Mascarenas and Luis Malagotnot filed a civil action for damages with the Court of First Instance of Marinduque against Damaso Sto. Domingo and the Chief of Police Filemon Ignacio, contending that they were unjustifiably accused of a crime by reason of which they were compelled to engage the services of a lawyer, suffered mental anguish, serious anxiety, besmirched reputation and social humiliation. Thus, they prayed the Court that defendants be ordered to pay them, jointly and severally, the sums of P500 as actual

damages, P3,000 as moral damages, P1,500 as exemplary damages, P400 as attorney's fees and for costs.

Defendants filed separate motions to dismiss both alleging that the complaint stated no cause of action and that there was a pending action between the same parties over the same cause, which motions were denied by the Court in its order of March 13, 1954.

In his answer, defendant Damaso Sto. Domingo asserted that he was the owner and possessor of the parcels of land from which the coconuts in question were gathered; that said properties were purchased by him from Leoncia Largado, which sale was duly notarized and registered on April 25, 1951, that said parcels of land were included among those awarded to Leoncia Largado by the Court of First Instance of Marinduque in Civil Case No. 438; and that Rufina Mandia was aware and had knowledge of his ownership and possession of the said properties. He denied also having knowledge that therein plaintiffs were merely hired by Rufina Mandia; that his actions were done in the exercise of his right as an owner of the properties without intention of causing embarrassment or humiliation upon plaintiffs; and that it was the Chief of Police who determined the propriety of the filing of the criminal action. This defendant in praying for the dismissal of the action likewise asked for actual and moral damages, attorney's fees and costs.

On the other hand, defendant Chief of Police filed a separate answer averring that Criminal Case No. 501 was filed because Damaso Sto. Domingo was in possession of a deed evidencing the latter's ownership over said properties; that there was no malice in the prosecution of plaintiffs as the complaint was filed after proper investigation was made and he was convinced that the essential elements of the crime of qualified theft were present. He, therefore, prayed that the complaint be dismissed and that he be awarded moral damages and attorney's fees.

Due hearing was conducted thereon and after the plaintiffs had rested their case, defendants filed a motion to dismiss on the ground that plaintiffs failed to establish a cause of action against them, which was correspondingly opposed by the adverse party. The lower court, after considering the arguments adduced therein and the circumstances of the case, issued a resolution dismissing the complaint for the reason that the evidence failed to prove that defendants acted with malice in the prosecution of Criminal Case No. 501 of the Justice of the Peace Court of Boac, Marinduque; hence, the instant appeal by plaintiffs.

Unmistakably, the only question at issue in the case at bar is whether judging from the circumstances as appearing on record, appellees Damaso Sto. Domingo and the Chief of Police of Boac, Marinduque, could be held liable for damages for having included herein appellants as accused in Criminal Case No. 501 of the Justice of the Peace Court of said municipality. There is no question that said court, in its decision of August 26, 1953, made the pronouncement that:

"Now, switching to the criminal liability of the other eight defendants who were merely hired by Rufina Mandia to gather the coconuts for her, this court holds that the evidence does not warrant their inclusion in the complaint. * * * (Exhibit C),

but would this be sufficient basis to hold the plaintiffs therein liable for damages for malicious prosecution? It may not be amiss to state at this juncture that the provisions of Article 326 of our old Penal Code of 1887 referring to the crime of false accusation or complaint have not been incorporated in the Revised Penal Code and that the only provision of the latter code that has some bearing on this point is the following:

Art. 363. INCRIMINATING INNOCENT PERSON.—Any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, shall be punished by arresto mayor.,

which this Court has construed to be inapplicable to malicious prosecution of a charge against an innocent person, but "to the acts of Planting evidence and the like, which do not in themselves constitute false prosecution but tend directly to cause false prosecutions" (People vs. Rivera, 59 Phil., 236).

It is true that the present action is not criminal but civil in nature, but the provisions of the Civil Code in making reference to malicious prosecutions must necessarily imply that the person to be held liable to pay moral damages should have acted deliberately and with knowledge that his accusation of the person subject, to such malicious prosecution, was false and groundless. The same thing is true as regards the demand for attorney's fees and expenses of litigation authorized under Article 2208, No. 3 of the Civil Code. In this connection it may be stated that the act of a complainant in submitting his case to the authorities for prosecution does not make him liable for malicious prosecution, for it is the Government or representative of the State that takes charge of the prosecution of the offense.

In the criminal case involved in this litigation said to have been maliciously prosecuted, the complainant was the People of the Philippines and Diimas Sto. Domingo, the offended party, cannot be made responsible for the result of that case that was handled by the State.

The same thing may be said of the defendant Chief of Police, Filemon Ignacio. Although in the Municipal or Justice of the Peace Courts criminal actions may be instituted upon the complaint of the Chief of Police, yet it is the Justice of the Peace or the Municipal Judge who accepts the charge and gives the same due course if in his opinion there is prima facie showing that the defendant is answerable for the crime charged.

In the case at bar, the ownership of the parcels of land involved herein is not the issue, but it is clear to Us that Damaso Sto. Domingo, believing himself to be rightfully entitled thereto in virtue of the deed of sale in his favor and upon being informed that certain persons were gathering the products of the land without his authority and consent, repaired to the place and making known his identity as, such owner forbade them from continuing such activity, which the latter obeyed. Two days later, however, Sto. Domingo again received the information that the same group was back and furthering the same act. Incensed by appellants open defiance of his prohibition, Sto. Domingo resorted to a means that he knew of for the protection of his properties and the preservation of his right—the denunciation of the persons who took part in the commission of the act which he considered to be a violation of his right before the proper authorities. We have gone over the records of the case and they elicit nothing that may be pointed out as probable motive for Sto. Domingo to charge herein appellants of the crime of qualified theft before the Justice of the Peace Court of Boac, Marinduque, other than an honest belief that his right could be protected that way. And the same thing may be said of the Chief of Police. He was present when Sto. Domingo forbade appellants from taking his properties and was again on the spot when they found the same group committing the act which they were previously prohibited to do. There is no reason for the Chief of Police to doubt Sto. Domingo's right over the properties considering that the latter was even in possession of certain deeds evidencing ownership thereof, and having conducted an investigation, aside from the fact that he was even a witness to the commission of the act complained of, he had no alternative but to conclude that all the elements of the crime charged were present that justified the filing of the corresponding complaint. Although this is a civil action wherein a mere preponderance of evidence would be sufficient to establish the liability of defendants, still We find that the evidence adduced by plaintiffs-appellants falls short of the degree that would entitle them to the remedy sought for. While We must look upon the plight of hapless victims of unfounded and malicious prosecutions with tolerance and sympathy, sound principles of justice and public policy dictate that persons shall have free resort to the courts for redress of wrongs and vindication of their rights without fear of later on standing trial for damages where by lack of sufficient evidence, legal technicalities or a different interpretation of the laws on the matter the case would lose ground and therein defendants are acquitted. Proof and motive that the

prosecution or institution of the action was prompted by a sinister design to vex and humiliate a person and to cast dishonor and disgrace must be clearly and preponderantly established to entitle the victims to damages and other rights granted by law; otherwise, there would always be a civil action for damages after every prosecution's failure to prove its cause resulting in the consequent acquittal of the accused therein.

Wherefore the resolution of the Court a quo dated March 8, 1956, dismissing the complaint is hereby affirmed, with costs against appellants. It is so ordered.

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

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