

**CONRADO MAGBANUA AND ROSEMARIE MAGBANUA-TABORADA,
THE LATTER ASSISTED BY HER HUSBAND ARTEMIO TABORADA,
PETITIONERS, VS. PILAR S. JUNSAY, ASSISTED BY HER HUSBAND
VICENTE JUNSAY, I...**

G.R. NO. 132659. February 12, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is an Appeal by Certiorari from the Decision,[1] dated 26 January 1998, of the Court of Appeals in CA-G.R. CV No. 51750, which affirmed in toto the Decision,[2] dated 25 July 1995, of the Regional Trial Court (RTC), Branch 51, Bacolod City, in Civil Case No. 4361, dismissing the Complaint for Damages for malicious prosecution, filed by petitioners against respondents. The RTC rendered judgment declaring that the prosecution was not prompted by sinister design to vex and humiliate petitioner Rosemarie Magbanua. The Court of Appeals similarly found the appeal without merit.

The following are the antecedent facts:

Petitioner Rosemarie Magbanua, who worked as a housemaid in the residence of complainant and herein respondent Pilar S. Junsay was charged as a co-accused with the crime of Robbery before the RTC, Branch XLI of Bacolod City in Criminal Case No. 28 entitled, *People of the Philippines v. Rosemarie Magbanua, et al.*, by virtue of an Information, which recites, thus:

That on or about the 18[th] day of July, 1982, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, conspiring, confederating and mutually helping one another, with intent to gain and with the use of force upon things by then and there making a hole on the lower portion of the kitchen's door of the house of the herein offended party, Dra. Pilar S. Junsay, situated at Bata Subdivision, Bacolod City, through which opening made (sic) them, said accused gained entrance thereto and once inside the said house, did, then and there willfully, unlawfully and feloniously take, rob and carry away with them, assorted jewelries and cash, valued all in all in the amount of P29,624.00, Pesos, Philippine Currency, to the damage and prejudice of the herein offended party in the aforementioned amount.[3]

The records show that only petitioner Rosemarie was tried in Criminal Case No. 28. Her co-accused, Ernesto Fernandez and a certain Gudo, remain at large.

The case for the prosecution relied on an alleged confession made by petitioner Rosemarie, admitting her participation in the crime of Robbery. The defense contested the admissibility of the confession, and averred that the same was made under duress.

On 20 December 1985, the RTC, Branch XLI of Bacolod City, rendered a Decision,[4] acquitting petitioner Rosemarie of the crime of Robbery. The RTC held:

The evidence for accused [herein petitioner Rosemarie] more particularly the Medical Certificate and the

testimony of the attending physician as well as the Decision of the NAPOLCOM finding the investigating officers guilty has clearly establish (sic) the fact that accused was physically maltreated by the investigating officers in an attempt to force her to confess her participation in the robbery. Whatever declaration of accused therefore against her interest is inadmissible in evidence against her, hence, the alleged admission of the accused that she participated in the commission of the Robbery made to the police investigator and complainant [complainant respondent Pilar] even if it is true cannot be used against her. Notwithstanding however, accused could still be found guilty if the evidence for the prosecution is sufficient to establish her participation in the crime without said alleged admission by the accused. Record, however, shows that other than the alleged admission of the accused made to the police investigator and the complainant, the only evidence to establish the participation of the accused in the robbery is the testimony of the complaining witness that after accused informed her that part of the jewelry stolen was inside her bag at her room, the complaining witness searched the room of accused and found one (1) piece of gold necklace. On this point, the evidence adduced shows that the police authorities went at (sic) the scene of the robbery and thoroughly investigated the incident including dusting for fingerprints, tending to show that the investigation of the police authorities was extensive, hence, it was quite improbable and difficult to believe that the police investigator would fail to search the bag nor the room of accused. This Court[,] therefore[,] find said testimony of the complaining witness on this point discredited.[5]

The decretal portion of the 20 December 1985 RTC Decision pronounced:

IN VIEW OF THE FOREGOING THEREFORE, this Court finds the evidence for the prosecution not only insufficient to prove the guilt of the accused beyond reasonable doubt but even insufficient to establish a prima facie case against her for having participated in the robbery subject of the above entitled case and therefore ACQUITS accused on the ground of insufficiency of evidence. The bailbond of the accused for her provisional liberty is hereby ordered cancelled.[6]

On 9 March 1987, petitioner Rosemarie, assisted by Artemio Taborada, and together with co-petitioner Conrado Magbanua (Rosemarie's father) filed with the RTC, Branch 51, Bacolod City, a Complaint for Damages[7] against respondent Pilar, assisted by her husband Vicente Junsay, Ibarra Lopez, and Juanito Jacela. Respondent Pilar was the employer of petitioner Rosemarie, while respondents Ibarra and Juanito were members of the police force of Bacolod City, and assigned at the Police Station in Taculing, Bacolod City.

The Complaint, alleged, inter alia, that by reason of respondents' false, malicious, and illegal actuations in filing Criminal Case No. 28 for Robbery against petitioner Rosemarie, the latter suffered untold pain, shame, humiliation, worry, and mental anguish, which if assessed in monetary terms will not be less than P200,000.00.[8] It was further alleged therein that Conrado, Rosemarie's father, lost his job and his entire family suffered.[9] Petitioners maintained that Rosemarie suffered physical pain and mental torture due to the filing of the false criminal charge against her.[10] They sought moral and exemplary damages, including attorney's fees and litigation expenses, as well as loss of earnings and expenses incurred in connection with Rosemarie's defense in Criminal Case No. 28 for Robbery.[11] They similarly prayed for payment of the expenses incurred in the prosecution of the instant case.

Subsequently, petitioners filed a Petition to litigate as pauper which the RTC granted in its Order dated 9 March 1987, it appearing that they had no means to prosecute their action.[12]

Respondent Pilar filed a Motion to Dismiss,[13] on the ground that the cause of action is barred by the Statute of Limitations, as crystallized in Article 1146[14] of the Civil Code. From the time the cause of action arose to the filing of the Complaint, four years and eight months had already lapsed.

Petitioners filed an Opposition to the Motion to Dismiss,[15] contending that their cause of action is not for damages based on the physical injuries suffered by Rosemarie during the investigation of the criminal case nor the

violation of her rights for the indignities foisted upon her by the respondents from 18 July 1982, and several days thereafter.[16] They posited that the damages sought are for the malicious prosecution of Rosemarie. They reasoned that the baseless filing of the criminal case for Robbery against Rosemarie, despite her protestations of innocence and the lack of evidence against her, caused her family to incur expenses and subjected her to untold shame and humiliation.[17] Petitioners clarified that the allegations about the violation of Rosemarie's rights as a person were included only to demonstrate respondents' palpable malice in the filing of the said criminal case against her. Petitioners postulated that as the Complaint for Damages is for malicious prosecution, the prescriptive period should be counted from the date of Rosemarie's acquittal in Criminal Case No. 28, or on 20 December 1985, and not from 18 July 1982, the date when respondents injured the rights of Rosemarie. From the time judgment in Criminal Case No. 28 was rendered to the filing of the Complaint in the instant case, not more than one year and three months had passed.[18]

On 24 March 1988, the RTC issued an Order[19] denying respondents' Motion to Dismiss for lack of merit. It found that the cause of action of petitioners' Complaint was based on malicious prosecution; hence, the prescriptive period shall be counted from the date of petitioner Rosemarie's acquittal. According to the RTC, the allegations about the wanton violation of the rights of Rosemarie as a person were to show the pattern of respondents' malice.

Respondent Pilar filed before the RTC an Answer,[20] dated 18 May 1988, disclaiming petitioners' allegation that she maltreated petitioner Rosemarie while the latter was being investigated by the police authorities. She posited, *inter alia*: that she was not present during the investigation, and was subsequently informed of petitioner Rosemarie's participation in the robbery by the investigators, the same being reflected in the Joint Affidavit of the police investigators; that she never laid a hand on petitioner Rosemarie before, during, or after the investigation, as, in fact, she had no inkling of her participation in the crime; that she had no hand in the filing of the case except to execute an affidavit regarding her ownership of the lost jewelry; and that she has no liability whatsoever to petitioner Rosemarie, much less, to her father, petitioner Conrado, who does not appear to have any involvement in the matter.[21] By way of counterclaim, she sought damages, including attorney's fees, and costs of suit from the petitioners.

Petitioners filed a Reply and Answer to Counterclaim,[22] reiterating the allegation in the Complaint, that respondent Pilar actually participated in the maltreatment of petitioner Rosemarie, and she cannot deny her participation as she was always present in the police station during the investigation. Petitioners alleged that respondent Pilar cannot claim lack of knowledge of the maltreatment and indignities suffered by petitioner Rosemarie because she herself participated in such maltreatment. Petitioners further contended, *inter alia*, that they have a proper and valid cause of action against the respondents, including petitioner Conrado who suffered and incurred expenses to defend his daughter, Rosemarie, who was then a minor against unjust accusation, maltreatment and torture.

On 9 September 1988, at the pre-trial, the parties entered into a stipulation of facts. Counsel for the petitioners manifested that they were claiming damages not for physical injuries which petitioner Rosemarie allegedly suffered in the hands of respondents during her investigation, but for her malicious prosecution.[23] In concurrence thereto, counsel for respondents declared that the main issue was whether Rosemarie was maliciously prosecuted with the filing of the criminal case for Robbery.[24] Following the stipulations and counter-stipulation of facts, pre-trial was terminated.

Meanwhile, respondents Ibarra and Juanito, members of the police force of Bacolod City, filed an Answer and Manifestation,[25] adopting the Answer filed by their co-respondent Pilar, dated 18 May 1988, insofar as the allegations therein were applicable to them, and further adopting the counterclaim interposed in the aforesaid

action.

Trial, thereafter, ensued.

Seeking to fortify their case, petitioners offered the following exhibits, to wit:

Exhibit "A" - The medical certificate issued by Dr. Teodoro S. Lavasa, Medico-legal officer and Chief, Crime Laboratory, Bacolod Metro Police District, dated July 27, 1982.

This exhibit is offered to show the many injuries sustained by [herein petitioner] Rosemarie Magbanua at the hands of the [herein respondents] in their joint effort to make her admit the crime in the absence of proof that she participated therein and despite her protestations of innocence.

Exhibit "B" - The note of Dr. Teodoro S. Lavada to the jail warden.

This exhibit is offered to show the result of the maltreatment and/or physical injuries inflicted by the [respondents] on the person of [petitioner] Rosemarie Magbanua - hemoptysis, fever, and body pains - which made the medico-legal officer recommend hospitalization for her.

Exhibit "C" - The information filed by Fiscal Ricardo F. Tornilla, 2[nd] Asst. City Fiscal, Bacolod City, dated July 20, 1982.

This exhibit is offered to show the result of the [respondents'] confederated efforts for Rosemarie Magbanua to be prosecuted for the crime she did not commit, including untrue affidavits, a biased and false investigation report mentioning Rosemarie Magbanua's alleged confession of her participation in the robbery when she never did, despite the injuries and indignities to which she was subjected, all of which made the Asst. City Fiscal Ricardo F. Tornilla file the information against said plaintiff Rosemarie Magbanua.

Exhibit "D" - The Decision rendered by Hon. Quirino D. Abad Santos, Jr., Judge, Regional Trial Court of Negros Occidental, Branch XLI Bacolod City, in Criminal Case No. 28 entitled, "People of the Philippines vs. Rosemarie Magbanua, et al." dated December 20, 1985.

Exhibit "D-1" - The portion appearing on page 4 of said decision stating that, "IN VIEW OF THE FOREGOING THEREFORE, this Court finds the evidence for the prosecution not only insufficient to prove the guilt of the accused beyond reasonable doubt but even insufficient to establish a prima facie case against her for having participated in the robbery subject of the above entitled case and therefore ACQUITS accused on the ground of insufficiency of evidence. The bailbond of the accused for her provisional liberty is hereby ordered cancelled."

This exhibit with its sub-marking is offered to show that the [petitioner] Rosemarie Magbanua was acquitted of the crime charged because the evidence for the prosecution was not only insufficient to prove the guilt of the accused beyond reasonable doubt but even insufficient to establish a prima facie evidence against her for having participated in the robbery, thus glaringly exposing the utter lack of basis for charging and/or prosecuting Rosemarie Magbanua for the crime of robbery which was nevertheless filed at the behest of the [respondents] who knowing fully the bereftness of their stand even tried to concoct additional evidence of having found still more jewelry in [petitioner] Rosemarie Magbanua's handbag, a maneuver which was debunked by the honorable Court in its decision.

Exhibit "E" - The decision of the National Police Commission Adjudication Board No. 11 in Adm. Case No. 83-0888 finding the respondent PFC Ibarra Lopez and respondent Patrolman Juanito Jacela, two of the defendants, guilty of grave misconduct and ordering their suspension for two (2) months without pay.

Exhibit "E-1" - The bracketed dispositive portion of the decision appearing on page 3 thereof which is as follows:

"IN VIEW OF THE FOREGOING, this Board finds respondents PFC IBARRA LOPEZ AND PAT JUANITO JACELA guilty of Misconduct and they are hereby ordered SUSPENDED FOR TWO (2) MONTHS WITHOUT PAY WITH WARNING THAT A REPETITION OF THE SAME OFFENSE SHALL BE PENALIZED MORE SEVERELY."

This exhibit with its submarking is offered to show that the two (2) [respondents], PFC Ibarra Lopez and Patrolman Juanito Jacela, employed unnecessary force on the person of the [petitioner] Rosemarie Magbanua just to make her admit and/or confess to a crime she did not commit, thus contributing to and even making possible the unnecessary, baseless, and malicious prosecution of the [petitioner].[26]

On 25 January 1991, the RTC issued an Order,[27] admitting Exhibits "A" to "E," including the sub-markings thereon for the purposes for which they had been offered and for such purpose as may serve the court a quo in the resolution of the case.[28]

On 25 July 1995, the RTC rendered a Decision dismissing the Complaint. The RTC applied the established rule that for a malicious prosecution suit to succeed, two indispensable elements must be shown to exist, to wit: (a) malice and (b) absence of probable cause. It found that the elements were not successfully shown by petitioners. It held that the mere filing of a suit does not render a person liable for malicious prosecution should he be unsuccessful for the law could not have meant to impose a penalty on the right to litigate.[29]

In sustaining the respondents, the RTC said that the filing of the criminal complaint against petitioner Rosemarie was not prompted with a sinister design to vex, or humiliate her. It reasoned that respondent Pilar reported the robbery which occurred on 17 July 1982 to the Bacolod Police Station; consequently, police investigators, including respondents Ibarra and Juanito, proceeded to the residence of respondent Pilar. It ratiocinated that there was no legal malice on the part of the latter as victim of the crime of robbery for bringing the same to the attention of the police authorities. The RTC similarly did not find legal malice on the part of her co-respondents, Ibarra and Juanito, as they were merely performing their duties when they conducted the investigation; and subsequently filed the case against petitioner Rosemarie and her co-accused pursuant thereto.

In denying petitioners' prayer for damages arising from malicious prosecution, the RTC ruled that:

In the course of the investigation, Rosemarie Magbanua admitted her participation in the robbery together with a certain Ernesto Fernandez and a person named "Gudo." The necklace given to her as her share was recovered in her shoulder bag.

After the police authorities had completed their investigation, they filed a case for robbery with the office of the City Fiscal of Bacolod City (now City Prosecutor) against Rosemarie Magbanua, Ernesto Fernandez and a certain "Gudo." The Office of the City Fiscal after conducting a preliminary investigation filed a case for robbery against the three suspects. After trial, as against then accused now [herein petitioner] Rosemarie Magbanua, the Court acquitted her.

[Herein respondent] Dra. Pilar Junsay, cannot be faulted for reporting to the police. She was robbed of valuables worth P29,974.00. Besides, she did not tell the police that she was robbed by herein [petitioner] Rosemarie Magbanua. And, there is no legal malice for a victim of a crime to report the matter to the police. Furthermore, the mere filing of a suit does not render a person liable for malicious prosecution should he be unsuccessful for the law could not have meant to impose a penalty on the right to litigate (*Albenson Enterprises Corp. vs. Court of Appeals*, 217 SCRA 16).

Neither can [respondents] police investigator Ibarra Lopez and Juanito Jacela be faulted for filing a complaint of robbery with the Office of the City Fiscal, against herein plaintiff Rosemarie Magbanua, Ernesto Fernandez and a certain "Gudo." It is part of their duties to conduct an investigation of a case reported to their office. And Rosemarie Magbanua admitted to them her participation to the commission of the crime together with her

co-accused Ernesto Fernandez and Gudo. Thus, there was probable cause of the crime of robbery against said accused. Their finding of a probable cause against the accused was shared by the City Fiscal's Office when an Information for robbery against said accused was filed after conducting a preliminary investigation.

[Respondents] police investigators Ibarra Lopez and Juanito Jacela do not know [respondent] Dra. Pilar Junsay nor [petitioner] Rosemarie Magbanua, prior to July 18, 1982, when the crime was reported by the former to their office. And, the criminal complaint filed by them was not only against Rosemarie Magbanua, but also against Ernesto Fernandez and a certain "Gudo." Hence, it cannot be said that they were prompted by a sinister design to vex, and humiliate [petitioner] Rosemarie Magbanua.[30]

Petitioners filed a Notice of Appeal on the 25 July 1995 Decision of the RTC. Thus, the records of the case were subsequently forwarded to the Court of Appeals.

The Court of Appeals affirmed the RTC in toto.

The appellate court declared that the design to vex and humiliate petitioner Rosemarie in the prosecution of Criminal Case No. 28 was wanting. It held that respondent Pilar as complaining witness merely reported the matter to the police authorities; while respondents Ibarra and Juanito were merely performing their duties as investigating police officers. Thus:

In the present case, there was no proof that the prosecution was prompted by a design to vex and humiliate the [herein petitioner] Rosemarie Magbanua. The crime of robbery was actually committed and [petitioner] Rosemarie Magbanua admitted her participation therein. There was nothing illegal, sinister or malicious in prosecuting her on the part of [herein respondent] Dra. Junsay who, as a victim of the crime of robbery, reported the incident to the police authorities. In fact, the [respondent] did not suspect that the [petitioner] was one of those who committed the crime.

On the part of the police investigators, they were only performing their duties in accordance with the standard procedure of their office. They came to know the victim Dra. Junsay and [petitioner] Rosemarie Magbanua only during the investigation. The fact was that Rosemarie Magbanua admitted participation in the commission of the crime. Finding that there was a prima facie case, the City Fiscal who investigated the case filed a case for robbery in the then Court of First Instance of Bacolod (now RTC).[31]

The Court of Appeals was also convinced that there was probable cause to believe that the robbery was committed by petitioner Rosemarie and her co-accused. The finding of probable cause, according to the appellate court, was confirmed by the filing of the Information for Robbery by the City Fiscal's Office after the preliminary investigation.[32]

The Court of Appeals disposed:

WHEREFORE, the Decision of the trial court dated July 25, 1995 is hereby AFFIRMED IN TOTO. Costs against the [herein petitioners].[33]

Hence, petitioners come to the succor of this Court via the instant Appeal by Certiorari to assail the Decision of the Court of Appeals, which affirmed the Decision of the RTC, that there was no malicious prosecution.

For our resolution is the issue of whether petitioners are entitled to damages for malicious prosecution. However, before we could resolve said issue, we should first determine whether the filing of a criminal case for Robbery against petitioner Rosemarie constituted malicious prosecution.

It is petitioners' submission that the prosecution of petitioner Rosemarie was founded upon baseless accusations.[34] Petitioners posit that the charges were based on false affidavits and false police reports, without which the criminal case against petitioner Rosemarie would not have been filed.[35] Petitioners further decry the

maltreatment which petitioner Rosemarie allegedly suffered from the hands of respondents. According to petitioners, Rosemarie was maltreated to extract a confession from her, and to make her admit to a crime she did not commit. They reasoned that petitioner Rosemarie, who was then a minor, an uneducated farm girl, and a stranger in Bacolod City, was subjected to torture and inhumane treatment.[36] Petitioners contend further that respondent Pilar employed her privileged status in the society as a medical doctor; and her co-respondents Ibarra and Juanito utilized their positions as members of the Bacolod City Police to secure an admission from petitioner Rosemarie.[37]

In this jurisdiction, the term "malicious prosecution" has been defined as "an action for damages brought by one against whom a criminal prosecution, civil suit, or other legal proceeding has been instituted maliciously and without probable cause, after the termination of such prosecution, suit, or other proceeding in favor of the defendant therein." [38] While generally associated with unfounded criminal actions, the term has been expanded to include unfounded civil suits instituted just to vex and humiliate the defendant despite the absence of a cause of action or probable cause.[39]

This Court, in *Drilon v. Court of Appeals*, [40] elucidated, viz:

The term malicious prosecution has been defined in various ways. In American jurisdiction, it is defined as:

"One begun in malice without probable cause to believe the charges can be sustained (*Eustace v. Dechter*, 28 Cal. App. 2d. 706, 83 P. 2d. 525). Instituted with intention of injuring defendant and without probable cause, and which terminates in favor of the person prosecuted. For this injury an action on the case lies, called the action of malicious prosecution (*Hicks v. Brantley*, 29 S.E. 459, 102 Ga. 264; *Eggett v. Allen*, 96 N.W. 803, 119 Wis. 625)."

In Philippine jurisdiction, it has been defined as:

"An action for damages brought by one against whom a criminal prosecution, civil suit, or other legal proceeding has been instituted maliciously and without probable cause, after the termination of such prosecution, suit, or other proceeding in favor of the defendant therein. The gist of the action is the putting of legal process in force, regularly, for the mere purpose of vexation or injury (*Cabasaan v. Anota*, 14169-R, November 19, 1956)."

The statutory basis for a civil action for damages for malicious prosecution are found in the provisions of the New Civil Code on Human Relations and on damages particularly Articles 19, 20, 21, 26, 29, 32, 33, 35, 2217 and 2219 (8). To constitute malicious prosecution, however, there must be proof that the prosecution was prompted by a sinister design to vex and humiliate a person, and that it was initiated deliberately by the defendant knowing that his charges were false and groundless. Concededly, the mere act of submitting a case to the authorities for prosecution does not make one liable for malicious prosecution.

This Court has drawn the four elements that must be shown to concur to recover damages for malicious prosecution. Therefore, for a malicious prosecution suit to prosper, the plaintiff must prove the following: (1) the prosecution did occur, and the defendant was himself the prosecutor or that he instigated its commencement; (2) the criminal action finally ended with an acquittal; (3) in bringing the action, the prosecutor acted without probable cause; and (4) the prosecution was impelled by legal malice -- an improper or a sinister motive.[41] The gravamen of malicious prosecution is not the filing of a complaint based on the wrong provision of law, but the deliberate initiation of an action with the knowledge that the charges were false and groundless.[42]

We shall proceed to determine whether in the prosecution of petitioner Rosemarie for the crime of Robbery, all four elements were in attendance.

It is not disputed that the first and second elements are present.

The prosecution of petitioner Rosemarie for the crime of robbery did occur, and respondents Pilar, Ibarra and Juanito instigated its commencement. On 20 December 1985, the RTC, Branch XLI, Bacolod City, rendered a Decision acquitting Rosemarie Magbanua on the ground of insufficiency of evidence.

On the question of probable cause, this Court has ruled that for purposes of malicious prosecution, "probable cause" means "such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted." [43] It is merely based on opinion and reasonable belief. [44] Thus, a finding of probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. [45]

Anent the question of whether the prosecutor acted without probable cause in bringing the action against petitioner Rosemarie, we find no reason to depart from the conclusions reached by the RTC and the Court of Appeals. The filing of Criminal Case No. 28 for Robbery was not without probable cause.

Indeed, during the investigation petitioner Rosemarie admitted her participation in the commission of the incident complained of. The investigation report, which prompted the filing of the Information for Robbery against petitioner Rosemarie showed that she admitted to receiving instruction from her co-accused Ernesto Fernandez and a certain Gudo to leave the barrel bolt of the kitchen door unlocked, [46] so her co-accused can gain entry to the house of respondent Pilar. Moreover, she admitted that after her co-accused had taken the pieces of jewelry owned by respondent Pilar, they gave her a necklace which she kept in a shoulder bag. During the investigation, she was shown the said necklace, and she positively identified the same to be the necklace her co-accused had given her. [47] On the basis of the said admission, the Office of the Prosecutor found basis and probable cause to file the appropriate Information with the RTC against petitioner Rosemarie and her co-accused Ernesto Fernandez and a certain Gudo. The inadmissibility of the aforesaid admission on the ground that the same was extracted under duress was an evidentiary matter, which does not detract from the fact that based on petitioner Rosemarie's admission, there was reason for the respondents to believe that the suit was not unfounded, and that the crime was committed.

Finally, in an action to recover damages based on malicious prosecution, it must be established that the prosecution was impelled by legal malice. There is necessity of proof that the suit was so patently malicious as to warrant the award of damages under Articles 19 to 21, [48] of the Civil Code, or that the suit was grounded on malice or bad faith. [49] Moreover, it is a doctrine well-entrenched in jurisprudence that the mere act of submitting a case to the authorities for prosecution does not make one liable for malicious prosecution, for the law would not have meant to impose a penalty on the right to litigate. [50]

Applying the rule to the case at bar, we affirm the findings of the RTC and the Court of Appeals that there was no proof of a sinister design on the part of the respondents to vex or humiliate petitioner Rosemarie by instituting the criminal case against her and her co-accused. Respondent Pilar who was robbed of her valuable belongings can only be expected to bring the matter to the authorities. There can be no evil motive that should be attributed to one, who, as victim of a crime institutes the necessary legal proceedings. At the risk of redundancy, we stress that the proscription against the imposition of penalty on the right to litigate must not be violated. Mere filing of a suit does not render a person liable for malicious prosecution should he be unsuccessful, for the law could not have meant to impose a penalty on the right to litigate. [51] There was no other explanation or motive as to why respondents would institute baseless prosecution of petitioner Rosemarie. No evidence was shown that there was bad blood between respondent Pilar and petitioner Rosemarie prior to the supposed robbery.

We also do not find the actuations of respondents Ibarra and Juanito to be impelled by legal malice. Their commencement of the action against petitioner Rosemarie and her co-accused was pursuant to their duties as

police officers. The same was made subsequent to the report of respondent Pilar of the commission of the crime, and the investigation on the person of petitioner Rosemarie. Even then, mistakes committed by a public officer are not actionable absent any clear showing that they were motivated by malice or gross negligence amounting to bad faith,[52] which was not established in the case at bar.

Moreover, as was clear from the outset, the instant case is a suit seeking damages for malicious prosecution, and not for the violations and maltreatment that respondents allegedly committed against petitioner Rosemarie in extracting the admission from her. At any rate, the RTC had ruled that the instant case is not an action on the injuries allegedly suffered by petitioner Rosemarie, but rather for malicious prosecution. Otherwise, an action seeking damages for her injuries should have been deemed prescribed.[53]

WHEREFORE, the Appeal is DENIED. The Decision, dated 26 January 1998, of the Court of Appeals in CA-G.R. CV No. 51750, which affirmed in toto the Decision, dated 25 July 1995, of the RTC, Branch 51, Bacolod City, in Civil Case No. 4361, is AFFIRMED. Costs against petitioners.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, and Callejo, Sr., JJ., concur.
Nachura, J., on leave.

[1] Penned by Associate Justice Salome A. Montoya with Associate Justices Delilah Vidallon-Magtolis and Rodrigo V. Cosico, concurring; rollo, pp. 20-26.

[2] Penned by Presiding Judge Ramon B. Posadas; id. at 128-132.

[3] Records, p. 31.

[4] Penned by Judge Quirino D. Abad Santos, Jr.; id. at 31-34.

[5] Id. at 34.

[6] Id.

[7] Id. at 7-19.

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id. at 20.

[13] Id. at 25-26.

[14] Art. 1146. The following actions must be instituted within four years:

(1) Upon an injury to the rights of the plaintiff;

(2) Upon a quasi-delict; x x x.

[15] Records, pp. 28-30.

[16] Id. at 28.

[17] Id.

[18] Id. at 29.

[19] Id. at 39-40.

[20] Id. at 41-48.

[21] Id. at 45-47.

[22] Id. at 49-55.

[23] Id. at 61.

[24] Id.

[25] Id. at 63.

[26] Id. at 95-99.

[27] Penned by Presiding Judge Designate Bethel Katalbas-Moscardon; id. at 116.

[28] Id.

[29] Id. at 341.

[30] Id. at 342-343.

[31] Rollo, pp. 23-24.

[32] Id. at 25.

[33] Id. at 26.

[34] Id. at 172.

[35] Id.

[36] Id.

[37] Id. at 173.

[38] Yasoña v. De Ramos, G.R. No. 156339, 6 October 2004, 440 SCRA 154, 157.

[39] See Bayani v. Panay Electric Co. Inc., 386 Phil. 980, 986 (2000), citing Equitable Banking Corp. v. Intermediate Appellate Court, 218 Phil. 135, 140 (1984).

[40] 336 Phil. 949, 956-957 (1997).

[41] Villanueva v. United Coconut Planters Bank (UCPB), 384 Phil. 130, 140 (2000).

[42] Id.

[43] Cometa v. Court of Appeals, 378 Phil. 1187, 1194 (1999), citing Buchanan v. Vda. de Esteban, 32 Phil. 363, 365 (1915).

[44] Villanueva v. Secretary of Justice, G.R. No. 162187, 18 November 2005, 475 SCRA 495, 511.

[45] Id.

[46] Records, p. 194.

[47] Id.

[48] Art. 19. Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

Art. 20. Every person who, contrary to law, wilfully or negligently causes damage to another, shall indemnify the latter for the same.

Art. 21. Any person who wilfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage.

[49] See *Solidbank Corporation v. Mindanao Ferroalloy Corporation*, G.R. No. 153535, 28 July 2005, 464 SCRA 409, 429, citing *ABS-CBN Broadcasting Corp. v. Court of Appeals*, 361 Phil. 499, 531 (1999).

[50] *Martires v. Cokieng*, G.R. No. 150192, 17 February 2005, 451 SCRA 696, 709, citing *Lao v. Court of Appeals*, 338 Phil. 191, 203 (1997).

[51] See *China Banking Corporation v. Court of Appeals*, G.R. No. 94182, 28 March 1994, 231 SCRA 472, 478; *Saber v. Court of Appeals*, G.R. No. 132981, 31 August 2004, 437 SCRA 259, 290.

[52] *Farolan v. Solmac Marketing Corporation*, G.R. No. 83589, 13 March 1991, 195 SCRA 168, 178.

[53] *Supra* note 14.

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