

SOLEDAD CARPIO, PETITIONER, VS. LEONORA A. VALMONTE, RESPONDENT.*G.R. No. 151866. September 09, 2004*

Ponente: TINGA, J.

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Assailed in the instant petition for review is the Decision of the Court of Appeals in C.A.-G.R. CV No. 69537,[1] promulgated on 17 January 2002.[2] The appellate court reversed the trial court's decision denying respondent's claim for damages against petitioner and ordered the latter to pay moral damages to the former in the amount of P100,000.00.

Respondent Leonora Valmonte is a wedding coordinator. Michelle del Rosario and Jon Sierra engaged her services for their church wedding on 10 October 1996. At about 4:30 p.m. on that day, Valmonte went to the Manila Hotel where the bride and her family were billeted. When she arrived at Suite 326-A, several persons were already there including the bride, the bride's parents and relatives, the make-up artist and his assistant, the official photographers, and the fashion designer. Among those present was petitioner Soledad Carpio, an aunt of the bride who was preparing to dress up for the occasion.

After reporting to the bride, Valmonte went out of the suite carrying the items needed for the wedding rites and the gifts from the principal sponsors. She proceeded to the Maynila Restaurant where the reception was to be held. She paid the suppliers, gave the meal allowance to the band, and went back to the suite. Upon entering the suite, Valmonte noticed the people staring at her. It was at this juncture that petitioner allegedly uttered the following words to Valmonte: "Ikaw lang ang lumabas ng kwarto, nasaan ang dala mong bag? Saan ka pumunta? Ikaw lang and lumabas ng kwarto, ikaw ang kumuha." Petitioner then ordered one of the ladies to search Valmonte's bag. It turned out that after Valmonte left the room to attend to her duties, petitioner discovered that the pieces of jewelry which she placed inside the comfort room in a paper bag were lost. The jewelry pieces consist of two (2) diamond rings, one (1) set of diamond earrings, bracelet and necklace with a total value of about one million pesos. The hotel security was called in to help in the search. The bags and personal belongings of all the people inside the room were searched. Valmonte was allegedly bodily searched, interrogated and trailed by a security guard throughout the evening. Later, police officers arrived and interviewed all persons who had access to the suite and fingerprinted them including Valmonte. During all the time Valmonte was being interrogated by the police officers, petitioner kept on saying the words "Siya lang ang lumabas ng kwarto." Valmonte's car which was parked at the hotel premises was also searched but the search yielded nothing.

A few days after the incident, petitioner received a letter from Valmonte demanding a formal letter of apology which she wanted to be circulated to the newlyweds' relatives and guests to redeem her smeared reputation as a result of petitioner's imputations against her. Petitioner did not respond to the letter. Thus, on 20 February 1997, Valmonte filed a suit for damages against her before the Regional Trial Court (RTC) of Pasig City, Branch 268. In her complaint, Valmonte prayed that petitioner be ordered to pay actual, moral and exemplary damages, as well as attorney's fees.

Responding to the complaint, petitioner denied having uttered words or done any act to confront or single out Valmonte during the investigation and claimed that everything that transpired after the theft incident was purely a police matter in which she had no participation. Petitioner prayed for the dismissal of the complaint and for the court to adjudge Valmonte liable on her counterclaim.

The trial court rendered its Decision on 21 August 2000, dismissing Valmonte's complaint for damages. It ruled that when petitioner sought investigation for the loss of her jewelry, she was merely exercising her right and if damage results from a person exercising his legal right, it is *damnum absque injuria*. It added that no proof was presented by Valmonte to show that petitioner acted maliciously and in bad faith in pointing to her as the culprit. The court said that Valmonte failed to show that she suffered serious anxiety, moral shock, social humiliation, or that her reputation was besmirched due to petitioner's wrongful act.

Respondent appealed to the Court of Appeals alleging that the trial court erred in finding that petitioner did not slander her good name and reputation and in disregarding the evidence she presented.

The Court of Appeals ruled differently. It opined that Valmonte has clearly established that she was singled out by petitioner as the one responsible for the loss of her jewelry. It cited the testimony of Serena Manding, corroborating Valmonte's claim that petitioner confronted her and uttered words to the effect that she was the only one who went out of the room and that she was the one who took the jewelry. The appellate court held that Valmonte's claim for damages is not predicated on the fact that she was subjected to body search and interrogation by the police but rather petitioner's act of publicly accusing her of taking the missing jewelry. It categorized petitioner's utterance defamatory considering that it imputed upon Valmonte the crime of theft. The court concluded that petitioner's verbal assault upon Valmonte was done with malice and in bad faith since it was made in the presence of many people without any solid proof except petitioner's suspicion. Such unfounded accusation entitles Valmonte to an award of moral damages in the amount of P100,000.00 for she was publicly humiliated, deeply insulted, and embarrassed. However, the court found no sufficient evidence to justify the award of actual damages.

Hence, this petition.

Petitioner contends that the appellate court's conclusion that she publicly humiliated respondent does not conform to the evidence presented. She adds that even on the assumption that she uttered the words complained of, it was not shown that she did so with malice and in bad faith.

In essence, petitioner would want this Court to review the factual conclusions reached by the appellate court. The cardinal rule adhered to in this jurisdiction is that a petition for review must raise only questions of law,[3] and judicial review under Rule 45 does not extend to an evaluation of the sufficiency of evidence unless there is a showing that the findings complained of are totally devoid of support in the record or that they are so glaringly erroneous as to constitute serious abuse of discretion.[4] This Court, while not a trier of facts, may review the evidence in order to arrive at the correct factual conclusion based on the record especially so when the findings of fact of the Court of Appeals are at variance with those of the trial court, or when the inference drawn by the Court of Appeals from the facts is manifestly mistaken.[5]

Contrary to the trial court's finding, we find sufficient evidence on record tending to prove that petitioner's imputations against respondent was made with malice and in bad faith.

Petitioner's testimony was shorn of substance and consists mainly of denials. She claimed not to have uttered the words imputing the crime of theft to respondent or to have mentioned the latter's name to the authorities as the one responsible for the loss of her jewelry. Well-settled is the rule that denials, if unsubstantiated by clear and

convincing evidence, are negative and self-serving which merit no weight in law and cannot be given greater evidentiary value over the testimony of credible witnesses who testify on affirmative matters.[6]

Respondent, however, has successfully refuted petitioner's testimony. Quite credibly, she has narrated in great detail her distressing experience on that fateful day. She testified as to how rudely she was treated by petitioner right after she returned to the room. Petitioner immediately confronted her and uttered the words "Ikaw lang ang lumabas ng kwarto. Nasaan ang dala mong bag? Saan ka pumunta? Ikaw ang kumuha." Thereafter, her body was searched including her bag and her car. Worse, during the reception, she was once more asked by the hotel security to go to the ladies room and she was again bodily searched.[7]

Sereña Manding, a make-up artist, corroborated respondent's testimony. She testified that petitioner confronted respondent in the presence of all the people inside the suite accusing her of being the only one who went out of the comfort room before the loss of the jewelry. Manding added that respondent was embarrassed because everybody else in the room thought she was a thief.[8] If only to debunk petitioner's assertion that she did not utter the accusatory remarks in question publicly and with malice, Manding's testimony on the point deserves to be reproduced. Thus:

Q

After that what did she do?

A

Then Leo came out from the other room she said, she is (sic) the one I only saw from the comfort room.

Q

Now, what exact word (sic) were said by Mrs. Carpio on that matter?

A

She said "siya lang yung nakita kong galing sa C.R."

Q

And who was Mrs. Carpio or the defendant referring to?

A

Leo Valmonte.

Q

Did she say anything else, the defendant?

A

Her jewelry were lost and Leo was the only one she saw in the C.R. After that she get (sic) the paper bag then the jewelry were already gone.

Q

Did she confront the plaintiff Mrs. Valmonte regarding that fact?

A

Yes.

Q

What did the defendant Mrs. Carpio tell the plaintiff, Mrs. Valmonte?

A

“Ikaw yung nakita ko sa C.R. nawawala yung alahas ko.”

Q

When the defendant Mrs. Carpio said that to plaintiff Mrs. Valmonte were there other people inside the room?

A

Yes, sir.

Q

Were they able to hear what Mrs. Carpio said to Mrs. Valmonte?

A

Yes, sir.

Q

What was your thinking at that time that Mrs. Carpio said that to Mrs. Valmonte?

A

“Nakakahiya kasi akala ng iba doon na talagang magnanakaw siya. Kasi marami na kaming nandodoon, dumating na yung couturier pati yung video man and we sir.

Q

Who was the person you [were] alleging “na nakakahiya” whose (sic) being accused or being somebody who stole those item of jewelry?

A

“Nakakahiya para kay Leo kasi pinagbibintangan siya. Sa dami namin doon siya yung napagbintangan.”

Q

And who is Leo, what is her full name?

A

Leo Valmonte.

Q

Did the defendant tell this matter to other people inside the room?

A

Yes, the mother of the bride.

Q

And who else did she talk to?

A

The father of the bride also.

Q

And what did the defendant tell the mother regarding this matter?

A

“Nawawala yung alahas ko.” Sabi naman nung mother baka naman hindi mo dala tignan mo munang mabuti.

Q

Who was that other person that she talked to?

A

Father of the bride.[9]

Significantly, petitioner’s counsel elected not to pursue her cross-examination of the witness on this point following her terse and firm declaration that she remembered petitioner’s exact defamatory words in answer to the counsel’s question.[10]

Jaime Papio, Security Supervisor at Manila Hotel, likewise contradicted petitioner’s allegation that she did not suspect or mention the name of respondent as her suspect in the loss of the jewelry.[11]

To warrant recovery of damages, there must be both a right of action, for a wrong inflicted by the defendant, and the damage resulting therefrom to the plaintiff. Wrong without damage, or damage without wrong, does not constitute a cause of action.[12]

In the sphere of our law on human relations, the victim of a wrongful act or omission, whether done willfully or

negligently, is not left without any remedy or recourse to obtain relief for the damage or injury he sustained. Incorporated into our civil law are not only principles of equity but also universal moral precepts which are designed to indicate certain norms that spring from the fountain of good conscience and which are meant to serve as guides for human conduct.[13] First of these fundamental precepts is the principle commonly known as “abuse of rights” under Article 19 of the Civil Code. It provides that “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.” To find the existence of an abuse of right, the following elements must be present: (1) there is a legal right or duty; (2) which is exercised in bad faith; (3) for the sole intent or prejudicing or injuring another.[14] When a right is exercised in a manner which discards these norms resulting in damage to another, a legal wrong is committed for which the actor can be held accountable.[15] One is not allowed to exercise his right in a manner which would cause unnecessary prejudice to another or if he would thereby offend morals or good customs. Thus, a person should be protected only when he acts in the legitimate exercise of his right, that is when he acts with prudence and good faith; but not when he acts with negligence or abuse.[16]

Complementing the principle of abuse of rights are the provisions of Articles 20 and 21 of the Civil Code which read, thus:

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

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

The foregoing rules provide the legal bedrock for the award of damages to a party who suffers damage whenever one commits an act in violation of some legal provision, or an act which though not constituting a transgression of positive law, nevertheless violates certain rudimentary rights of the party aggrieved.

In the case at bar, petitioner’s verbal reproach against respondent was certainly uncalled for considering that by her own account nobody knew that she brought such kind and amount of jewelry inside the paper bag.[17] This being the case, she had no right to attack respondent with her innuendos which were not merely inquisitive but outrightly accusatory. By openly accusing respondent as the only person who went out of the room before the loss of the jewelry in the presence of all the guests therein, and ordering that she be immediately bodily searched, petitioner virtually branded respondent as the thief. True, petitioner had the right to ascertain the identity of the malefactor, but to malign respondent without an iota of proof that she was the one who actually stole the jewelry is an act which, by any standard or principle of law is impermissible. Petitioner had willfully caused injury to respondent in a manner which is contrary to morals and good customs. Her firmness and resolve to find her missing jewelry cannot justify her acts toward respondent. She did not act with justice and good faith for apparently, she had no other purpose in mind but to prejudice respondent. Certainly, petitioner transgressed the provisions of Article 19 in relation to Article 21 for which she should be held accountable.

Owing to the rule that great weight and even finality is given to factual conclusions of the Court of Appeals which affirm those of the trial court,[18] we sustain the findings of the trial court and the appellate court that respondent’s claim for actual damages has not been substantiated with satisfactory evidence during the trial and must therefore be denied. To be recoverable, actual damages must be duly proved with reasonable degree of certainty and the courts cannot rely on speculation, conjecture or guesswork.[19]

Respondent, however, is clearly entitled to an award of moral damages. Moral damages may be awarded whenever the defendant’s wrongful act or omission is the proximate cause of the plaintiff’s physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation,

and similar injury[20] in the cases specified or analogous to those provided in Article 2219 of the Civil Code.[21] Though no proof of pecuniary loss is necessary in order that moral damages may be adjudicated, courts are mandated to take into account all the circumstances obtaining in the case and assess damages according to their discretion.[22] Worthy of note is that moral damages are not awarded to penalize the defendant,[23] or to enrich a complainant, but to enable the latter to obtain means, diversions or amusements that will serve to alleviate the moral suffering he has undergone, by reason of defendant's culpable action. In any case, award of moral damages must be proportionate to the sufferings inflicted.[24]

Based on the foregoing jurisprudential pronouncements, we rule that the appellate court did not err in awarding moral damages. Considering respondent's social standing, and the fact that her profession is based primarily on trust reposed in her by her clients, the seriousness of the imputations made by petitioner has greatly tarnished her reputation and will in one way or the other, affect her future dealings with her clients, the award of P100,000.00 as moral damages appears to be a fair and reasonable assessment of respondent's damages.

WHEREFORE, the instant Petition is DENIED. Costs against petitioner.

SO ORDERED.

Puno, (Chairman), and Callejo, Sr., JJ., concur.

Austria-Martinez, J., on official leave.

Chico-Nazario, J., on leave.

[1] Penned by Justice Martin S. Villarama, Jr. concurred in by Justices Conchita Carpio-Morales and Sergio L. Pestaño.

[2] Rollo, pp. 32-37.

[3] *Abalos v. Court of Appeals*, 375 Phil. 419 (1999); *Viloria v. Court of Appeals*, 368 Phil. 851 (1999).

[4] *Lagrosa v. Court of Appeals*, 371 Phil. 225 (1999).

[5] *Roman Catholic Bishop of Malolos, Inc. v. Intermediate Appellate Court*, G.R. No. 72110, November 16, 1990, 191 SCRA 411; *Ferrer v. Court of Appeals*, G.R. No. 98182, March 1, 1993, 219 SCRA 302.

[6] *People v. Sernadilla*, G.R. No. 137696, January 24, 2001, 350 SCRA 243; *People v. Preciados*, G.R. No. 122934, January 5, 2001, 349 SCRA 1; *People v. Baway*, G.R. No. 130406, January 22, 2001, 350 SCRA 29.

[7] TSN, October 22, 1997, pp. 6, 13-19.

[8] TSN, December 15, 1998, pp. 10-12.

[9] TSN, December 15, 1998, pp. 9-12.

[10] TSN, February 9, 1999, p. 14.

[11] TSN, May 27, 1998, pp. 9, 12, and 16.

[12] *Sangco, Torts and Damages*, Vol. II, 1994 Edition, p. 941.

[13] Report on the Code Commission on the Proposed Civil Code of the Philippines, p. 39 cited in *Globe Mackay Cable and Radio Corporation v. Court of Appeals*, G.R. No. 81262, August 25, 1989, 176 SCRA 779.

[14] *BPI Express Card Corporation v. Court of Appeals*, 357 Phil. 262 (1998); *Globe Mackay v. Court of*

Appeals, G.R. No. 81262, August 25, 1989, 176 SCRA 779; NPC v. Philipp Brothers Oceanic, Inc., , G.R. No. 126204, November 20, 2001, 369 SCRA 629.

[15] Rellosa v. Pellosis, 414 Phil. 786 [2001].

[16] See 1 Tolentino, THE CIVIL CODE, 1990 Ed. p. 61.

[17] TSN, March 17, 1998, pp. 15-16; p. 26.

[18] Bañas Jr., v. Court of Appeals, 382 Phil. 144 [2000]; Compania Maritima, Inc. v. Court of Appeals, 376 Phil. 278 [1999]; Borromeo v. Sun, 375 Phil. 595 [1999].

[19] Bayer Philippines, Inc. v. Court of Appeals, G.R. No. 109269, September 15, 2000, 340 SCRA 437; Congregation of the Religious of the Virgin Mary v. Court of Appeals, 353 Phil. 591 [1998]; Marina Properties Corporation v. Court of Appeals, 355 Phil. 705 [1998].

[20] Art. 2217, Civil Code.

[21] 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.

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[22] Fule v. Court of Appeals, 350 Phil. 349 [1998]; Zulueta v. Pan American Airways, Inc., 151 Phil. 1 (1973).

[23] Simex International, Inc. v. Court of Appeals, G.R. No. 88013, March 19, 1990, 183 SCRA 360.

[24] Llorente, Jr. v. Sandiganbayan, 350 Phil. 820 [1998]; Radio Communications of the Phils., Inc. v. Rodriguez , G.R. No. 83768, February 28, 1990, 182 SCRA 899.

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