

## JOSEFINA ESTOLAS AND RICARDO SALVADOR, PETITIONERS, VS. RAYMUNDO ACENA, RESPONDENT.

*G.R. NO. 157070. January 14, 2005*

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-157070/>

---

### CHICO-NAZARIO, J.:

In this petition for review on certiorari, petitioners Josefina Estolas and Ricardo Salvador seek the reversal of the Court of Appeals Decision[1] dated 30 May 2002 and the Resolution[2] dated 22 January 2003 denying their motion for reconsideration. The assailed Court of Appeals Decision affirmed the Decision[3] of the Regional Trial Court (RTC) of Pasig, Branch 168, adjudging petitioners herein (who were the defendants thereat) jointly and severally liable for damages in the amount of P75,000 as moral damages and P10,000 as exemplary damages.

The pertinent facts, as appreciated by the Court of Appeals, are as follows:

18 October 1982 -Plaintiff-appellee (now respondent) Raymundo Acena is appointed ADMINISTRATIVE OFFICER WITH PERMANENT STATUS, of the Rizal Technological College (RTC) by Dr. Lydia Profeta, President of said college. Such appointment is approved by the Civil Service Commission (CSC);

09 December 1985 -(1) Respondent Acena is extended a promotional appointment as ASSOCIATE PROFESSOR effective 01 November 1985;

(2) Effective 30 October 1985, and in view of his promotion to Associate Professor, respondent Acena is designated ACTING ADMINISTRATIVE OFFICER by President Profeta in an undated letter;[4]

01 November 1985 -Respondent Acena assumes his position as Associate Professor and receives the salary for such position per certification of the personnel officer of RTC dated 04 November 1985;

09 January 1986 -Respondent Acena, thru a letter addressed to President Profeta, rejects his appointment as Associate Professor because of the provisions of Memorandum Circular No. 4 of the CSC which requires a masteral degree to qualify for permanent appointment as Associate Professor;

13 January 1986 - President Profeta accepts the “rejection”;

26 March 1986 -Appellant-defendant Dr. Josefina Estolas (now petitioner) is designated as Officer-in-charge of RTC in place of Dr. Profeta;

08 April 1986 - (a) Petitioner Estolas issues Memorandum Order No. 30, Series of 1986, revoking the designation of respondent Acena as Acting Administrative Officer effective on even date and designating appellant-defendant (now petitioner) Ricardo Salvador in his stead;

(b) The CSC receives a copy of the 09 January 1986 letter of respondent Acena rejecting his appointment as Associate Professor;

(c) Respondent Acena institutes Civil Case No. 53327 for Injunction and Damages enjoining petitioner Estolas from implementing and enforcing Memorandum Order No. 30 claiming that the same violated his rights to

security of tenure;

15 April 1986 - Respondent Acena amends his complaint;

17 April 1986 -Respondent Acena likewise files a letter-complaint with the Merit Systems Protection Board (MSPB) for alleged illegal termination of his services as Acting Administrative Officer;

20 May 1986 -Appointment of respondent Acena as Associate Professor is approved by the CSC as temporary on the ground that respondent Acena does not meet the educational requirement pursuant to CSC-Memorandum Circular Series of 1985;[5]

07 July 1986 -Respondent Acena also seeks the opinion of the CSC regarding his appointment and status as Administrative Officer of the RTC;

23 March 1987 -Chairperson of the CSC, Celerina Gotladera, issues an opinion in favor of respondent Acena holding that the latter is still the administrative officer as he was appointed thereto under permanent status and as his appointment as Associate Professor had been withdrawn;

15 May 1987 - The trial court issues an Order for the issuance of a writ of preliminary mandatory injunction enjoining petitioner Estolas from implementing Memorandum Order No. 30. The basis for said Order is the 23 March 1987 opinion of CSC Chairperson Gotladera;

03 February 1988 -The MSPB dismisses respondent Acena's complaint for illegal termination;

12 February 1988 -Respondent Acena demands for the withdrawal of the MSPB order considering that Commissioner Gotladera had already ruled on the case;

23 March 1988 - The MSPB sets aside its 03 February 1988 order;

15 June 1988[6] - Aggrieved by the 23 March 1988 MSPB Order, petitioner Estolas goes to the Office of the President on Petition for Review and the same is indorsed for disposition to the CSC;

09 October 1989 -CSC issues Resolution No. 89-748 declaring that the action of petitioner Estolas in revoking the designation of respondent Acena as Acting Administrative Officer is in order, thus setting aside the 23 March 1987 opinion of Commissioner Gotladera and the 23 March 1988 Order of the MSPB;[7]

17 February 1993 -The trial court renders the assailed Decision, the decretal portion of which reads:  
"Premises considered, defendants are hereby ordered to jointly and severally pay plaintiff the amount of P75,000.00 as moral damages and P10,000.00 as exemplary damages with costs against defendants."

As earlier stated, the Court of Appeals affirmed in toto the Decision of the trial court. Aggrieved therefrom, petitioners, as represented by the Office of the Solicitor General, filed the instant petition[8] contending that the Court of Appeals erred:

- IN HOLDING THAT PETITIONER ESTOLAS ACTED IN BAD FAITH WHEN SHE ISSUED MEMORANDUM ORDER NO. 30

- IN AWARDING MORAL AND EXEMPLARY DAMAGES TO RESPONDENT ACENA

As a preliminary matter, it is vital to note that we are not at all unfamiliar with the factual milieu of this case. In *Acena v. Civil Service Commission*,[9] a case anchored on the very same facts that gave rise to the present petition, petitioner thereat (respondent Acena herein) challenged the jurisdiction of the CSC in issuing Resolution No. 89-748 dated 09 October 1989 setting aside the 23 March 1988 Order of the Merit Systems Protection Board (MSPB). We pronounced in *Acena* that the CSC did not have jurisdiction to entertain the petition for review filed therewith as it was filed out of time. Thus –

Here, it is admitted by public respondent Commission and not disputed by private respondent Estolas that the petition for review which can be considered as an appeal from the decision of the MSPB dated March 23, 1988 was filed outside the reglementary period. This being so, the public respondent exceeded its jurisdiction when it entertained the petition that was erroneously filed with the Office of the President. Having exceeded its jurisdiction public respondent committed reversible error when it set aside the order dated March 23, 1988 of the MSPB which had long become final and executory. Final decision or orders of the MSPB is an adjudication on the merits conclusive on the parties, hence, it can no longer be subject to review (San Luis, et al. v. Court of Appeals, et al., G.R. No. 80160, June 26, 1989).

Now to the case at bar. Petitioners insist that Memorandum Order No. 30, relieving respondent Acena of his position as Acting Administrative Officer, was validly issued as respondent Acena was holding such position in an acting capacity only, as he had previously accepted an appointment as Associate Professor. Moreover, Memorandum Order No. 30 was issued only after the RTC Board of Trustees, upon the recommendation of an Ad Hoc Committee on Reorganization composed of representatives of management, faculty and employees of the College, recommended the designation of petitioner Salvador vice respondent Acena. Finally, as petitioner Estolas acted rightfully in her official capacity in designating petitioner Salvador, neither she nor petitioner Salvador can be made liable for damages as damages can only be recovered if the acts complained of are themselves wrong.

Respondent Acena, on the other hand, maintains that his promotion to Associate Professor never took effect as he rejected said appointment, which rejection was accepted by the then President of the RTC, before the said appointment could be approved by the CSC. In his letter of rejection, respondent Acena specifically stated his preference to stay as Administrative Officer under permanent status as opposed to the temporary position of Associate Professor. Thus, as his promotion to Associate Professor never took effect, respondent Acena concluded that he never abandoned his position as Administrative Officer.

The law on damages prescribes that in order that one can have redress for an act which caused him damage, the act must not only be hurtful, it must also be wrongful.[10] There must be *damnum et injuria*.<sup>[11]</sup> All in all, in order to recover moral damages, the claimant must prove the following: (1) there must be an injury, whether physical, mental or psychological, clearly sustained by the claimant; (2) there must be a culpable act or omission factually established; (3) the wrongful act or omission of the defendant is the proximate cause of the injury sustained by the claimant; and (4) the award of damages is predicated on any of the cases stated in Article 2219 of the Civil Code.<sup>[12]</sup> In herein case, the factual issue of whether or not the issuance by petitioner Estolas of Memorandum Order No. 30 was wrongful has been passed upon with finality by the MSPB way back in 1988 following our ruling in *Acena v. Civil Service Commission*.<sup>[13]</sup> It should be recalled that the MSPB Order set aside its earlier order dismissing respondent Acena's complaint for illegal dismissal because the CSC "through the Chairman has already rendered its final determination on the matter."<sup>[13]</sup> The relevant portions of the CSC resolution<sup>[14]</sup> being adverted to by the MSPB are quoted hereunder:

Records show that then RTC President Lydia N. Profeta issued on December 9, 1985 an appointment to Mr. Acena as Associate Professor and the same was received in the Commission National Capital Region Office on January 6, 1986. Thereafter, on January 9, 1986, Mr. Acena wrote RTC President Profeta that he prefers to remain as Administrative Officer because this Commission might approve his appointment as temporary because he does not possess a masteral degree. He asked that his appointment as Associate Professor be withdrawn and that he will refund whatever he received as salary of Associate Professor in excess of his salary as Administrative Officer. In a letter dated January 13, 1986, RTC President Profeta wrote Mr. Acena that his appointment as Associate Professor was withdrawn. The letter of Mr. Acena and the letter of President Profeta were received on April 8, 1986 by the National Capital Region. On April 10, 1986 by way of a 1st indorsement, the said appointment of Mr. Acena as Associate Professor, together with other appointments, were returned without action by the National Capital Region to the RTC.

Perhaps unaware of the withdrawal of the said appointment of Mr. Acena as Associate Professor by then President Profeta, as the new Officer-In-Charge of RTC, you resubmitted the said appointment to the National Capital Region on May 20, 1986 and the NCR approved the same as temporary because Mr. Acena does not meet the education requirements.

On the basis of the foregoing facts, this Commission holds that Mr. Raymundo T. Acena is still Administrative Officer of that College having been appointed thereto under permanent status and because his appointment as Associate Professor had been withdrawn. The Supreme Court, in the case of *Mitra vs. Subido*, G.R. No. L-21691, September 15, 1967, has ruled that the appointing authority is empowered in the exercise of his executive prerogative to withdraw an appointment he issued provided that the same has not been irrevocably approved by the Commission.

Although Mr. Acena was paid the salary of Associate Professor, he, however, refunded the salary differential as evidenced by OR#1609303 and 1608112. Moreover, Mr. Acena had timely expressed his desire to remain as Administrative Officer under permanent status instead of accepting the promotional appointment as Associate Professor under temporary status before this Commission inadvertently approved the same as temporary after it had been withdrawn. On the same premise, the approval by this Commission of the appointment of Mr. Ricardo Salvador as Administrative Officer in that college is withdrawn inasmuch as Mr. Acena has not validly vacated the same. Pertinent records of this Commission are hereby modified or corrected accordingly. (Emphases supplied)

The determination by the MSPB, which was based on the CSC opinion to the effect that respondent Acena still held the position of Administrative Officer in a permanent capacity at the time of the issuance of Memorandum Order No. 30 is conclusive upon us.[15]

Having disposed of this preliminary matter, we now unravel the first of two issues posed in the instant petition, i.e., whether or not petitioner Estolas, in conspiracy with petitioner Salvador, issued the said memorandum in bad faith.

Both the trial court and the Court of Appeals ruled that, indeed, petitioners acted in bad faith. Verily, such conclusion drawn from facts is a conclusion of law which this Court may review.[16]

Insofar as petitioner Salvador is concerned, it is reversible error on the part of the trial court and the Court of Appeals to have concluded that petitioner Salvador acted in bad faith as such conclusion is completely bereft of any rational basis. The evidence before us simply does not support such valuation. Respondent Acena, grasping at straws, tried to establish during the direct examination of petitioner Salvador that despite the preliminary injunction issued by the trial court for the petitioners to refrain from enforcing Memorandum Order No. 30, petitioner Salvador continued to perform the duties of Acting Administrative Officer through the signing of “payrolls, vouchers, requisitions.”[17] Petitioner Salvador denied the allegation which prompted respondent Acena, through his lawyer, to remark that he will have these papers subpoenaed.[18] The records, however, do not reveal if, indeed, respondent Acena followed through with his plan for subpoena. What is more, no other matters were hurled at petitioner Salvador that could establish acts of bad faith and conspiracy with petitioner Estolas to illegally deprive petitioner Acena of his position as Administrative Officer.

This being a civil case, it was incumbent upon respondent Acena, as complainant in the lower court, to prove that which he alleged. To this burden, respondent Acena fell short. Thus, the presumption of good faith holds.[19] It is axiomatic that “to support a judgment for damages, facts which justify the influence of a lack or absence of bad faith must be alleged and proven.”[20] In the absence of contrary evidence, petitioner Salvador cannot be faulted in accepting the designation of Acting Administrative Officer from his superior and in exercising the duties and functions of the office.

Insofar as petitioner Estolas is concerned, however, we agree in the finding that she acted in bad faith.

The complaint for damages against petitioner Estolas was actually for the single act of having issued Memorandum Order No. 30, allegedly in bad faith, on 08 April 1986. This complaint, it should be stressed, was filed the same day<sup>[21]</sup> as the issuance of Memorandum Order No. 30. Thus, acts of bad faith on the part of petitioner Estolas committed after the filing of the complaint necessarily are extraneous matters that do not form part of respondent's cause of action. Respondent Acena, however, went on to introduce acts, purportedly constituting bad faith, which transpired days, months and even years after the filing of the complaint.<sup>[22]</sup> The lawyers for petitioner Estolas, for reasons this Court can only divine, did not object to the presentation of additional issues. Consequently, and by operation of law, such issues are considered as having been raised in the pleadings. Under Section 5, Rule 10 of the Rules on Civil Procedure, issues which are not raised in the pleadings but which are tried with the express or implied consent of the parties, shall be treated in all respects as if they have been raised in the pleadings.

Thus, in addition to the basic issue of whether or not petitioner Estolas, in conspiracy with petitioner Salvador, issued Memorandum Order No. 30 in bad faith, several other incidental issues<sup>[23]</sup> were taken up during the gestational period of seven (7) years that this case was pending before the trial court, all of which were duly scrutinized by both the trial court and the Court of Appeals. The trial court ratiocinated thus:

After a careful study of the records of the case and finding that the allegations of the plaintiff to be meritorious, this Court is inclined to rule in favor of plaintiff. Records indeed showed that defendants displayed lack of good faith when they tried to remove herein plaintiff as Acting Administrative Officer. In fact, despite the refusal of plaintiff to accept the position of Associate Professor, defendants ignored the same but instead continued on removing Acena's appointment as Associate Professor. Moreover, there has been a request from two members of the Board of Trustees (Exhibits "F" and "G") for a meeting of the Board of Trustees to resolve the issues surrounding the controversy on Acena's promotion. However, herein defendants simply disregarded such request instead proceeded on implementing the questioned Memorandum and continually placed Acena in the payroll as Associate Professor.

The defendants (sic) demonstration of bad faith remained even during the pendency of this case. After a restraining order was issued by this Court, defendants persisted on enforcing Memo. Order No. 30. Defendants acted similarly when an injunction was issued by this Court. This contemptuous attitude of the defendants cannot be viewed with favor.<sup>[25]</sup>

Moreover, we find inexcusable and laden with bad faith the actuation of petitioner Estolas in resubmitting to the CSC for its approval the appointment papers of respondent Acena as Associate Professor despite the latter's vehement rejection of said position and despite the pendency of the case in the trial court. Worse still, petitioner Estolas conveniently did not inform the CSC of the real picture of respondent Acena's appointment:

ATTY. GASCON: After the case was filed the papers of Acena was (sic) returned to the RTC notwithstanding the proceedings of this case, the pendency of this case you returned the papers of Mr. Acena to the Civil Service for confirmation of his appointment as Associate Professor, is it not?

WITNESS: This was already asked before. Yes, it was returned with all the other papers because that (sic) will be no basis for his salary inasmuch as this is still a case, no basis for his salary.

COURT: You mentioned about others which Mr. Acena is one of them?

WITNESS: Yes, Your Honor.

COURT: My question is, was there a restraining order regarding the designation of the rest of the persons that you mentioned?

WITNESS: There was none, Your Honor.

COURT: There was only a restraining order and preliminary injunction as far as Acena is concerned?

WITNESS: Yes, Your Honor.[25]

ATTY. GASCON: And that you did not inform the Civil Service when you returned the papers of Acena for confirmation? You did not make the proper information to the Civil Service of the pendency of this case, is it not?

WITNESS: They know it, in Civil Service that there is a case.

ATTY. GASCON: The question is yes or no, Your Honor.

COURT: The question is whether she inform (sic) the Civil Service of the pendency of this case?

ATTY. GASCON: Did you make the information?

WITNESS: I did not, Your Honor.

COURT: Did it not occur to you that if you have furnished the Civil Service of the records of this case they could have acted differently? Did it not occur to your mind that the Civil Service if officially informed of this case before the Court, could have acted differently?

WITNESS: Yes, but I did not, Your Honor.

COURT: Is it not a fact that as President or OIC of the RTC that it is your duty to inform the proceedings of this case to the Civil Service considering that the appointment of Acena is being contested, did it not occur to your mind?

WITNESS: It did not occur to my mind, your Honor.[27]

Yet another clear badge of bad faith on petitioner Estolas's part was to indicate respondent Acena as Associate Professor in the payroll despite the trial court's order of preliminary mandatory injunction for petitioner Estolas to refrain from implementing Memorandum Order No. 30 as respondent Acena was still Administrative Officer, occupying said position in a permanent capacity.[28] Thus:

ATTY. GASCON: Now, one last question you are defendant here in this case from the very beginning in the payrolls of the RTC you indicated that Acena was an Associate Professor, is it true?

WITNESS: I do not prepare payrolls, as President, sir.

ATTY. GASCON: Are you aware of that fact that payrolls were prepared despite the decision of the Civil Service despite the Injunction of this Court and the pendency of this Injunction that payrolls were prepared indicating that Acena was Associate Professor not Administrative Officer, are you aware of that?

WITNESS: There was no decision yet, so in order to have the basis for his salary, and Associate Professor is higher than Administrative Officer.

ATTY. GASCON: The question is whether or not you are aware that the payrolls were prepared whereby Acena was indicated there as Associate Professor and not Administrative Officer.

WITNESS: I am aware that the payroll is prepared, sir.

COURT: Despite the preliminary injunction?

WITNESS: Yes, Your Honor.

ATTY. GASCON: And you allowed this to happen?

WITNESS: It's routine.

ATTY. GASCON: And it is a fact that Mr. Acena whenever he signs the payroll always indicates "under protest" and despite the notation of Mr. Acena that this is under protest you still allowed the payroll to be prepared indicating Mr. Acena as Associate Professor and not Administrative Officer contrary to the injunction issued by the Court and the decision of the civil service, is it not?

WITNESS: Because my officer is the one who prepares the payroll.

COURT: Now, Madam Witness, as President of the Rizal Technological Colleges who has the final say on the preparation of the payrolls?

WITNESS: There were several people who would sign.

COURT: Yes, but the last say must be the President, has the last say of that?

WITNESS: Yes, Your Honor.

COURT: And when this payroll were (sic) brought to your attention and they have notice [sic] that the name of Acena indicated as Associate Professor and not as an Administrative Officer despite the knowledge of the restraining order you still approved the preparation of the payroll, you admit that?

WITNESS: Yes, Your Honor.[29]

The final issue on deck is the propriety of the award of moral and exemplary damages. To resolve said issue, an examination of factual circumstances would be necessary, a task that is clearly beyond this Court's dominium[30] except –

- (1) When the findings are grounded on speculation, surmises or conjectures;
- (2) When the inference made is manifestly mistaken, absurd or impossible;
- (3) When there is grave abuse of discretion in the appreciation of facts;
- (4) When the factual findings of the trial court and appellate courts are conflicting;
- (5) When the Court of Appeals, in making its findings, has gone beyond the issues of the case and such findings are contrary to the admissions of both appellant and appellee;
- (6) When the judgment of the appellate court is premised on a misapprehension of facts or when it has failed to notice certain relevant facts which, if properly considered will justify a different conclusion;
- (7) When the findings of fact are conclusions without citation of specific evidence upon which they are based; and
- (8) When findings of fact of the Court of Appeals are premised on the absence of evidence but are contradicted by the evidence on record.[31]

The case at bar entails an excursion into the facts as the lower court's findings, which were affirmed by the Court of Appeals, were but conclusions without citation of specific evidence upon which they were based (exception no. 7). The lower court simply avowed:

The foregoing remorseful acts of the defendants do not only warrant the award of damages but also exemplary damages to deter others from committing a similar act in the future (Ramnani vs. CA, 196 SCRA 731; Diaz[,] et al., vs. Amante, L-9228, Dec. 26, 1958).

Premises considered, defendants are hereby ordered to jointly and severally pay plaintiff the amount of P75,000.00 as moral damages and P10,000.00 as exemplary damages with costs against defendants.[32]

The lower court, as well as the Court of Appeals, missed out one very crucial fact, i.e., damages are not presumed; the first requisite for the recovery of moral damages is that there must be an injury, whether physical, mental or psychological, clearly sustained by the claimant. There must be proof of physical suffering, mental anguish, fright, serious anxiety, etc.[33] The claimant must satisfactorily prove the factual basis and causal connection thereof with the defendant's acts.[34] Thus, the ultimate question that must be asked is: did respondent Acena suffer damages from petitioner Estolas's wrongful act of issuing Memorandum Order No. 30 and from her acts of bad faith as discussed above? Parenthetically, is petitioner Salvador liable for damages considering that there is no adequate proof of conspiracy with petitioner Estolas nor is there evidence of bad faith on his part?

The evidence supports respondent Acena's claim for moral damages against petitioner Estolas. The actuations of petitioner Estolas in booting-out respondent Acena as Administrative Officer, which the latter held in a permanent capacity, and in forcing the position of Associate Professor – undisputedly a temporary position – down his throat, fall squarely within Article 21 of the Civil Code on human relations.[35] On the witness stand, respondent Acena testified that as a direct result of petitioner Estolas's actuations, he felt insulted, embarrassed and humiliated.[36] He suffered "serious anxiety, moral shock, sleepless nights" and even had to resort to "minimum tranquilizer."[37]

Considering respondent Acena's high position in the RTC community and the long drawn out feud between him and the president of the college, we find his claim of having suffered moral damages credible. The award of exemplary damages in the amount of P10,000 is likewise justified to set an example for the public good and as a form of deterrent to the repetition of the same act by others.

Quite the contrary, petitioner Salvador cannot be made liable for moral damages as it was not proved that he conspired with petitioner Estolas in issuing Memorandum Order No. 30. Neither was it proved that he acted in bad faith during all time material to the case. Invariably, in order that a plaintiff (respondent Acena herein) may maintain an action for the injuries of which he complains, he must establish that such injuries resulted from a breach of duty which the defendant owed to the plaintiff – a concurrence of injury to the plaintiff and legal responsibility by the person causing it.[38]

Considering that petitioner Salvador cannot be made liable for moral damages, neither can he answer for exemplary damages, the latter being allowed only in addition to moral, temperate, liquidated or compensatory damages.[39]

WHEREFORE, premises considered the Decision of the Court of Appeals dated 30 May 2002 and its Resolution dated 22 January 2003 are hereby AFFIRMED with the MODIFICATION that only petitioner Josefina V. Estolas is ordered to pay respondent Raymundo Acena the amount of Seventy-Five Thousand Pesos (P75,000) as moral damages and Ten Thousand Pesos (P10,000) as exemplary damages. With costs.

### **SO ORDERED.**

Puno, (Chairman), Austria-Martinez, and Tinga, JJ., concur. Callejo, Sr., J., no part.

---

[1] Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Romeo J. Callejo, Sr. (now Supreme Court Associate Justice) and Danilo B. Pine concurring, Rollo, pp. 31-37.

[2] Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Eugenio S. Labitoria and

Danilo B. Pine concurring, Id. at 38.

[3] Penned by Judge Benjamin V. Pelayo.

[4] See Merit Systems Board Order dated 03 February 1988, RTC Records, Vol. I, p. 451; TSN 12 December 1986, pp. 25, 57.

[5] Per finding of CSC Chairperson Celerina G. Gotladera and per testimony of CSC Director of Legal Affairs, Ernesto Basa (TSN, 10 October 1986, pp. 17-18).

[6] See Exh. 16 for Respondent Acena.

[7] This Court, in *Acena v. Civil Service Commission* (G.R. No. 90780, 06 February 1991, 193 SCRA 623, 650), later declared that the CSC exceeded its jurisdiction when it entertained the petition filed therein. Please refer to discussion on page 5.

[8] Rollo, pp. 18-45.

[9] G.R. No. 90780, 06 February 1991, 193 SCRA 623, 630.

[10] *Custodio v. Court of Appeals*, G.R. No. 116100, 09 February 1996, 253 SCRA 483.

[11] *Ibid.*, citing *Comstock v. Wilson*, 257 NY 231, 177 NE 421, 76 ALR 676; *Haldeman v. Bruckhart*, 45, 45 Pa 514.

[12] *Francisco v. Ferrer, Jr.*, G.R. No. 142029, 28 February 2001, 353 SCRA 261, 266.

[13] *Supra*, note 8.

[13] MSPB Order dated 23 March 1988, RTC Records, Vol. I, p. 458.

[14] RTC Records, Vol. I, pp. 407-408.

[15] The rule on conclusiveness of judgment as the lesser known type of *res judicata* means that the judgment in the prior action operates as an estoppel only as to matters actually determined therein or which were necessarily included therein (*Vda. De Cruz v. Carriaga, Jr.*, G.R. Nos. 75109-10, 28 June 1989, 174 SCRA 330).

[16] *Manila Bay Club Corporation v. Court of Appeals*, G.R. No. 110015, 11 July 1995, 245 SCRA 715, citing *Binalay v. Manalo*, G.R. No. 92161, 18 March 1991, 195 SCRA 374.

[17] TSN, 30 July 1991, p. 10.

[18] *Id.*, p. 12.

[19] Article 527, Civil Code.

[20] *Bacolod-Murcia Milling Co., Inc. v. First Farmers Milling Co., Inc.*, G.R. No. L-29041, 24 March 1981, 103 SCRA 436, 442.

[21] An amended complaint was subsequently filed a few days later, or on 14 April 1986, substantially reiterating the allegations in the original complaint.

[22] Note that the complaint was filed in 1986 but the trial of the case dragged on until 1992.

[23] Whether or not petitioner Estolas, in conspiracy with petitioner Salvador, acted in bad faith and is liable for damages --

(a) When petitioner Estolas issued Memorandum Order No. 37 dated 10 April 1986 (Exh. "J" for Acena; TSN, Sept. 14, 1987, pp. 14-26) instructing the administrative staff of the RTC to disregard an earlier memorandum issued by respondent Acena wherein the latter called for the maintenance of the status quo;

(b) When, on May 20, 1986, petitioner Estolas indorsed to the CSC for approval respondent Acena's appointment papers for Associate Professor despite the latter's insistence that he had already seasonably rejected said appointment and despite the pendency of the case; (TSN Sept. 16, 1991, pp. 8-11-15) and

(c) When, despite the trial court's order of injunction dated 15 May 1987, petitioner Estolas secured the renewal of respondent Acena's temporary appointment as Associate Professor for the years 1987, 1988, 1999 and 1990. (TSN, 16 Sept. 1991, pp. 15-21)

[24] Records, Vol. II, p. 823.

[25] The order for preliminary injunction was actually handed down on 15 May 1987 (Records, pp. 193-194).

[26] TSN, 25 May 1992, pp. 30-32.

[27] The pertinent portion of the Order of preliminary injunction dated 15 May 1987 reads:

"Upon consideration of both oral and documentary evidence adduced by the plaintiff, the Court is convinced that plaintiff has fully established and proven the facts alleged in the Complaint that defendant Josefina Estolas illegally and immorally issued Memorandum Order No. 30; and upon further consideration of the fact that the plaintiff herein is the duly appointed Administrative Officer of the Rizal Technological Colleges, his appointment being approved and confirmed by the Civil Service Commission (Exhibit "A") which appointment, until the present date, is permanent in nature, so that said plaintiff must continue to perform all functions and responsibilities as Administrative Officer of Rizal Technological Colleges, in order to serve the interest of the public, which appointment was given strength in the Decision rendered by Celerina G. Gotladera of the Civil Service Commission (Exhibit 'S')."

(Records, Vol. I, pp. 193-194)

[28] TSN, 25 May 1992, pp. 32-34.

[29] Solid Homes, Inc. v. Court of Appeals, G.R. No. 117501, 08 July 1997, 275 SCRA 267, 279.

[30] Ibid.

[31] Records, Vol. II, pp. 823-824.

[32] Article 2217, New Civil Code.

[33] Philippine Veterans Bank v. NLRC, G.R. No. 130439, 26 October 1999, 317 SCRA 510.

[34] "Any person who willfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for damages."

[35] TSN, 14 September 1987, p. 17.

[36] TSN, 16 September 1991, p. 29.

[37] Supra, note 9 at 490.

[38] Supra, note 11 at 267; Art. 2229, Civil Code.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.