

TITUS B. VILLANUEVA, PETITIONER, VS. EMMA M. ROSQUETA, RESPONDENT.

G.R. No. 180764. January 19, 2010

Ponente: ABAD, J.

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ABAD, J.:

This case is about the right to recover damages for alleged abuse of right committed by a superior public officer in preventing a subordinate from doing her assigned task and being officially recognized for it.

The Facts and the Case

Respondent Emma M. Rosqueta (Rosqueta), formerly Deputy Commissioner of the Revenue Collection and Monitoring Group of the Bureau of Customs (the Bureau), tendered her courtesy resignation from that post on January 23, 2001, shortly after President Gloria Macapagal-Arroyo assumed office. But five months later on June 5, 2001, she withdrew her resignation, claiming that she enjoyed security of tenure and that she had resigned against her will on orders of her superior.[1]

Meantime, on July 13, 2001 President Arroyo appointed Gil Valera (Valera) to respondent Rosqueta's position. Challenging such appointment, Rosqueta filed a petition for prohibition, quo warranto, and injunction against petitioner Titus B. Villanueva (Villanueva), then Commissioner of Customs, the Secretary of Finance, and Valera with the Regional Trial Court[2] (RTC) of Manila in Civil Case 01-101539. On August 27, 2001 the RTC issued a temporary restraining order (TRO), enjoining Villanueva and the Finance Secretary[3] from implementing Valera's appointment. On August 28, 2001 the trial court superseded the TRO with a writ of preliminary injunction.[4]

Petitioner Villanueva, Valera, and the Secretary of Finance challenged the injunction order before the Court of Appeals (CA) in CA-G.R. SP 66070. On September 14, 2001 the CA issued its own TRO, enjoining the implementation of the RTC's injunction order. But the TRO lapsed after 60 days and the CA eventually dismissed the petition before it.

On November 22, 2001 while the preliminary injunction in the quo warranto case was again in force, petitioner Villanueva issued Customs Memorandum Order 40-2001, authorizing Valera to exercise the powers and functions of the Deputy Commissioner.

During the Bureau's celebration of its centennial anniversary in February 2002, its special Panorama magazine edition featured all the customs deputy commissioners, except respondent Rosqueta. The souvenir program, authorized by the Bureau's Steering Committee headed by petitioner Villanueva to be issued on the occasion, had a space where Rosqueta's picture was supposed to be but it instead stated that her position was "under litigation." Meanwhile, the commemorative billboard displayed at the Bureau's main gate included Valera's picture but not Rosqueta's.

On February 28, 2002 respondent Rosqueta filed a complaint[5] for damages before the RTC of Quezon City

against petitioner Villanueva in Civil Case Q-02-46256, alleging that the latter maliciously excluded her from the centennial anniversary memorabilia. Further, she claimed that he prevented her from performing her duties as Deputy Commissioner, withheld her salaries, and refused to act on her leave applications. Thus, she asked the RTC to award her P1,000,000.00 in moral damages, P500,000.00 in exemplary damages, and P300,000.00 in attorney's fees and costs of suit.

But the RTC dismissed[6] respondent Rosqueta's complaint, stating that petitioner Villanueva committed no wrong and incurred no omission that entitled her to damages. The RTC found that Villanueva had validly and legally replaced her as Deputy Commissioner seven months before the Bureau's centennial anniversary.

But the CA reversed the RTC's decision,[7] holding instead that petitioner Villanueva's refusal to comply with the preliminary injunction order issued in the quo warranto case earned for Rosqueta the right to recover moral damages from him.[8] Citing the abuse of right principle, the RTC said that Villanueva acted maliciously when he prevented Rosqueta from performing her duties, deprived her of salaries and leaves, and denied her official recognition as Deputy Commissioner by excluding her from the centennial anniversary memorabilia. Thus, the appellate court ordered Villanueva to pay P500,000.00 in moral damages, P200,000.00 in exemplary damages and P100,000.00 in attorney's fees and litigation expenses. With the denial of his motion for reconsideration, Villanueva filed this petition for review on certiorari under Rule 45.

The Issue Presented

The key issue presented in this case is whether or not the CA erred in holding petitioner Villanueva liable in damages to respondent Rosqueta for ignoring the preliminary injunction order that the RTC issued in the quo warranto case (Civil Case 01-101539), thus denying her of the right to do her job as Deputy Commissioner of the Bureau and to be officially recognized as such public officer.

The Court's Ruling

Under the abuse of right principle found in Article 19 of the Civil Code,[9] a person must, in the exercise of his legal right or duty, act in good faith. He would be liable if he instead acts in bad faith, with intent to prejudice another. Complementing this principle are Articles 20[10] and 21[11] of the Civil Code which grant the latter indemnity for the injury he suffers because of such abuse of right or duty.[12]

Petitioner Villanueva claims that he merely acted on advice of the Office of the Solicitor General (OSG) when he allowed Valera to assume the office as Deputy Commissioner since respondent Rosqueta held the position merely in a temporary capacity and since she lacked the Career Executive Service eligibility required for the job.

But petitioner Villanueva cannot seek shelter in the alleged advice that the OSG gave him. Surely, a government official of his rank must know that a preliminary injunction order issued by a court of law had to be obeyed, especially since the question of Valera's right to replace respondent Rosqueta had not yet been properly resolved.

That petitioner Villanueva ignored the injunction shows bad faith and intent to spite Rosqueta who remained in the eyes of the law the Deputy Commissioner. His exclusion of her from the centennial anniversary memorabilia was not an honest mistake by any reckoning. Indeed, he withheld her salary and prevented her from assuming the duties of the position. As the Court said in *Amonoy v. Spouses Gutierrez*,[13] a party's refusal to abide by a court order enjoining him from doing an act, otherwise lawful, constitutes an abuse and an unlawful exercise of right.

That respondent Rosqueta was later appointed Deputy Commissioner for another division of the Bureau is immaterial. While such appointment, when accepted, rendered the quo warranto case moot and academic, it did not have the effect of wiping out the injuries she suffered on account of petitioner Villanueva's treatment of her.

The damage suit is an independent action.

The CA correctly awarded moral damages to respondent Rosqueta. Such damages may be awarded when the defendant's transgression is the immediate cause of the plaintiff's anguish^[14] in the cases specified in Article 2219^[15] of the Civil Code.^[16]

Here, respondent Rosqueta's colleagues and friends testified that she suffered severe anxiety on account of the speculation over her employment status.^[17] She had to endure being referred to as a "squatter" in her workplace. She had to face inquiries from family and friends about her exclusion from the Bureau's centennial anniversary memorabilia. She did not have to endure all these affronts and the angst and depression they produced had Villanueva abided in good faith by the court's order in her favor. Clearly, she is entitled to moral damages.

The Court, however, finds the award of P500,000.00 excessive. As it held in *Philippine Commercial International Bank v. Alejandro*,^[18] moral damages are not a bonanza. They are given to ease the defendant's grief and suffering. Moral damages should reasonably approximate the extent of hurt caused and the gravity of the wrong done. Here, that would be P200,000.00.

The Court affirms the grant of exemplary damages by way of example or correction for the public good but, in line with the same reasoning, reduces it to P50,000.00. Finally, the Court affirms the award of attorney's fees and litigation expenses but reduces it to P50,000.00.

WHEREFORE, the Court DENIES the petition and AFFIRMS the decision of the Court of Appeals dated April 30, 2007 in CA-G.R. CV 85931 with MODIFICATION in that petitioner Titus B. Villanueva is ORDERED to pay respondent Emma M. Rosqueta the sum of P200,000.00 in moral damages, P50,000.00 in exemplary damages, and P50,000.00 in attorney's fees and litigation expenses.

SO ORDERED.

Carpio, (Chairperson), Brion, Del Castillo, Abad, and Perez, JJ., concur.

[1] Former Commissioner of Customs, Renato A. Ampil.

[2] Branch 51.

[3] Hon. Jose Isidro Camacho.

[4] Records, p. 12. It is hereby ordered by the undersigned Judge of the Regional Trial Court that until further orders, you, the said respondents and all your attorneys, representatives, agents and any other persons assisting are hereby enjoined from implementing or enforcing the appointment of respondent GIL A. VALERA to the position of Customs Deputy Commissioner for Revenue Collection and Monitoring and respondent Valera from assuming the said office or exercising its functions until further orders from this Court.

[5] Id. at 1-8.

[6] Rollo, pp. 80-109. Penned by Judge Thelma A. Ponferrada.

[7] Id. at 48-65. Penned by Associate Justice Enrico A. Lanzas and concurred in by Associate Justices Remedios Salazar-Fernando and Rosalinda Asuncion-Vicente.

[8] Id. at 63.

[9] 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.

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

[11] 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.

[12] *Carpio v. Valmonte*, 481 Phil. 352, 362 (2004).

[13] 404 Phil. 586, 594 (2001).

[14] Art. 2217, Civil Code. Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary computation, moral damages may be recovered if they are the proximate result of the defendant's wrongful act or omission.

[15] 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 an

d actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34 and 35.

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

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

[16] *Carpio v. Valmonte*, supra note 12, at 364.

[17] Testimony of Wilnora Cawile, TSN, March 5, 2003, pp. 16-18; testimony of Wilhelmina Faustino, TSN, May 15, 2003, pp. 10-13, 19-25; testimony of John Aclaro, June 6, 2003, pp. 20-26.

[18] G.R. No. 175587, September 21, 2007, 533 SCRA 738, 757-758.

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