

**GUILLERMA FLORDELIS, EDGAR FLORDELIS, ROSARIO F. CASIA,
EDITHA F. CHATTO, EVELYN FLORDELIS AND LILY FLORDELIS, AS
HEIRS OF THE LATE GOTARDO FLORDELIS, PETITIONERS, VS.
FERMIN MA...**

G.R. No. 54887. May 22, 1982

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-54887/>

AQUINO, J.:

This case is about the personal liability for moral and exemplary damages of a public school administrator to two school teachers whom he had prevented from discharging the regular duties of their positions.

Fermin Mar and Graciano M. Ligan were appointed teachers in the Bohol School of Arts and Trades by the Secretary of Education on July 1, 1948 and April 20, 1961, respectively (Exh. A and B).

They filed an administrative complaint against Gotardo Flordelis, the school administrator. After hearing, Flordelis was exonerated and the complaint was dismissed with the warning that a repetition of the act complained of would be dealt with severely.

Sometime in October, 1975, the city fiscal of Tagbilaran City filed against Mar and Ligan and four other accused an information for perjury at the instance of Flordelis. After trial, the city court in a decision dated November 28, 1975, convicted the six accused of perjury (Exh. C). The accused appealed to the Court of Appeals which reversed the judgment of conviction in the perjury case and acquitted Mar and Ligan (People vs. Mar, et al., CA-G.R. No. 19177-CR, Exh. D).

Mar and Ligan were not paid their salaries beginning December, 1975 although they had been holding classes. Flordelis suspended them. He ordered the security guards to prevent Mar and Ligan from entering the school premises (Exh. F and G). On March 22, 1977, the lawyer of Mar and Ligan made a formal demand upon Flordelis to reinstate the two teachers to their positions with the warning that the proper legal action would be filed if the demand was not heeded (Exh. G).

Notwithstanding the judgment of acquittal in the perjury case, Flordelis did not terminate the suspension of Mar and Ligan. His version was that during the second semester of the school year, 1975-76, Mar and Ligan were no longer teaching because of their refusal to accept their new assignments regarding "non-formal education". Since they did not work, their salaries were stopped.

According to Flordelis, the regional director of Region VII of the Department of Education and Culture ordered Mar and Ligan to accept their new assignments in the interest of the service (p. 51, Rollo). The Department allegedly sustained the action of Flordelis in stopping their salaries.

He filed against Mar and Ligan an administrative complaint for abandonment of office, malversation, insubordination, etc. and continued their suspension from office. The Secretary of Education and Culture in a

decision dated January 18, 1978 directed that Mar and Ligan, together with a certain Emilio Dominguez, also a teacher in the Bohol School of Arts and Trades, whom Flordelis had suspended, should be reinstated, given their subject loads and paid their back salaries (Exh. H).

Before that decision was rendered, or on July 18, 1977. Mar and Ligan filed in the Court of First Instance of Bohol an action for mandamus to compel Flordelis to reinstate them with back salaries from December, 1975. They prayed for moral and exemplary damages and attorney's fees.

After trial, the lower court in its decision dated September 5, 1978 ordered Flordelis to reinstate Mar and Ligan with back salaries, to give them their subject loads and to pay them P100,000 as moral damages, P10,000 as exemplary damages and P2,000 as litigation expenses. Flordelis appealed to the Court of Appeals.

Upon motion of Mar and Ligan, the lower court issued a special order for the immediate execution of that portion of its judgment for their reinstatement with back salaries and the giving to them of their "subject loads". That order was upheld by the Court of Appeals (Flordelis vs. Yancha, CA-G.R. No. SP-07912, August 22, 1979).

Flordelis' appeal from the decision of the Court of Appeals sustaining the execution pending appeal was dismissed by this Court in its resolution of July 6, 1981 in G.R. No. 53197.

With respect to the appeal of Flordelis, the Court of Appeals in its decision of February 27, 1980 affirmed the lower court's decision with the modification that the moral and exemplary damages of P110,000 were reduced to P15,000 each for Mar and Ligan. From that decision, Flordelis interposed the instant appeal to this Court. He died on November 4, 1981. His heirs were substituted for him.

Appellant Flordelis contends that the Court of Appeals erred in regarding the decision of the Secretary of Education and Culture as the basis for the reinstatement of Mar and Ligan. That contention cannot be sustained.

It is true that the Secretary's decision was sought by Dominguez and not by Mar and Ligan. But it is incontestable that Dominguez, Mar and Ligan were in the same situation. They were respondents in Administrative Case No. 028 filed against them with the regional office by Flordelis. Dominguez was a fellow teacher of Mar and Ligan. Like them, he was not given by Flordelis his regular assignments and he was prevented from holding classes.

When Dominguez asked the Secretary of Education and Culture that he be reinstated as a teacher of the Bohol School of Arts and Trades, it was inevitable that the Secretary in going over his papers would notice also the cases of Mar and Ligan which were interwoven with Dominguez's case.

In granting the request of Dominguez for reinstatement, the Secretary had perforce to rule that Mar and Ligan were similarly entitled to reinstatement. So, in his decision of January 18, 1978, he not only resolved the request for re-instatement of Dominguez but also that of Mar and Ligan (Exh. H).

The Secretary found "the actuations of Mr. Flordelis to be highly irregular, unlawful, unjust and revolting to clear conscience, because without an administrative case" he re-lieved Dominguez, Mar and Ligan of their teaching loads and denied the payment of their salaries, which actions were tantamount to suspension (p. 2, Exh. H).

The Secretary observed that as a mere school administrator Flordelis was not clothed with the authority to suspend his subordinates and that he could not deprive them of their teaching loads and suspend the payment of their salaries. The Secretary held that Dominguez, Mar and Ligan should be given their regular teaching assignments and paid their back salaries (p. 3, Exh. H).

Under sections 38 and 41 of the Civil Service Decree of the Philippines, Presidential Decree No. 807, which took effect on October 6, 1975, the power of suspension is vested in the "proper disciplining authority" who may be "the head of department or office of equivalent rank, or head of local government, or chiefs of agencies, or

regional directors".

Flordelis' other contention is that the action for mandamus had already prescribed because like a quo warranto action, it should have been filed within one year from November, 1975 when Flordelis first prevented them from performing their duties as teachers but that the action was filed more than one year later or on July 18, 1977.

There is no merit in that contention. This is not a quo warranto case nor a case wherein a position is being contested. This is a case of illegal suspension. Rule 65 of the Rules of Court does not fix any period for the filing of the special civil action of mandamus. In a number of cases, it has been held that the limitation statutes, being general or somewhat general in their terms, are not directly applicable to mandamus (52 Am Jur 2nd 705; 155 ALR 1144, 1147).

Mar and Ligan were not guilty of laches or unreasonable delay in filing their petition for mandamus. Their formal demand for reinstatement was made on March 22, 1977 (Exh. G). As already stated, during the pendency of their mandamus action, or on January 18, 1978, the Secretary of Education and Culture ordered the reinstatement of Mar, Ligan and Dominguez.

With respect to the question of damages, we find that Mar and Ligan have not shown any justification for the award of moral damages under the Civil Code which provides:

"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.

"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.

"ART. 2220. Willful injury to property may be a legal ground for awarding moral damages if the court should find that, under the circumstances, such damages are justly due. The same rule applies to breaches of contract where the defendant acted fraudulently or in bad faith."

There is no showing by the lower court and the Appellate Court and by Mar and Ligan that this case falls within any of the cases enumerated in articles 2219 and 2220. The same is true with respect to the exemplary damages. No justification has been shown by the appellees for the award of exemplary damages.

But under article 2208 of the Civil Code, Mar and Ligan are entitled to attorney's fees and litigation expenses for having been compelled to litigate and incur expenses to secure relief against their illegal suspension by Flordelis who acted in gross and evident bad faith in refusing to reinstate them. It is just and equitable that his estate should pay attorney's fees and litigation expenses to Mar and Ligan in the sum of five thousand pesos or P2,500 for each of them.

WHEREFORE, the judgment of the Court of Appeals is affirmed with the modification that, in lieu of the damages of P30,000, the estate of the late Gotardo Flordelis is ordered to pay attorney's fees and litigation expenses of P5,000 to be divided equally between Fermin Mar and Graciano M. Ligan.

SO ORDERED.

Barredo, (Chairman), Guerrero, De Castro, and Escolin, JJ., concur.

Abad Santos, J., see dissenting opinion.

Concepcion, Jr., on leave.

DISSENTING OPINION

ABAD SANTOS , J.:

I dissent. I do not agree with Mr. Justice Aquino that Messrs. Fermin Mar and Graciano M. Ligan are not entitled to moral damages. In my opinion they are clearly entitled thereto.

The Civil Code defines moral damages as follows:

"Art. 2217. 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."

According to Art. 2219 of the same Code, "Moral damages may be recovered in the following and analogous cases: x x x

(10) Acts and actions referred to in articles 21, 26, 27, 28, 29, 30, 32, 34, and 35."

Art. 21 of the Civil Code directs that "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."

Clearly, Mar and Ligan were the victims of harassment and vendetta perpetrated by a vindictive superior contrary to morals and good customs. There is no doubt that they suffered mental anguish, fright, serious anxiety, wounded feelings, moral shock, and social humiliation because a petty school official had delusions of grandeur and omnipotence.

Because Mar and Ligan had filed an administrative complaint against Flordelis for which he was exonerated but nonetheless warned that a repetition of the act complained of would be dealt with severely, he vented his spleen against them thus:

"Sometime in October, 1975, the city fiscal of Tagbilaran City filed against Mar and Ligan and four other accused an information for perjury at the instance of Flordelis. After trial, the city court in a decision dated November 28, 1975, convicted the six accused of perjury (Exh. C). The accused appealed to the Court of

Appeals which, in a decision dated October 4, 1977, reversed the judgment of conviction in the perjury case and acquitted Mar and Ligan (People vs. Mar, et al., CA-G.R. No. 19177-CR, Exh. D).

"Mar and Ligan were not paid their salaries beginning December, 1975 although they had been holding classes. Flordelis suspended them. He ordered the security guards to prevent Mar and Ligan from entering the school premises (Exh. F and G). On March 22, 1977, the lawyer of Mar and Ligan made a formal demand upon Flordelis to reinstate the two teachers to their positions with the warning that the proper legal action would be filed if the demand was not heeded (Exh. G).

"Notwithstanding the judgment of acquittal in the perjury case, Flordelis did not terminate the suspension of Mar and Ligan. x x x.

"He filed against Mar and Ligan an administrative complaint for abandonment of office, malversation, insubordination, etc. and continued their suspension from office. The Secretary of Education and Culture in a decision dated January 18, 1978 directed that Mar and Ligan, together with a certain Emilio Dominguez, also a teacher in the Bohol School of Arts and Trades, whom Flordelis had suspended, should be reinstated, given their subject loads and paid their back salaries (Exh. H).

x x x x

"When Dominguez asked the Secretary of Education and Culture that he be reinstated as a teacher of the Bohol School of Arts and Trades, it was inevitable that the Secretary in going over his papers would notice also the cases of Mar and Ligan which were interwoven with Dominguez's case.

"In granting the request of Dominguez for reinstatement, the Secretary had perforce to rule that Mar and Ligan were similarly entitled to reinstatement. So, in his decision of January 18, 1978, he not only resolved the request for reinstatement of Dominguez but also that of Mar and Ligan (Exh. H).

"The Secretary found 'the actuations of Mr. Flordelis to be highly irregular, unlawful, unjust and revolting to clear conscience, because without an administrative case' he relieved Dominguez, Mar and Ligan of their teaching loads and denied the payment of their salaries, which actions were tantamount to suspension (p. 2, Exh. H).

"The Secretary observed that as a mere school administrator Flordelis was not clothed with the authority to suspend his subordinates and that he could not deprive them of their teaching loads and suspend the payment of their salaries. The Secretary held that Dominguez, Mar and Ligan should be given their regular teaching assignments and paid their back salaries (p. 3, Exh. H)."

I cannot conceive of a case which better illustrates the application of Art. 21 of the Civil Code.

Accordingly, I vote for the denial of the petition for utterly lacking in merit.

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.