

TIBURCIO GUITA, PETITIONER, VS. HON. COURT OF APPEALS, LUZ SORIANO HAGUISAN & CESAR BENEDICTO HAGUISAN, RESPONDENTS.

G.R. No. 60409, November 11, 1985

Ponente: PLANA, J.

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PLANA, J.:

Petitioner seeks a review of the decision of the defunct Court of Appeals holding him liable for moral damages for issuing, in his capacity as Administrative Officer of the Marinduque Mining and Industrial Corporation (MMIC), a certification to respondent Cesar Haguisan stating that the latter was employed by MMIC as security guard from August 21, 1956 up to the date of his separation on February 23, 1971, "after he was found mentally unfit to work."

Cesar Haguisan was employed as security guard of the MMIC in Sipalay, Negros Occidental.

Before 1970, the MMIC general manager was shot and killed by one of the Company security guards. As an aftermath of this incident, all MMIC security guards were subjected to psychiatric examination.

The psychiatric examination of Cesar Haguisan was conducted by Dr. Rena Nora, who made the following findings:

"x x x He has admitted to frequent 'absent minded spells' in the last few years. x x x Calculating ability is poor, indicating poor concentration and memory x x x. With memory for design test, he made six mistakes which is interpreted as borderline for motorperceptual skill impairment x x x. His profile shows that of a poorly adjusted individual both in his personal adjustment and his social adjustment x x x.

"Impression: Borderline mental capa-city with mild to moderate memory impairment and poor calculating ability x x x.

"Most of above factors noted were not in satisfactory levels and tests also indicated significant impairment of mental functioning."

Dr. Nora concluded that Haguisan was —

"psychiatrically unfit for the job position of security guard at the time he was examined (1970), and that he cannot be recommended for the job position of security guard, but that he may be gainfully employed in other departments that require less mental alertness and jobs that do not require evening shifts."

Based on the foregoing psychiatric report, the services of Haguisan were terminated.

Subsequently, Haguisan requested from Tiburcio Guita, MMIC Administrative Officer, a certification regarding his MMIC service, as he was then looking for another job. Guita gave this certification to Haguisan:

"This is to certify that Mr. Cesar B. Haguisan has been employed by Marinduque Mining and Industrial

Corporation as Security Guard in its Sipalay Mine, Sipalay, Negros Occidental, from August 21, 1956 up to the date of his separation on February 23, 1971, with a monthly rate of P371.06, after he was found mentally unfit to work.

"This certification is issued upon the request of Mr. Cesar B. Haguisan, for whatever purpose it may serve him best."

In 1973, Haguisan and his wife filed with the Court of First Instance of Negros Occidental at Bacolod City a complaint for damages against Tiburcio Guita, Dr. Rena Nora, Emilio Santos (MMIC Sipalay general manager) and Roberto Abendaño (MMIC chief security guard). The suit was based on the allegedly false and derogatory statements regarding Haguisan's mental state which, according to plaintiffs, were not only designed to ease Haguisan out of MMIC but also to ruin his chances of obtaining employment elsewhere.

The trial court dismissed the complaint, finding no malice in the preparation of the psychiatric report on Haguisan or the certification subsequently issued on the basis thereof.

On appeal, the Court of Appeals affirmed the dismissal except as to herein petitioner Guita, who was ordered to pay Cesar Haguisan the sum of P10,000.00 as moral damages and costs upon the finding that it was "mean and malicious on the part of Guita to unqualifiedly certify that Haguisan was 'mentally unfit to work', without clarifying, as Dr. Nora had done in her report (Exh. B), that Haguisan was 'psychiatrically unfit for the job position of security guard at the time he was examined (1970)' but that 'he may be gainfully employed in other departments that require less mental alertness and jobs that do not require evening shifts'."

Dissatisfied, petitioner filed the instant petition for review, assailing the decision of the appellate court for lack of basis. Haguisan did not appeal.

Ordinarily, the factual findings of the Court of Appeals are accepted as conclusive by this Court. We have repeatedly held however that this Court may make its own findings of fact and disregard those made by the Court of Appeals when the latter are grounded entirely on speculations, surmises, or conjectures; when the inference is manifestly mistaken, absurd or impossible; when there is a grave abuse of discretion; when there is a misapprehension of facts; when the findings of fact are conflicting; and when the Court of Appeals goes beyond the issues of the case and makes findings contrary to the admissions of the parties. (Roque vs. Buan, 21 SCRA 642; Garcia vs. Court of Appeals, 33 SCRA 22.)

In the instant case, we find that the appellate court's finding that petitioner, in issuing the disputed certification, acted with malice, is bereft of factual support.

Moral damages may be awarded to compensate one for diverse injuries such as mental anguish, besmirched reputation, wounded feelings and social humiliation. It is however not enough that such injuries have arisen; it is essential that they have sprung from a wrongful act or omission of the defendant which was the proximate cause thereof.

"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." (Civil Code, Article 2217.)

"In a long line of cases, we have consistently ruled that in the absence of a wrongful act or omission or of fraud or bad faith, moral damages cannot be awarded..." (R & B Surety and Insurance Co., Inc. vs. IAC, 129 SCRA 736, 743.)

It may perhaps be conceded that private respondents have suffered mental anguish or wounded feelings as a

consequence of the statement in the certification that Haguisan was separated from MMIC "after he was found mentally unfit to work." But was Guita's issuance of the certification wrongful or malicious?

In the trial court, Haguisan tried to prove that Guita was motivated by malice or bad faith when he made the certification. The trial judge rejected the testimony of plaintiffs (private respondents) and their witnesses as "without the earmarks of truth". (CFI Decision, Rollo, p. 36.) This factual finding deserves the highest respect and ought not to be disturbed, in accordance with settled jurisprudence on the matter.

"When the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case." (People vs. Mercado, 97 SCRA 232.)

There is nothing in the record indicating that the trial court has committed any reversible error in its evaluation of the credibility of the witnesses.

Going to the certification itself, private respondents' claim for damages is based on the statement in Guita's certification that Haguisan was "employed by MMIC as security guard...from August 21, 1956 up to the date of his separation on February 23, 1971..., after he was found mentally unfit to work." It would seem that the underlined portion is a reasonably fair statement based on the professional findings in the psychiatric report that:

"x x x He (Haguisan) has admitted to frequent 'absent minded spells' in the last few years x x x. Calculating ability is poor, indicating poor concentration and memory x x x. His profile shows that of a poorly adjusted individual both in his personal adjustment and his social adjustment x x x.

"Impression: Borderline mental capacity with mild to moderate memory impairment and poor calculating ability x x x.

"x x x tests also indicated subsequent impairment of mental functioning."

As to the generality of the statement of mental unfitness to work, suffice it to say that the certification should be read and construed as a whole. So viewed, it is clear that the statement can refer only to unfitness to work as security guard, for it was that position, and no other, from which Haguisan was separated. The said position was the only subject matter of the certification.

Finally, the certification was made by Guita upon the request of Haguisan himself and was given to no one but the latter.

All told, we find petitioner Guita not guilty of any wrongful act. It follows that he cannot be liable for moral damages.

WHEREFORE, the decision under review is set aside. The trial court's decision dismissing the complaint is reinstated.

SO ORDERED.

Teehankee, (Chairman), Melencio-Herrera, Gutierrez, Jr., De La Fuente, and Patajo, JJ., concur.

Relova, J., on leave.

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