

## SPECIAL FOURTH DIVISION

[ CA-G.R. CV NO. 100711, May 20, 2014 ]

**SPO2 ANTONIO SA CRUZ, JR. PETITIONER-APPELLEE, VS.  
SPOUSES ROY AND BELINDA SANTIAGO, AND ALCER CARPO,  
DEFENDANTS, SPOUSES ROY AND BELINDA SANTIAGO,  
DEFENDANTS-APPELLANTS.**

### D E C I S I O N

**TOLENTINO, A.G., J.:**

This is an appeal from the decision<sup>[1]</sup> dated February 19, 2013 of the Regional Trial Court of Manila (RTC), Branch 39, in Civil Case No. 07-118136, entitled *SPO2 Antonio SA Cruz, Jr. vs. Spouses Roy and Belinda Santiago and Alcer Carpo*, in a suit for damages filed by the plaintiff-appellee police officer Antonio SA Cruz, Jr.

The complaint<sup>[2]</sup> for damages was an off-shoot from the dismissal<sup>[3]</sup> on July 17, 2007 for lack of probable cause of the administrative complaints,<sup>[4]</sup> for alleged physical injury and grave threats amounting to grave misconduct filed sometime in April, 2007 by defendant Alcer Carpo (Carpo) and defendants-appellants spouses Roy Santiago and Belinda Santiago (Sps. Santiago) against plaintiff-appellee SPO2 Antonio SA Cruz, Jr. (SPO2 Cruz, Jr.)

SPO2 Cruz, Jr. claimed that the acts of the Sps. Santiago and Carpo in filing the administrative complaints, which, at the outset are known to them to be fabricated, false, and manufactured, caused so much humiliation, embarrassment, and degradation upon him, both as a respected member of the community and of the police force. He averred that the filing of administrative complaints against him was clearly done in bad faith and has caused him to suffer loss or injury which should entitle him to compensation by way of actual, moral, nominal, and exemplary damages. Thus, he instituted a suit for damages anchored on Art. 19<sup>[5]</sup> of the New Civil Code against the Sps. Santiago and Carpo with the Regional Trial Court of Manila, Branch 39, and docketed as Civil Case No. 07-118136 which was raffled off to Branch 39.

The record shows that as per Sheriff's Return dated November 22, 2007, summons together with the attached copy of the complaint and annexes was not served to defendant Alcer Carpo.<sup>[6]</sup>

In their answer with motion to dismiss,<sup>[7]</sup> the Sps. Santiago denied the material allegations of the complaint and claimed that the dismissal of the administrative complaints had not attained finality in view of the filing of a motion for reconsideration. They asseverated that the filing of administrative complaints with the Directorate for Investigation and Detective Management of the Philippine National Police was done in good faith with no malice on their part. It was made not to harass SPO2 Cruz, Jr. as it is contrary to human experience for an ordinary

civilian to harass a police officer. They proffered that the complaint for damages filed by SPO2 Cruz, Jr. was without basis and has caused them to suffer mental anguish, fright, serious anxiety, besmirched reputation, wounded feeling, moral shock, social humiliation, and similar traumatic experience, for which they prayed for moral and exemplary damages, and attorney's fees by way of counterclaim.

In its Order<sup>[8]</sup> dated January 4, 2008, the RTC denied the motion to dismiss filed by defendants-appellants Sps. Santiago for lack of merit.

On the scheduled pre-trial conference on May 20, 2008, the RTC referred the case for mediation proceedings<sup>[9]</sup> but no settlement was agreed upon by the parties. The pre-trial conference was terminated on September 30, 2008<sup>[10]</sup> and thereafter, trial ensued.

On February 19, 2013, the RTC rendered judgment, the dispositive portion of which reads as follows:

*"WHEREFORE, based on the foregoing considerations, judgment is hereby rendered in favor of the plaintiff, ordering the defendant-spouses Roy and Belinda Santiago to pay plaintiff, as follows, to wit:*

1. Nominal damages in the amount of P 50,000.00;
2. Attorney's fees in the amount of P 50,000.00; and
3. Cost of suit.

The defendants' counterclaim is hereby denied for lack of merit.

The instant case against defendant Alcer Carpo is hereby archived, considering that the court did not acquire jurisdiction on his person, the fact that the summons together with other documents relative thereto were not duly served upon him.

SO ORDERED."<sup>[11]</sup>

Hence, this appeal and the defendants-appellants assigned as errors,<sup>[12]</sup> to wit:

-A-

THE HONORABLE LOWER COURT COMMITTED PALPABLE, REVERSIBLE AND SERIOUS ERROR WHEN IT RENDERED A FAVORABLE JUDGMENT TO PLAINTIFF-APPELLEE NOTWITHSTANDING HIS FAILURE TO DISCHARGE THE BURDEN OF PROOF BY PREPONDERANCE OF EVIDENCE.

-B-

THE HONORABLE LOWER COURT SERIOUSLY AND GRIEVOUSLY ERRED WHEN IT DENIED THE COUNTERCLAIM OF DEFENDANTS-APPELLANTS.

In their appeal brief,<sup>[13]</sup> the defendants-appellants claimed that the RTC erred in finding that they acted not in the manner consistent with justice and good faith. They argued that there is no adequate proof that they abused their rights nor they were motivated by malice or bad faith when they filed an administrative case against the plaintiff-appellee SPO2 Cruz, Jr.

In its assailed decision,<sup>[14]</sup> the RTC had this to say, thus:

"Basically, the issue to be resolved by the Court is to determine whether or not herein plaintiff is entitled for (sic) the award of damages under the New Civil Code.

Drawn from the record, it appears that the filing of the instant case for Damages by herein plaintiff SPO2 Antonio SA Cruz, Jr. against herein defendants-spouses Roy and Belinda Santiago and other defendant Alcer Carpo arose out of and by reason of the administrative complaint filed by all defendants against the plaintiff before the Directorate for Investigation and Detective Management (DIDM), PNP, National Headquarters, Camp Crame. In a Memorandum, dated 17 July, 2007, it was recommended that the said administrative complaint for alleged Grave Threats and Physical Injury amounting to Grave Misconduct against herein plaintiff SPO2 Antonio SA Cruz, Jr. be dropped and closed for lack of probable cause. The said memorandum was approved by then Police Director Geary Barias on August 13, 2007 (See Exhibits "J" to "J-3"). Paragraph 6 of the said Memorandum read (sic) as follows:

"After perusal of the records, this Directorate finds that the complaints against respondent SPO2 SA Cruz, Jr. are substantially rebutted by sufficient evidence. The report entered in the blotter from Sta Ana Police Station, MPD particularly Entry No. 0520, dated April 19, 2007, that the incident transpired at the complainants residence is just a minor misunderstanding which was already mollified and that the statements of the respondent's witnesses are sufficient to substantiate the respondent's claim."

During the hearing of the instant case, plaintiff SPO2 Antonio SA Cruz, Jr. and defendants-spouses Roy and Belinda Santiago through counsel presented their respective witnesses as well as the documentary evidence in support thereof. After considering the evidence presented and offered by the parties in the course of the proceedings, this Court is inclined to rule in favor of the plaintiff the fact that the latter had partially proven his case by preponderance of evidence. Herein plaintiff has a cause of action against the defendants. Clearly, the allegations and arguments raised by the defendants-spouses Santiago are not meritorious. There are no clear and convincing evidence presented by them in rebutting the complaint. It is clear that there is an act or omission committed by the defendants in violation of the plaintiff's right, hence, a cause of action arises resulting to the instant complaint."

The RTC concluded that:

"In the instant case, the Court finds that the defendants-spouses acted not in a manner consistent with justice and good faith as required by Art. 19 of the Civil Code, which 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."**<sup>[15]</sup>

WE ARE NOT PERSUADED.