

SECOND DIVISION

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

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

D E C I S I O N

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 On August 28, 2001 the trial court superseded the TRO with a writ of preliminary injunction.^[4]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]