

## THIRD DIVISION

[ G.R. No. 140420, February 15, 2001 ]

**SERGIO AMONUY, PETITIONER, VS. SPOUSES JOSE GUTIERREZ  
AND ANGELA FORNILDA, RESPONDENTS.**

### DECISION

**PANGANIBAN, J.:**

*Damnum absque injuria.* Under this principle, the legitimate exercise of a person's rights, even if it causes loss to another, does not automatically result in an actionable injury. The law does not prescribe a remedy for the loss. This principle does not, however, apply when there is an abuse of a person's right, or when the exercise of this right is suspended or extinguished pursuant to a court order. Indeed, in the availment of one's rights, one must act with justice, give others their due, and observe honesty and good faith.

#### The Case

Before us is a Petition for Review under Rule 45 of the Rules of Court, assailing the April 21, 1999 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-GR CV No. 41451, which set aside the judgment<sup>[2]</sup> of the Regional Trial Court (RTC) of Tanay, Rizal. The RTC had earlier dismissed the Complaint for damages filed by herein respondents against petitioner. The dispositive portion of the challenged CA Decision reads as follows:

"WHEREFORE, the appealed Decision is SET ASIDE, and in its stead judgment is rendered ordering the defendant-appellee Sergio Amonoy to pay the plaintiffs-appellants Bruno and Bernardina Gutierrez as actual damages the sum of [t]wo [h]undred [f]ifty [t]housand [p]esos (P250,000.00)."<sup>[3]</sup>

Likewise assailed is the October 19, 1999 CA Resolution,<sup>[4]</sup> which denied the Motion for Reconsideration.

#### The Facts

The appellate court narrated the factual antecedents of this case as follows:

"This case had its roots in Special Proceedings No. 3103 of Branch I of the CFI of Pasig, Rizal, for the settlement of the estate of the deceased Julio Cantolos, involving six (6) parcels of land situated in Tanay, Rizal. Amonoy was the counsel of therein Francisca Catolos, Agnes Catolos, Asuncion Pasamba and Alfonso Formilda. On 12 January 1965, the Project of Partition submitted was approved and x x x two (2) of the said lots were adjudicated to Asuncion Pasamba and Alfonso Formilda. The

attorney's fees charged by Amonoy was P27,600.00 and on 20 January 1965 Asuncion Pasamba and Alfonso Formilda executed a deed of real estate mortgage on the said two (2) lots adjudicated to them, in favor of Amonoy to secure the payment of his attorney's fees. But it was only on 6 August 1969 after the taxes had been paid, the claims settled and the properties adjudicated, that the estate was declared closed and terminated.

"Asuncion Pasamba died on 24 February 1969 while Alfonso Fornilda passed away on 2 July 1969. Among the heirs of the latter was his daughter, plaintiff-appellant Angela Gutierrez.

"Because his attorney's fees thus secured by the two lots were not paid, on 21 January 1970 Amonoy filed for their foreclosure in Civil Case No. 12726 entitled *Sergio Amonoy vs. Heirs of Asuncion Pasamba and Heirs of Alfonso Fornilda* before the CFI of Pasig, Rizal, and this was assigned to Branch VIII. The heirs opposed, contending that the attorney's fees charged [were] unconscionable and that the agreed sum was only P11,695.92. But on 28 September 1972 judgment was rendered in favor of Amonoy requiring the heirs to pay within 90 days the P27,600.00 secured by the mortgage, P11,880.00 as value of the harvests, and P9,645.00 as another round of attorney's fees. Failing in that, the two (2) lots would be sold at public auction.

"They failed to pay. On 6 February 1973, the said lots were foreclosed and on 23 March 1973 the auction sale was held where Amonoy was the highest bidder at P23,760.00. On 2 May 1973 his bid was judicially confirmed. A deficiency was claimed and to satisfy it another execution sale was conducted, and again the highest bidder was Amonoy at P12,137.50.

"Included in those sold was the lot on which the Gutierrez spouses had their house.

"More than a year after the Decision in Civil Case No. 12726 was rendered, the said decedent's heirs filed on 19 December 1973 before the CFI of Pasig, Rizal[,] Civil Case No. 18731 entitled *Maria Penano, et al vs. Sergio Amonoy, et al*, a suit for the annulment thereof. The case was dismissed by the CFI on 7 November 1977, and this was affirmed by the Court of Appeals on 22 July 1981.

"Thereafter, the CFI on 25 July 1985 issued a Writ of Possession and pursuant to which a notice to vacate was made on 26 August 1985. On Amonoy's motion of 24 April 1986, the Orders of 25 April 1986 and 6 May 1986 were issued for the demolition of structures in the said lots, including the house of the Gutierrez spouses.

"On 27 September 1985 the petition entitled *David Fornilda, et al vs Branch 164 RTC IVth Pasig, Deputy Sheriff Joaquin Antonil and Atty. Sergio Amonoy*, G.R. No. L-72306, was filed before the Supreme Court. Among the petitioners was the plaintiff-appellant Angela Gutierrez. On a twin *Musiyun* (Mahigpit na Musiyon Para Papanagutin Kaugnay ng

Paglalapastangan, and Musiyung Makahingi ng Utos sa Pagpapapigil ng Pagpapagiba at Pananagutin sa Paglalapastangan) with full titles as fanciful and elongated as their *Petisyung* (Petisyung Makapagsuri Taglay and Pagpigil ng Utos), a temporary restraining order was granted on 2 June 1986 enjoining the demolition of the petitioners' houses.

"Then on 5 October 1988 a Decision was rendered in the said G.R. No. L-72306 disposing that:

"WHEREFORE, Certiorari is granted; the Order of respondent Trial Court, dated 25 July 1985, granting a Writ of Possession, as well as its Orders, dated 25 April 1986 and 16 May 1986, directing and authorizing respondent Sheriff to demolish the houses of petitioners Angela and Leocadia Fornilda are hereby set aside, and the Temporary Restraining Order heretofore issued, is made permanent. The six (6) parcels of land herein controverted are hereby ordered returned to petitioners unless some of them have been conveyed to innocent third persons."

[5]

But by the time the Supreme Court promulgated the above-mentioned Decision, respondents' house had already been destroyed, supposedly in accordance with a Writ of Demolition ordered by the lower court.

Thus, a Complaint for damages in connection with the destruction of their house was filed by respondents against petitioner before the RTC on December 15, 1989.

In its January 27, 1993 Decision, the RTC dismissed respondents' suit. On appeal, the CA set aside the lower court's ruling and ordered petitioner to pay respondents P250,000 as actual damages. Petitioner then filed a Motion for Reconsideration, which was also denied.

Hence, this recourse.[6]

### **The Issue**

In his Memorandum,[7] petitioner submits this lone issue for our consideration:

"Whether or not the Court of Appeals was correct in deciding that the petitioner [was] liable to the respondents for damages"[8]

### **The Court's Ruling**

The Petition has no merit.

### **Main Issue:** **Petitioner's Liability**

Well-settled is the maxim that damage resulting from the legitimate exercise of a person's rights is a loss without injury -- *damnum absque injuria* -- for which the law gives no remedy.[9] In other words, one who merely exercises one's rights does no actionable injury and cannot be held liable for damages.