



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**JOSE P. SINGH,**  
Petitioner,

**G.R. No. 267487**

**Present:**

-versus-

LEONEN, S.A.J., *Chairperson,*  
LAZARO-JAVIER,  
LOPEZ, M.,\*  
LOPEZ, J., and  
KHO, JR., JJ.

**PERFECTO S. CORPUS, JR. and**  
**MARLENE S. CORPUS,**  
Respondents.

**Promulgated:**

**AUG 30 2023**

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**DECISION**

**LAZARO-JAVIER, J.:**

This Petition for Review on *Certiorari*<sup>1</sup> assails the Decision<sup>2</sup> dated November 24, 2022 and the Resolution<sup>3</sup> dated May 30, 2023 of the Court of Appeals in CA-G.R. CV No. 115943, which affirmed with modification the finding of malicious prosecution against petitioner Jose P. Singh (Singh) and ordering him to pay respondent Atty. Perfecto S. Corpus, Jr. (Atty. Corpus)

\* On official leave.

<sup>1</sup> *Rollo*, pp. 3–20.

<sup>2</sup> *Id.* at 24–41. Penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Ramon M. Bato, Jr. and Germano Francisco D. Legaspi, Fourth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 42–43. Penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Ramon M. Bato, Jr. and Germano Francisco D. Legaspi, Former Fourth Division, Court of Appeals, Manila.

PHP 300,000.00 as moral damages, PHP 200,000.00 as exemplary damages, PHP 100,000.00 as attorney's fees, and PHP 17,360.00 as cost of suit.<sup>4</sup>

### Antecedents

This case stemmed from a complaint for damages filed by respondents Spouses Atty. Corpus and Marlene Corpus against petitioner.<sup>5</sup> The case was docketed as Civil Case No. 2017-284 and raffled to the Regional Trial Court, Branch 258, Parañaque City.<sup>6</sup>

Atty. Corpus essentially averred that sometime in May 2014, he and Singh met at Café Breton, Makati. Singh confided to him that he was inclined to discharge the services of his counsel in Civil Case No. 07-09-3871\* is also entitled "*Platon v. Aguinaldo IV, et al.*" where Singh was one of the defendants.<sup>7</sup> The case involved a 5,309-square meter lot located in Tanauan City, Batangas.<sup>8</sup> Singh also told him that he was then represented by Atty. Gino Jacinto (Atty. Jacinto) from Quicho and Angeles Law Offices but the latter allegedly raised their attorney's fees without Singh's concurrence.<sup>9</sup>

On June 9, 2014, Singh informed him that he tried to communicate with QALO which nonetheless was unresponsive.<sup>10</sup> Singh thus engaged his services as counsel in Civil Case No. 07-09-3871 filed before the Regional Trial Court, Tanauan, Batangas.<sup>11</sup> Atty. Corpus discussed with Singh the applicable laws and their legal strategy. In their retainer agreement, Singh agreed to pay PHP 30,000.00 as acceptance fee. On June 11, 2014, Singh deposited the PHP 30,000.00 acceptance fee to Atty. Corpus's personal account.<sup>12</sup>

Thereafter, on June 14, 2014, he agreed to accompany Singh to Canyon Woods Properties in Taal, Batangas. There, they again discussed Civil Case No. 07-09-3871. Atty. Corpus inquired about the case records, but petitioner told him that the same were still in the custody of Quicho and Angeles Law Offices.<sup>13</sup> Later, Singh offered him one of his houses in Canyon Woods but Atty. Corpus declined.<sup>14</sup>

<sup>4</sup> *Id.* at 114.

<sup>5</sup> *Id.* at 107.

<sup>6</sup> *Id.*

\* Also referred to as Civil Case No. 07-12-3871 and Civil Case No. CV-07-12-3871 in some parts of the *rollo*.

<sup>7</sup> *Rollo*, p. 107.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 75.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 107.

<sup>12</sup> *Id.* at 67.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

By Letter dated June 18, 2014, Singh asked him to examine the sufficiency of a draft Secretary's Certificate and Special Power of Attorney relative to Civil Case No. 07-09-3871, which he did.<sup>15</sup>

On June 20, 2014, Singh instructed Atty. Corpus to hold in abeyance all work in Civil Case No. 07-09-3871.<sup>16</sup> Singh asked Atty. Corpus to handle another case instead against the owners and residents of Canyon Woods.<sup>17</sup> Atty. Corpus declined the offer though due to its complexity.<sup>18</sup>

In a Letter dated June 30, 2014, Singh told Atty. Corpus that he was terminating their retainer's agreement, *sans* any explanation.<sup>19</sup> Singh, too, demanded the return of the PHP 30,000.00 acceptance fee.<sup>20</sup> In his reply letter, Atty. Corpus agreed to terminate the retainer agreement but not the return of the PHP 30,000.00 acceptance fee.<sup>21</sup> He explained that he already commenced the legal work by conducting extensive study on the facts, related laws, and jurisprudence relative to Civil Case No. 07-09-3871. He also maintained that he already attended several meetings about the case.<sup>22</sup>

Thereafter, Singh sent another Letter dated July 4, 2014, calling him "immoral" for refusing to return the PHP 30,000.00 "entrusted money" despite not having rendered any service yet.<sup>23</sup> He threatened that if the amount would still be unreturned by July 10, 2014, he would file a disbarment case against him.<sup>24</sup>

In his Letter dated July 7, 2014, Atty. Corpus responded that the PHP 30,000.00 was not "entrusted money" but payment for his acceptance of Civil Case No. 07-09-3871 which he already started working on.<sup>25</sup> He also learned that when Singh decided to terminate the services of his previous counsel in Quicho and Angeles Law Offices, he, too, instructed the counsel to return the PHP 30,000.00 acceptance fee.<sup>26</sup> Singh, thus, had the habit of terminating the services of his counsel and demanding the return of the acceptance fee paid.<sup>27</sup> He furnished copy of this letter to Quicho and Angeles Law Offices and Singh's wife, Adelia Singh (Adelia).<sup>28</sup>

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 48.

<sup>20</sup> *Id.* at 68.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 49.

<sup>23</sup> *Id.* at 51.

<sup>24</sup> *Id.* at 52.

<sup>25</sup> *Id.* at 55.

<sup>26</sup> *Id.* at 54-55

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 56. Adelia is also referred as "Adela" in some parts of the *rollo*.

Atty. Corpus later discovered that Singh made good his threat to file a disbarment Complaint against him docketed as A.C. No. 10529. There, Singh imputed negligence to Atty. Corpus for his alleged failure to render any legal service to Singh in Civil Case No. 07-09-3871, and unethical conduct for (a) furnishing copies of his Letter-Reply to Quicho and Angeles Law Offices and his wife; and (b) refusal to return the PHP 30,000.00 acceptance fee despite the termination of their retainer agreement.<sup>29</sup>

By Resolution<sup>30</sup> dated March 5, 2018, the Court dismissed the disbarment Complaint for lack of merit. The Court held that Singh failed to adduce sufficient evidence concerning Atty. Corpus's alleged infraction of the Lawyer's Oath and the then Code of Professional Responsibility.<sup>31</sup> The Court also emphasized that records did not show he was impelled by any ulterior motive when he furnished copies of his Letter-Reply to Singh's wife, and Quicho and Angeles Law Offices who was still considered as lead counsel in Civil Case No. CV-07-12-3871.<sup>32</sup> As regards the acceptance fee, the Court adopted the report of the Integrated Bar of the Philippines—Commission on Bar Discipline that acceptance fee refers to the charge imposed by the lawyer for merely accepting the case. Hence, by accepting Civil Case No. 07-12-3871, he incurred an opportunity cost since he was precluded from handling cases of the opposing party based on the prohibition against the conflict-of-interest rule.<sup>33</sup> Thus, he did not commit any infraction when he failed to return the acceptance fee to Singh. The Court concluded "[t]he duty of the Court towards members of the bar is not only limited to the administration of discipline to those found culpable of misconduct but also to the **protection of the reputation of those frivolously or maliciously charged.**"<sup>34</sup>

Singh, thus, fabricated a story of negligence<sup>35</sup> for the sole purpose of coercing him to return the acceptance fee.<sup>36</sup> The baseless disbarment case he filed against him tarnished his reputation as a private practitioner for 35 years and even as a former judge of Municipal Trial Court in Cities in San Fernando, Pampanga.<sup>37</sup> Due to the baseless and malicious administrative case filed against him, his law practice had been negatively affected, as attested by his peers Atty. Cecil Fojas and Atty. Leonardo Aguilar.<sup>38</sup> His application for appointment as notary public was even delayed.<sup>39</sup> He, thus, prayed that petitioner be liable for damages.<sup>40</sup>

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<sup>29</sup> *Id.* at 76.

<sup>30</sup> *Id.* at 75–79.

<sup>31</sup> *Id.* at 78.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 72.

<sup>34</sup> *Id.* at 79.

<sup>35</sup> *Id.* at 129.

<sup>36</sup> *Id.* at 134.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at 111.

<sup>39</sup> *Id.* at 138.

<sup>40</sup> *Id.* at 139.

During the pre-trial conference on March 11, 2019, Singh and his counsel failed to appear despite notice. The trial court, thus, allowed Atty. Corpus to present evidence *ex parte*.<sup>41</sup>

### The Ruling of the Regional Trial Court

By Decision<sup>42</sup> dated October 16, 2020, the trial court found Spouses Singh jointly and severally liable to pay Atty. Corpus PHP 300,000.00 as moral damages, PHP 200,000.00 as exemplary damages, PHP 100,000.00 as attorney's fees, and PHP 17,360.00 as cost of suit.<sup>43</sup>

It held that based on the Resolution<sup>44</sup> dated March 5, 2018 of the Court, the disbarment complaint filed by Singh against Atty. Corpus was baseless, frivolous, and unfounded<sup>45</sup> amounting to malicious prosecution which entitled Atty. Corpus to damages.<sup>46</sup> While the law does not impose penalty on the right to litigate, the same should be exercised with caution.<sup>47</sup>

### The Ruling of the Court of Appeals

On appeal, Singh argued that none of Atty. Corpus's family members or clients testified to prove that his reputation was damaged due to the disbarment Complaint filed against him.<sup>48</sup> Meanwhile, the act of malicious prosecution alleged in Atty. Corpus's Complaint was imputed to Singh alone. Therefore, his wife, Adela, should not be held liable in the case.<sup>49</sup>

By Decision<sup>50</sup> dated November 24, 2022, the Court of Appeals affirmed with modification. It held that Singh indeed filed a baseless and malicious disbarment complaint against Atty. Corpus. The Complaint was meant to vex Atty. Corpus since the latter did not return the PHP 30,000.00 acceptance fee. Acceptance fee, though, is generally non-refundable as it is not measured by the extent of the legal services rendered but seeks to compensate the lawyer for lost opportunity. Besides, Atty. Corpus already did some legal work for the case as shown in their communications and meetings.<sup>51</sup> On account of malicious prosecution, the trial court correctly held Singh liable for moral damages under Article 2219 (8)<sup>52</sup> of the Civil Code, exemplary damages as

<sup>41</sup> *Id.* at 110.

<sup>42</sup> *Id.* at 107-114.

<sup>43</sup> *Id.* at 113-114.

<sup>44</sup> *Id.* at 75-79.

<sup>45</sup> *Id.* at 112.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 113.

<sup>48</sup> *Id.* at 101.

<sup>49</sup> *Id.* at 104.

<sup>50</sup> *Id.* at 24-41.

<sup>51</sup> *Id.* at 37.

<sup>52</sup> Art. 2219. Moral damages may be recovered in the following and analogous cases:

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(8) Malicious prosecution;

vindication of Atty. Corpus's suffering and wanton invasion of his rights, as well as attorney's fees, and cost of litigation.<sup>53</sup>

Singh's Motion for Reconsideration was denied under Resolution<sup>54</sup> dated May 30, 2023.

### **The Present Petition**

Petitioner now seeks affirmative relief before the Court via Rule 45. He reiterates that it was immoral for Atty. Corpus not to return the PHP 30,000.00 entrusted money though the latter never performed any legal work.<sup>55</sup> Too, none of his family members or clients testified to prove that his reputation had been damaged.<sup>56</sup> At any rate, the act of filing the disbarment Complaint against Atty. Corpus should not be deemed a malicious prosecution because the law would not have meant to impose a penalty on the right to litigate.<sup>57</sup>

### **Ruling**

The issues raised here by Singh are a mere rehash of the same questions pertaining to the unfounded malicious and baseless accusations in the disbarment complaint he filed against Atty. Corpus, as well as the issue of whether to return the PHP 30,000.00 acceptance fee previously given to Atty. Corpus. These issues are purely factual in nature and the Court will not take cognizance of them since it is not a trier of facts. Besides, in the absence of any showing that the courts below committed grave abuse of discretion or otherwise misappreciated the evidence, their concurrent factual findings are binding and conclusive upon the Court.

In any event, petitioner has failed to adduce any special reason to warrant the exercise of the Court's discretionary appellate jurisdiction.

### ***Amounts Awarded***

We reduce, however, the award of damages pursuant to jurisprudence. In granting the damages for malicious prosecution, the Court in *Spouses Co v. Development Bank of the Philippines*<sup>58</sup> reduced the award of moral damages from PHP 100,000.00 to PHP 20,000.00, exemplary damages from PHP 100,000.00 to PHP 20,000.00, and attorney's fees from PHP 100,000.00 to

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<sup>53</sup> *Rollo*, p. 39.

<sup>54</sup> *Id.* at 42-43.

<sup>55</sup> *Id.* at 13.

<sup>56</sup> *Id.* at 17.

<sup>57</sup> *Id.* at 14.

<sup>58</sup> G.R. No. 239351, July 29, 2020, (Notice) Third Division.

PHP 10,000.00. Likewise, in *Sosmeña v. Bonafe, et al.*,<sup>59</sup> the Court found Sosmeña liable for malicious prosecution and reduced the damages awarded to Bonafe, et al. to PHP P30,000.00 as moral damages, PHP 20,000.00 as exemplary damages, and PHP 10,000.00 as attorney's fees. The Court likewise imposed a 6% interest per annum on these monetary awards.

Thus, we reduce the damages granted to Atty. Corpus to PHP 30,000.00 as moral damages, PHP 20,000.00 as exemplary damages, and PHP 10,000.00 as attorney's fees. We retain the payment of PHP 17,360.00 in favor of Atty. Corpus as cost of suit. All monetary awards are subject to 6% interest per annum from finality of this Decision until fully paid.

**ACCORDINGLY**, the Petition is **DENIED**. The Decision dated November 24, 2022 and the Resolution dated May 30, 2023 of the Court of Appeals in CA-G.R. CV No. 115943 is **AFFIRMED with MODIFICATION**.

Petitioner Jose P. Singh is liable for malicious prosecution. He is **ordered to pay** Atty. Perfecto S. Corpus, Jr. **PHP 30,000.00 as moral damages, PHP 20,000.00 as exemplary damages, PHP 10,000.00 as attorney's fees, and PHP 17,360.00 as cost of suit.**

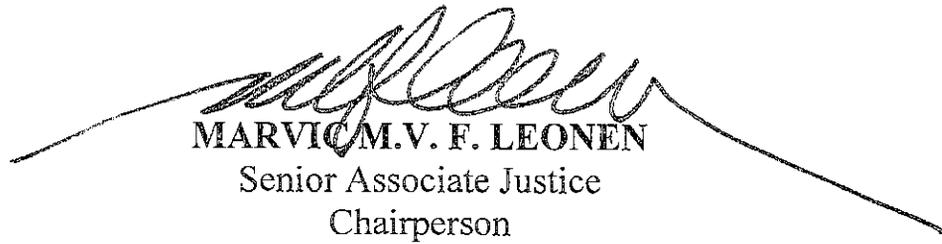
These monetary awards shall earn 6% interest per annum from finality of this Decision until fully paid.

**SO ORDERED.**

  
**AMY C. LAZARO-JAVIER**  
Associate Justice

<sup>59</sup> 873 Phil. 500, 517 (2020) [Per J. Lazaro-Javier, First Division].

**WE CONCUR:**



**MARVIC M.V. F. LEONEN**  
Senior Associate Justice  
Chairperson

(on official leave)  
**MARIO V. LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

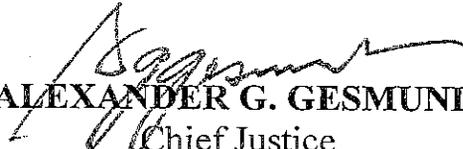


**MARVIC M.V.F. LEONEN**  
Chairperson  
Second Division



**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the above Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

