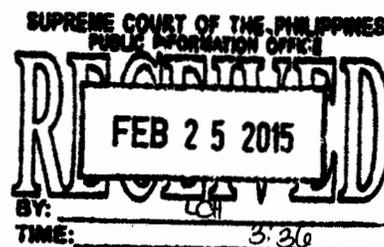




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 2, 2015 which reads as follows:

“G.R. No. 211752 (Ramon Jao Ong v. Philippine Homing Pigeon Association, Rey So, Harry Sy, and Henry Tan). - After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the October 21, 2013 Decision¹ and March 13, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. CV No. 97600 for failure of Ramon Jao Ong (petitioner) to show that the CA committed any reversible error in finding that Philippine Homing Pigeon Association, Rey So, Harry Sy, and Henry Tan (respondents) neither abused their discretion nor were guilty of bad faith and thus, not liable for damages.

As correctly found by the CA, the undesirable weather condition during the race day, as evidenced by petitioner’s own news clipping, is enough justification for respondents’ decision in delaying the release of the participating pigeons. It is settled that in order to be entitled to damages under Article 19³ of the Civil Code, the plaintiff needs to prove the existence of bad faith or malice on the part of the defendant,⁴ which petitioner failed to do so in this case. Bad faith does not simply connote bad judgment to simple negligence, dishonest purpose, or some moral

- over – two (2) pages

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¹ *Rollo*, pp. 15-30. Penned by Associate Justice Agnes Reyes-Carpio with Associate Justices Rosalinda Asuncion-Vicente and Priscilla J. Baltazar-Padilla, concurring.

² *Id.* at 32-33. Penned by Associate Justice Agnes Reyes-Carpio with Associate Justices Priscilla J. Baltazar-Padilla and Michael P. Elbinias, concurring.

³ Article 19 of the Civil Code reads:

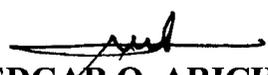
ART. 19. Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

⁴ See *Heirs of Purisima Nala v. Cabansag*, 577 Phil. 310 (2008).

obloquy and conscious doing of a wrong, or a breach of known duty due to some motives or interest or ill will that partakes of the nature of fraud. On the other hand, malice connotes ill will or spite and speaks not in response to duty. It implies an intention to do ulterior and unjustifiable harm.⁵

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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Atty. Emerson T. Barrientos
Counsel for Petitioner
2/F, Villar Bldg.
10th Ave. cor. M.H. Del Pilar St.
Grace Park 1403 Caloocan City

Court of Appeals (x)
Manila
(CA-G.R. CV No. 97600)

ALINDATO LAW OFFICE
Counsel for Respondents
Suite 302, CCI Bldg.
Concepcion St., Ermita
1000 Manila

The Hon. Presiding Judge
Regional Trial Court, Br. 39
1000 Manila
(Civil Case No. 05-111606)

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⁵ Id. at 316, citing *Saber v. CA*, G.R. No. 132981, August 31, 2004, 437 SCRA 259, 278.