THIRD DIVISION

[G.R. No. 278875 (Formerly UDK No. 18061). November 26, 2025]

COUPLES FOR CHRIST (CFC) SCHOOL OF THE MORNING STAR, JUNEE LEE MARS H. NEBRADA, PSYCHE A. NEBRADA,* AND ROSARIO H. SALAZAR, PETITIONERS, VS. WIDELINE I. MALONDA, EDWARD WILLIAM INCHOCO, LILIA I. INCHOCO, MIRAFLOR V. LAURITO, ELBERT A. VILLANUEVA, CHUCHIE A. VILLANUEVA, GRACELITO B. APORDO, ANGELINE R. LUTA, TOMAS M. LUTA, DOLORES P. RARA, ARMIGRACE R. DELOS SANTOS, JERIC T. JACA, NILE JANE E. JUMAMOY, KARLA NICOLE F. TIU, JOSHUA F. TIU, RITCHER ALISON L. SUAREZ, EMMA L. CORATIVO, NESTOR A. NATULLA, VANESSA R. NATULA, BENEDICT T. DOLLIZON, JESSER C. SANCHEZ, ROWENA SANCHEZ, AND ROVITH Z. POGOSA, RESPONDENTS.**

D E C I S I O N

GAERLAN, J.:

In a densely populated country such as the Philippines, noise emanating from the conduct of a lawful business or in the exercise of a valid trade, may offend others' sensibilities. However, noise is not a nuisance per se that may give rise to an action for damages.[1]

This resolves the Petition for Review on *Certiorari*[2] filed by Couples for Christ School of the Morning Star (CFC-SMS), praying for the reversal of the August 24, 2023 Decision[3] and the February 22, 2024 Resolution[4] of the Court of Appeals (CA) in CA-G.R. CV No. 06352-MIN. The CA reversed and set aside the June 25, 2021 Decision[5] and the November 8, 2021 Resolution[6] of Branch 3, Regional Trial Court (RTC) of Butuan City, in Civil Case No. 7890, which dismissed the action for damages filed by respondents Wideline I. Malonda (Wideline), Edward William Inchoco (Edward), Lilia I. Inchoco (Lilia), Miraflor V. Laurito, Elbert A. Villanueva, Chuchie A. Villanueva, Gracelito B. Apordo, Angeline R. Luta, Tomas M. Luta, Dolores P. Rara, Armigrace R. Delos Santos, Jeric T. Jaca, Nile Jane E. Jumamoy, Karla Nicole F. Tiu, Joshua F. Tiu, Ritcher Alison L. Suarez, Emma L. Corativo, Nestor A. Natulla, Vanessa

R. Natula, Benedict T. Dollizon, Jesser C. Sanchez, Rowena Sanchez, and Rovith Z. Pogosa (collectively, Inchoco et al.).

Antecedents

Inchoco et al. are long-time residents of Saint Joseph Subdivision in Barangay Villa Kananga, Butuan City. CFC-SMS is an educational institution that operates inside the Saint Joseph Subdivision. Inchoco et al. claimed that they were frequently bombarded by loud noises emanating from CFC-SMS, consisting of drums and bugles being played, teachers giving loud instructions using microphones and megaphones, sounds of bouncing balls, running, clapping, loud cheering, and shouting during games being played at the multipurpose center. The continuous noise, audible day and night, allegedly disturbed Inchoco et al.'s sleep and tranquil living.[7]

In a particular incident on December 5, 2015, at around 9:50 p.m., Wideline observed loud sounds and multi-colored lights emanating from CFC-SMS. She reported the incident to the Philippine National Police (PNP). Thereafter, her brother, Atty. William Inchoco, Jr., wrote to the Mayor of Butuan City, copy furnished to the Business Permits and License Division and the City Legal Office, informing them of the neighborhood's predicament. Subsequently, 24 families and individuals of Saint Joseph Subdivision sent a letter to the City Mayor voicing out their complaints.[8]

Meanwhile, on March 12, 2018, CFC-SMS executed an Affidavit of Undertaking to effect measures to reduce the noise emanating from its premises.[9] Despite this, Inchoco et al. claimed that the noise persisted. Thus, on March 27, 2018, Inchoco et al. filed a complaint before the RTC for Damages with Application for Temporary Restraining Order (TRO) and/or Preliminary Injunction.[10]

In its Answer with Affirmative Defenses, CFC-SMS averred that it has been operating since 2012 and was granted the necessary permits and clearances by the pertinent government agencies. It claimed that other residents of Saint Joseph Subdivision never complained and openly supported its activities. It pointed out that the only sounds emanating from its school are those associated with the holding of its regular classes. It avowed that it does not hold night classes and that it only conducts activities that are necessary and relevant to a learning institution. Likewise, it asserted that it undertook various measures to lessen the noise, such as erecting higher fences, planting trees, using small boxes of speakers, and strictly conducting activities from 7:00 a.m. to 7:00 p.m. on weekdays. Moreover, it held major events outside of the school. Furthermore, it argued that the City Environment and Natural Resources Office (CENRO) conducted a test on February 5, 2020, and confirmed that the noise was within the permissible limits for residential areas.[11] Thus, it prayed for the dismissal of the complaint and an award of attorney's fees and costs of the litigation in its favor.[12]

On May 16, 2018, the RTC denied Inchoco et al.'s plea for the issuance of a TRO and/or writ of preliminary injunction. Following the conclusion of the pre-trial, trial began on January 16, 2019.[13]

Ruling of the RTC

On June 25, 2021, the RTC rendered a Decision[14] dismissing Inchoco et al.'s complaint for damages. The RTC held that Inchoco et al. failed to muster the requisites under Article 19 of the Civil Code. It found that CFC-SMS did not intend to prejudice Inchoco et al. and even acted in good faith by executing an Affidavit of Undertaking and implementing various measures to reduce the noise complained of Likewise, it noted that CFC-SMS was operating under a valid license issued by the local government and the Department of Education since its inception, up to the filing of the case. Also, the RTC found no clear evidence proving that Lilia's ailments were caused by the noise from CFC-SMS. Overall, the RTC rejected Inchoco et al.'s claim for actual and compensatory damages in the absence of proof that they suffered injuries and sans evidence of the amount of loss they sustained. In the same vein, the RTC rejected CFC-SMS's plea for attorney's fees and costs of litigation for lack of merit.

The dispositive portion of the RTC ruling reads:

> **WHEREFORE**, premises considered, finding that [Inchoco et al.] are not able to prove their claim by preponderance of evidence, this court hereby **dismisses** the complaint for lack of merit.
>
> [CFC-SMS'] prayer for attorney's fee, litigation expenses, and appearance fee is denied for being unsubstantiated and therefore lacking in merit.
>
> **SO ORDERED.**[15] (Emphasis in the original)

Dissatisfied with the ruling, Inchoco et al. sought reconsideration, which the RTC denied in its November 8, 2021 Resolution.[16]

Aggrieved, Inchoco et al. interposed an appeal, claiming entitlement to actual/compensatory, moral, and exemplary damages, attorney's fees, and costs of the suit.[17]

Ruling of the CA

On August 24, 2023, the CA rendered the assailed Decision[18] granting the appeal. The CA labeled the noise emanating from CFC-SMS as an actionable nuisance that produced physical discomfort and annoyance to the residents of Saint Joseph Subdivision. It observed that the noise emanating from CFC-SMS did not solely come from school activities, but also from social functions conducted in its multi-purpose hall, which CFC-SMS rented out for a fee. Similarly, it noted that the improvements introduced by CFC-SMS did not minimize the noise. It anchored its finding on the noise pollution tests conducted by the Department of Environment and Natural Resources (DENR) on December 7 and 16, 2017, which registered noise levels exceeding 55 decibels—beyond the permissible limit for residential areas. While it acknowledged that the latest test conducted on January 29, 2020, showed compliance within the allowable limits, it nevertheless noted that the threshold had been exceeded

prior to the filing of the complaint on March 27, 2018. It further held that a considerable number of residents from Saint Joseph Subdivision complained about the noise and suffered annoyance and sleep deprivation. It underscored that although not all residents executed a judicial affidavit, it may be surmised that they share the same sentiments. Accordingly, it awarded Inchoco et al. PHP 500,000.00 as nominal damages, and PHP 100,000.00 as attorney's fees.

The decretal portion of the CA ruling reads:

> **WHEREFORE,** the appeal is **GRANTED.** The Decision dated June 25, 2021 of the Regional Trial Court, Branch 3, Butuan City in Civil Case No. 7890 is **REVERSED AND SET ASIDE.** The Court finds Couples for Christ School of Morning Star responsible for the nuisance complained of. Accordingly, Couples for Christ School of Morning Star is DIRECTED to:
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> 1. **REDUCE** and **ABATE** the noise emanating from its premises, both from school and non-school activities, consonant to the ambient noise level of Saint Joseph Subdivision as a residential community;
>
> 2. **PAY** appellants nominal damages in the amount of Five Hundred Thousand Pesos ([PHP] 500,000.00) and Attorney's Fees in the amount of One Hundred Thousand Pesos [PHP] 100,000.00).
>
> **SO ORDERED.**[19] (Emphasis in the original)

CFC-SMS sought reconsideration, which the CA denied in its February 22, 2024 Resolution.[20]

Unfazed, CFC-SMS filed the instant Petition for Review on *Certiorari*.[21]

Issues

The crux of the case lies in whether CFC-SMS is liable for damages.

In a bid to reverse the challenged CA ruling, CFC-SMS maintains that the noise produced by its school activities, or "academic noise," does not constitute an actionable nuisance warranting liability for damages under the Civil Code.[22] It asserts that it never willfully and negligently caused noise, or acted in bad faith to prejudice the rights of Inchoco et al. It vehemently denies renting out its function hall to outsiders.[23] Additionally, it contends that it cooperated with Inchoco et al. and undertook measures to abate and eliminate the academic noise.[24]

Additionally, CFC-SMS questions whether Inchoco et al. are deemed to have ordinary sensibilities, and thus, representative of the community.[25] It urges that out of the 23 plaintiffs, only five testified, three of whom belong to the same household, thereby rendering their testimonies self-serving. It further argues that Lilia failed to prove that

her physical and health condition worsened due to the noise from its school.[26] Also, it challenges the CA's directive to abate the noise, pointing out that according to the latest CENRO Certification, the noise levels had normalized[27]—a fact confirmed by Inchoco et al.'s two witnesses, who admitted that the noise significantly diminished.[28] Finally, CFC-SMS bewails the award of damages and attorney's fees.[29]

On the other hand, Inchoco et al. counter that the petition should be dismissed for raising questions of fact.[30] They aver that the noise emanating from CFC-SMS was not solely produced through academic activities, but from social functions conducted in its multi-purpose hall, which was being rented out for a fee.[31] They stringently maintain that CFC-SMS transgressed Articles 19, 20, 21, 26, and 2219 of the Civil Code.[32] They harp on the testimonies of the residents who complained of the incessant noise and discomfort and stress it produced.[33]

Ruling of the Court

The Petition is impressed with merit.

The jurisdiction of this Court in a petition for review on *certiorari* under Rule 45 of the Rules of Court is limited only to reviewing errors of law, not of fact. Factual questions are not the proper subject of an appeal by *certiorari*, as it is not this Court's function to analyze or reexamine the evidence already considered in the proceedings below.[34] However, this rule admits of exceptions, such as when the findings of the CA conflict with those of the trial court.[35] In view of the variance in the rulings of the CA and the RTC, this Court shall reassess the evidence presented oy the parties.

Living in a densely populated country such as the Philippines, where houses and businesses are situated in close proximity, amplifies people's sensitivity to noise. However, not all kinds or levels of noise are actionable. Particularly, the Civil Code regards noise as a nuisance only when it reaches an intensity that injures or endangers the health or safety of others, or annoys or offends the senses.[36]

Notably, the term "nuisance" is comprehensive enough to embrace all annoyances that interfere with the person, property or comfort and enjoyment of all citizens.[37] A nuisance may be public or private. It is public when it interferes with the exercise of a public right by directly encroaching on public property or by causing a common injury, or private when it violates only private rights and produces damages to but one or a few persons.[38] In turn, parties offended by a private nuisance may exercise the alternative remedies of either filing a civil action for damages or requesting its abatement without judicial proceedings.[39]

Remarkably, *AC Enterprises v. Frabelle Properties Corporation*[40] highlights that noise is not a nuisance *per se* and becomes actionable only upon clear proof that it unreasonably interferes with the health or comfort of ordinary individuals:

The plaintiff must prove that the noise is a nuisance and the consequences thereof. Noise is not a nuisance per se. It may be of such a character as to constitute a nuisance, even though it arises from the operation of a lawful business, only if it affects injuriously the health or comfort of ordinary people in the vicinity to an unreasonable extent. Injury to a particular person in a peculiar position or of especially sensitive characteristics will not render the noise an actionable nuisance. In the conditions of present living, noise seems inseparable from the conduct of many necessary occupations. Its presence is a nuisance in the popular sense in which that word is used, but in the absence of statute, noise becomes actionable only when it passes the limits of reasonable adjustment to the conditions of the locality and of the needs of the maker to the needs of the listener. What those limits are cannot be fixed by any definite measure of quantity or quality; they depend upon the circumstances of the particular case. . .

The test is whether rights of property, of health or of comfort are so injuriously affected by the noise in question that the sufferer is subjected to a loss which goes beyond the reasonable limit imposed upon him by the condition of living, or of holding property, in a particular locality in fact devoted to uses which involve the emission of noise although ordinary care is taken to confine it within reasonable bounds; or in the vicinity of property of another owner who, though creating a noise, is acting with reasonable regard for the rights of those affected by it.

Commercial and industrial activities which are lawful in themselves may become nuisances if they are so offensive to the senses that they render the enjoyment of life and property uncomfortable. The fact that the cause of the complaint must be substantial has often led to expressions in the opinions that to be a nuisance the noise must be deafening or loud or excessive and unreasonable. The determining factor when noise alone is the cause of complaint is not its intensity or volume. It is that the noise is of such character as to produce actual physical discomfort and annoyance to a person of ordinary sensibilities, rendering adjacent property less comfortable and valuable. If the noise does that it can well be said to be substantial and unreasonable in degree; and reasonableness is a question of fact dependent upon all the circumstances and conditions. There can be no fixed standard as to what kind of noise constitutes a nuisance.

The courts have made it clear that in every case the question is one of reasonableness. What is a reasonable use of one's property and whether a particular use is an unreasonable invasion of another's use and enjoyment of his property so as to constitute a nuisance cannot be determined by exact rules, but must necessarily depend upon the circumstances of each case, such as locality and the character of the surroundings, the nature, utility and social value of the use, the extent and nature of the harm involved, the nature, utility and social value of the use or enjoyment invaded, and the like. [41]

In the case at bar, the CA labelled the noise emitted from CFC-SMS as an actionable nuisance warranting an award of damages in favor of Inchoco et al. In doing so, the CA considered the locality and character of the surroundings, and the injurious effect on the health and comfort of Inchoco et al.[42]

Unfortunately, the CA applied a myopic view of the situation. In *Frabelle Properties Corp. v. AC Enterprises, Inc.*,[43] this Court resolved the question of whether the noise coming from air-condition blowers constituted a nuisance to the residents of the adjacent building. In addressing the issue, this Court considered a myriad of factors beyond simply the locality and character of the surroundings and the impact on the health and comfort of the residents. Particularly, this Court likewise considered the (i) reliability of the noise pollution tests conducted, (ii) introduction by the defendant of measures or improvements to mitigate the noise, (iii) allowable noise levels, (iv) defendant's intention (or lack thereof) to cause the plaintiff harm, (v) number of complaining witnesses, (vi) representativeness of the plaintiff, and (vii) actions of the plaintiff to alleviate his or her plight.

Adopting this comprehensive framework, this Court finds that the academic noise from CFC-SMS does not constitute an actionable nuisance to render it liable for damages.

The sounds emanating from CFC-SMS arose from its ordinary operations as an educational institution

The locality and character of the surroundings, albeit key factors in determining the existence of a nuisance, must be balanced alongside the determination of whether the noise may ordinarily be expected from the defendant's business.[44]

In *Frabelle Properties Corporation*, this Court carefully considered whether the sounds produced from the air-condition blowers are ordinarily expected from the conduct of the defendant's lawful business. It held that the use of air-conditioning units in commercial and office spaces is part of ordinary local business conditions and is expected in the commercial rental industry, especially with the intense heat in the Philippines. It likewise took into account the limited available real estate at the Makati Central Business District, wherein buildings are closely located to each other. Thus, this Court concluded that sounds coming from buildings in the proximity are expected to be heard, thereby absolving the defendant from damages.[45]

As applied to the instant case, the noise emanating from CFC-SMS constitutes academic noise, or sounds incident to the operation of an educational institution. In fact, Inchoco et al. complained of noise arising from school activities—loud music from school programs, practices, games, instructions, instruments, film showings, and construction works.[46]

The CA's conclusion that CFC-SMS rented out its multipurpose hall for a fee is unfounded. It solely relied on the Letter dated December 15, 2015 of the Office of the City Mayor, Business Permits and Licenses Division to CFC-SMS, where said office

intimated that CFC-SMS collected fees for the use of its multi-purpose hall for social functions. However, there is nothing in the said letter that categorically confirms that CFC-SMS rents out its multi-purpose hall for non-school-related activities.

> Our office had dispatched a team to conduct an ocular inspection in your school on December 11, 2015 and again on December 14, 2015 to deliver the Actual Inspection Invoice based on their findings. You have a social/multi-purpose hall with various musical instruments that is supposedly to be used for actual, direct and exclusive school use since the Business Permit that we have issued to you is for the school. Otherwise, we would have included a multi-purpose social hall for various social functions in your permit since you collect fees for its use, Five Hundred Pesos for the use of the venue and facilities.[47]

Dubiously, no witness or evidence was offered to substantiate this claim.

Furthermore, the CA erroneously relied on the tests conducted by the DENR on December 7 and 16, 2017, wherein the ambient noise exceeded 55 decibels—beyond the threshold for residential areas as provided in National Pollution Control Commission (NPCC) Memorandum Circular No. 002.

In *AC Enterprises, Inc.*,[48] this Court emphasized that sound levels do not constitute the sole factor to determine the existence of a nuisance. There is no law that states that a violation of the noise level limits would result in an automatic finding of nuisance. The mere fact that the noise levels exceed the limits imposed by the NPCC or the local government shall not be conclusive of a nuisance.[49]

Besides, if this Court were to consider the noise level as a reliable factor, it bears noting that in the most recent test conducted on February 5, 2020 in CFC-SMS and in the house of Lilia, the CENRO declared that the noise emanating from the former falls within the allowed level.[50] In addition, the CENRO identified other major sources of noise, such as passing vehicles and activities in the neighboring houses.

On a similar note, CFC-SMS immediately implemented numerous measures to abate the noise emitted from its school operations. From the time Inchoco et al. filed their Complaint before the Office of the City Mayor of Butuan on December 7, 2015, CFC-SMS wasted no time and implemented mitigating measures, such as renovating its chapel, holding special gatherings and programs outside of the school, enhancing its information campaign on reducing noise, increasing the height of its perimeter fence, and planting additional trees to serve as noise buffers.[51]

Equally important, the sounds complained of from CFC-SMS do not exceed what might be reasonably expected from its school operations. Neither did CFC-SMS intentionally or unnecessarily cause harm.[52] It lawfully conducted its business without any more noise than is reasonably necessary for its purpose.

Inchoco et al. are hardly representative of the community and failed to prove that the noise was unreasonably uncomfortable and aggravated Lilia's medical condition

It further bears noting that Inchoco et al. are hardly representative of the typical level of sensitivity or may be regarded as persons of ordinary sensibilities.[53] Lilia is a senior citizen who may be more sensitive to stress and anxiety and more intolerant of sensory input. In the same manner, Lilia failed to prove that her medical condition worsened due to the noise produced by CFC-SMS. The medical certificate she presented merely states that she should maintain a healthy lifestyle and avoid stressful conditions.[54] Neither was there any evidence of her prior health status to definitively establish a correlation between the noise and her condition.

In *Velasco v. Manila Electric Co*.,[55] this Court concluded that the noise from therein defendant's substation transformers aggravated plaintiff's medical condition after relying on a host of expert witnesses and voluminous medical literature, laboratory findings, and statistics of income. The evidence presented in the case at bar pales in comparison.

Anent the other complaining witnesses, Wideline was pursuing her master's degree, and her son Edward was likewise studying.[56] Indeed, having to focus on studying renders them more sensitive to the slightest noise. Also, their helper, Milaflor Vera Cruz, aside from narrating her purported discomfort, merely related the complaints she heard from Lilia.[57] Evidently, the lifestyle of the Inchoco household cannot be deemed as normal or reflective of the usual living habits of the other residents. Their sentiments and experiences were not shown to be similarly shared by their neighbors, who would likewise regard the noise from CFC-SMS as a nuisance. There is also no evidence showing that the noise adversely affected the health or comfort of the people within the vicinity to an unreasonable extent.

Moreover, although Inchoco et al. lamented that their neighbors complained of the noise as well, no other residents testified during the trial. Aside from the Inchoco family, the only persons presented were Elbert Villanueva and Angeline Rabor-Luta, who failed to establish that the noise caused significant discomfort and affected their health. At best, their statements reveal minor inconveniences.

Essentially, it is not enough that persons of peculiar temperament, unusual sensibilities, or weakened physical condition may be affected, or that persons of exceptional strength and robustness, or whose faculties have become benumbed, are not disturbed. The crucial inquiry is "whether the noise materially interferes with the physical comfort of existence, not according to exceptionally refined, uncommon, or luxurious habits of living, but according to the simple tastes and unaffected notions generally prevailing among plain people."[58] The standard depends on what ordinary and reasonable individuals have a right to demand in terms of health and comfort, taking into account all relevant circumstances.[59]

Simply put, there can be no actionable nuisance if ordinary persons living in the community would not consider the sound as such, even if the idiosyncrasies of a particular member may make the sound intolerable.[60] Ultimately, the noise must be of such character as to produce actual physical discomfort and annoyance to a person of ordinary sensibilities,[61] which was not established in this case.

In addition, despite complaining of the purportedly unbearable noise, Inchoco et al. continued to reside in their home. In *AC Enterprises, Inc.*, this Court dismissed the nuisance claim, finding that therein complainant did not vacate her unit and continued to reside therein despite the claimed discomfort from the noise and hot air.[62]

Based on the foregoing, Inchoco et al. failed to prove that the noise coming from CFC-SMS is an actionable nuisance.

Neither may Inchoco et al. claim damages on the basis of Articles 19, 20, 21, 26, and 2219 of the Civil Code

The provisions on human relations under the Civil Code expand the concept of torts and ensure adequate legal remedies for all moral wrongs that may possibly be committed.[63] They indicate norms that spring from the fountain of good conscience that must guide human conduct[64] as follows:

> **Article 19.** Every person mast, 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.
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> **Article 20.** Every person who, contrary to law, wilfully or negligently causes damage to another, shall indemnify the latter for the same.
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> **Article 21.** Any person who wilfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage.
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> . . . .
>
> **Article 26.** Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. The following and similar acts, though they may not constitute a criminal offense, shall produce a cause of action for damages, prevention and other relief:
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> (1) Prying into the privacy of another's residence;
>
> (2) Meddling with or disturbing the private life or family relations of another;
>
> (3) Intriguing to cause another to be alienated from his friends;

(4) Vexing or humiliating another on account of his religious beliefs, lowly station in life, place of birth, physical defect, or other personal condition.

Article 19, which embodies the principle of abuse of rights, provides parameters to be observed in exercising rights and duties—to act with justice, give everyone his or her due, and observe honesty and good faith.[65] Accountability for damages for abuse of rights rests on proof of the following requisites: (i) the existence of a legal right or duty; (ii) the exercise of such right or discharge of such duty in bad faith; and (iii) the exercise of such right or discharge of duty was made with the sole intent of prejudicing or injuring another.[66] Malice or bad faith lies at the core of Article 19.[67]

Meanwhile, Articles 20 and 21 give flesh to the beneficent purpose of Article 19, providing the right of action for an abuse of one's right.[68] An action pursuant to Article 20 prospers upon proof: (i) of an act done in violation of the law; (ii) that the act was done willfully or negligently; (iii) that a person sustained damages as a result of the act; and (iv) that a causal connection exists between the unlawful act and the damage sustained. On the other hand, for acts *contra bonos mores* under Article 21, the following elements must be established: (i) an act which is legal; (ii) but which is contrary to morals, good customs, public order, or public policy; and (iii) is done with intent to injure.[69]

Similarly, Article 26, which focuses on respecting the dignity and privacy of others, can only be actionable if the defendant acted in bad faith or with malice. In the same manner, a claim for moral damages rests on proof of bad faith.

Verily, establishing liability under the human relations provisions hinges on proof that the defendant acted with malice or bad faith. Bad faith does not simply connote bad judgment or simple negligence. It involves a dishonest purpose or some moral obloquy and conscious doing of a wrong. It is a breach of known duty due to some motives or interest or ill will that partakes of the nature of fraud. Meanwhile, malice connotes ill will or spite and speaks not in response to duty. It implies an intention to do ulterior and unjustifiable harm. Malice is bad faith or bad motive. The party who alleges bad faith or malice must prove the same.[70]

To reiterate, the noise emanating from CFC-SMS arose from its legitimate school operations. CFC-SMS had no intention to injure or vex Inchoco et al., and even undertook various measures to abate the noise, which, per CENRO Report dated February 5, 2020,[71] proved successful.

All told, Inchoco et al. failed to establish that the noise coming from CFC-SMS is an actionable nuisance, or that the latter caused the noise willfully, and with malice or bad faith. Markedly, not every inconvenience gives rise to a cause of action for damages. Otherwise, courts will be inundated with endless litigation over minor and speculative grievances. Absent a preponderance of evidence rendering CFC-SMS liable, the action for damages against it is dismissed.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The August 24, 2023 Decision and the February 22, 2024 Resolution of the Court of Appeals in CA-G.R. CV No. 06352-MIN are **REVERSED** and **SET ASIDE**. The June 25, 2021 Decision and the November 8, 2021 Resolution of Branch 3, Regional Trial Court of Butuan City in Civil Case No. 7890, are hereby **REINSTATED**.

SO ORDERED.

Inting, J., concur.
Caguioa (Chairperson), J., see concurring opinion.
Dimaampao[***], *J.*, on official leave.
Singh,[****] *J.*, on official business.

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[*] Also referred as "Psychee A. Nebrada" in some parts of the records.

[**] Also referred as "Rosarion H. Salazar" in some parts of the records.

[***] On official leave.

[****] Official business.

[1] **AC Enterprises v. Frabelle Properties Corporation**, 537 Phil. 114, 149-150 (2006) [Per J. Callejo, Sr., First Division].

[2] *Rollo*, pp. 14-50.

[3] *Id.* at 55-75. Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Richard D. Mordeno and Jill Rose S. Jaugan-Lo of the Twenty-First Division of the Court of Appeals, Cagayan de Oro City.

[4] *Id.* at 77-82.

[5] *Id.* at 83-97. Penned by Presiding Judge Marigel S. Dagani-Hugo.

[6] *Id.* at 177-178.

[7] *Id.* at 83-84.

[8] *Id.* at 86.

[9] *Id.* at 44.

[10] *Id.* at 83.

[11] *Id.* at 85-86.

[12] *Id.* at 57.

[13] *Id.* at 86.

[14] *Id.* at 83-97. Penned by Presiding Judge Marigel S. Dagani-Hugo.

[15] *Id.* at 97.

[16] *Id.* at 177-178.

[17] *Id.* at 57-58.

[18] *Id.* at 55-75. Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Richard D. Mordeno and Jill Rose S. Jaugan-Lo of the Twenty-First Division of the Court of Appeals, Cagayan de Oro City.

[19] *Id.* at 74-75.

[20] *Id.* at 77-82.

[21] *Id.* at 14-50.

[22] *Id.* at 27.

[23] *Id.* at 32.

[24] *Id.* at 27-28.

[25] *Id.* at 40.

[26] *Id.* at 35.

[27] *Id.* at 40.

[28] *Id.* at 41.

[29] *Id.* at 44.

[30] *Id.* at 377.

[31] *Id.* at 378-379.

[32] *Id.* at 380.

[33] *Id.* at 379-380.

[34] **Lopez v. Saludo, Jr.**, 910 Phil. 600, 606 (2021) [Per J. Hernando, Second Division].

[35] "(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record." **Pascual v. Burgos, et al.**, 776 Phil. 167, 182-183 (2016) [Per J. Leonen, Second Division], *citing* **Medina v. Mayor Asistio, Jr.**, 269 Phil. 225, 232 (1990) [Per J. Bidin, Third Division].

[36] CIVIL CODE, art. 695.

[37] **AC Enterprises v. Frabelle Properties Corporation**, 537 Phil. 114, 143-144 (2006) [Per J. Callejo, Sr., First Division].

[38] **Frabelle Properties Corp v. AC Enterprises, Inc.**, 888 Phil. 950, 970 (2020) [Per C.J. Peralta, First Division).

[39] CIVIL CODE, art. 705.

[40] 537 Phil. 114 (2006) [Per J. Callejo, Sr., First Division].

[41] *Id.* at 149-151.

[42] *Rollo*, pp. 60-62.

[43] 888 Phil. 950 (2020) [Per C.J. Peralta, First Division].

[44] *Id.* at 963.

[45] *Id.* at 979.

[46] *Rollo*, pp. 65-67.

[47] *Id.* at 61.

[48] 537 Phil. 114 (2020 [Per C.J. Peralta, First Division).

[49] *Id.* at 156.

[50] *Rollo*, pp. 30-31.

[51] *Id.* at 29.

[52] **Frabelle Properties Corporation v. AC Enterprises, Inc.**, 537 Phil. 114, 151 (2020) [Per C.J. Peralta, First Division].

[53] *Id.* at 150-151.

[54] *Rollo*, p. 71.

[55] 148-B Phil. 204 (1971) [Per J. Reyes, J.B.L., *En Banc*].

[56] *Rollo*, p. 67.

[57] *Id.* at 89.

[58] **Frabelle Properties Corporation v. AC Enterprises, Inc.**, 537 Phil. 114, 150 (2020) [Per C.J, Peralta, First Division].

[59] *Id.*

[60] *Id.*

[61] *Id.*

[62] *Id.*

[63] **Lomarda and Raso v. Engr. Elmer T. Fudalan**, 874 Phil. 689, 699 (2020) [Per J. Perlas-Bernabe, Second Division].

[64] **MVRS Publications, Inc. et al. v. Islamic Da'wah Council of the Philippines, et al.**, 444 Phil. 230, 286-287 (2003) [Per J. Bellosillo, *En Banc*].

[65] **Tocoms Philippines, Inc. v. Philips Electronic and Lighting, Inc.**, 870 Phil. 241, 254-255 (2020) [Per J. Reyes, Jr., A., Second Division].

[66] *Id.*

[67] **Mercado v. Ongpin**, 886 Phil. 822, 836 (2020) [Per J. Leonen, Third Division].

[68] **Tocoms Philippines, Inc. v. Philips Electronic and Lighting, Inc.**, 870 Phil. 241, 253 (2020) [Per J. Reyes, Jr., A., Second Division].

[69] **Lomarda and Raso v. Engr. Elmer T. Fudalan**, 874 Phil. 689, 699 (2020) [Per J. Perlas-Bernabe, Second Division].

[70] **Mercado v. Ongpin**, 886 Phil. 822, 836 (2020) [Per J. Leonen, Third Division].

[71] *Rollo*, p. 30.

CONCURRING OPINION

CAGUIOA, *J.*:

The dispute for the Court's resolution in the case at bar turns on the question of whether the noise emanating from the premises of petitioner Couples for Christ School of the Morning Star (CFC-SMS), a validly licensed school owned by petitioners Junee Lee Mars H. Nebrada, Psychee A. Nebrada, and Rosarion H. Salazar (collectively, petitioners) is a nuisance that amounts to an abuse of right as contemplated by Articles 19, 20, 21 and 2219 of the New Civil Code, which would consequently entitle herein respondents Wideline I. Malonda, Edward William Inchoco, Lilia I. Inchoco, Miraflor V. Laurito, Elbert A. Villanueva, Chuchie A. Villanueva, Gracelito B. Apordo, Angeline R. Luta, Tomas M. Luta, Dolores P. Rara, Armigrace R. Delos Santos, Jeric T. Jaca, Nile Jane E. Jumamoy, Karla Nicole F. Tiu, Joshua F. Tiu, Ritcher Alison L. Suarez, Emma L. Corativo, Nestor A. Natulla, Vanessa R. Natula, Benedict T. Dollizon, Jesser C. Sanchez, Rowena Sanchez, and Rovith Z. Pogosa (collectively, respondents) to an award of damages.

The foregoing question arose from the facts which involve respondents, who are long-time residents of Saint Joseph Subdivision in Butuan City, and CFC-SMS, which operates in the same subdivision. Particularly, respondents filed a complaint for damages against petitioners on the claim that they were frequently bombarded by loud noise coming from petitioners' school premises, which respondents claim disturbed them.[1]

Branch 3, Regional Trial Court of Butuan City (RTC) dismissed the complaint and ruled that respondents failed to prove the requisites of abuse of rights under Articles 19 and 20 of the New Civil Code, and additionally found that petitioners did not intend to prejudice respondents and even acted in good faith to reduce the noise complained of when they were made aware of the same.[2]

The Court of Appeals (CA) reversed the RTC and granted the appeal filed by respondents, upon its finding that the noise emanating from the petitioners' premises constituted an actionable nuisance and entitled respondents to the award of Five Hundred Thousand Pesos (PHP 500,000.00) in nominal damages and One Hundred Thousand Pesos (PHP 100,000.00) in attorney's fees.[3]

When brought before it, the Court grants petitioners' prayer and reverses the CA, chiefly due to respondents' failure to prove their right to claim damages under Articles 19, 20, 21, and 2219 of the New Civil Code. The Court notes that the measured decibel of the noise complained of is not the only gauge, as there exists a more comprehensive set of parameters to test the actionability of a noise, including if petitioners introduced measures to mitigate the same, the lack of intention to cause harm, and the representativeness of respondents, i.e., whether their annoyance is shared by others in the same vicinity.[4]

In addition to other factual observations, the Court mainly rules that not all noises are actionable, as only noises that rise to the level of a nuisance are actionable, i.e., the kind that reaches an intensity that is injurious, annoying, offensive, or hazardous to one's health. On this ultimate test, the Court finds that the noise respondents complained of is not actionable and therefore does not warrant an award of damages in favor of respondents.[5]

I fully concur with the Court's finding that the noise which emanated from the premises of petitioners is not a nuisance as jurisprudentially contemplated.

I wish only to add to the resolution of the present dispute by clarifying and further nuancing the discussion on the interaction of the concepts of nuisance *vis-à-vis* abuse of rights, so that while these two overlap, one does not necessarily equate to the other. Stated differently, I submit that an act need not rise to the level and intensity that lends it a nuisance color before it can be considered an abuse of right as defined under Articles 19, 20, and 21 of the New Civil Code, which provisions are couched more broadly, and have a complexion that allows for a more expansive inclusion of what acts may be considered "moral wrongs"[6] within the context of human relations, and therefore fall within its purview, *viz.*:

> ARTICLE 19. Every person must, in the exercise of his [or her] rights and in the performance of his [or her] duties, act with justice, give everyone his [or her] due, and observe honesty and good faith.
>
> ARTICLE 20. Every person who, contrary to law, wilfully or negligently causes damage to another, shall indemnify the latter for the same.
>
> ARTICLE 21. Any person who wilfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage.

The black letter of the foregoing provisions are described to be conceptually broad enough to embrace a multitude of conceivable harms that may be caused to or committed by one against another that do not otherwise fall within the spheres of crimes or breaches. As renowned Civil Law Professor Araceli T. Baviera particularly opines on Article 21:

> This article is intended to give adequate remedy for untold number of moral wrongs which is impossible for human foresight to provide by statute. An example given by the Code Commission is the case of a promise of marriage to seduce a 19-year-old girl who became pregnant. There is no crime committed nor would be a breach of promise of marriage be actionable. Nevertheless, under this Article, there was a grievious moral wrong for which the offender can be made answerable for damages.[7]

Demonstrably, the foregoing intent of the law to cover all the wrongs that do not specifically violate a law otherwise falls short of the good faith exercise of rights required of one to maintain social order in human relations. It provides a legal framework that requires each person to relate to another with fairness and good faith, inasmuch as it ensures that those who fall short of those basic human decencies do not do so with impunity.

On the other hand, the legal conceptualization of a nuisance has been defined more narrowly early in our jurisprudence as anything that works an injury, harm, or prejudice to an individual or the public, and will embrace everything that endangers life or health, offends the human senses, transgresses laws of decency, or obstructs, impairs, or destroys the reasonable, peaceful, and comfortable use of property.[8]

A relevant study on abuse of rights and the concept of nuisance outlines the distinction between the two, thus:

> While both abuse of rights and nuisance are concerned with the damage caused by an obnoxious act which interferes with the beneficial interest of a proprietor in his [or her] land, there is a fundamental difference between the two. **Abuse of rights applies [*stricto sensu*] to the exercise of a right which, having all the appearances of a perfectly normal and licit act, is illicit solely because it is exercised with the intention of causing harm to a neighbour.**
>
> . . . .
>
> Nuisance, on the other hand, results from the continued exercise by a proprietor of his [or her] right of ownership in such a way that he [or she] compromises the equivalent right of his [or her] neighbour to enjoy his [or her] own property, irrespective of the motive which prompted the author of the interference to so exercise his [or her] right." **It consists in the continuing invasion of the neighbouring property, the air space above it or the depths beneath by the ejection of dust, smoke, deleterious gases,**

steam, noxious or offensive vapours, fetid odours, noise or vibrations.[9] (Emphasis supplied)

In other words, an act that constitutes an abuse of right more broadly pertains to the exercise of one's rights in a manner that ***purposefully*** prejudices another. This is in contrast with the concept of a nuisance which more particularly anchors on the performance of one's proprietary rights in such a manner that encroaches upon another person's exercise of his or her own proprietary rights.

In any case, and the foregoing distinction recalled, the noise complained of by respondents in the case at bar notably fails to rise either to the level of a nuisance or the broader scope of abuse of rights, on account of the chief absence of petitioners' intention to cause respondents' harm. The lack of ill intent on the part of petitioners, shown by the fact that they immediately undertook to mitigate the noise complained of, coupled with the most recent test conducted by the Department of Environment and Natural Resources in 2020, proved that the noise emanating from petitioners' premises already fell within the allowable decibels for residential areas.[10]

In this concurrence, I finally wish to note that perhaps the cost of living not in isolation but in community with others is the continuing need to balance one's rights with the rights of others, to constantly check one's exercise of rights against the need to respect that of others, and to stand by the abiding obligation to treat others with empathy in keeping with good neighborliness, that is, as the time-worn moral principle goes, to hold others in the same esteem and with the same consideration as one would want to be held in.

Accordingly, I vote to GRANT the Petition for Review on *Certiorari*.

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[1] *Ponencia*, p. 2.

[2] *Id.* at 4.

[3] *Id.* at 5.

[4] *See id.* at 10-13.

[5] *Id.* at 7-9.

[6] ARACELI T. BAVIERA, CIVIL LAW REVIEW: A CENTENNIAL CONTRIBUTION TO EDUCATION, p. 12.

[7] *Id.* at 13.

[8] J. Villa-Real, Dissenting Opinion in **Tan Chat v. Municipality of Iloilo**, 60 Phil. 465, 483 (1934) [Per J. Imperial, *En Banc*].

[9] Ronald Cohen, *A Proprietary Delict*, 14 MCGILL LAW JOURNAL 124, 125-126 (1968).

[10] *Ponencia*, p. 11.

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