

### Title:

\*\*Arturo Borjal a.k.a. Art Borjal and Maximo Soliven vs. Court of Appeals and Francisco Wenceslao\*\*

### Facts:

This case involves petitioners Arturo Borjal and Maximo Soliven, key figures in the publication of The Philippine Star, against private respondent Francisco Wenceslao, a civil engineer, businessman, and conference organizer. The legal contention arose from a series of newspaper columns by Borjal, which were perceived to be defamatory towards Wenceslao without explicitly naming him, but which Wenceslao claimed pointed to him as involved in dubious solicitations related to a transport conference.

After internal hot response and a complaint filed with the National Press Club didn't satisfy Wenceslao, he initiated a criminal libel case against the petitioners, which was dismissed at various levels due to insufficiency of evidence. Undeterred, Wenceslao then pursued a civil action for damages, which resulted in a trial court decision favoring him, subsequently affirmed with modifications by the Court of Appeals.

The petitioners sought recourse from the Supreme Court, challenging the appellate court's findings on several grounds, including the sufficiency of identifying Wenceslao as the subject of the libelous articles and the privileged nature of the published materials.

### Issues:

1. Whether Francisco Wenceslao was sufficiently identified in the questioned articles;
2. If determined identifiable, whether the articles constitute privileged communication;
3. The application of the "public official doctrine" as delineated in *New York Times v. Sullivan*;
4. The presence of actual malice in the publishing of the articles.

### Court's Decision:

The Supreme Court granted the petition, reversing the Court of Appeals' decision, thereby dismissing the complaint for damages against the petitioners. The Court held that the identification of Wenceslao was insufficient, primarily as the articles did not name or sufficiently identify him as the subject of the alleged defamatory remarks. Furthermore, even assuming arguendo sufficient identification, the published materials were considered privileged communications, thus protected. The Court also found no actual malice in the publication of the articles, emphasizing the importance of protecting freedom of speech and

the press, while also acknowledging the responsibilities tied to these freedoms.

### ### Doctrine:

The case reiterates doctrines on privileged communication and the significance of freedom of speech and the press. It highlights the necessity for the plaintiff to prove actual malice in defamation cases involving matters of public concern or figures. Furthermore, it underscores that fair commentary on matters of public interest is privileged.

### ### Class Notes:

- Identification in defamation: The victim must be identifiable by at least a third person as the subject of the publication.
- Privileged communication: Differentiates between absolutely and qualifiedly privileged communications, with fair commentaries on matters of public interest being privileged.
- Public figure doctrine: Derived from *New York Times v. Sullivan*, liability for defamation of a public figure requires proof of publication with actual malice.
- Actual malice: Defined as publishing with knowledge of falsity or in reckless disregard of truth or falsity.

### ### Historical Background:

This case reflects the ongoing tensions between the constitutional guarantees of free speech and the press and the individual's right to protect their reputation against unfounded attacks. It demonstrates the court's role in balancing these competing interests in a democratic society, especially considering the evolving media landscape and the power of the press.