

### Title:

Erwin Tulfo, et al. vs. People of the Philippines and Atty. Carlos T. So

### Facts:

On September 8, 1999, four separate informations were filed at the Regional Trial Court (RTC) in Pasay City against Erwin Tulfo, Susan Cambri, Rey Salao, Jocelyn Barlizo, and Philip Pichay, associated with the daily tabloid Remate, for libel concerning articles published in Tulfo's column "Direct Hit." The articles accused Atty. Carlos "Ding" So of the Bureau of Customs of corruption and other illegal activities. The defendants pleaded not guilty. The prosecution presented witnesses, including Atty. So, corroborating the identity and assignment of So, and the defamatory nature of the publications. Tulfo and co-accused argued they did not personally know Atty. So before the articles and denied malicious intent. The RTC found all petitioners guilty, sentencing them to imprisonment and ordering payment of damages. On appeal, the Court of Appeals affirmed the RTC's decision, prompting the petitioners to seek relief from the Supreme Court.

### Issues:

1. Whether or not the articles written were qualifiedly privileged communication.
2. Whether or not the prosecution was able to prove malice in fact.
3. Responsibility and liability of editors and the president of the publishing company under Article 360 of the Revised Penal Code.
4. The identity of Atty. Carlos "Ding" So as the person referred to in the subject articles.
5. Appropriateness of the penalty and damages awarded by the lower courts.

### Court's Decision:

The Supreme Court dismissed the petitions, affirming with modifications the CA decision. It held that:

1. The articles were not qualified privileged communication as there was a lack of good faith in verifying the accusations against Atty. So.
2. There was malicious intent, evidenced by continued defamatory publications and lack of effort to verify the truth.
3. Under Article 360 of the Revised Penal Code, editors and the president hold liability for defamations published.
4. There was sufficient identification of Atty. So as the subject of the defamatory articles.
5. The Court modified the penalties to fines instead of imprisonment and adjusted the damages awarded.

### Doctrine:

1. Freedom of the press must be balanced with responsibilities. Unsubstantiated articles that defame individuals are not protected under the guise of qualified privileged communication.
2. Persons holding editorial positions in a publishing entity can be held liable for libelous publications under their watch.
3. In cases of libel involving public officials, malice must be proven with a reasonable degree of certainty, including reckless disregard for the truth.

### Class Notes:

- **Libel**: Defamation in writing or similar means harming someone's reputation. Libel against public officials requires proving malice or reckless disregard for the truth.
- **Qualified Privileged Communication**: Certain defamatory statements are exempt from libel if they fulfill criteria such as fairness, truth, and absence of actual malice.
- **Article 360, Revised Penal Code**: Identifies those responsible for libel, including authors, editors, and company presidents in publishing settings.
- **Malice in Fact**: For public officials, malicious intent in libel cases must be established as knowing falsehood or reckless disregard for the truth.
- **Damages in Libel**: Actual (or compensatory) damages must be clearly proven, unlike moral damages which are awarded for reputational harm without the need for precise valuation.

### Historical Background:

This case underscores the pivotal balancing act courts perform in protecting the freedom of the press while upholding individuals' rights against defamation. It reflects the ongoing dialogue between promoting open critique, especially of public officials, and safeguarding individuals against baseless slander.