

**\*\*Title: People of the Philippines v. Jomerito S. Soliman: Affirming Fine as the Sole Penalty for Online Libel under the Cybercrime Prevention Act\*\***

**\*\*Facts:\*\***

The legal battle commenced when Jomerito S. Soliman was charged with Online Libel against Waldo R. Carpio, rooted in a Facebook post seen as damaging to Carpio's reputation. The Regional Trial Court (RTC) of Quezon City, Branch 90, convicted Soliman and imposed a P50,000 fine, referencing Administrative Circular No. 08-2008 which suggests a preference for fines over imprisonment in libel cases. Soliman accepted the verdict, paying the fine, and foregoing an appeal.

However, the People of the Philippines, represented by the prosecution, challenged the RTC's decision before the Court of Appeals (CA), arguing that the RTC abdicated its duty by not applying the escalated penalties provided for Online Libel under the Cybercrime Prevention Act (Republic Act No. 10175). They argued the penalty should be one degree higher than traditional libel due to the use of information and communication technology, necessitating imprisonment instead of merely a fine.

Soliman countered that the special civil action for certiorari filed against him infringed upon his right against double jeopardy and misapplied as a remedy. He maintained that the RTC acted within its discretion, guided by applicable laws which permit the imposition of a fine as a penalty for libel, including online libel.

The CA found in favor of Soliman, holding that the RTC's imposition of a fine did not constitute grave abuse of discretion. The CA held that certiorari was not the correct remedy against a penalty decision and emphasized that elevating the penalty would breach Soliman's right against double jeopardy.

The appeal to the Supreme Court ensued, where the focal issue revolved around whether the RTC acted with grave abuse of discretion by imposing a fine rather than custodial penalty for online libel as deemed necessary by the prosecution under Section 6 of RA 10175.

**\*\*Issues:\*\***

1. Whether the imposition of a fine only for online libel constitutes grave abuse of discretion under Section 6 of RA 10175.
2. Whether pursuing a higher penalty through a Petition for Certiorari infringes upon the accused's right against double jeopardy.

**\*\*Court's Decision:\*\***

The Supreme Court dismissed the petition, affirming the CA's ruling. It clarified that the Cybercrime Prevention Act does not explicitly mandate imprisonment to the exclusion of fine for online libel. The Court underscored that the penalty of fine is within the range prescribed by the laws governing both traditional and online libel.

Addressing the double jeopardy concern, the Court reiterated established principles that the initiation of a certiorari proceeding aiming to escalate the punitive measure post-conviction contravenes the accused's constitutional protection against being tried twice for the same offense.

Issue-per-issue, the Court found:

1. The RTC did not commit grave abuse of discretion by opting for a fine over imprisonment. The discretion to determine the penalty within the legal bounds considering the case specifics remains with the trial court.
2. The petition for certiorari sought by the prosecution indeed posed a threat to the double jeopardy clause as Soliman had already been convicted, fined, and the judgment had reached finality without an appeal from him.

**\*\*Doctrine:\*\***

This case reaffirms the principle that the imposition of penalties falls within the discretion of the courts, provided such penalties are within the legal boundaries established by pertinent laws. For online libel, as defined under RA 10175, both imprisonment and a fine are permissible penalties, and the choice between them depends on the court's reasoned judgment. Moreover, the sanctity of the final judgment and the right against double jeopardy remain paramount, prohibiting the state from altering a final judgment to impose a harsher penalty.

**\*\*Class Notes:\*\***

- **\*\*Online Libel under RA 10175:\*\*** Defined as public and malicious imputations harming a person's reputation through ICT. Traditional libel penalties apply one degree higher when committed online.
- **\*\*Double Jeopardy:\*\*** Protects against being tried or punished twice for the same offense. It attaches upon a final judgment: conviction, acquittal, or dismissal without the accused's consent.
- **\*\*Grave Abuse of Discretion:\*\*** Occurs when a judicial entity acts in a capricious, whimsical manner, manifesting a gross misjudgment amounting to lack or excess of

jurisdiction.

- **Penalties for Libel**: The law allows either imprisonment, a fine, or both. The choice depends on the case specifics and the court's discretion.
- **Certiorari against Penal Judgment**: Not an appropriate remedy for disputing the judgment's merits or the penalty imposed if it has become final and executory.

**Historical Background:**

This case emphasizes the evolving landscape of libel in the age of information and communication technology, highlighting the judiciary's struggle to balance freedom of expression against the protection of reputation in a digital era. It underscores the judiciary's discretion in penal application amidst changing legal doctrines brought by technological advancement, within the confines of constitutional safeguards like double jeopardy.