

### **Nicasio I. Alcantara vs. Vicente C. Ponce and the People of the Philippines**

**Title:**

Nicasio I. Alcantara vs. Vicente C. Ponce and the People of the Philippines, G.R. No. 157105

**Facts:**

1. **Background:**

- In 1997, Vicente C. Ponce filed multiple criminal complaints against Nicasio I. Alcantara and his family (collectively, the Alcantaras), including an estafa complaint docketed as I.S. No. 97-39547 in the Makati Prosecutor's Office.
- Ponce alleged Alcantara swindled him out of 3,000,000 shares of Floro Cement Corporation.

2. **Incident:**

- During the preliminary investigation, Ponce submitted a newsletter as an annex to his sur-rejoinder affidavit. The newsletter contained defamatory remarks about the Alcantaras, linking them to corruption and criminal activities.

3. **Libel Complaint:**

- Alcantara filed a libel complaint against Ponce, claiming the newsletter was defamatory and circulated within the Makati Prosecutor's Office.
- Makati City Prosecutor Imelda P. Saulog found probable cause for libel and recommended filing an information in court. The case was assigned to Judge Tranquil Salvador of RTC Makati Branch 63.

4. **Secretary of Justice Review:**

- Ponce sought review from the Secretary of Justice, who determined the newsletter was a privileged communication and directed the withdrawal of the information.

5. **Court of Appeals:**

- Alcantara filed a petition for certiorari in the Court of Appeals (CA-G.R. SP No. 61543). The CA reversed the Secretary of Justice's decision and reinstated the case.

6. **Trial Court Motion:**

- Before the CA decision in CA-G.R. SP No. 61543, the trial court granted a motion to withdraw the information based on the Justice Secretary's directive. Judge Salvador found the absence of the element of publicity in the alleged libel.
- Alcantara's motion for reconsideration of the withdrawal was denied.

7. **Second Petition to CA:**

- Alcantara filed another petition for certiorari (CA-G.R. SP No. 71189), which was denied, affirming the trial court's decision.

**Issues:**

1. **Is the newsletter a privileged communication?**

- Whether the statements in the newsletter can be considered privileged communication, protecting Ponce from libel liabilities.

2. **Requirement of Publicity in Libel:**

- Whether the submission of the newsletter to the prosecutor's office constituted sufficient publicity to meet the elements of libel.

**Court's Decision:**

1. **Privileged Communication:**

- The Supreme Court upheld the CA ruling that the newsletter was a privileged communication as it was intended to be an annex to Ponce's affidavit in an ongoing judicial proceeding.

- Statements made in judicial proceedings are absolutely privileged if relevant, regardless of their defamatory nature.

2. **Relevancy and Materiality:**

- The newsletter's relevance to the estafa case made it part of the privileged communication. It intended to show Alcantara's alleged unethical conduct.

- Relevancy is liberally construed to favor the writer, and the material was pertinent to supporting the estafa allegation.

3. **Publicity Requirement:**

- The Court ruled that the submission of the newsletter to the prosecutor during preliminary investigation did not constitute publication. There was no evidence that the newsletter was circulated beyond the necessary parties involved in the judicial process.

**Doctrine:**

- **Absolute Privilege in Judicial Proceedings:**

- Statements made in the course of judicial proceedings, including preliminary investigations, are absolutely privileged if they are relevant and pertinent to the issues.

- This applies even if the statements are defamatory and made with malice, as long as they are legitimately related to the case.

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

- **\*\*Libel Elements (Article 353, Revised Penal Code):\*\***

1. Imputation of a crime, vice, or defect.
2. Publicity or publication.
3. Malice.
4. Directed at a person.
5. Tendency to cause dishonor or discredit.

- **\*\*Privileged Communications:\*\***

- Absolute privilege covers statements made in judicial proceedings if they are material and relevant.
- Communication to a person bound by duty (e.g., prosecutor) does not constitute publication.

**\*\*Historical Background:\*\***

- The case reflects the balance between protecting individuals from defamation and ensuring the free and unfettered administration of justice by protecting relevant statements made in judicial proceedings. The decision emphasizes leniency towards relevancy to avoid hindering the judicial process through the threat of libel suits.