

### Title: Dionisio Lopez Y Aberasturi v. People of the Philippines and Salvador G. Escalante, Jr.

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

1. **\*\*Initial Indictment\*\***: On March 31, 2003, Dionisio Lopez was charged with libel under an information dated the same day. The incident occurred around November 2002, involving billboards in Cadiz City displaying the phrases “CADIZ FOREVER” with a blank space before the word “NEVER”. On November 15, 2002, the blank space was filled in to read, “BADING AND SAGAY NEVER.”
2. **\*\*Reaction and Legal Action\*\***: Mayor Salvador G. Escalante, Jr. of Cadiz City, feeling maligned and dishonored by the billboards, consulted the City Legal Officer and filed a libel charge against Lopez, claiming mental anguish and sleepless nights, and sought damages of P5,000,000.00.
3. **\*\*Procedural History\*\***:
  - **\*\*May 8, 2003\*\***: Lopez entered a “not guilty” plea during his arraignment.
  - **\*\*Pre-Trial Stipulations\*\***: Identities and facts were stipulated, including the Mayor being known as “Bading”.
  - **\*\*RTC Trial\*\***: Evidence presented confirmed Lopez set up the controversial billboards.
  - **\*\*RTC Decision (December 17, 2003)\*\***: Lopez was convicted and sentenced to imprisonment (Arresto Mayor max and Prision Correccional med), fined P5,000, and ordered to pay P5,000,000.00 in moral damages.
  - **\*\*Appeal to CA\*\***: The Court of Appeals affirmed the RTC’s decision but reduced moral damages to P500,000.00.
  - **\*\*Motion for Reconsideration\*\***: Filed and denied by the CA on April 7, 2006.
  - **\*\*Petition to SC\*\***: Lopez filed a petition for review on certiorari under Rule 45.

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

1. Whether the phrase “CADIZ FOREVER, BADING AND SAGAY NEVER” was defamatory and induced suspicion regarding the character of Mayor Salvador G. Escalante, Jr.
2. Whether these words constituted fair commentary on matters of public interest and thus were privileged.
3. Whether malice was appropriately presumed by the lower courts.
4. Whether the courts erred in their imposition of moral damages in the amount of P500,000.

**Court's Decision:**

1. **Defamatory Nature of the Phrase:** The Supreme Court found that the phrase "CADIZ FOREVER, BADING AND SAGAY NEVER" did not constitute defamatory content. There were no derogatory implications about crime, vice, or defects directed at Mayor Escalante. The phrase seemed more like an expression of personal disapproval rather than an attack on his character or reputation. Thus, the prosecution failed to establish the defamatory nature essential for libel.
2. **Fair Commentary:** Although the content of the billboards may be viewed unfavorably, it constituted a personal opinion rather than a malicious imputation. As public criticism, particularly against a public figure in the context of official performance, it was considered protected speech.
3. **Malice:** Since the statements were deemed non-defamatory, the question of presumed or actual malice became moot. Nonetheless, the court noted that public officials must endure greater scrutiny and criticism regarding their public deeds unless statements are proved to be maliciously false.
4. **Award of Damages:** The Supreme Court held that without proof of defamation, no moral damages could be awarded. The fines and damages imposed were, therefore, unsubstantiated.

**Doctrine:**

- **Freedom of Expression:** The case reaffirmed the principle that while freedom of expression is guarded, it is not absolute but must cause harm to societal or individual rights to be restrainable.
- **Libel Elements:** For an imputation to be libelous, it must be defamatory, malicious, public, and must pertain to an identifiable victim.

**Class Notes:**

- **Key Elements of Libel:**
- **Defamation:** Statement must discredit the subject.
- **Malice:** Presumed in law but rebuttable. False imputations intended to harm.
- **Publication:** Must be publicized.
- **Identifiability:** Subject easily recognizable.

- **Critical Principles**:
- **Public Official Criticism**: Higher tolerance for criticisms, must not be overly sensitive to comments.
- **Privileged Communication**: Commentaries on public interest figures are protected, barring malicious falsehoods.

### ### Historical Background:

The case arose during a period in the Philippines where political dynamism allowed for active public scrutiny and accountability of elected officials. The ruling emphasized protecting freedom of expression, especially when pertaining to political discourse or comments on public service, reflecting on developmental jurisprudence in enhancing democratic principles.