

### Title:

\*\*Dionisio Lopez y Aberasturi vs. People of the Philippines and Salvador G. Escalante, Jr. (658 Phil. 20)\*\*

### Facts:

\*\*1. Initial Allegations:\*\*

- On April 3, 2003, Dionisio Lopez was indicted for libel based on an Information dated March 31, 2003.
- The libel charge was grounded on events that occurred in early November 2002.
- Lopez allegedly put up signboards in Cadiz City with the phrase "CADIZ FOREVER" followed by a blank space before the word "NEVER".

\*\*2. Subsequent Actions:\*\*

- On November 15, 2002, the blank space on the signboards was filled with the words "BADING AND SAGAY NEVER", making it read "CADIZ FOREVER BADING AND SAGAY NEVER".
- The complainant, Mayor Salvador G. Escalante, Jr., felt the message dishonored him and claimed it resulted in mental anguish and sleepless nights, thus filing a libel complaint against Lopez.

\*\*3. Trial Court Proceedings:\*\*

- In pre-trial, both parties stipulated that Escalante was commonly known as "Bading".
- Prosecution witnesses testified that the signboards created a negative impression and insulted the mayor.
- Petitioner admitted to installing the signboards but claimed no malicious intent, asserting that it was a wake-up call for Cadiz City.

\*\*4. Decision of the Regional Trial Court (RTC):\*\*

- On December 17, 2003, Lopez was convicted of libel.
- The RTC found all elements of libel present and sentenced Lopez to imprisonment ranging from four months and twenty days to two years, eleven months, and ten days, and a fine of P5,000. Lopez was also ordered to pay P5,000,000 in moral damages.

\*\*5. Appeal to the Court of Appeals (CA):\*\*

- Lopez appealed the RTC's decision.
- The CA affirmed the conviction but reduced the moral damages to P500,000.
- Lopez filed a Motion for Reconsideration which was denied on April 7, 2006.

**\*\*6. Petition to the Supreme Court:\*\***

- Dissatisfied with the CA's decision, Lopez filed a petition for review before the Supreme Court.
- Both the private respondent (Escalante) and the Office of the Solicitor General (OSG) submitted their respective comments, with the OSG later adopting a stance in favor of Lopez's acquittal.

**### Issues:**

- \*\*1. Whether the printed phrase "CADIZ FOREVER, BADING AND SAGAY NEVER" is libelous.\*\***
- \*\*2. Whether the controversial words used constituted privileged communication.\*\***

**### Court's Decision:**

**\*\*1. On Defamatory Nature:\*\***

- The Supreme Court emphasized that for a statement to be libelous, it must be defamatory, malicious, publicly given, and the victim must be identifiable.
- The SC found that the phrase "CADIZ FOREVER, BADING AND SAGAY NEVER" did not meet the criteria for being defamatory because it:
  - Did not specifically impute any crime, vice, or defect to the complainant.
  - Did not directly or indirectly cause dishonor or discredit.
  - Was simply an expression of personal disfavor or preference, not inherently injurious to Escalante's character or reputation.

**\*\*2. Malice and Privileged Communication:\*\***

- Since the phrase was not inherently defamatory, the issue of malice became moot.
- Furthermore, given the context of the statements relating to a public official's conduct in office, such statements are often protected or considered privileged.

**\*\*3. Acquittal:\*\***

- The SC reversed the decisions of the RTC and CA, acquitting Dionisio Lopez on the ground that no actionable defamation was proven.

**### Doctrine:**

**\*\*1. Libel Definition and Elements:\*\***

- Public and malicious imputation of a crime, vice or defect, intended to cause dishonor, discredit, or contempt of a person.
- The elements include defamatory statement, malice, public imputation, and identifiability

of the victim.

**\*\*2. Protection for Public Officers:\*\***

- Comments related to the official duties of public officers enjoy a degree of protection, recognizing the need for public discourse and criticism in democratic processes.

**### Class Notes:**

**\*\*Key Elements:\*\***

1. **\*\*Defamatory Content:\*\***

- The statement must impute a crime, vice, or defect that causes dishonor or discredit.

2. **\*\*Publication:\*\***

- There must be evidence that the statement was made public.

3. **\*\*Identifiable Victim:\*\***

- The victim of the defamatory statement must be ascertainable.

**\*\*Relevant Statutes:\*\***

- **\*\*Revised Penal Code Articles 353 and 355:\*\*** Defining libel and its penalties.

- **\*\*Privilege in Criticism of Public Officers:\*\*** Indicates that public officials must withstand criticism, whether fair or otherwise, as part of their public role.

**### Historical Background:**

- This case underscores the tension in democratic societies between safeguarding the freedom of expression and protecting individuals, especially public officials, from defamatory statements.

- The decision reflects the judiciary's role in maintaining a balance between these competing interests, often tilting in favor of free speech unless clear and convincing evidence of defamatory intent is present.