

**Case Title:** The United States vs. Jaime Ubinana

**Facts:**

- Illicit Correspondence:** The defendant, Jaime Ubinana, engaged in an illicit correspondence with the wife of the private prosecutor (the complainant).
- Defamatory Letter:** Ubinana wrote a letter containing defamatory statements about the complainant. This letter was sent to and read by the complainant's wife.
- Discovery:** The letter was discovered by the complainant in his wife's possession.
- Initial Prosecution:** A case was brought against Ubinana under the new libel law, specifically Act No. 277 of the United States Philippine Commission.
- Defendant's Argument:** Ubinana's counsel argued that the letter's "private, confidential, and secret" nature rebuts the presumption of malicious intent.
- Trial:** The trial court did not permit Ubinana to testify in his defense nor confirm if the private prosecutor's wife testified without the consent of both spouses.

**Procedural Posture:**

- Trial Court:** The trial court found Ubinana guilty of libel, emphasizing that the letter's harmful content and its solicitation for adultery negate any justifiable motive, resulting in a presumption of malice.
- Appeal:** The defendant appealed, arguing procedural errors and questioning the application of the libel law.

**Issues:**

- Defamation and Malice:** Whether the private and confidential nature of the letter can rebut the presumption of malice.
- Publication:** Whether it was shown that the defendant parted with custody of the letter under circumstances where it might be read by a third person.
- Right to Testify:** Whether the trial court erred in not allowing the defendant to testify.
- Spousal Consent:** Whether the testimony of the private prosecutor's wife was admissible without the consent of both spouses.

**Court's Decision:**

- Defamation and Malice:** The Supreme Court affirmed the lower court's finding that the letter, being a solicitation to adultery, could not have been published with justifiable motives. Malice is presumed from the fact of publication under the new libel law.
- Publication:** The Court held that the circumstances of sending the letter met the criteria of parting with custody in a manner that exposed it to being read by others,

satisfying the requirement under Section 5 of the Libel Act.

3. **Right to Testify:** The Supreme Court found no factual basis for the defendant's claim that he was not allowed to testify.
4. **Spousal Consent:** The Court also found that the assertion regarding the improper testimony of the private prosecutor's wife without spousal consent was without merit.

**Doctrine:**

1. **Presumption of Malice in Defamation:** Under Act No. 277, sec. 3, an injurious publication is presumed malicious unless a justifiable motive is shown.
2. **Custody in Libel:** To sustain a charge of publishing a libel, it suffices if the accused knowingly parted with the custody of the libel under circumstances where it could be read by others (Act No. 277, sec. 5).

**Class Notes:**

1. **Malice in Libel:** Presumption attached unless rebutted by justifiable motives.
2. **Publication Requirements:** Custody parting in a manner exposing the publication to third parties suffices for libel charges.
3. **Right to Testify:** Defendants have the right to testify in their defense; claims to the contrary must be substantiated.
4. **Admissibility of Testimony:** Testimony from a spouse without mutual consent may be contested, though specific procedural requirements must be adhered to.

**Historical Background:**

The case contextualizes early 20th century Philippine jurisprudence under American colonial rule, specifically addressing reforms in libel laws by the United States Philippine Commission to balance free speech with protection against defamatory publications. It illustrates the nuanced application of new legislative frameworks to local contexts and personal disputes, reflecting transitional legal principles influenced by American jurisprudence.