

****Title:****

People of the Philippines vs. Abelardo Subido, G.R. No. L-16068 (1968)

****Facts:****

The case involves Abelardo Subido, who was convicted of libel by the Court of First Instance of Manila. Subido was sentenced to three months of arresto mayor, a fine of ₱500, indemnification of ₱10,000 to the offended party, Mayor Arsenio Lacson, with subsidiary imprisonment in case of insolvency, and to pay the costs of the suit.

Subido appealed to the Court of Appeals, which modified the sentence by eliminating the imprisonment and reducing the indemnification to ₱5,000. The decision was then affirmed with costs against Subido. After the case was remanded to the trial court for execution, Subido requested the court to cancel his appeal bond, arguing he could not be made to serve subsidiary imprisonment since the judgment did not specifically state this.

The request was opposed by Mayor Lacson, and the trial court issued a writ of execution which returned unsatisfied. Further, the Sheriff of Manila levied on a property thought to belong to Subido but was owned by Agapito Subido, who filed a third-party claim and an action to enjoin the sale of his property. Consequently, a preliminary injunction was issued.

Subido filed another motion reiterating his request to cancel the appeal bond and asserting he could not be required to suffer subsidiary imprisonment for his monetary penalties. The trial court denied this motion and Subido's subsequent motion for reconsideration.

Subido then appealed against the orders dated December 19 and 26, 1959, contending that he should not be liable for subsidiary imprisonment in case of insolvency and arguing that the attachment of property should satisfy the civil liability.

****Issues:****

1. Whether Subido can be required to serve subsidiary imprisonment if he fails to pay the fine and indemnity prescribed by the Court of Appeals.
2. Whether the attachment on Agapito Subido's property satisfies Subido's civil liability, precluding the imposition of subsidiary imprisonment.

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

1. The Supreme Court affirmed the decision partially. It held that when the Court of Appeals affirmed the lower court's decision with modifications, the imposition of subsidiary imprisonment for failure to pay the fine and indemnity was not explicitly removed, hence it remains enforceable.
2. The Supreme Court clarified that the rules on subsidiary imprisonment applied, noting that the imposition was clear from the trial court's decision. However, because of the retroactive effect of Article 39 of the Revised Penal Code, as amended by Republic Act No. 5465, which exempts individuals from subsidiary imprisonment for failure to pay civil liabilities, Subido was exempt from such imprisonment for indemnity but still liable for the fine under subsidiary imprisonment.
3. Regarding the attachment of property, the Supreme Court ruled that an attachment does not equate to satisfaction of judgment. Subsidiary imprisonment should apply when the offender is insolvent, and the existence of the attachment does not negate Subido's insolvency as it does not fulfill the actual payment of the liability.

****Doctrine:****

The Court reinforced that subsidiary imprisonment is an alternative penalty imposed when a convict cannot satisfy a fine. Despite the amendments under Article 39, preventing subsidiary imprisonment for civil liabilities, the exemption does not automatically extend to fines unless explicitly stated or evident from changes in the law.

****Class Notes:****

1. ****Libel Law:**** Libel under Article 355 of the Revised Penal Code provides for prison correctional or a fine of ₱200 to ₱600 or both, plus civil action.
2. ****Subsidiary Imprisonment:**** Article 39 of the Revised Penal Code outlines how subsidiary imprisonment is applied when a convict cannot pay fines, emphasizing that the penalty can still apply for fines, stressing changes by Republic Act No. 5465 exempted civil liabilities.
3. ****Legal Hermeneutics:**** Penal statutes should be construed strictly against the government and in favor of defendants.
4. ****Execution of Judgment:**** An attachment does not operate as payment or satisfaction of judgment.

****Historical Background:****

This case occurred in the late 1950s—a period marked by heightened political tensions and public scrutiny of government officials. Mayor Arsenio Lacson was a prominent political figure in Manila, known for his combative style, which made libel cases significant. The legal principles regarding subsidiary imprisonment’s applicability were crucial due to ongoing legislative reforms and the evolving interpretation of rights concerning penalties.