

**\*\*Title: Marilou Punongbayan-Visitacion v. People of the Philippines and Carmelita P. Punongbayan\*\***

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

1. Marilou Punongbayan-Visitacion (Visitacion), corporate secretary and assistant treasurer of St. Peter's College of Iligan City, wrote a letter dated July 26, 1999, addressing Carmelita P. Punongbayan (Punongbayan).
2. The letter accused Punongbayan of misrepresentation and falsification concerning her role as officer-in-charge and financial dealings of the school.
3. Insulted by these accusations, Punongbayan filed a Complaint for Libel against Visitacion.
4. On October 25, 1999, the Office of the City Prosecutor of Iligan City approved the filing of a libel case against Visitacion.
5. The case proceeded to the Regional Trial Court (RTC), Branch 5, Iligan City, which, on May 12, 2003, convicted Visitacion of libel, sentencing her to one year's imprisonment and ordering her to pay P3,000,000.00 as moral damages.
6. Visitacion filed a petition for certiorari with the Court of Appeals (CA), which dismissed her petition on January 30, 2009, upholding the RTC's decision. The CA ruled that Visitacion's motion for certiorari was an improper substitute for a lost appeal.
7. The CA denial was further reinforced on October 18, 2010, leading to Visitacion's petition for review on certiorari to the Supreme Court.

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

1. **\*\*Penalty for Libel:\*\***
  - Whether the CA erred in not applying the preference for a fine rather than imprisonment as the penalty for libel.
2. **\*\*Moral Damages:\*\***
  - Whether the moral damages amounting to P3,000,000.00 was excessive and unwarranted.
3. **\*\*Certiorari as Appeal:\*\***
  - Whether the CA should have treated Visitacion's petition for certiorari as her appeal, considering it was filed within the reglementary period for an appeal.

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

1. **\*\*On Treating Certiorari as an Appeal:\*\***
  - The Supreme Court held that under exceptional circumstances of substantial justice, certiorari could be treated as an appeal. Since Visitacion's petition was filed within the allowed 15-day period for an appeal, the Court considered her petition as an appeal.

2. **On the Penalty for Libel:**

- The Supreme Court referenced Administrative Circular No. 08-08, which indicates a judicial preference for imposing fines rather than imprisonment in libel cases. Given Visitacion was a first-time offender and the limited dissemination of the libelous letter, the Court found that imposing a fine of P6,000.00 with subsidiary imprisonment in case of non-payment was sufficient.

3. **On Moral Damages:**

- The Supreme Court concluded that the P3,000,000.00 moral damages awarded was excessively high. Reiterating that moral damages should be commensurate to the injury caused and not punitive, the Court reduced the amount to a more reasonable P500,000.00.

**Doctrine:**

1. **Preference for Fine Over Imprisonment:**

- Established in Administrative Circular No. 08-08, the preference for fines rather than imprisonment is reiterated for libel cases, with courts retaining discretion based on case specifics.

2. **Guidelines for Moral Damages:**

- Moral damages should be reasonable and proportionate to the harm caused, aligning with the principle that such damages are intended to compensate, not to punish or enrich.

**Class Notes:**

1. **Penal Provisions in Libel:**

- Article 355, Revised Penal Code: Prescribes libel punishments.  
- Preference Order (A.C. No. 08-08): Fines over imprisonment.

2. **Moral Damages Provision:**

- Article 2219(7), Civil Code: Permits moral damages for libel or slander.  
- Basis: Compensates anguish and injury rather than punishing the offender.

3. **Certiorari vs. Appeal:**

- Rule 65, Rules of Court (Certiorari): Not a substitute for an appeal, except under specific liberality considerations.

**Historical Background:**

- The case underscores the judiciary's evolving approach towards penalizing defamation, highlighting a shift towards fines to reduce punitive detention in libel cases.  
- Reflects broader trends in Philippine jurisprudence to ensure fairness and considerations of justice surpass procedural technicalities, advocating substantial justice in the judicial

process.