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Title:

Nanerico D. Santos vs. The Court of Appeals and The People of the Philippines

Facts:

1. **Publication**: On February 23, 1970, Nanerico D. Santos as a columnist for the Manila Daily Bulletin published an article titled “Charges Against CMS Stock Brokerage, Inc.” The article was a verbatim excerpt from an unverified complaint filed with the Securities and Exchange Commission (SEC) on February 13, 1970, by Rosario Sison Sandejas and her daughters against CMS Stock Brokerage, Inc., particularly targeting Carlos Moran Sison and Luis F. Sison.
2. **Immediate Action**: On the same day of the publication, Carlos Moran Sison met Santos, requesting a prompt publication of his rebuttal. Santos promised publication by February 25, 1970, citing past deadlines for the next day’s issue.
3. **Unpublished Reply**: The reply was not published as promised. As a result, Carlos Moran Sison instructed Santos to not publish the reply further to avoid rekindling talks and mentioned that they would sue him for libel. Santos nonchalantly responded to the threat of litigation.
4. **Legal Proceedings Initiated**: On March 4, 1970, Carlos Moran Sison and Luis F. Sison filed a libel complaint against Santos and other employees of the Manila Daily Bulletin at the Office of the Provincial Fiscal of Rizal. Subsequently, an information for libel was filed before the Court of First Instance (CFI) of Rizal, Pasig, on November 16, 1970.
5. **Dismissal and Conviction**: Other accused were dismissed from the case upon the motion of the trial fiscal on January 26, 1971. The trial court eventually convicted Santos of libel.
6. **Appeal**: Santos elevated his case to the Court of Appeals which affirmed the trial court’s judgment on August 25, 1976. Santos then petitioned for review by the Supreme Court.

Issues:

1. **Nature of the Published Article**: Whether the published article was a privileged communication as a fair and true report of judicial proceedings.

2. **Requirement of Malice**: Whether there was malice in the publication of the article that would negate its privileged nature and render Santos liable for libel.

Court's Decision:

1. **Privileged Communication**:

- The Supreme Court overturned previous doctrines (Barretto vs. Philippine Publishing Co., and Choa Tek Hee vs. Philippine Publishing Co.) which held that mere pleadings in court were not privileged.
- The Supreme Court acknowledged the shift established in Cuenco vs. Cuenco, stating that a fair and true report of a complaint filed in a judicial or quasi-judicial body, without comments or qualifications, is privileged.
- The Court recognized the publication of the SEC complaint as a fair and true report of a judicial proceeding, fitting within the purview of Article 354 (2) of the Revised Penal Code.

2. **Malice**:

- The Court examined whether Santos acted with actual malice.
- Finding no embellishments, wild imputations, or defamatory comments in the published article, the Court found the publication to be a faithful and straightforward reproduction of the complaint.
- Without proof of malice or ill intent, and given the public's right to be informed about such proceedings, the publication was deemed privileged.

Doctrine:

- **Privileged Communication in Defamation Law**: Established that the fair and true reporting of judicial or quasi-judicial pleadings, made without malice or additional defamatory remarks, remains privileged under Article 354 (2) of the Revised Penal Code.
- **Cuenco vs. Cuenco Precedent**: Affirmed that pleadings in judicial proceedings are public records and may be published if done fair and true, even before judicial actions commence.

Class Notes:

- **Libel**: Defamatory imputation presumed to be malicious unless privileged under specific conditions.
- **Privileged Communication**: Under Article 354 RPC, includes:
 1. Private communication in the performance of a legal, moral, or social duty.
 2. Fair and true reports of judicial, legislative, or official proceedings.
- **Burden of Proof**: On plaintiff to show actual malice to defeat the privilege.

****Statutes**:**

- ****Article 354, Revised Penal Code**:** Enumerates conditions where defamatory imputations are not presumed malicious.
- ****Article 362, Revised Penal Code**:** Maintains liability for libelous remarks made with malice, even if the communication is privileged.

****Application**:** Provided clarity on the boundaries of privileged communication and set the expectation for fair and true reporting, protecting journalists from undue liability.

Historical Background:

- This case reflects the evolving standards in defamation law and the protection of freedom of the press. The decision marks a significant shift from early 20th-century jurisprudence, expanding the scope of privileged communication and emphasizing the role of the media in informing the public about judicial proceedings.

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