

Title: Roque Vicario y Mendez vs. Court of Appeals and People of the Philippines, G.R. No. 119353.

Facts:

Roque Vicario y Mendez was accused of libel by the Provincial Prosecutor of Catarman, Northern Samar. The libel charge stemmed from allegations that Vicario distributed photocopies of a news article from the Philippine Daily Inquirer which reported that Judge Proceso Sidro pocketed a cash bond and faced graft charges.

1. **Initial Charge:**

- Vicario was alleged to have circulated photocopies of the March 20, 1992, Philippine Daily Inquirer article, specifically around the Northern Samar Provincial Hospital in Catarman.

2. **Allegation by Judge Proceso Sidro:**

- Sidro accused Vicario of damaging his reputation and causing him distress by distributing these photocopies.

3. **Vicario's Defense:**

- Disclaimed any responsibility for distributing the article.
- Suggested the libel suit was retaliatory since he had filed a graft complaint against Sidro with the Ombudsman and an administrative complaint for dishonesty with the Supreme Court regarding Sidro's refusal to return Vicario's cash bond.

4. **Trial Court Verdict:**

- Found Vicario guilty of libel, fining him P200 with subsidiary imprisonment in case of insolvency, justified by evidence that Vicario distributed a copy of the article to Amador Montes, which constituted publication motivated by malice.

5. **Court of Appeals Decision:**

- Affirmed the trial court's decision in toto.

6. **Supreme Court Review:**

- Vicario filed a petition for review on certiorari, questioning the existence of publication, malice, and actual evidence against him among other procedural contentions.

****Issues:****

1. Whether distributing a photocopy of a newspaper article about graft charges against a judge constitutes libel.
2. Whether Vicario's act was proven beyond reasonable doubt to be malicious and defamatory.

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

1. ****Imputation of a Discreditable Act:****

- The Supreme Court held that there was no evidence proving that Vicario authored or was the source of the news item. The news article was deemed a factual report about an official proceeding which is a privileged communication.

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

- The Court found inadequate evidence to conclude that Vicario distributed the photocopy broadly. While he did give a copy to Montes, this alone without sufficient proof of wider distribution did not meet the threshold for "publication" under libel laws.

3. ****Identity of the Person Defamed:****

- This was not contested, Judge Sidro was clearly identified.

4. ****Existence of Malice:****

- The presumption of malice was not supported by adequate proof. The court noted that any malice must coincide with the act of distribution, which was not proven to be the case here. Even assuming the acts ascribed to Vicario were true, the lack of a demonstrated, direct malice at the time of distribution led the court to rule in favor of the accused under the "equipoise doctrine."

5. ****Result:****

- The Supreme Court reversed the decisions of the lower courts and acquitted Roque Vicario y Mendez citing lack of evidence for both publication and malice.

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****Doctrine:****

1. ****Libel and Malice:****

- To charge libel, the elements of defamation must be established, including specific proof of

publication and malice.

- Art. 354, Revised Penal Code: Except in cases of qualifiedly privileged communication, every defamatory imputation is presumed malicious, even if true.
- “Equipose Doctrine”: When evidence is balanced, the scale tips in favor of the accused, safeguarding the presumption of innocence.

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****Class Notes:****

- ****Libel Elements:**** Imputation of a discreditable act, Publication, Identity of person defamed, Existence of malice.
- ****Privileged Communication:**** Not libel if it’s a fair and true report of official proceedings (See Art. 354, Revised Penal Code).
- ****Malice Proof:**** Requires proof beyond general ill will or frustration; must be specifically connected to the defamatory act.
- ****Remedies and Technicalities:**** Challenges on procedural grounds like inaccurate evidence allocation can overturn convictions.
- ****“Equipose Doctrine”:**** Certainty of guilt requires stronger evidence against the presumption of innocence.

****Relevant Statutes:****

- ****Art. 353, Revised Penal Code:**** Definitions of libel.
- ****Art. 354, Revised Penal Code:**** Malice Presumption and Exceptions.

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****Historical Background:****

The case was shaped by the dynamics between public accountability and judicial conduct in the Philippines. During the early 1990s, addressing corruption in the judiciary became a critical issue, and accusations against judges were taken seriously, which subsequently influenced how charges of libel in this context were judicially reviewed.