

MELQUIADES GUTIERREZ, PLAINTIFF-APPELLANT, VS. ENRIQUE H.R. ABILA, RESTITUTO CLEMENTE AND MANUEL FRANCISCO, DEFENDANTS-APPELLEES.

G.R. No. L-59161. January 30, 1982

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

This is an appeal taken to the Court of Appeals from an order of the Court of First Instance of Rizal dismissing the complaint for failure to state a cause of action. The order of dismissal having been made on the basis of the pleadings, the Court of Appeals certified the case to Us as one involving purely a question of law.

On August 20, 1979, plaintiff-appellant filed an action for damages against defendants Restituto Clemente, Manuel Francisco and Atty. Enrique H.R. Abila in the Court of First Instance of Rizal (Caloocan City), docketed as Civil Case No. C-7820. Basis of the complaint was the answer filed by defendants Clemente and Francisco, through their counsel and co-defendant Abila, in Civil Case No. C-6607, likewise an action for damages instituted by plaintiff Gutierrez against Restituto Clemente, Manuel Francisco and Assistant Provincial Fiscal Eliseo de Guzman, pending before Branch XII of the same court.

In his complaint, plaintiff alleged that defendants in the aforesaid answer wilfully, maliciously and malevolently recited false, sham, redundant, scandalous, impertinent and irrelevant statements which served no purpose than to put his character, personality and reputation in an utterly bad light; that said act being contrary to Arts. 19, 20 and 21 of the Civil Code of the Philippines and Sec. 20[f], Rule 138 of the Rules of Court, entitles him to moral damages of not less than P100,000.00, exemplary damages of P50,000.00, actual damages representing litigation expenses of P25,000.00 and attorney's fees of P25,000.00.

The averments in question are underscored hereunder and reproduced in the context in which they were made:

"Par. 4. That they specifically deny the pretexts in par.7 of the complaint as purely gratuitous as it is the constitutional prerogative of any person in this country to give any statement to the police if he so desires and it is likewise defendants' privilege to file a charge directly with the Fiscal's office, hence, such acts could not be malicious nor malevolent as wrongly interpreted by plaintiff, but a proper exercise of a right. And for the plaintiff to do such acts with a twisted color is indicative of a twisted mind' x x x

"Par. 5. That they specifically deny the prevarications of par. 8 of the Complaint as purely a product of a highly preposterous thinking because official relationship alone is no infallible indication of 'intimacy, influence and association and understanding with each other' in the matter concerning this case at bar. It is only a dirty-minded mind of plaintiff that can concoct an equally dirty thinking;

"Par. 6. That they specifically deny the assertions in par. 9 of the complaint as gratuitous and highly derogatory to the name of the Office of the Provincial Fiscal hence false and contemptible; that therein contained statements about 'collusion and conspiracy' is a mere unsavory conclusion of the plaintiff without basis nor logic; that as per records the preliminary investigation was conducted properly in accordance with the Rules

and P.D. 77; that they belie the presumptions that plaintiff was the one who filed first the complaint considering that the I.S. No. of the plaintiff is I.S. No. 73-7074 and filed only on November 21, 1973, as also admitted by the plaintiff in par. 7 of his complaint; that they likewise agree that the charges of plaintiff was a 'mere countercharge,' as it truly was, and for plaintiff to say otherwise is again a delimitation of a limited mind'
x x x

"Par. 7. That they specifically deny the accusations in par. 10 and 11 of the complaint as purely false, a devise of wickedness as earmarks of plaintiff's traits considering that he had been filing cases against defendants and his family for the same alleged incident only stated and presented differently although the allegations were the same even as this one now at bar, and delving into hair-splitting of causes of action based on one and the same incident, a particularity of an inventive mind dwelling on making 'mountains out of a molehill' that in justice to the other defendant, Provincial Fiscal Eliseo C. de Guzman, it is of record that he conducted the preliminary investigation in accordance with the prevailing policies of the New Society and in accordance with the Rules and of P.D. No. 77; that the filing of the criminal case against plaintiff with the Municipal Court of Malabon was with the conformity of the Provincial Fiscal, hence, not have been unjust, malicious and with conspiracy, to think and to allude the way plaintiff did is again characteristic of plaintiff's wicked, twisted and ignominious mentality;

"Par. 8. That they deny specifically the braggadocio in par. 12 of the complaint [imagine bragging that his (plaintiff's) son is a supervisor of 16 schools in San Francisco, California, U.S.A.] for he cannot be a dignified pater familias, as plaintiff claim he is because he had been hailed to the police station, the fiscal's office and the courts many times for crimes which do not bespeak of a dignified person, much less a 'dignified pater familia', which is indeed a big joke;

"Par. 9. That they specifically deny the imputations in par. 18 of the complaint as the happenings recited therein are ordinary consequences after a criminal complaint has been filed in the court where the accused had to be arrested for jurisdictional purpose of the courts as required in the Rules and other laws of this country; that as to his having been 'vindicated' when the criminal case was ordered dismissed, that was good for him, an act which he should be thankful, instead of capitalizing on it for vindictiveness and in procuring money from his neighbors under a disguise of a court action, since such results are very ordinary in the course of human relations."

Upon motion of the defendants on the ground that aforesaid statements, even if defamatory, are absolutely privileged, the trial court dismissed the complaint.

From this order, plaintiff interposed this appeal.

The principal issue posed for determination is whether or not the statements complained of are relevant and material and, therefore, absolutely privileged; and this issue can be resolved on the basis of the aforementioned answer of the defendants and in the light of the applicable jurisprudence on the matter.

Well-entrenched in the Philippine and American jurisprudence is the rule that for reasons of public policy, utterances made in the course of juridical proceedings, including all kinds of pleadings, petitions and motions are absolutely privileged when pertinent and relevant to the subject under inquiry, however false or malicious such utterances may be [Newel on Law of Slander and Libel, 4th ed. pp. 368, 391-392, 407; 53 C.J.S. 165, 167, 173; 33 Am. Jur. 142-143, 144-145, 147; Tupas vs. Parreño, et al., L-12545, April 30, 1959, cited in Sison vs. David, 1 SCRA 60].

In Anonymous vs. Trenkman, et al [48 Fed. (2d) 571, 574], the Court defined the restriction to the privilege enjoyed by pleadings thus:

"The pleadings should contain but the plain and concise statements of the material facts and not the evidence

by which they are to be proved. x x x If the pleader goes beyond the requirements of the statute and alleges an irrelevant matter which is libelous, he loses his privilege."

The requirement of materiality and relevancy is imposed so that the protection given to individuals in the interest of an efficient administration of justice may not be abused as a cloak from beneath which private malice may be gratified [15 ALR 748].

A most liberal view of the questioned statements casts a shadow as to their relevancy and materiality to the issue involved in Civil Case No. C-6607, i.e., whether the said suit for damages instituted by the plaintiff was meritorious or not. Defendants contend that the filing of Civil Case No. C-6607 is but a part of the plaintiff's systematic scheme of harrassing and pauperizing them, it appearing that plaintiff had previously instituted two actions for damages against defendants Clemente and Francisco. Repeated litigations between the same parties might indeed be tiresome, even nettlesome, but this alone is not sufficient cause for calling another "dirty-minded", and of a "limited mind", "twisted mind" or to characterize his act as a "devise of wickedness as earmarks of plaintiff's traits."

It is noted that far from being isolated statements, these slanderous matters pervade the entire dimension of the defendants' answer, with almost every paragraph thereof scathing with spiteful imputations against the plaintiff. These imputations constitute a grave reflection upon the mental and moral character and reputation of the plaintiff, and they certainly achieve no purpose except to gratify the defendants' rancor and ill-will.

The aforementioned personal opinions of the defendants, expressed in vituperative and intemperate language, are palpably devoid of any relation whatever to the subject of inquiry and have no place in a pleading. While indeed lawyers should be allowed some latitude of remark or comment in the furtherance of the causes they uphold [Pilar vs. Dorado, 104 Phil. 743], such remarks or comments should not trench beyond the bounds of relevancy and propriety. Besides, the language vehicle does not run short of expressions which are emphatic but respectful, convincing but not derogatory, illuminating but not offensive [Rheem of the Philippines vs. Ferrer, 20 SCRA 441].

If in truth, the suits for damages instituted by plaintiff spring from his malicious desire to work undue hardship to the defendants, the latter are not without adequate recourse in law; and if they plead for a righteous cause, the course of justice will surely tilt in their favor, for the courts are ever vigilant in the protection of a party's rights. Upon the other hand, the courts will not favor a party who seeks to expose the adverse party's alleged "dirty and twisted mind" and "wickedness" by an abuse of a privilege.

The defendants' answer in Civil Case No. C-6607 is quite complete and sufficient without the derogatory statements in question, and their inclusion therein was clearly made solely for the purpose of giving vent to their ill-feelings against the plaintiff, a purpose to which the mantle of absolute immunity does not extend.

WHEREFORE, the order of dismissal appealed from is hereby set aside and the records remanded to the court of origin for determination as to the amount of damages to be awarded to the plaintiff-appellant. Costs against defendants-appellees.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, De Castro, and Ericta, JJ., concur. Aquino, J., see concurrence.

CONCURRING OPINION

AQUINO, J.:

I concur in the result. Without prejudging the merits of Civil Case No. C-7820, I believe that it should not be dismissed outright. The plaintiff in the said case should be given a chance to show that the offensive and vitriolic expressions in defendants' answer are not relevant or pertinent and, being libelous, are therefore, actionable and not privileged.

The complaint in that case should be treated as a supplemental complaint in Civil Case No. C-6607, where the alleged defamatory and abrasive answer, which provoked the filing of that case, was filed.

"Supplemental complaint" because it is based on an event (the filing of the alleged libelous answer) which supervened after the institution of Civil Case No. C-6607 with which it is intertwined and whose ultimate disposition may depend on the outcome of the main case, Civil Case No. C-6607. Lawyer Enrique H. R. Abila would be treated as an additional defendant in that supplemental complaint.

The two related cases, which are pending in the same court, should be consolidated and tried together. That is the practical or pragmatic thing to do.

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