

APOLONIO MADRONA, SR., PETITIONER, VS. HON. AVELINO S. ROSAL, JUDGE OF THE COURT OF FIRST INSTANCE OF MAASIN, SOUTHERN LEYTE, AND PANFILO NOMBRADO, RESPONDENTS.

G.R. No. L-39120. November 21, 1991

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

A very simple question, which could have been avoided if respondent Judge only hearkened to the teaching of decisional law and took a minute of his time to justify in few words his Order dismissing a complaint for damages arising from slander, has contributed this case to the clogging of the docket of this Court.

The antecedent facts are undisputed.

On 7 January 1974, petitioner filed against private respondent with the then Court of First Instance (now Regional Trial Court) of Maasin, Southern Leyte, a civil action^[1] for damages arising from alleged slanderous remarks uttered by the latter. The case was docketed as Civil Case No. R-1897. In view of its importance in the disposition of this case, We quote the following allegations in the complaint:

X X X

"2. That on or about July 9, 1973, in the morning, plaintiff [herein petitioner] and his wife and their witnesses were at the Headquarters of the Philippine Constabulary in Maasin, Southern Leyte, for an investigation in which they were called together with the defendant and his brother and sisters who were also present at said time and place;

3. That while plaintiff, his wife, and their witnesses were waiting at the lobby of the said Headquarters for their turn to be called for investigation, herein defendant approached where plaintiff was and openly, intentionally and maliciously imputed against the same the following statements:

'Tkaw Lon, hambog ka, yawa, igo ka lang mingsagbay sa mga pamilya sa mga Bernades ug Ligtas, animal ka, ikaw pa gani nagbutang sa karatola sa lobi.'

which statement means in English thus:

'You Lon, you are a braggart, devil, you are just a parasite to the families of the Bernades and Ligtas, you are an animal, you even were the one who put on the sign on the coconut tree.'

4. That defendant uttered and imputed the above statement in the presence and hearing of plaintiff's wife who is of the families of the Bernades and Ligtas, and of many people inside the aforementioned Headquarters;

5. That because plaintiff felt humiliated, disgraced, and emotionally restless by the aforesaid statement not only before the eyes of the public but also before his own family, plaintiff sought the legal aid of a lawyer to vindicate the wrong done to his reputation and honor for which plaintiff agrees to pay P1,000.00 and an additional P200.00 in case of appeal;

6. That because of the humiliation and defamation befallen upon plaintiff by the statement made and uttered by herein defendant, plaintiff could not sleep, and remains emotionally disturbed and mentally anguished due to besmirched reputation, wounded feelings, moral shock, and serious anxiety. Plaintiff claims a just and reasonable moral damages of not less than P10,000.00."

petitioner then prays:

"WHEREFORE, it is most respectfully prayed that judgment be rendered in favor of the plaintiff:

1. Finding against defendant for grave slander;
2. Awarding to the plaintiff moral damages not less than P10, 000.00;
3. For attorney's fees in the sum of P1,000.00 and an additional P200.00 in case of appeal;
4. For costs;
5. And for such other relief as may be deemed just and equitable in the premises."

Evidently, petitioner filed the complaint pursuant to Article 33 of the Civil Code, which permits the filing of an independent civil action entirely separate and distinct from the criminal action in cases of defamation, fraud and physical injuries, in relation to Section 2. Rule 111 of the Rules of Court.

On 7 February 1973, defendant, herein respondent, filed a motion to dismiss[2] on the ground that the complaint states no cause of action. According to him, there is nothing wrong with the alleged slanderous remarks; the words "hambog ka," "yawa," and "animal ka" are common expressions which, as understood in their context, do not impute malice; they are expressions of disgust to oneself and not intended to cause any discredit or dishonor upon anyone. The clause "mingsagbay sa mga pamilya sa mga Bernades ug Ligtas" does not, contrary to the claim of plaintiff, impute that he is a parasite; "mingsagbay" does not mean "parasite," but "attached" or "affiliated." Defendant further revealed in his opposition that petitioner filed a complaint for slander[3] with the Office of the Provincial Fiscal, but the same was dismissed by the investigating fiscal on 4 October 1973 for the reason that "the words uttered does (sic) does not in any way tend to injure the reputation of the herein complainant." [4]

On 8 February 1973, petitioner filed an opposition[5] to the motion to dismiss. He contends therein that he filed the complaint under Article 33 of the Civil Code and that it states a cause of action which is further "vouchsafed" by Articles 26 (4), 20, 21, 2176 and 2219 of the Civil Code.

On 12 February 1973, respondent Judge Avelino Rosal, then Presiding Judge of the court below, handed down an Order[6] granting, without prejudice, the motion to dismiss. The Order, remarkable for its terseness and absence of any reason, reads:

"After careful consideration of the motion to dismiss, the same is hereby granted and this case is ordered dismissed without prejudice.

SO ORDERED."

A motion for its reconsideration[7] having been denied in the Order[8] of 28 February 1974 for "lack of merit," petitioner interposed an appeal to this Court on the ground that only a pure question of law is involved. The trial court forwarded the records of the case to this Court on 20 June 1974.[9]

In Our resolution of 15 July 1974, We required the petitioner to file a petition for review on certiorari, which he complied with, after obtaining an extension, on 31 August 1974. Petitioner asserts therein that the trial court erred in dismissing the Complaint on the ground that it does not state a cause of action.[10] On 18 September 1974, We resolved to consider the petition for review as a special civil action for certiorari and required the respondent to

answer the petition.[11]

Private respondent filed his answer[12] on 30 October 1974.

Then, on 20 November 1974, We required the parties to submit their respective memoranda,[13] which petitioner complied with on 16 December 1974[14] and the private respondent on 22 January 1975.[15]

The principal issue to be resolved in this petition which has been considered as a special civil action for certiorari is whether or not the respondent Judge committed a grave abuse of discretion in granting the motion to dismiss on the ground that the complaint states no cause of action.

The essential elements of a cause of action are a legal right of the plaintiff, a correlative obligation of the defendant, and an act or omission of the defendant violative of that right.[16] The test of sufficiency of the facts to constitute a cause of action is whether or not, admitting the facts alleged, the court could render a valid judgment upon the same in accordance with the prayer.[17] As stated in *Adamos vs. J.M. Tuazon and Co., Inc.*,[18] "It is a well-settled rule that in a motion to dismiss based on the ground that the complaint fails to state a cause of action, the question submitted to the court for determination is the sufficiency of the allegations in the complaint itself. Whether these allegations are true or not is beside the point, for the truth is hypothetically admitted. The issue rather is: admitting them to be true, may the court render a valid judgment in accordance with the prayer in the complaint? x x x So rigid is the norm prescribed that if the court should doubt the truth of the fact averred, it must not dismiss the complaint but require an answer and proceed to hear the case on the merits." [19]

In *Militante vs. Edrosolano, et al.*,[20] We laid down the rule that the judiciary should "exercise utmost care and circumspection in passing upon a motion to dismiss on the ground of the absence thereof [cause of action] lest, by its failure to manifest a correct appreciation of the facts alleged and deemed hypothetically admitted, what the law grants or recognizes is effectively nullified; if that happens, there is a blot in the legal order and the law itself stands in disrepute."

We have carefully scrutinized the Complaint in question and We are satisfied that it states a sufficient cause of action. Petitioner therein asserts a right to his honor and reputation, just as private respondent has that right. In the 1912 case of *Worcester vs. Ocampo, et al.*,[21] this Court adopted the statement of the lower court that "the enjoyment of a private reputation is as much a constitutional right as the possession of life, liberty or property." Private respondent has the duty to respect that right; the 1973 Constitution, which was then in force when the questioned utterances were made, expressly provided that the rights of the individual impose upon him the correlative duty to exercise them responsibly and with due regard for the rights of others.[22] Even without such provision, however, it is the recognized duty of every person to respect the rights of others. The right to reputation is specifically protected by the law on libel, Article 353 of the Revised Penal Code, which is a limitation on the freedom of speech and of the press.[23] This Article, which defines libel as "a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status or circumstance tending to cause the dishonor, discredit, or contempt of a natural person or juridical person, or to blacken the memory of one who is dead," includes all kinds of attack against honor and reputation, thereby eliminating a distinction between calumny, insult, and libel.[24] The alleged utterances, which are deemed hypothetically admitted, *prima facie* make an imputation of vice or defect, real or imaginary, or any act, condition, status or circumstance which tend to cause the dishonor, discredit, or contempt of the petitioner. The words "hambog" (which means not just braggart, but proud or arrogant), "yawa" (devil), and "animal" are not just common expressions; taken in the light of the occasion or circumstance they were said -- when there was supposed to be an investigation at the PC Headquarters on a matter involving the petitioner and his wife and the private respondent and his brother and sisters -- it is quite obvious that private respondent did not just open his mouth to release "common expressions"

to mean nothing at all. The situation was necessarily tense. Cordiality was the least to be expected; thus, for anger to possess any one of them was not at all remote. Under the circumstances, describing petitioner as a braggart, devil, or an animal could not have been meant to compliment or praise him. Such words cast aspersions on his character, integrity and reputation. The veiled suggestions or innuendos are derogatory and contemptuous. The phrase "igo lang mingsagbay sa mga pamilya sa mga Bernades ug Ligas" does not just convey the idea that he "attached" or "affiliated" himself with said families. There is an insinuation that petitioner belongs to a lower social or economic class; however, by marriage, he now enjoys the status of the Bernades and Ligas families.

The rule is settled that in determining whether certain utterances are defamatory, the words used are to be construed in their entirety and should be taken in their plain, natural and ordinary meaning as they would naturally be understood by persons hearing (or reading, as in libel) them, unless it appears that they were used and understood in another sense.^[25] In short, the language used must be understood "in its plain and popular sense -- to read the sentences as would the man on the street."^[26] The intent or purpose then of the speaker or writer is not relevant. Thus, at the stage of the case before the court below, the explanation of private respondent should not prevail over what the utterances convey to an ordinary listener.

The complaint in question alleges what petitioner suffered as a consequence of the alleged defamatory remarks and has quantified the same. If by the quantum of evidence required in civil cases he could prove the alleged remarks and extent of his damages, he is entitled to the relief prayed for.

On its face then, the complaint states a sufficient cause of action and the respondent Judge committed a grave abuse of discretion in granting the motion to dismiss. Compounding such abuse is his deliberate failure to give the reason for the dismissal without prejudice.

WHEREFORE, the petition is GRANTED and the Orders of the respondent Judge of 12 February 1974 and of 28 February 1974 in Civil Case No. R-1897 are hereby SET ASIDE. This decision is immediately executory.

Costs against private respondent.

IT IS SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Bidin, and Romero, JJ., concur.

[1] Annex "A" of Petition; Rollo, 36, et seq.

[2] Annex "B" of Petition; Rollo, 39, et seq.

[3] Article 358, Revised Penal Code.

[4] Page 4 of the Motion to Dismiss; Rollo, 42.

[5] Annex "C" of Petition; Id., 44, et seq.

[6] Annex "D" of Petition; Id., 46.

[7] Annex "E" of Petition; Rollo, 47, et seq.

[8] Annex "F" of Petition; Id., 52.

[9] Id., 1.

[10] Id., 16.

[11] Id., 54.

[12] Id., 68, et seq.

[13] Id., 77.

[14] Id., 82.

[15] Id., 143.

[16] Ma-ao Sugar Central Co. vs. Barrios, 79 Phil. 666.

[17] Paminsan vs. Costales, 28 Phil. 487.

[18] 25 SCRA 529.

[19] Citing Republic Bank vs. Cuaderno, L-22399, 30 March 1967, 125 Phil. 1076.

[20] 39 SCRA 473.

[21] 22 Phil. 42, 98.

[22] Section 2, Article V, 1973 Constitution.

[23] AQUINO, R.C., The Revised Penal Code, vol. III, 1988 ed., 510.

[24] People vs. Del Rosario and Bacalso, 86 Phil. 163; Tejuco vs. E.R. Squibb & Son `Phil. Corp, 103 Phil. 594.

[25] 53 C.J.S. 283.

[26] U.S. vs. O' connell, 37 Phil. 767.

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