

TRINIDAD A. DEAÑO, ET AL., PLAINTIFFS AND APPELLANTS, VS. DIOGENEZ GODINEZ, DEFENDANT AND APPELLEE.

G. R. No. L-19518. November 28, 1964

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is an action for damages brought by Trinidad A. Deaño, assisted by her husband Manuel Deaño, against defendant Diogene Godinez before the Court of First Instance of Lanao del Norte based on a communication sent by the latter as district supervisor to his immediate superior, the Division Superintendent of Schools.

Trinidad claims that, with malice aforethought and in disregard of proper decorum and accepted administrative practices, defendant wrote the aforesaid communication making therein statements which are contrary to morals, good customs or public policy, and to existing rules and regulations, thereby causing irreparable damage to her personal dignity and professional standing, for which reason she asks that she be paid P30,000.00 as moral damages, P10,000.00 as exemplary damages, and P1,000.00 as attorney's fees for bringing the present action.

Defendant moved to dismiss the complaint on the ground that the letter complained of is a privileged communication and the action has already prescribed. The motion was upheld, and the court a quo dismissed the complaint. Hence this appeal.

In paragraph 3 of the complaint, it is alleged that, on or about March 20, 1956, defendant, as a responsible public school official, wrote a letter to the Division Superintendent of Schools, his immediate superior officer, the contents of which we quote for ready reference:

"Respectfully returned to the Division Superintendent of Schools, Camp Keithley, Lanao, with the explanation to the alleged confusion in the dental-medical reports of the district. It seems, the basic communication has been written thru the deliberate misinformation of Dr. T. Deaño, the School dentist. If such be the case, she twisted the facts to satisfy her ulterior motives. Immediately upon her arrival in the district, Dr. Deaño was informed of the present set up in the district. The teachers contribute twenty pesos (P20.) each by installments to cover all the voluntary drives. Among other things, it includes the dental-medical drive and the support to Hoy Scout Bally, district, provincial and Mindanao meets. Despite that information, she required the teachers in the field to sign the blank form she was bringing with her not filled, then later on put the amount of P20.00. It then tended to snow that the teachers contributed P20.00 each solely for the dental-medical drive. Teachers in Lumbatan district can be asked individually to support the contention of the undersigned. In view of the above, Dr. Deaño is a carping critic, a fault finder and suspects every teacher or School official to be potential grafters and swindlers of the medical-dental funds. If the Division Superintendent of Schools after the above explanation still entertain doubts of the funds, the undersigned welcomes a prove to clear his bismirched reputation. But, the lady dentist must be ready to answer complaints of teachers and pupils against her services while she was in Lumbatan District. In this connection, the undersigned wishes to make record that the lady dentist will not be welcomed in Lumbatan district next school year. If she will be sent back, the undersigned and his teachers will not lift a finger in the collection of dental medical funds. She did more harm than good to the teeth of the patients she treated."

The highlights of the letter may be boiled down as follows: Dr. Trinidad A. Deaño, plaintiff herein, as the school dentist of Lanao, required the teachers in the field to sign blank forms indicating therein a contribution of P20.00 which she intended to be only for the dental-medical drive, when she knew well that the drive included the Boy Scout Rally of the district. "In view of the above, Dr. Deaño is a carping critic, a fault finder and suspects every teacher or school official to be potential grafters and swindlers of the medical-dental funds. * * * The lady dentist will not be welcomed in Lumbatan district next school year. * * * She did more harm than good to the teeth of the patients she treated."

The utterances or statements above referred to, if untrue, are indeed derogatory to the personal dignity and professional standing of the plaintiff as a high official in the government service as they in fact disturbed her peace of mind to the extent that they caused her mental anguish, wounded her feelings and made her suffer moral shock and social humiliation for which she now asks for damages in retribution. But defendant claims that he made those statements in pursuance of a legal duty or in the exercise of his functions as a public official and as such they are justifiable under the doctrine of privileged communication. In this sense, defendant contends, they cannot be the basis of an action for damages.

The question that now arises is: Does the letter in which the alleged defamatory statements appear partake of the nature of a privileged communication?

Reading the complaint one may gather that the letter alleged to be defamatory is embodied in an endorsement sent by defendant to the Division Superintendent of Schools, his immediate superior, by way of an explanation of an alleged confusion concerning a dental-medical report submitted relative to the fund drive then being undertaken for certain public purpose. Apparently, the explanation was given as a comment on a communication referred to the defendant in his official capacity as district supervisor. And in his endorsement defendant stated certain facts which came to his information regarding the dental-medical drive then undertaken by the plaintiff, but that the language he used was such that it somewhat hurt the feeling and pride of plaintiff as a public school official. Nevertheless, we find that the communication is privileged in nature and as such comes within the purview of Article 354 of the Revised Penal Code, which we quote:

"ART. 354. Requirement for publicity. — Every defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in the following cases:

- A private communication made by any person to another in the performance of any legal, moral or social duty; and
- A fair and true report, made in good faith, without any comments or remarks, of any judicial, legislative or other official proceedings which are not of confidential nature, or of any statement, report or speech delivered in said proceedings, or of any other act performed by public officers in the exercise of their functions."

Indeed, the communication now denounced by plaintiff as defamatory is one sent by defendant to his immediate superior in the performance of a legal duty, or in the nature of a report submitted in the exercise of an official function. He sent it as an explanation of a matter contained in an endorsement sent to him by his superior officer. It is a report submitted in obedience to a lawful duty, though in doing so defendant employed a language somewhat harsh and uncalled for. But such is excusable in the interest of public policy. As it has been aptly said, "The doctrine of privileged communication rests upon public policy, 'which looks to the free and unfettered administration of justice, though, as an incidental result, it may in some instances afford an immunity to the evil-disposed and malignant slanderer.'" (Abbott vs. National Bank of Commerce of Tacoma, 175 U.S., 409, 411). The philosophy behind this privilege is well expressed thus:

"Public policy is the foundation of the doctrine of privilege communications. It is based upon the recognition

of the fact that the right of the individual to enjoy immunity from the publication or untruthful charges derogatory to his character is not absolute and must at times yield to the superior necessity of subjecting to investigation the conduct of persons charged with wrong-doing. In order to accomplish this purpose end to permit private persons having, or in good faith believing themselves to have, knowledge to such wrong doing, to perform the [legal, moral, social duty resulting from such knowledge or belief, without restraining them by the fear that an error, no matter how innocently or honestly made, may subject them to punishment for defamation, the doctrine of qualified privilege has been evolved." (U.S. vs. Cañete, et al., 38 Phil. 253).

The letter sent by defendant being a privileged communication, it is presumed that it was sent without malice.[1] It being a communication sent in the discharge of a legal duty, the writer is not liable for damages.

"It will be noted that all of the defendant's communications were of a public nature and addressed to his superior officers, and that his investigation was made in the line of his duty. There is no evidence that defendant was actuated by any malicious motive.

"In the instant case, the alleged libel is based upon the official letter of the defendant to his superior officers, which were written in the discharge of his official duties, and for which he is not liable in an action for damages." (Gilmer vs. Hilliard, 43 Phil., 180).

Wherefore, the order appealed from is affirmed. No costs.

Bengzon, C. J., Concepcion, Reyes, J.B.L., Barrera, Paredes, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ. concur.

[1] U.S.vs. Bustos, 87 Phil., 731; Lu Chu Sing, et al. vs. Lu Tiong Cui, 76 Phil., 669.

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