

RUFO QUEMUEL, PETITIONER, VS. THE COURT OF APPEALS AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-22794. January 16, 1968

Ponente: CONCEPCION, C.J.

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CONCEPCION, C.J.:

This is a petition for review on certiorari of a decision of the Court of Appeals.

Convicted by the Court of First Instance of Rizal of the crime of libel,[1] with which he is charged, and sentenced to an indeterminate penalty ranging from three (3) months and eleven (11) days of arresto mayor to one (1) year, eight (8) months and twenty-one (21) days of prision correccional, and to pay the costs, petitioner Rufo Quemuel appealed to the Court of Appeals which affirmed the judgment of conviction, but imposed, instead of the penalty of imprisonment, a fine of P500.00, and added thereto a P2,000.00 indemnity to the offended party, with subsidiary imprisonment, not to exceed six (6) months, in case of insolvency, aside from the costs.

Petitioner maintains that the decision of the Court of Appeals is erroneous because: 1) it awarded said indemnity, despite the fact that the offended had not appealed from the decision of the trial court, which made no award of such nature; 2) the assessment of damages in a criminal case, in which the civil action is impliedly included, is "vested in trial courts (and not in appellate courts);" 3) there is no proof that damages had been sustained by the offended party; and 4) subsidiary imprisonment for non-payment of the indemnity constitutes imprisonment for non-payment of debt, which is unconstitutional.

Petitioner's contention is untenable. The appeal in a criminal case opens the whole case for review and this includes the penalty, which may be increased[2] and the indemnity is part of the penalty. Hence, in *Bagtas vs. Director of Prisons*,[3] this Court held that:

"The indemnity which a person is sentenced to pay forms an integral part of the penalty, it being expressly provided by Article 100 of the Revised Penal Code that every person criminally liable is civilly liable."

Although the authority to assess damages or indemnity in criminal cases is vested in trial courts, it is so only in the first instance. On appeal, such authority passes to the appellate court. Thus, this Court has, in many cases, increased the damages awarded by the trial court, although the offended party had not appealed from said award, and the only party who sought a review of the decision of said Court was the accused.[4]

As regards the alleged absence of proof that the offended has suffered mental anguish, lost sleep, or could not look his neighbor straight in the eye, suffice it to stress that, by its very nature, libel causes dishonor, disrepute and discredit; that injury to the reputation of the offended party is a natural and probable consequence of the defamatory words in libel cases; that "where the article is libelous per se" - as it is in the case at bar - "the law implies damages;" and that the complainant in libel cases is not "required to introduce evidence of actual damages," at least, when the amount of the award is more or less nominal, as it is in the case at bar.[5]

Needless to say, the civil liability arising from libel is not a "debt", within the purview of the constitutional

provision against imprisonment for non-payment of "debt". Insofar as said injunction is concerned, "debt" means an obligation to pay a sum of money "arising from contract", express or implied. In addition to being part of the penalty, the civil liability in the case at bar arises, however, from a tort or crime, and, hence, from law. As a consequence, the subsidiary imprisonment for non-payment of said liability does not violate the constitutional injunction.[6]

WHEREFORE, the decision appealed from should be, as it is hereby, affirmed, with costs against petitioner Rufo Quemuel.

Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

[1] Consisting of the imputation of bribery to a public officer.

[2] U.S. vs. Trono, 199 U.S. 521; People vs. Carreon, L-17920, May 30, 1962; Lontok vs. People, 74 Phil. 513; People vs. Fresco, 63 Phil., 526; People vs. Olfindo, et al., 47 Phil., 1; Pendleton vs. U.S., 40 Phil., 1033; U.S. vs. Gimenez, 34 Phil., 74.

[3] 84 Phil., 692. See, also, Erlinda vs. Director of Prisons, G.R. No. 47326, March 18, 1940.

[4] People vs. Licerio, 61 Phil., 361; People vs. Raquel, L-17401, November 28, 1964; Catuiza vs. People, L-20455, March 31, 1965; People vs. Berdida, L-20183, June 30, 1966.

[5] Jimenez vs. Reyes, 27 Phil., 52; Phee vs. La Vanguardia, 45 Phil., 211; Fentstermaker vs. Tribune Pub. Co., 13 Utah 532, 35 L.R.A. 611.

[6] U.S. vs. Cara, 41 Phil., 828; Freeman vs. U.S., 40 Phil., 1039.

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