

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. JUAN B. SANTOS AND FRANCISCO GUBALLA, ACCUSED AND APPELLEES.

G.R. Nos. L-7316-17. December 19, 1955

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7ee4044f2830/>

PADILLA, J.:

Two informations for libel were filed for the City Attorney by the Assistant Provincial Fiscal of Nueva Ecija against Juan B. Santos and Francisco Guballa (criminal cases Nos. 2503 and 2568 of the Court of First Instance of Nueva Ecija). In the information of the first case the love life story of Pastor Tayao, the offended party, is reproduced, as allegedly written by Juan B. Santos, and published in "Bulaklak," a magazine claimed to be edited by Francisco Guballa. Tayao is called an ingrate and compared to a snake that bites the hand that feeds it. The article describes a clever scheme conceived by Pastor Tayao who managed to gain the confidence of a certain Prima's family and did again it to such an extent that he was considered as one of the members of the family and later succeeded in marrying her. In the information of the second case the life story of Mercedes Tayao, daughter of city councilor Pastor Tayao, is reproduced, as allegedly written by Juan B. Santos, and published in "Bulaklak," a magazine claimed to be edited by Francisco Guballa. She is portrayed as a desperate and frustrated woman, because despite her efforts to win the love of a doctor, going to the extent of spending for his education, she failed to marry him. He married another girl. The stories are entitled "Anas Bahay" (House Snake) and "Biniling Pagibig" (Purchased Love).

Upon arraignment, the defendants entered a plea of not guilty; but before presentation of the evidence, counsel for the defendants moved to quash the informations on the ground that as the imputation does not constitute a crime which can be prosecuted de oficio, the court lacks jurisdiction to hear the cases and try defendants charged with the crime. Following the rule in the case *People vs. Jose de Martinez*, 76 Phil. 599, the Court dismissed the informations for want of complaints expressly filed by the offended parties. The Government has appealed.

A libel is a public and malicious imputation of a crime that may be prosecuted de oficio, or of a crime that may not be prosecuted de oficio, "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 or juridical person, or to blacken the memory of one who is dead." In libel imputing the commission of a crime that may be prosecuted de oficio, the complaint of the offended party is not necessary, and the information filed by the prosecuting officer is enough to confer jurisdiction upon the court to try the defendant charged with the crime. A libel imputing the commission of a crime which cannot be prosecuted de oficio, such as adultery, concubinage, seduction, abduction, rape and acts of lasciviousness, cannot be prosecuted except at the instance of and upon complaint expressly filed by the offended party. A libel attributing a defect or vice, real or imaginary, which does not constitute a crime but brings into disrepute, scorn, or ridicule or tends to cause him dishonor, discredit, or contempt, does not come under the last paragraph of Article 360 of the Revised Penal Code which provides that "No criminal action for defamation which consists in the imputation of a crime which cannot be prosecuted de oficio shall be brought

except at the instance of and upon complaint expressly filed by the offended party." This is the only exception provided for by law in which the instance and complaint of the offended party are required in order to vest or confer jurisdiction upon the court to take cognizance of the crime of libel and try the defendant charged with it. If this is the only exception, then it cannot be extended beyond the import and terms of the law. A libel ascribing a defect or vice, real or imaginary, which does not constitute a crime but brings or tends to bring the offended party into disrepute, scorn, or ridicule or tends to cause him dishonor, discredit, or contempt, is not included in the exception. Hence the informations filed by the Assistant Provincial Fiscal of Nueva Ecija for the City Attorney charging the defendants with libel which consists of an imputation 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 or juridical person, are sufficient in law to confer jurisdiction upon the court to try the defendants charged with the crime.

It is intimated that, if the public and malicious imputation of a crime that cannot be prosecuted de officio cannot be brought to court by the provincial fiscal upon an information alone, there is more reason for requiring the instance and the complaint of the offended party when the public and malicious imputation is just a defect or vice which does not amount to a crime that may be prosecuted de officio, because the offended party may not want to bring to the public knowledge such imputation and may prefer to withhold it from public notice. The apprehension that without the complaint of the offended party a prosecuting officer may file a libel information for a public and malicious imputation of a defect or vice which does not amount to a crime is unjustified. Although possible yet it is quite remote, because a complaint of the offended party and an investigation by the prosecuting officer precede the filing of such an information. Without it, in many and most cases the "prosecuting officer would not know that such public and malicious imputation refers to the offended party. In these cases the filing of the informations "were the" outcome of his (prosecuting officer's) investigation after he (had) received a written complaint from the offended parties therein."

In fairness to the court below that dismissed the Informations, it should be stated that it just followed the rule in the case of *People vs. Jose de Martinez*, supra. Having come to the conclusion, however, that such an extension of the exception, as provided for in the last paragraph of Article 360 of the Revised Penal Code, is not authorized by law, we are constrained to reverse as we do reverse and set aside the order appealed from and remand the cases to the court below for further proceedings in accordance with law, without costs.

Labrador, Concepcion, and Reyes, J.B.L., JJ., concur.

Reyes, A., and Bautista Angelo, JJ., concur in the result.

CONCURRING OPINION

PARAS, C. J., concurring:

Act No. 1773 has been expressly repealed by the Revised Penal Code.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.