

LOPE O. DAEZ, PETITIONER, VS. THE HON. COURT OF APPEALS, AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-47971. October 31, 1990

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

This is a petition for review on certiorari seeking the reversal of the decision of the Court of Appeals which affirmed the judgment of the Court of First Instance of Bulacan (now Regional Trial Court) convicting petitioner of the crime of libel. The petitioner was charged in an information which reads as follows:

“That in and during the month of October, 1972, in the Municipality of Meycauayan, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the said accused Lope O. Daez, with intent to cause dishonor, discredit, or contempt to the complaining witness Celso R. Legaspi, and without justifiable motive did then and there wilfully, unlawfully and feloniously, publicly and maliciously impute in writing the following vice or defect to the complaining witness Celso R. Legaspi, and furnish copies thereof to the Municipal Court, Municipal Council and Chief of Police of Meycauayan, Bulacan, portion of which is quoted hereunder, to wit:

‘Sala-ula at bulok ang iyong pangasiwaan, ang iyong polisia ay tinuruan mong maging colector mo ng tong, ang daan-libong-pisong buwis ay ayaw mong ipacollecta sa Ingat-Yaman-Bayan, ang tanong ng bayan, kangino napupunta ang daan-libong-buwis na ito? At mabuti na lamang kung hindi mahalungkat sa fael ng army ang Salaysay laban sa iyo nuonq ikaw ay hulihin ng 7th BCT. Kaya mag-ingat ka Alkalde sapagkat hindi mabilang anq iyong atraso. Ang bahay mo ay nakatayo sa buhangin, mabuay at sa bahagyang ihip ng hangin ay babagsak.’

thus causing to the complaining witness Celso R. Legaspi dishonor, discredit and contempt to his damage and prejudice.” (pp. 1-2, Records)

Upon being arraigned, the petitioner pleaded not guilty.

The facts of the case are stated by the Court of Appeals as follows:

“Appellant Lope Daez was the chairman of the Liberal Party in Meycauayan, Bulacan, and in that capacity helped the complainant Celso Legaspi campaign for the position of Mayor of that town. (tsn., Oct. 18, 1973, pp. 8-10) When Legaspi was already serving as Mayor of Meycauayan, he often received recommendations from appellant regarding the employment of certain persons in the police or other departments of the municipality. (tsn., August 8, 1973, pp. 7-12; Exhibits G and H). In 1972, appellant recommended a certain Villareal for the position of policeman and a certain Rubio for that of performance officer. However, Legaspi failed to appoint these persons. (id., 12-13). This omission of Legaspi as well as the prejudice which his subsequent renovation of the public market caused appellant’s relatives resulted in appellant’s resentment of him. (id., 8 and 49)

“On April 19, 1972, while Legaspi was on leave as mayor, appellant wrote the then acting mayor, Vicente Barazon, as follows:

“ ‘Hulo, Meycauayan

Abril 19,1972

“Mr. Vicente Barazon

Pansamantalang Gatpuno

“Mahal na Vice Alkalde:

“Hindi ko na kayang tiisin ang sakit ng mga pangungusap na inu-ukol ng taong Bayan sa Pangasiwaan ninyo ni Alkalde, kung kaya ipagpaumanhin ninyo na paabutin ko sa inyo ang mga bagay na ito.

“Ang nakatulad ng ating PANGASIWAAN sa unang-isang-daang-araw ay ang Pangasiwaan ni Marcos na hanggang ngayon ay patuloy sa masamang pamamalakad. Hanggang ma-aga ay minarapat kong tawagin ko ang inyong pansin upang mabigyan natin ng lunas ang lumalaganap na di paggalang at paglayo ng Bayan sa ating Pangasiwaan.

“Ang dahilan ay ang sumusunod: Una, kabaligtaran ang nangyayari ngayon sa PANGAKO natin sa Bayan; Pangalawa, iyong mga taong naghirap sa ating ang lalaboy-laboy samantala iyong hindi naghirap ang kasalo ninyo sa ligaya; Pangatlo, ang masagwang pag-aayos ninyo sa Palengke; at ang Pangapat, ang kahinahinalang ginawi natin sa Pandayan.

“Kung tayo’y may pag-galang pa sa ating sarile ang lunas ay nasa atin. Samakatwid, ang matinding pagalpusta sa ating Pangasiwaan ng maraming (ma)mamayan sa ngayon ay mailalagay natin sa wasto at ma-ayos na kalagayan, kung ating babaguhin ang paraan natin sa ngayon, sa paraang makatarungan at makatao. Ang Lunas ay na sa atin, sapagka’t ang Kapangyarihan na ibinigay ng Bayan sa atin ay kasangkapan dapat nating gamitin para maging ma-ayos ang takbo ng (ma)mamayan. Pagka hindi natin ginamit ang nasabing kapangyarihan alinsunod sa batas at ng ating concencia, alipusta at di-paggalang sa maykapangyarihan ang maghahari sa sangbayanan. Ang nais ng bawat taong humaharap sa bayan ay maglingkod ng tapat at pantay-pantay. Pagnakalimutan na ang mga bagay na ito, poot, galit, di-paggalang at alipusta ang ganting-dulot ng Bayan sa maykapangyarihan. Ito ngayon ang siya kong nadadama, huwag nating magpatuloy ito, sa lalong madaling panahon ay bigyan natin ng lunas upang manauli hanggang ma-aga ang pag-galang at pag-mamahal sa atin ng bayan.

“Malaking bahagi ng tumutulong sa atin, malamig at hapo na, maraming kapanalig ang nagdaramdam ... ang nangyayari bang ito pababayaan nating magpatuloy? Ang magandang kasagutan nito ay na sa inyong dalawa ni Alkalde.

“Gumagalang

(Sgd.) Lope O. Daez’

“On Legaspi’s return from his leave, Barazon referred to him appellant’s letter. (id., 44; Exhibit B) Legaspi read the letter but did not do anything about it. On October 3, 1972, appellant wrote Legaspi the letter which is the subject of the present action (Exhibit A). It read as follows:

“Meycauayan, Bulacan

Octubre 3, 1972

‘Alkalde Celso R. Legaspi

Meycauayan, Bulacan

‘Ibinalita sa akin ni Engrasio Bollas na kahapon a-2 ng Oktubre 1972, na kinausap siya (Asiong) ng iyong ama, at

sinabi sa kanya (Asiong) ng iyong ama, (Delfin Legaspi) na iyong sulat ko kay Vice Alkalde Vicente Barazon na may pecha-19 ng Abril, 1972, ay iyong (Celso R. Legaspi) ipina-serox upang gamitin mong katibayan laban sa akin kung hindi ako magtitigil sa paglaban sa iyong marungis, masama at napakasa-ulang pangasiwaan.

‘Marahil kaya mo na isip bagay naa yaon ay sapagkat ngayon ay na sa ilalim tayo ng Marcial Law. Ang Marcial Law ang pinakamabuting paraan naisip ng kasalukuyang Pangasiwaan upang masugpo ang kaguluhan, upang malikom sa lalong madaling panahon ang armas na nakalat, upang mailigpit ang masama, bulok (Corrupt) na oficiales ng pamahalaan at bilanggo yaong oficiales na masiba, matakaw sa pagtanggap ng suhol o regalo.

‘Kung ang nais mo Alkalde Celso R. Legaspi na kung kaya mo ipinaa-serox ang nasabi kong sulat kay Vice Alkalde Vicente Barazon upang gawin mong panakot sa akin, ikinalulungkot kong sabihin sa iyo, Ginoong Alkalde, na, ikaw ay nagkakamali, sapagkat walang makapipigil sa akin sa paglaban sa iyong marungis at sala-ulang pangasiwaan.

‘Ginoong Alkalde, ang payo ko sa iyo, at mag-ingat ka, sapagkat ang ayos ng Bagong Lipunan ay sa iyo nakatuon, sapagkat marami kang armas (baril), sala-ula at bulok ang iyong pangasiwaan, ang iyong polisia ay tinuruan mong maging collector mo ng tong, ang daan-libong pisong buwis ay ayaw mong ipacollecta sa Ingat-Yaman-Bayan, ang tanong ng bayan, kangino napupunta ang daan-libong-buwis na ito? At mabuti na lamang kung hindi nahalungkat sa fael ng army ang Salaysay laban sa iyo nuong ikaw ay hulihin ng 7th BCT. Kaya mag-ingat ka Alkalde sapagkat hindi mabilang ang iyong atraso. Ang bahay mo ay nakatayo sa buhangin, mabuay at sa bahagyang ihip ng hangin ay babagsak.

‘Kaya dahan-dahan ka ng iyong pagsasalita, pakilinis mo muna ang iyong conciencia para mapanuto ang iyong pagsasalita.

Gumagalang,

(Sgd.) Lope O. Daez’

Isang sipi

Municipal Court

Municipal Council

Hepe ng Polisia’

“The under (scored) portion constitutes the basis of the libel charge. The record bears no translation of this part of the letter but, substantially, appellant charges Legaspi of having a dirty (salaula) and corrupt (bulok) administration, of teaching (tinuturuan) his police to become collectors of bribe money (tong) and of refusing (ayaw) to have the Municipal Treasurer (Ingat-Yaman-Bayan) collect (ipacollecta) hundre(d)s of thousands of taxes (daan-libong pisong buwis). The letter adds that the people (bayan) ask: To whom (kangino) do these hundre(d)s of thousands of taxes (daan-libong buwis) go (napupunta)? The letter states further that it is just as well (mabuti na lamang) if (kung) the statements against Legaspi (salaysay laban sa iyo) when he was arrested (nuong ikaw ay hulihin) by the 7th BCT are not dug up (hindi nahalungkat) in the files of the army. Appellant then warns Legaspi to be careful (mag-iingat ka) because (sapagkat) his delinquency (ang iyong atraso) are limitless in number (hindi mabilang). The letter concludes that Legaspi’s house (ang bahay mo) stood on sand (ay nakatayo sa buhangin), unstable (mabuay), and would tip over (babagsak) at the slight (bahagyang) blow (hip) of wind (hangin).

“As the letter itself stated, copies of if (sic) were furnished the municipal court of Meycauayan, the municipal council and the chief of police. Aida Barazon who worked as interpreter in the municipal court read the letter along with some of her co-employees (tsn., May 23, 1973, pp. 10 and 15) Julio Ramos, the chief of police of

the town, got his copy. (id., 27). After he had read it, he went to see appellant and asked him for the names of the policemen referred to in the letter. However, appellant could not give any. (id., 29 and 32). Serafin Valenzuela, the municipal secretary, received the copy of the letter pertaining to the municipal council and referred the same to that body. (tsn., June 28, 1973, pp. 5-6, 8). Mariano Agapito, an employee of the local waterworks, got a mimeographed copy of the letter from a certain Councilor Francisco Ramos (tsn., May 23, 1973; pp. 45-47; Exh. D). Other copies were distributed around town by a tricycle boy (tsn., August 8, 1973, pp. 18-19).

“In a meeting subsequently held at the residence of one Atty. Manalo Cruz at Hulo, Meycauayan, appellant read his October 3, 1972 letter before local party leaders, visitors and sundry residents of the neighborhood. (id., pp. 17-18). Legaspi was present in that meeting and he denied the truth of any of the accusations against him. (id., 23-24) At the trial of this case, complainant Legaspi repeated his denial of the charges made against him in the letter. He also narrated the anxiety and embarrassment that the letter had caused him and his family. (Id., 25-26).” (pp. 9-14, Rollo)

On August 25, 1975, the trial court rendered judgment finding the accused guilty beyond reasonable doubt of the crime charged. The dispositive portion of the decision reads:

“WHEREFORE, the Court declares Lope O. Daez guilty beyond reasonable doubt, of the crime of libel penalized under Articles 353 and 355 of the Revised Penal Code by ‘prision correccional in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos or both, in addition to the civil action which may be brought by the offended party.’ There being neither aggravating nor mitigating circumstance proven, the Court sentences said accused Lope O. Daez to pay a fine of P3,000.00 with subsidiary imprisonment in case of insolvency but which in no case shall exceed Six (6) months of arresto mayor; to indemnify the offended party in the sum of Thirty Thousand (P30,000.00) Pesos, by way of moral damages, pursuant to Articles 100, 104 and 385 of the Revised Penal Code and Article 2217 of the New Civil Code and to pay the costs.” (pp. 26-27, Rollo)

Not satisfied with the decision of the trial court, the accused appealed to the Court of Appeals which affirmed the decision of the trial court on March 7, 1978 with modification, by reducing the award of moral damages to P15,000.00 (pp. 26-37, Rollo).

Hence, the accused filed the instant petition with the following assignment of errors:

“1) THE COURT OF APPEALS ERRED IN INTERPRETING PETITIONER’S LETTER (EXHIBIT A) TO BE DEFAMATORY AND FALLING WITHIN THE PURVIEW OF ARTICLE 353 OF THE REVISED PENAL CODE.

“2) THE COURT OF APPEALS ERRED IN NOT CONSIDERING PETITIONER’S LETTER (EXHIBIT A) AS PRIVILEGED COMMUNICATION.

“3) THE COURT OF APPEALS ERRED IN ARRIVING AT A CONCLUSION THAT PETITIONER WAS MOTIVATED BY MALICE IN WRITING HIS LETTER (EXHIBIT A).

“4) THE COURT OF APPEALS FINALLY ERRED IN NOT ACQUITTING PETITIONER OF THE CRIME CHARGED.” (p. 7, Brief of the Petitioner)

We affirm.

Since the assigned errors herein are correlated with each other, it would be well to discuss them jointly.

The elements of libel are: 1) The imputation of a discreditable act or condition to another; 2) publication of the imputation; 3) identity of the person defamed; and 4) existence of malice.

There is no doubt as to the presence of the first three elements in the instant case. A simple perusal of the letter will show the injurious nature of the imputations made to the complainant mayor. The charges in the disputed letter against the mayor that the latter was guilty of misconduct in public office, bribery, malversation of public funds, graft and corruption, if true, would constitute actual crimes punishable under the Penal Code or special laws. The gravity of the imputations are sufficient to impeach the complainant's honesty, virtue, integrity and reputation as a public official.

The matter of publication was also proven on the basis of evidence on record as found both by the appellate court and the trial court (p. 32, Rollo). As indicated in the letter, copies thereof were distributed in the municipal court and municipal council of Meycauayan, Bulacan and chief of police in that place. Several witnesses testified as to having read the libelous letter. Further, evidence shows that petitioner even read the questioned letter before a gathering at a local party meeting wherein the complainant was present.

Anent the last element of malice, the law presumes that every defamatory imputation is malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in cases concerning privileged communications (Article 354, Revised Penal Code). Hence, the burden of proving justifiable motive is upon the author of the libel.

Petitioner contends that he was actuated by good intention and social duty to bring about reforms in the administration of the municipal government of Meycauayan, Bulacan. Such motive however, that led the accused to publish the letter in question cannot be considered as constituting a motive sufficient or justifiable for the publication thereof. The goodness of the intention is not always sufficient by itself to justify the publication of an injurious fact; thus the goodness of the end is not a sufficient motive to warrant the employment of illicit means to obtain it. The existence of justifiable motives is a question which has to be decided by taking into consideration not only the intention of the author of the publication but all the other circumstances of each particular case (*US v. Prautch*, 10 Phil. 562). The Court finds that the records amply support the findings of the appellate court and trial court that complainant had rejected persons recommended by petitioner for employment in the municipal government and had ousted petitioner's relatives from the public market. Petitioner had expressed his resentment over complainant's actions in a letter earlier addressed to the vice-mayor of Meycauayan, Bulacan (p. 35, Rollo). There is not even the least evidence here that the offended party performed the acts which the petitioner attributed to him in the letter. Neither had the petitioner shown that someone had informed him that these misdeeds were committed by the mayor. Thus, We cannot but rule that the *prima facie* presumption malice in the case at bar has not been overthrown.

Petitioner's submission that the defamatory letter falls within the ambit of privileged communications has no basis. The concept of privileged communications has been explained by this Court as follows: "A communication made bona fide upon any subject matter in which the party communicating has an interest, or in reference to which he has a duty, is privileged, if made to a person having a corresponding interest or duty, although it contained criminary matter which without this privilege would be slanderous and actionable." (*Harrison v. Bush* 5E. & B, 344; 1 Jur. [N.S.], 846; 25 L.J.W.Q.B., 25, cited in *Mercado v. Court of First Instance*, G.R. No. L-38753, August 25, 1982, 116 SCRA 93). However, a written letter containing libelous matter cannot be classified as privileged when it is published and circulated among the public (*Laesa v. IAC*, G.R. No. 74907, May 23, 1988, 161 SCRA 427).

As a rule, it is the right and duty of a citizen to make a complaint of any misconduct on the part of public officials, which comes to his notice, to those charged with supervision over them. Such a communication is qualifiedly privileged and the author is not guilty of libel. The rule on privilege, however, imposes an additional requirement. Such complaints should be addressed solely to some official having jurisdiction to inquire into the charges, or

power to redress the grievance or has some duty to perform or interest in connection therewith (US v. Galeza, 31 Phil. 365). In the instant case, none of the persons to whom the letter was sent, was vested with the power of supervision over the mayor or the authority to investigate the charges made against the latter.

In view of the foregoing, We find that the appellate court correctly affirmed the judgment convicting petitioner of the crime of libel under Articles 353 and 355 of the Revised Penal Code punishable by prision correccional in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both in addition to the civil action which may be brought by the offended party. In the instant case, the penalty imposed by the trial court upon the accused, which is a fine of Three Thousand (P3,000.00) pesos with subsidiary imprisonment in case of insolvency but which in no case shall exceed six (6) months of arresto mayor, and the indemnity awarded by the appellate court in the amount of Fifteen Thousand (P15,000.00) pesos as moral damages to the offended party is just and proper.

ACCORDINGLY, the petition is hereby DENIED and the decision of the respondent appellate court dated March 7, 1978 is AFFIRMED.

SO ORDERED.

Narvasa, (Chairman), Gancayco, and Grino-Aquino, JJ., concur.
Cruz, J., see dissent.

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DISSENTING OPINION

CRUZ, J.:

I regret I must dissent. I think the imputation is not malicious as the petitioner appears to have been motivated by a desire to improve the administration of the town and correct what he regarded as abuses of the mayor. The tenor of the letter is not personally offensive. It impresses me as an earnest grievance of a citizen exercising his freedom of expression. Even if not proved, the charges are protected by the Bill of Rights as the statement of a free man.

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