

PEOPLE OF THE PHILIPPINES AND MALAYAN INSURANCE CORPORATION, PLAINTIFF-APPELLANTS, VS. PHILIP PICCIO, MIA GATMAITAN, MA. ANABELLA RELOVA-SANTOS, JOHN JOSEPH GUTIEREZ, JOCELYN UP...

Ponente: YBAÑEZ, J.

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YBAÑEZ, J.:

This is an appeal from the 28 December 2007 Order^[1] of the Regional Trial Court of the City of Makati, Branch 62, in Criminal Cases No. 06-884, which dismissed the case for lack of probable cause to hold accused-appellees for the crime of libel defined and penalized under Articles 353-355 of the Revised Penal Code, the dispositive portion of which reads:

“WHEREFORE, in view thereof, the case against all the accused are dismissed for lack of probable cause. The final pending motions: the Motion to Dismiss filed by accused Ma. Anabelle Relova Santos & John Joseph Gutierrez and Manifestation/Objection are hereby rendered moot and academic by this Order.

SO ORDERED.”^[2]

The accusatory portion of the Informations^[3] charging herein accused-appellant, reads:

Criminal Case No. 194-08

“That on or about the twenty-fourth (24th) day of September, 2005, in Makati City, Philippines, a place within the jurisdiction of this Honorable Court, the above named accused, being then the trustees of Parents Enabling Parents Coalition and as such trustees they hold the legal title to the website www.pepcoalition.com which is of general circulation, and publication to the public, conspiring, confederating and mutually helping with one another together with John Does, did then and there willfully, unlawfully and feloniously and publicly and maliciously with intention of attacking the honesty, virtue, honor and integrity, character and reputation of complainant Malayan Insurance Co., Inc., Yuchengco Family particularly Yuchengco Family and for further purpose exposing complainant to public hatred and contempt published an article imputing a vice or defect to the complainant and caused to be composed, posted and published in the said website www.pepcoalition.com and injurious and defamatory article as follows:

“If, by any chance, our children's cries for justice and a better future, have struck a chord in your heart, we ask you to convince the Scrooges in your family to let go of the greed that seems to have overtaken and ruled their

style of corporate governance.... lest the spirits of the past, present and future catch up with them all.”

That the keyword and password to be used in order to post and publish the above defamatory article are only known to the accused as trustees holding legal title to the above-cited website and that the accused are the ones responsible for the posting and publication of the defamatory articles that the article in question was posted and published with the object of the discrediting and ridiculing the complainant before the public.

CONTRARY TO LAW.

2 May 2006, Makati City, Metro Manila, Philippines.”

Arraignment and trial of the instant case was held in abeyance in view of the pending incidents brought before it until the case was dismissed for lack of probable cause

The Facts

The facts of the case are undisputed:

Malayan Insurance Company, Inc. is owned by the Yuchengco Group of Companies and also owns Great Pacific Life Assurance Corporation (Grealife) who in turn owns a subsidiary known as Pacific Plans, Inc. (PPI), a domestic corporation engaged in the business of selling educational, memorial and pension pre-need plans.

On 07 April 2005, PPI filed for Corporate Rehabilitation with prayer for Suspension of Payments before the RTC of Makati City. Subsequently, the RTC of Makati City, Branch 61 issued an order staying the enforcement of all claims against the PPI.

Many plan holders of PPI convened at St. Paul Gymnasium at Pasig City and formed the Parents Enabling Parents Coalition, Inc. (“PEPCI”) for the purpose of assisting PPI plan holders in pursuit of their claims.

Later on, a web blog spot was created named as “pacificnoplan.blogspot.com” and a website was also created and named www.pepcoalition.com in order to provide avenues for the dissemination of updates concerning the PPI issue.

Several articles were posted on the blogspot and website attacking the Yuchengcos, the Yuchengco Group of Companies and the plaintiff-appellee Malayan Insurance Co., Inc. which irked the ire of the Yuchengcos. Jessie John P. Gimenez, as the person in charged for taking care of the image, name and reputation of the Yuchengcos and the Yuchengco Group of Companies, first came across the alleged defamatory articles when he accessed the website while he is Makati. Thus, a complaint for libel was filed with the RTC of Makati City against herein accused-appellees.

The instant case is one (1) of the thirteen (13) cases/informations for libel originating from one (1) complaint initiated by Jessie John P. Gimenez in behalf of Malayan Insurance Co., Inc., the Yuchengco Group of Companies and the Yuchengco family.

The arraignment of the accused-appellees was reset several times because of the pending incidents in the instant case such as the motion to quash information for lack of jurisdiction and manifestation and motion for the finding of probable cause. Arraignment was also reset pending the resolution of the Department of Justice on accused-appellees' Petition for Review. Finally, when the then Secretary of Justice Raul Gonzales resolved to

grant their petition and ordered the withdrawal of the informations,[4] the accused-appellees moved for the dismissal of the criminal cases for libel filed against them.

Upon motion of the accused-appellees, the court a quo ruled that the element of malice is lacking in the instant case because the accused-appellees appear not to have been motivated by ill will, to speak or spite the plaintiffs. It also ruled that in the absence of malice, as an important element of the crime of libel, the alleged imputation falls short of becoming defamatory or libelous. Furthermore, it also ruled that there is no law punishing libel on the internet. Thus, the court a quo ordered the dismissal of the instant for lack of probable cause.[5]

Aggrieved, accused-appellees interposed this instant appeal.

ASSIGNMENT OF ERRORS

I.

THE TRIAL COURT ERRED IN QUASHING THE INFORMATION WHEN THE MOTION TO QUASH HAD BEEN WITHDRAWN.

II.

THE TRIAL COURT GRAVELY ERRED IN RULING THAT ACCUSED-APPELLEES COULD NOT BE HELD LIABLE FOR LIBEL, AS THE TERM “SCROOGE” DIRECTED AGAINST PRIVATE COMPLAINANTS-APPELLANTS IS ALLEGEDLY LIBELOUS.

III.

THE TRIAL COURT GRAVELY ERRED IN RULING THAT ACCUSED-APPELLEES COULD NOT BE HELD LIABLE FOR LIBEL, AS THEY DO NOT APPEAR TO HAVE BEEN MOTIVATED BY MALICE OR PERSONAL ILL WILL TO SPEAK OR SPITE PRIVATE COMPLAINANTS-APPELLANTS.

IV.

THE TRIAL COURT ERRED IN DECLARING THAT THERE IS NO LAW PUNISHING LIBEL IN THE INTERNET.

OUR RULING

At the outset, it must be emphasized that this is one (1) of the thirteen (13) cases/informations filed before the RTC of Makati which originated from the complaint initiated by Jessie John P. Gimenez against the herein

accused-appellees for the crime of libel. The thirteen cases involve the same parties and same issues, but, was only spread in thirteen separate criminal informations and raffled to different branches of the RTC of Makati on the basis of thirteen articles or blogs posted on the internet by accused-appellees which complainant deems as defamatory writings leveled against them.

Another one (1) of the thirteen (13) cases already reached the Supreme Court in a case entitled “Bonifacio, et. al. vs. RTC of Makati.”[6] We find the said case controlling here because they involve the same parties and same issues and all the thirteen (13) informations for libel against accused-appellees were filed before the courts of Makati City. In the said case, the Supreme Court declared that:

“xxx For the Court to hold that the Amended Information sufficiently vested jurisdiction in the courts of Makati simply because the defamatory article was accessed therein would open the floodgates to the libel suit being filed in all other locations where the pepcoalition website is likewise accessed or capable of being accessed.

xxx xxx xxx

IN FINE, the public respondent committed grave abuse of discretion in denying petitioners' motion to quash the Amended Information. xxx”

Clearly from the foregoing, the court a quo did not have jurisdiction to entertain the instant case. It should have determined first whether it has jurisdiction to try and hear the instant case before proceeding to determine the presence of probable cause because any decision or order rendered without jurisdiction is a total nullity and may be struck down at any time.[7]

We do not fault the court a quo for scouring into the substance of the instant case in order to determine whether there was probable cause to hold accused-appellees for trial for the crime of libel. However, We find it unnecessary for the court a quo to delve deeper into substance because it is futile to do so since they do not have jurisdiction over the instant case in the first place.

Thus, all the other issues in the instant case are rendered moot and academic in view of the Supreme Court declaration that the courts of Makati City are without jurisdiction to try and hear the cases for libel filed by plaintiff-appellants against the accused-appellees.

On a final note, We do not subscribe to the declaration of the court a quo and the then Secretary of Justice Raul Gonzales that at the time of the alleged commission of libel by accused-appellees, no law exists that punishes libel on the internet. Recently, the Supreme Court clarified this matter in the case of Jose Jesus M. Disini, Jr., et al. Vs. The Secretary of Justice, et al.,[8] to wit:

“xxx The Court agrees with the Solicitor General that libel is not a constitutionally protected speech and that the government has an obligation to protect private individuals from defamation. Indeed, cyberlibel is actually not a new crime since Article 353, in relation to Article 355 of the penal code, already punishes it. In effect, Section 4(c)(4) above merely affirms that online defamation constitutes “similar means” for committing libel. xxx”

Thus, the instant case cannot be dismissed based on the basic postulate that “nullum crimen, nulla poena sine lege” (No act constitutes a crime... unless it is made so by law). The Supreme Court made it clear that libel on the internet or cyberlibel is already a crime under Art. 353 in relation to Art. 355 of the Revised Penal Code which is libel committed by “similar means.”

Nonetheless, the instant case should still be dismissed because the courts of Makati do not have jurisdiction to try and hear the thirteen (13) informations for libel (including this one) filed against accused-appellees.

WHEREFORE, premises considered, the instant appeal is hereby DENIED for lack of merit. Costs against appellants.

SO ORDERED.

Dimaampao, (Chairman), and Sadang, JJ., concur.

[1] Rollo, pp. 9-17

[2] Ibid., p. 17

[3] Records, pp. 1-2 & 16-17

[4] Records, pp. 554-562

[5] Rollo, p. 17

[6] G.R. No. 184800, May 05, 2010, 620 SCRA 268.

[7] Tiger Construction vs. Abay, et. al., G.R. No. 164141, February 26, 2010, 613 SCRA 721.

[8] G.R. 203335, February 18, 2014

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