

CECILIO A. PINEDA, PETITIONER, VS. VIRGINIA A. PINEDA, AND DR. SOCORRO PINEDA-ACOSTA, RESPONDENTS.

Ponente: REYES, JR., A. J.

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REYES, JR., A. J.:

In this Petition for Review under Rule 43 of the 1997 Rules of Civil Procedure, petitioner Cecilio A. Pineda seeks to nullify and set aside the 19 May 2005 Resolution[1] of the Department of Justice which denied petitioner's appeal of the 29 June 2004 Resolution[2] issued by the Olongapo City Prosecutor.

The antecedent facts:

To resolve the worsening family feud, the late private respondent Virginia Pineda, through the advice of co-private respondent Dra. Socorro Pineda-Acosta, sought the intervention of barangay officials of East, Bajac-Bajac, Olongapo.

On 16 January 2004, private respondent Virginia Pineda submitted an Affidavit (Sworn Statement)[3] before the barangay court, the pertinent portion of which reads:

“4. That sometime in 1985, my eldest son Cecilio, then married, requested that I give him solely my share of my inherited parcel of land, which is $\frac{1}{4}$ of the entire property, instead of dividing it among my four children. I stood firmly not to give in to his request because at that time, he was under the influence of bad company, not to mention the fact, that his wife and I were not in good terms. Now I recall, daily he would come to the house to reiterate his request to the point that I got irritated because I felt intimidated. Until one day he challenged me to give it to him in exchange of his waiver to whatever share we would give him at No. 37 – 22nd Street. So he made me sign a prepared document entitled ‘Special Power of Attorney’ authorizing him full power to negotiate, transfer and sell my share of the property.5. In 1986, Cecilio acquired a personal loan from a certain James Dennison making Lot NO. 30 a collateral. He fooled my three siblings who are co-owners of Lot No. 30 into signing a document which he said was an instrument to divide and separate the property, but which in truth and in fact was a Special Power of Attorney authorizing him to do whatever he wants to the Lot. When he was unable to pay his loan to James Dennison, he was forced to sell the lot at a bargain price of three hundred sixty thousand pesos (P360,000.00) to a certain Mary Go Uy, without any right to re-purchase. Enraged because they knew they were doomed to be landless and homeless, my brothers and sister, did not have any choice. While my siblings got ninety thousand pesos (P90,000.00) each, my son never got hold of his share of the sale since it went directly to J. Dennison who was present during the transaction. Now landless, homeless and penniless, he came back to claim his share of Lot No. 37, to which before, he said he issued to me a waiver. I looked everywhere in the house desperately, and literally turned the house over looking for that waiver, but there was none.

6. At this point in our lives, my husband and I now realized our son is capable of squandering anything within a week. So, on February 22, 1993, before one of us would have outlived the other, we decided to sell the only property we possess to our daughter Socorro in the amount of one hundred seventy thousand pesos (P170,000.00) before it could have turned to ashes in the wink of an eye. As additional consideration for the said sale, we requested Socorro to give two hundred thousand pesos (P200,000.00) each to Cecilio and Emma

(or Emma's children) which she agreed. Teresita is mentally disabled and we appointed Socorro to take care of her when we would have gone ahead. I remember, Cecilio accompanied my husband and Socorro to register the sale at the Register of Deeds. Thereafter, we have the Deed of Absolute Sale notarized by personally seeing Atty. Lourdes De Dios.

7. In 1996, my husband had lung cancer. At about this time, instead of visiting his father, Cecilio had obtained cash advances from Socorro, time and again amounting to one hundred ten thousand pesos (P110,000.00) of his supposed share, leaving a balance of ninety thousand pesos (P90,000.00). After my husband's death, he pressured and intimidated Socorro to give him the balance so he won't bother her ever again. After referring the matter to me and to her lawyer, Socorro gave the balance in the hope that she would have peace thereafter. Cecilio signed the document entitled 'Release, Waiver and Quitclaim.

8. We had peace for quite a while thereafter, he never visited me or his sister, Socorro, or at least for the time being that he was spending the money. He never really wanted to work for a living, in the same way that he never really wanted to finish his studies. When he had squandered the last portion of his supposed share, he came back to me and my daughter Socorro, asking for more money, claiming that the share that he got was too small, raising his voice in front of me. The last time that he came to the house was November, 2003 when he asked me to call for Socorro because he had a 'proposition'. He tagged a new price for the property: five million pesos! And he was extorting P625,000.00 from Socorro within fifteen days, otherwise he would bring the matter to court.

On 1 April 2004, petitioner Cecilio A. Pineda filed an Affidavit-Complaint,[4] charging his mother and sister for libel. He specifically alleges:

"12. This case was filed by the affiant against his mother and sister. To simplify matters, the subject of this suit is an Affidavit of Virginia Pineda dated 16 January 2004, which Socorro allegedly submitted to a Kagawad of Brgy. East Bajac-Bajac. The Certification to File Action is in favor of Socorro Acosta against the complaint. Summarizing the contents thereof par. 6 states that she and her husband realized that their son (the complainant) is capable of squandering anything within a week. Par. 8 thereof states that the complainant 'never really wanted to work for a living in the same way as he never really wanted to finish his studies.' There is nothing libelous in the said affidavit. It only reflects the sentiments of a mother regarding the wayward acts of her son. As appearing in the affidavit all she wants is enlightenment for her son, and she was not forced or coerced to execute the said document. For this reason the charge for libel against Virginia Pineda is recommended for DISMISSAL. Since respondent Socorro was included only because she allegedly instigated Virginia to issue the affidavit, the charge as against her is likewise DISMISSED."

On appeal, the afore-quoted Resolution of the City Prosecutor was affirmed in toto by the public respondent Department of Justice when it rendered the herein assailed Resolution, disposing:

"Section 12(c) in relation to Section 7 of Department Circular No. 70 dated July 3, 2000 provides that the Secretary of Justice may, motu proprio, dismiss outright a petition for review if there is no showing of any reversible error in the questioned resolution.

We have carefully examined the petition and its attachments and we found no such error committed by the City Prosecutor concerned that would justify a reversal of the assailed resolution which is in accord with the evidence and law on the matter."

Aggrieved by the affirmation and by the subsequent denial of his motion for reconsideration, petitioner elevated the case before this tribunal through the present Petition for Review, arguing:

I – WHETHER OR NOT THE CITY PROSECUTOR ERRED IN SIMPLISTICALLY CONCLUDING THAT THERE IS NOTHING LIBELOUS AND MALICIOUS IN THE "16 JAN 2004" SWORN STATEMENT/AFFIDAVIT;

II - WHETHER OR NOT THE CITY PROSECUTOR, RESOLVING THE CASE BASED SOLELY ON THE “16 JAN 2004” SWORN STATEMENT/AFFIDAVIT AND THE COUNTER-AFFIDAVITS OF RESPONDENTS, APPLIED THE LAW IN ACCORDANCE WITH THE FACTS AND THE EVIDENCE IN RESOLVING THE SAME, SO THAT THERE EXISTED NO REVERSIBLE ERROR IN THE QUESTIONED RESOLUTION AS WOULD HAVE JUSTIFIED THE MOTU PROPRIO DISMISSAL OUTRIGHT OF THE PETITION FOR REVIEW. ON THE BASIS OF SECTION 12(C) IN RELATION TO SECTION 7 OF DEPARTMENT CIRCULAR NO. 70 DATED JULY 3, 2000; AND,

III – WHETHER OR NOT THE CHIEF STATE PROSECUTOR ERRED AND HAD ACTED WITH GRAVE ABUSE OF DISCRETION AND MANIFEST PARTIALITY WHEN HE DID NOT RESOLVE THE CASE ON THE BASIS OF THE APPEAL PURSUANT TO SECTION 5 OF DEPARTMENT ORDER NO. 223, DEPARTMENT OF JUSTICE, DATED 30 JUNE 1993, OR EVEN AS THE RESPONDENTS FILED NO ANSWER THERETO, AND PROCEEDED TO DISMISS THE SAME INSTEAD, ON THE BASIS OF THE DEPARTMENT CIRCULAR.

The petition is without merit.

A libel is a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act or omission, condition, status, or circumstance tending to cause dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead (*Filipinas Broadcasting Network, Inc. vs. Ago Medical Educational Center*, G.R. No. 141994, 17 January 2005). The elements of the crime of libel therefore are as follows: (1) defamatory imputation which causes dishonor or discredit; (2) malice, either in law or in fact; (3) publication; and (4) victim must be identified.[1]

In *Blanco vs. People*, 70 Phil. 735, the Supreme Court ruled that “to be libelous, x x x it is enough that the purpose is to discredit the good name or reputation of another. In order to constitute a defense, defendant must show good motives, justifiable ends and prove the truth of the charges.”

In the case at bar, the narration of facts stated in the challenged Sworn Statement appeared to be an honest and fair assessment of his son’s behavior, attitude and/or character. The narrations must be correlated to what the private respondents sought to achieve in filing a mediation case before the barangay court of East, Bajac-Bajac, Olongapo.

Depicting petitioner as a problem child who caused the family feud that she sought for mediation is but a natural and expected consequence so as to establish her “cause of action” that would warrant the intervention of the barangay court. Simply put, the narration of facts in the controversial Sworn Statement is a concise statement of facts constituting private respondent Virginia Pineda’s cause of action against her problematic son, herein petitioner.

Taken as a whole, the controversial Sworn Statement is nothing but a Complaint wherein the private respondent clearly stated therein the material and ultimate facts constituting her cause of action.

Fittingly, this Court sees no cogent reason to modify, much less to reverse, the assailed DOJ resolution.

WHEREFORE, premises considered, the Petition is hereby DENIED and is accordingly DISMISSED for lack of merit.

SO ORDERED.

Abdulwahid and Punzalan Castillo, JJ., concur.

[1] Rollo, p. 98.

[2] Rollo, p. 70.

[3] Rollo, pp. 38-39.

[4] Rollo, p. 40.

[1] Lohel A. Martinez, What is Libel? SCRA Annotation, 90 SCRA 82 (1979).

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