

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. VALERIO ANDRES, DEFENDANT AND APPELLEE.

G.R. No. L-14548. April 29, 1960

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/da7cf75108e7/>

BARRERA, J.:

On March 11, 1958, the Provincial Fiscal of Ilocos Norte filed with the Court of First Instance of said province, the following information for libel against defendant Valerio Andres:

"That on or about the 12th day of December, 1957, in the municipality of Laoag, province of Ilocos Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, being one of the attorneys of record for the plaintiffs in Civil Case No. 591, Court of First Instance of Ilocos Norte, entitled DAMASO BAQUIRAN, et al vs. BENITO BAQUIRAN, et al., tried and decided by the herein complainant, Fidel Villanueva, when he was still the presiding Judge of Sala II of said Court, filed in said case with the Court of First Instance of Ilocos Norte, a motion for reconsideration of the decision, and duly furnished with a copy thereof the attorney of record for the defendant in the herein-mentioned case, Atty. Elviro L. Peralta, and the said accused, with intent to discredit, destroy the good name and expose to public contempt and ridicule the said complainant, wilfully, unlawfully and feloniously published in said motion, the following libelous words and phrases, to wit:

'It is deeply regretted that the former Judge who gave such orders and who is not now the one sitting on this bench, forgot said fun purposely forgot his law or disregarded intentionally the law in a manner to highly prejudice the plaintiffs and favor the defendants moving party, for said party is a relative of a great political leader of the son of the presiding judge who happened to be then a candidate for Congress in the second district of Ilocos Sur, and in the desire of the presiding judge to appear in the good graces of said political leader of a son, said presiding judge, wilfully, and maliciously violated the law to suit the whims, caprices and abuses of the defendants in a manner that the defendants in this case had bragged to the people of Laoag, that in no case said defendants shall never be beaten in any litigation before said presiding judge, as the son of said presiding judge needs the votes of the relatives of the defendants which he could deliver to the son of the said presiding judge.

'A careful scrutiny of the behaviour and manner of the actuations of this then presiding judge had taken in this instant case, is so glaring an example, of prejudice-abuse of power, that the plaintiffs could not be given a bit of justice before him.

'Just to show the partiality of the presiding judge an instant of lack of delicacy on his part, said presiding judge used to board in the house of the defendants and uses the car of a son of the defendant for his personal use and convenience all the time, before and even during the time that this case pending in his sala. Could the poor plaintiffs in this case expect justice from said presiding' judge? It is respectfully submitted that his orders be carefully studied to show the abuse of power he has committed in this case.'

and other words of similar import, thereby bringing the herein complainant into public contempt, discredit and ridicule.

"CONTRARY TO LAW."

On August 11, 1958, defendant filed a motion to quash, on the grounds that (1) the facts charged do not constitute an offense; (2) the court trying the cause has no jurisdiction of the offense charged, in that the fiscal has no authority to file the same; (3) it does not conform substantially with the prescribed form; (4) the information is premature, in that there is a prejudicial question; and (5) the accused has been previously in double jeopardy of being convicted or acquitted of the offense charged. To this motion to quash, the Special Counsel of Ilocos Norte filed an opposition on August 27, 1958, to which defendant filed a reply on September 11, 1958.

On September 24, 1958, the court rejecting the last four but sustaining the first ground, dismissed the case in an order which, in part reads:

"* * * there is no doubt that the alleged libelous part of the said motion is privileged. Atty. Andres has the bounden duty to allege in his motion for reconsideration his personal observations so that the court (now presided by the Hon. Wenceslao Ortega) should be guided and informed accordingly of the facts and circumstances surrounding the case in order to arrive at a just conclusion. And although the said motion for reconsideration is couched in libelous words, were it not privileged, 'The privilege is not defeated by the mere fact that the communication is made in intemperate terms'. A privileged communication should not be subjected to microscopic examination to discover grounds of malice or falsity. Such excessive scrutiny would defeat the protection which the law throws over privileged communication.' (U. S. vs. Bustos, Vol. 37, p. 743, body of decision.)

"It may also be true that there is no truth in the above-quoted paragraph of the motion for reconsideration, however, Atty. Andres. in bringing this matter known to the court, has been prompted only by good motive, considering: that, although the above-quoted libelous matter is not true according to the complainant, it may be the truth in the opinion of the accused and that being his opinion, one cannot blame the accused, if as a lawyer of the said case he brought the matter to the attention of the court as one of his reasons in his motion for reconsideration so as to secure a reversal of the order of the complainant. In doing so, it was perhaps due to the accused's firm conviction and belief, and rightly, that in this country, in the hearings before our Courts of Justice, there is a free and unfettered administration of justice, though, as an incidental result, it way in some instances afford an immunity to the evil-disposed and malignant slanderer'. (Abbot vs. National Bank of Commerce, Tacoma (1899) 175 U.S. 409, 411, cited in the case of U.S. vs. Bustos, supra; underscoring supplied.)

"Since the face of the information shows that the alleged libelous statement had been alleged in a motion for reconsideration filed in connection with Civil Case No. 591 pending before this court (Sala II) and in view of the above findings of this Court and the authorities cited, this case must, therefore, be dismissed with costs de officio."

From the foregoing decision, the prosecution interposed the present appeal.

The prosecution claims that the trial court erred in dismissing the case on a mere motion to quash, contending that the trial judge's conclusion on the face of the information that defendant-appellee was prompted only by good motives assumes a fact to be proved, and that the alleged privileged nature of defendant-appellee's publication is a matter of defense and is not a proper ground for dismissal of the complaint for libel (Lu Chu Sing, et al. vs. Lu Tiong Gui, 76 Phil., 669.)

While there is some point to this contention, yet when in the information itself it appears, as it does in the present case, that the communication alleged to be libelous is contained in an appropriate pleading in a court proceeding, the privilege becomes at once apparent and defendant need not wait until the trial and produce evidence before he can raise the question of privilege. And if added to this, the questioned imputations appear, as they seem in this

case, to be really pertinent and relevant to defendant's plea for reconsideration based on complainant's supposed partiality and abuse of power from which defendant has a right to seek relief in vindication of his client's interest as a litigant in complainant's court, it would become evident that the facts thus alleged in the information would not constitute an offense of libel.

As has already been said by this Court:[1] "As to the degree of relevancy or pertinency necessary to make alleged defamatory matter privileged, the courts are inclined to be liberal. The matter to which the privilege does not extend must be so palpably wanting in relation to the subject matter of the controversy that no reasonable man can doubt its irrelevancy and impropriety." Having this in mind, it can not be said that the trial court committed a reversible error in this case in finding that the allegations in the information itself present a case of an absolutely privileged communication justifying the dismissal of the case. Note that the information does not contain any allegation of irrelevancy and impertinency to counter act the quotations from the motion for reconsideration in question.

For the foregoing, the order appealed from is affirmed. So ordered.

Paras, C. J., Bengzon, Bautista Angelo, Labrador, Concepcion, and Gutierrez David, JJ., concur.
Padilla, Montemayor and Reyes, J.B.L., JJ., took no part.

[1] Smith Bell & Co. vs. Ellis, 48 Phil., 475.

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.