

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. CORAZON AQUINO ALIAS AZON, DEFENDANT AND APPELLEE.*G.R. Nos. L-8777-79. August 14, 1956*

Ponente: REYES, A., J.

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In three separate informations identically worded except that each referred to a different offended party, Corazon Aquino was accused, before the Court of First Instance of Pangasinan, of the crime of grave oral defamation for having allegedly uttered in public, on or about June 4, 1954, words to this effect: "You, Merrera lawyers, are stealers *** shameless *** impolite." . Three informations were filed on the theory that, as there were three lawyers bearing the surname "Merrera", three separate crime of defamation were committed. But the lower court, upon motion of the defense, ordered the informations consolidated into one on the ground that, as the defamatory statement was uttered but once and on a single occasion against a group of persons not mentioned individually, the act complained of constituted only one offense. From this order, the prosecution appealed to this Court.

In support of its order, the lower court cites various cases of libel decided by this Court (among them, that of *U. S. vs. Kelly*, 35 Phil., 419) in which, regardless of the number of persons libelled, the accused were sentenced for only one offense. The court also cites decisions holding that a person who, on the same occasion and in the same place, steals properties belonging to different owners, is guilty of only one crime of theft.

At common law, "a libel on two or more persons contained in one writing and published by a single act constitutes but one offense so as to warrant a single indictment therefor" (*State vs. Hoskins*, 60 Minn., 168), this for the reason that "the law makes the publication of libel punishable as a crime, not because of injury to the reputation, but because the publication of such articles tends to affect injuriously the peace and good order of society." The Solicitor General, however, cites the case of *People vs. Del Rosario, et al.* (86 Phil., 163) where this Court upheld the theory that a "libelous publication affecting more than one person constitutes one crime or more". That decision, it is to be noted, was predicated on the ruling laid down in the case of *People vs. Luz Jose*, 76 Phil. 599, to the effect that libel or defamation—of the nature of that committed in the present cases—cannot be prosecuted de officio but only at the instance of the offended party or parties, from which this Court deduced the conclusion that in libel or defamation of that kind the policy of the law is to redress the injury to the individual rather than the injury to the peace and good order of society. But that conclusion is now without basis, for the said case of *People vs. Luz Jose* had already been overruled by the more recent cases of *People vs. Juan B. Santos, et al.* (98 Phil., Ill), promulgated December 19, 1955 where this Court said:

"A libel is a public and malicious imputation of a crime that may be prosecuted de officio, or of a crime that may not be prosecuted de officio, '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 officio, 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."

In line with this latter decision, we have to hold that the utterance of the defamatory statement complained of in the present cases should be regarded as only one offense and made the subject of only one information, the utterance having been made but once and referring apparently to a family of lawyers designated by their common surname but not separately mentioned.

Wherefore, the order appealed from is affirmed. No costs.

Paras,. C. J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

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