

LORENZO MEJORADA, JR., PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND KARIM MACAROMPAN, RESPONDENTS.

Ponente: SINGH, J.

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SINGH, J.:

In the Court's Decision dated 17 November 2014, the Court denied the Petition for Review under Rule 42 of the Revised Rules of Court filed by petitioner Lorenzo Mejorada, Jr. and affirmed the Decision dated 10 August 2011 of Branch 6, Regional Trial Court, Iligan City, in Criminal Case No. 15312.[1]

The petitioner moves for the reconsideration of the Court's Decision dated 17 November 2014 and alleges that: 1) the prosecution failed to establish the element of actual malice in this case when the private complainant Senior Police Inspector Karim Macarompan ("Sr. P. Ins. Macarompan") himself admitted that he used to have a good relationship with the petitioner; and 2) the statements of the petitioner relate to the functions and conduct of Sr. P. Ins. Macarompan as an officer of the Philippine National Police ("PNP").[2]

The Court resolves to deny the motion. Pursuant to Article 354 of the Revised Penal Code, every defamatory remark is presumed to be malicious if no good intention and justifiable motive for making it is shown.

Although the petitioner did not seem to bear previous ill will against Sr. P. Ins. Macarompan, the petitioner's personal spite against Sr. P. Ins. Macarompan was prompted by the shooting incident involving his wife which preceded the statements. Petitioner's public imputation that Sr. P. Ins. Macarompan is a Commander of the MILF is derogatory as an officer of the PNP and brings Sr. P. Ins. Macarompan into disrepute. The petitioner still failed to overturn the legal presumption arising from the defamatory utterance that the petitioner acted with malice.

The defamatory remarks made by the petitioner cannot be related to Sr. P. Insp. Macarompan's duty as a public officer as it was an attack on the latter's private character and which are not related to the discharge of their official functions.[3]

As no new meritorious issues were raised by the petitioner to justify a reconsideration of the Court's Decision dated 17 November 2014, the Court finds no cogent reason to reverse and set aside the same.

ACCORDINGLY, the Motion for Reconsideration filed by the petitioner is hereby DENIED for lack of merit.

SO ORDERED.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo, pp. 103-111.

[2] Rollo, pp. 112-116.

[3] Fernando Sazon v. CA, G.R. No. 120715, 29 March 1996; Jejomar Binay v. The Secretary of Justice, et al., G.R. No. 170643, 8 September 2006.

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