

## **NORBERTO QUISUMBING, PETITIONER AND APPELLANT, VS. EUGENIO LOPEZ, ET AL., RESPONDENTS AND APPELLEES.**

*G.R. No. L-6465. January 31, 1955*

Ponente: PARAS, C.J.

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### **PARAS, C.J.:**

The respondents Eugenio Lopez, Ernesto del Rosario and Roberto Villanueva are the publisher, editor-in-chief, and general manager respectively of The Manila Chronicle, a daily newspaper published and circulated in English in the City of Manila. On July 15, 1949, the petitioner, Norberto Quisumbing, filed a complaint against said respondents in the Court of First Instance of Manila for the recovery of damages in the sum of P50,000 as a result of the following alleged Hbelous publication in The Manila Chronicle of November 7, 1947:

"NBI MEN RAID OFFICES OF 3 CITY USURERS

Giving effect to the announced NBI policy of not allowing usury cases to be settled extrajudicially, agents of the anti-usury board, National Bureau of Investigation, yesterday raided the business offices of three alleged Manila money lenders.

"Raided were the offices of Norberto Quisumbing, a businessman and broker, at the Trade and Commerce, and Ngo Seng and Go Pin, at 530 Elcano Street, Binondo.

"The anti-usury board acted- following receipt of a complaint against the three businessmen. Adolfo N. Feliciano, chief of the anti-usury division, disclosed yesterday that criminal action against the three will soon be filed in the city nscal's office.

"The raids were conducted under the supervision of Agents Alfredo D. San Miguel and Justo I. Ibay."

After answer and trial the Court of First Instance of Manila rendered a judgment dismissing the complaint from which the petitioner appealed to the Court of Appeals. The latter Court, in its decision promulgated on January 19, 1953, affirmed the judgment of the court of origin; and the case is now before us on petition for review on certiorari filed by the petitioner.

The Court of Appeals found "that the context of the article in question, is a fair, impartial and true report of official or public proceeding authorized by law. The news item was the result of a press release in connection with an official investigation of the Anti-Usury Division, N.B.I., and was a substantial, if not a faithful reproduction of the said press release which was, in turn, an accurate report of the official proceedings taken by the Anti-Usury Division. The article merely reported a raid on the 'business offices of three alleged money lenders'; and related the steps actually taken or to be taken by the proper officials relative to the investigation. It did not go beyond the actual report of official actuations. The theory of the petitioner, stripped of incidentals, is that while the body of the news item may be considered as being a fair, impartial and accurate report of an official investigation of the Anti-Usury Division of the National Bureau of Investigation and therefore privileged, its headline NBI Men Raid Offices of 3 City Usurers", admittedly not forming part of the basic press release but merely added by the

respondents, is libelous per se, because the petitioner had thereby been branded and condemned as a "usurer", when as a matter of fact no criminal charge was even filed against him for the crime of usury in any court of justice. The petitioner has cited American authorities to the effect that the headline, in which the "sting" is frequently found, when unsupported by the article, is in itself libelous; or that the headline may be libelous while the body is privileged. Typical citations are the following:

"The headline of an article or paragraph, being so conspicuous as to attract the attention of persons who look casually over a paper without carefully reading all its contents, may in itself inflict very serious injury upon a person, both because it may be the only part of the article which is read, and because it may cast a graver imputation than all the other words following it. There is no doubt that in publications concerning private persons, as well as in all other publications which are claimed to be libelous, the headlines directing the attention to the publication may be considered as a part of it and may even justify a court or jury in regarding the publication as libelous when the body of the article is not necessarily so." (Note to *McAllister vs. Detroit Free Press Co.*, 15 Am. St. Rep. 347).

"Headlines which are voluntarily defamatory statements of the publisher are not privileged even though they head a privileged report of a judicial or other public proceedings." (*Dorr vs. United States*, 105 U.S. 138, 49 L. ed. 128, 24 S. Ct. 808; *Brown vs. Globe Printing Co.*, 213 Mo. 611, 112 SW 462, 127 Am St. Rep. 627.)

"It is not necessary to reiterate the rule that the headline of an article might be libelous while the body of the article is privileged. The whole libel might be included in the headlines. In fact, the dissemination of a libel is more effectually done through catchy and sensational headlines and scarehead comment than through the material in an article, because, as is well known, a majority of readers do not peruse the body of articles." (*Express Pub. Co. vs. Lancaster* [1924], 270 S. W. 229.)

Upon the other hand, the respondents contend that the published matter alleged to be libelous must be construed as a whole (*Jimenez vs. Reyes*, 27 Phil., 52; *U. S. vs. O'Connel*, 37 Phil. 767; *U. S. vs. Sotto*, 38 Phil., 666). The Court of Appeals adopted this contention and invoked the following rule: "The article must be construed as an entirety including the headlines, as they may enlarge, explain, or restrict or be enlarged, explained or strengthened or restricted by the context \* \* \*. Whether or not it is libelous, depends upon the scope, spirit and motive of the publication taken in its entirety." (*Wiley vs. Oklahoma Press Pub. Co.*, 106 Okla., 52; 233 Pac. 244; 40 ALR 573; also *Wing vs. Wing*, 66 Mo. 62; 22 Am. Rep. 481; *Dorr vs. U. S.* 195 U. S., 138, 49 L. Ed. 128.) Indeed, the appellant cited in his brief the following cases in support of the same proposition that the whole article including the headline must be read and construed together:

"A publication claimed to be defamatory must be read and construed in the sense in which the readers to whom it is addressed would ordinarily understand it. So, the whole item, including display lines, should be read and construed together, and its meaning and significance thus determined." (*Commercial Pub. Co. vs. Smith* [1907], 79 C.G.A. 410, 149 Fed. 704.)

"In order to ascertain the meaning of a published article, the whole of the article must be considered, each phrase must be construed in the light of the entire publication, and the words are to be taken in their natural and obvious meaning and in the sense that fairly belongs to them. The headlines of a newspaper must also be read in connection with the language which follows." (*Whillfred Coal Co. vs. Sapp* [1915], 193 111. App. 400.)

We are of the opinion that the appealed decision is correct. The petitioner, while assuming that the article in question is privileged, argues that the headline (libelous per se) added by the respondents rendered the same actionable, because said headline is not borne out by the facts recited in the context. We believe that nobody reading the whole news item would come to the conclusion that the petitioner had been accused or convicted of usury. We agree with the Court of Appeals that the headline complained of may fairly be said to contain a correct description of the news story. The fact that the raid was conducted by anti-usury agents following receipt of a

complaint against the petitioner and two others, coupled with the announcement by the Chief of the NBI Anti-Usury Division that criminal action would be filed in the city fiscal's office, naturally would lead one to think that the persons involved were usurers. Nothing in the headline or the context of the article suggested the idea that the petitioner was already charged with or convicted of the crime of usury. The word "usurer" simply means one who practices usury or even a mere money lender (Webster New Int. Dictionary), but certainly not a usury convict. One reason invoked in the authorities cited by the appellant for basing an action for libel on the headline, is that often- times it is the only part of the article which is read. If so, the petitioner's position would be untenable, since by read- ing merely the headline in question nobody would even suspect that the petitioner was referred to; and "libel cannot be committed except against somebody and that somebody must be properly identified" (People vs. Andrada, 37 Off. Gaz., 1763). It may be insisted that the identity of the petitioner is revealed in the body of the news item, but we should remember that nowhere in the context is the petitioner portrayed as one charged with or convicted of the crime of usury.

The Court of Appeals found as a fact that "there is no evidence in the record to prove that the publication of the news item under consideration was prompted by personal ill will or spite, or that there was intention to do harm," and that on the other hand there was "an honest and high sense of duty to serve the best interests of the public, without self-seeking motive and with malice towards none." Every citizen of course has the right to enjoy a good name and reputation, but we do not consider that the respondents, under the circumstances of this case, had violated said right or abused the freedom of the press. The newspapers should be given such leeway and tolerance as to enable them to courageously and effectively perform their important role in our democracy. In the preparation of stories , press reporters and edition usually have to race with their deadlines; and consistently with good faith and reasonable care, they should not be held to account, to a point of suppression, for honest mistakes or imperfection in the choice of words.

Wherefore, the decision of the Court of Appeals is hereby affirmed with costs against the petitioner. So ordered.

Pablo, Bengzon, Padilta, Montemayor, Reyes, A. Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L. JJ., concur.

Judgment affirmed.

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