

GAUDENCIO E. ANTONINO, SUBSTITUTED BY MAGNOLIA W. ANTONINO, ADMINISTRATRIX OF HIS ESTATE, PLAINTIFF AND APPELLEE, VS. BRIGIDO R. VALENCIA, DEFENDANT AND APPELLANT.

G.R. NO. L-26526. May 27, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court finds that defendant-appellant has failed to discharge the burden of substantiating the errors of fact and of law allegedly committed by the trial court in its appealed decision and therefore affirms in toto the appealed judgment holding that defendant caused and was liable for the issuance and publication of the libelous press release attacking the honor, integrity and reputation of plaintiff and rejecting defendant's defense of qualified privilege and defensive libel and accordingly sentencing defendant to pay plaintiff the sum of P50,000.00 as moral damages with interest at the legal rate plus P5,000.00 as attorney's fees and costs of litigation.

This case arose as an aftermath of the November 1963 local elections when the official candidate of the Liberal Party (Lorenzo Sarmiento) for governor in Davao lost to the Nacionalista Party standard bearer (Vicente Duterte), and plaintiff Gaudencio E. Antonino then a senator of the Republic and LP head in that province attributed the loss of the LP candidate to the support given by defendant Brigido R. Valencia then Secretary of Public Works and Communications to the independent LP candidate (Constancio Maglana) which divided the LP votes. In public statements widely quoted in the metropolitan newspapers, plaintiff stated that had not defendant "sabotaged" and "double-crossed" the LP, its official candidate would have won the election.

The cordial relations between the two LP leaders which had begun since their student days in the U.P. College of Engineering became strained. In the Taliba issue of December 21, 1963, it was reported that plaintiff would file unrevealed administrative charges against defendant with the Senate Blue Ribbon Committee.

On February 28, 1964, while plaintiff was still convalescing in the hospital from a heart attack on January 27, 1964 while attending a Senate session, he filed a formal request with the said Senate committee to investigate the actions of defendant as Secretary of Public Works and Communications in connection with certain specified alleged anomalous acquisitions of public works supplies and equipment, as follows: "1. The purchase by the department of 100 jeep-rollers costing P1,398,000 from the J.G.R. Enterprises covered by DPWC purchase order No. A-2563; 2. The purchase of road signs from the Neils Enterprises making available the P8 million reimbursable funds of the DPWC; 3. The purchase of 250,000 metric tons of cement valued at \$3,950,250 (M) from the Central Trust of China and the sale of such cement to private parties; and 4. The purchase of P194,500 worth of insulating transformers and accessories from the Peninsula Enterprises." [1] Copy of the said charges were likewise furnished on March 5, 1964 by plaintiff to the Commission on Appointments with the request that they be considered in passing upon defendant's appointment to the Cabinet.

Plaintiff's charges as filed with the Senate Blue Ribbon Committee together with defendant's comments thereon

that they were "politically inspired" and had already been answered in the past and that records of the transactions were open to public scrutiny were carried by the press, particularly in the Bulletin and Newsday issues of March 5, 1964.

On the same day, March 5, 1964, a two-page press release was issued by the office of the Secretary of Public Works and Communications, Exhibit A, and the contents thereof were published or reported on the front pages of the six metropolitan papers.[2]

Portions of the said published press release are quoted thus: "a) Since Senator Antonino has stubbornly, continued telling lies about me, I have no recourse but start telling the truth about him; b) This is no play of words and in due time I will file charges against the Senator before the Blue Ribbon Committee for reportedly anomalous acts that can make him a disgrace to his Senate position; c) xxx xxx xxx for personal selfish reasons, Antonino had taken advantage of his position as a member of the Monetary Board and even as a Senator; d) Antonino had suspicious connections with no less than 22 corporations when he became a member of the Monetary Board; e) Is it not the height of abuse of power to threaten an American with deportation and make him cower from getting a concession because you are a Senator of the Philippines and in the end you get the concession yourself? and f) I cannot avoid unmasking certain alleged high anomalous activities of the Senator as a member of the Monetary Board and as a member of the Philippine Senate." [3]

Plaintiff then filed on March 23, 1964 the present civil action in the Manila court of first instance for the recovery against defendant of P1 million as moral damages, P100,000 as exemplary or corrective damages and P50,000 as litigation expenses and attorney's fees.

Defendant claimed in his answer that he did not issue or cause the publication of the press release; that at any rate, they were made in good faith and in self-defense and that they were qualifiedly privileged in character. He sought by way of counterclaim from plaintiff the sum of P1.25 million as moral damages, P100,000 as exemplary or corrective damages and P50,000 as litigation expense and attorney's fees, which plaintiff disclaimed in due course as without basis.

After due trial, the lower court ruled against defendant, holding that defendant caused and was liable for the issuance of the libelous press release and its publication in the papers and rejected his defenses of qualified privilege and defensive libel. It accordingly rendered its judgment of May 21, 1966 sentencing defendant to pay plaintiff "the sum of P50,000 as moral damages with interest thereon at the rate of 6% per annum from the date of the filing of the complaint, plus P5,000 as attorney's fees and the costs of suit, while the counterclaims of the defendant against the plaintiff are hereby dismissed."

Hence this direct appeal to this Court under the provisions of the Judiciary Act then in force as the amount involved was more than P200,000.[4] During the course of the appeal, plaintiff died in a plane crash on November 13, 1967 on the eve of the 1967 elections. As per the Court's resolution of March 3, 1969, the motion of Senator Magnolia W. Antonino as administratrix to substitute her deceased husband as plaintiff-appellee was granted.

Defendant-appellant raises questions of fact and of law in his brief.

On the Question of fact, the Court finds that no error was committed by the trial court in finding that the press release, Exhibit A, issued by the office of defendant as Secretary of Public Works and Communications was issued or caused to be issued by him and the contents thereof to be published in the metropolitan press and in not giving credence to defendant's vague denial and to the vague testimonies of two newsmen Aproniano C. Borres and Laurencio Zabala who could not pinpoint the source of the press release which they simply found on their desks in the evening but nevertheless accepted at face value and wrote up the contents thereof as published in

their papers on the next day.

The preponderance of the evidence of record, documentary and circumstantial, as marshalled by the trial court in its decision clearly supports its finding of liability on defendant's part for the issuance and publication of the offending press release, as follows:

"1. The issues of several Manila newspapers of March 5, 1964, reproduced the specific charges filed by the plaintiff against the defendant with the Blue Ribbon Committee, which were numbered correlatively;

"2. On the upper left corner of Exhibit A was typewritten – 'For release' and immediately underneath was the date – 'March 5, 1964';

"3. At the bottom of the first page of Exhibit A appears the following: 'Valencia answered point by point, the charges made against him, to wit;' followed on the second page numbered correlatively, the first four of which were the brief but specific answers to the charges of Senator Antonino, arranged in the same numerical order, followed on the lower portion with a more detailed explanation;

"4. The first sentence of the press release indicates the source thereof as the herein defendant, if not directly at least impliedly –

Public Works Secretary Brigido Valencia today fired his first salvo against Senator Gaudencio E. Antonino saying he cannot avoid unmasking certain alleged highly anomalous actuations of the Senator as a member of the Monetary Board and as a member of the Philippine Senate.'

"5. The second paragraph of the press release quoted a statement made by the defendant reading as follows: Since Senator Antonino has stubbornly continued telling lies about me. I have no recourse but start telling the truth about him.

The defendant admitted that he made such statement in his office in the presence of several persons, some of whom could be newspaper reporters (pp. 47-50, t.s.n. of hearing of Sept. 15, 1965).

"6. The first page of the press release made reference to two persons only – the plaintiff and the defendant, with parts thereof consisting of quoted statements made by the latter while the rest referred to reports and/or information which he received pertaining to Senator Antonino which are derogatory of his character and integrity;

"7. The answer to the specific charges made by the plaintiff against the defendant contained on page 2 of the press release expressly states that it was made by Brigido Valencia. Moreover, they mentioned specific figures, both as to quantity and amount, and accordingly, only the defendant or one working in his office and under his authority, could have obtained the same on short notice, considering that the charges of Senator Antonino were publicized in Manila newspapers which came out in the morning of March 5, 1964. Finally, the said answers were reiterated in a more detailed and extensive form in a signed statement by the defendant, which was published in the issues of the Manila Chronicle of March 24, 1964 (Exh. 12-A) and the Manila Times of March 27, 1964 (Exh. 18);

"8. The press release was dated March 5, 1964 and on the following day, six Manila Dailies, five (5) of which are the leading, metropolitan newspapers with big circulation, played up the matters contained in the press release on the first pages thereof, with most of them carrying the photographs of the defendant and plaintiff. Undoubtedly the defendant could not have missed reading the published news item, and yet he did not make any correction and/or denial of the matters attributed to him therein. The silence of the defendant was in effect an admission that he was correctly quoted and the source of the facts mentioned in the news item." [5]

In his second and third assignments of error, defendant claims that the trial court erred in holding that the press release is libelous and that it is not protected as a qualified privilege communication.

There can be no serious question as to the defamatory and libelous nature of the statements in defendant's press release which depicted plaintiff as a consistent liar; that he prostituted his high public offices as monetary board member and senator for personal ends and pecuniary gains; and imputed to him the commission of certain serious offenses in violation of the Constitution and the Anti-Graft and Corrupt Practices Act. [6]

As defendant's imputations against plaintiff were not made privately nor officially as to be qualifiedly privileged under Article 354 of the Revised Penal Code, the trial court correctly held that by virtue of their defamatory and libelous nature against the honor, integrity and reputation of plaintiff, malice in law was presumed.[7] It further correctly ruled that defendant had not overcome such presumption of malice, not having shown the truth thereof, or that they were published with good intentions and with justifiable motive or even from the most liberal standpoint that they were made in the exercise of the right of fair comment on the character, good faith, ability and sincerity of public officials.

The trial court aptly observed that "(A)t the time of the publication of the defamatory imputation, the plaintiff was not a candidate for any public office there being no election to be held and his term of office as Senator would not expire until several years more. As a member of the Senate of the Philippines, he was answerable to said body for any misconduct committed as a Senator because it had the authority to take disciplinary action against any member thereof. Had the defendant been prompted by a sense of duty, and not because of malice, the charge at least with respect to the alleged threat made against an American, should have been filed with the Senate or any of its Committees. The defendant did not do so but instead made the accusations publicly by causing them to be given widest publication by all the metropolitan newspapers, obviously in retaliation to the charge filed against him by the plaintiff with the Blue Ribbon Committee of the Senate.[8]

The trial court likewise properly rejected defendant-appellant's claim of defensive libel thus: "(S)tress had also been laid by the defendant on the argument that he had been libeled by the plaintiff and accordingly the former was justified to hit back with another libel. The emphasis laid had been misplaced and based upon a wrong premise. The defendant was charged with the commission of certain anomalous transactions in his capacity as Secretary of Public Works and Communications and the same were filed with the Investigation Committee (Blue Ribbon) of the Senate of the Philippines and the Commission on Appointments. Accordingly, the said charges, even assuming that they contain defamatory imputation would not be libelous because the letter sent by the plaintiff was a privileged communication.[9]

As to defendant's counterclaim, the Court finds that the record amply supports the trial court's finding that there was no evidence, direct or circumstantial, to hold plaintiff liable for the publication in the metropolitan press of his charges against defendant with the Blue Ribbon Committee and the Commission on Appointments, – which were at any rate qualifiedly privileged. Furthermore, the trial court had aptly observed that it was doubtful whether plaintiff's charges against defendant of political "sabotage" and "double-crossing" could be held to be defamatory or libelous, since "(A) review of contemporary politics in our country tends to show that no stigma of disgrace or disrepute befalls one who changes political parties. Neither is it unusual for card-bearing party members to support candidates belonging to the other political party. As a matter of fact, even way back during the time when the late President Quezon was the head of the Filipino participation in the Government while the Philippines was still a dependency of the United States. he was quoted to have stated that 'My loyalty to my party ends when my loyalty to my country begins.' Presumably, on the basis of this 'classical' utterance of that dynamic and beloved former President of the Philippines that those who were elected as official standard bearers of one party, after election switched to and affiliated with another political party, are referred to as 'patriots.'"[10]

ACCORDINGLY, the appealed judgment is hereby affirmed in toto. No costs.

Makalintal, C.J., Castro, Esguerra, and Munoz Palma, JJ., concur.
Makasiar. J., took no part.

[1] Summarized in defendant appellant's brief, p. 5.

[2] Bulletin, Chronicle, Times, Herald, Evening News and Daily Record.

[3] As summarized verbatim in plaintiff-appellee's brief, pp. 5-6.

[4] Under Rep. Act 5440, approved Sept. 9, 1968, amending inter alia sec. 17 of the Judiciary Act, the provision for direct appeal to the Supreme Court of all civil cases involving more than P200,000 has been deleted and such appeals now go to the Courts of Appeals.

[5] CFI decision, Rec. on Appeal, pp. 24-28, emphasis supplied.

[6] "Words calculated to induce suspicion are sometimes more effective to destroy reputation than false charges directly made." (Aquino, Vol. II, R.P.C., p. 1694).

[7] Art. 354. Revised Penal Code provides: "Requirement for publicity. – Every defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in the following cases:

- A private communication made by any person to another in the performance of any legal moral or social duty; and

- A fair and true report, made in good faith, without any comments or remarks of any judicial, legislative or other official proceedings which are not of confidential nature, or of any statement, report or speech delivered in said proceedings, or of any other act performed by public officers in the exercise of their functions."

[8] CFI decision, Rec. on App., pp. 34-35; emphasis supplied.

[9] Idem; emphasis supplied.

[10] Idem, p. 38.

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