

## **MILAGROS TEJUCO, PLAINTIFF AND APPELLANT, VS. E. R. SQUIBB & SON PHILIPPINE CORPORATION, ET AL., DEFENDANTS AND APPELLEES.**

*G. R. No. 11052. April 30, 1958*

Ponente: PARAS, C.J.

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

A civil complaint was filed in the Court of First Instance of Manila by the appellant, alleging that the appellees, her former employers wrote her a libelous letter of separation, a copy of which was posted in the company's bulletin board, and praying that judgment be rendered sentencing the appellees to pay to the appellant damages in the amount of P50,000 with interest and "to retract the contents of the letter of separation" and "to give said retraction due and requisite publicity." Upon appellees' motion, the complaint was dismissed on the ground of prescription. Her motion for reconsideration having been denied, the appellant has interposed the present appeal.

As the appellant admits that the complaint was filed one year and six months after the publication of the libelous letter on October 18, 1954, we are only to determine what is the prescriptive period of a civil action arising, according to her, from libel covered by Articles 353, 355 and 360 of the Revised Penal Code. Article 1161 of the Civil Code provides that civil obligations resulting from criminal offenses shall be governed by the penal laws, subject to the provisions of Article 2177 and of the pertinent provisions of Chapter 2, Preliminary Title, on Human Relations, and of Title XVII of said Code, regulating damages. A perusal of the rules restricting the application of the penal laws, reveals that there is no provision about the question involved in the instant case.

Concerning extinguishment of obligations arising from felonies, Article 112 of the Revised Penal Code provides that "civil liability, established in Articles 100, 101, 102 and 103 of this Code shall be extinguished in the same manner as other obligations in accordance with the provisions of the Civil Law." Upon the other hand, Article 1231 of the Civil Code is to the effect that "\* \* \* other causes of extinguishment of obligations, such as annulment, rescission, fulfillment of a resolutory condition, and prescription, are governed elsewhere in this Code." On the matter of prescription, the applicable provision is Article 1129 of the Civil Code which states that "actions prescribe by mere lapse of time fixed by law." This necessarily leads us to Article 1147 of the Civil Code which requires that an action for defamation must be filed within one year. The broad term "defamation" in the absence of any other specific provisions, includes libel.

Wherefore, the order appealed from is hereby affirmed With costs against the appellant. So ordered.

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

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