RODOLFO R. VASQUEZ, PETITIONER, VS. COURT OF APPEALS, THE REGIONAL TRIAL COURT OF MANILA, BRANCH 40, AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 118971. September 15, 1999

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-118971/

MENDOZA, J.:

The question for determination in this case is the liability for libel of a citizen who denounces a barangay official for misconduct in office. The Regional Trial Court of Manila, Branch 40, found petitioner guilty and fined him P1,000.00 on the ground that petitioner failed to prove the truth of the charges and that he was "motivated by vengeance in uttering the defamatory statement." On appeal, the Court of Appeals, in a decision[1] dated February 1, 1995, affirmed. Hence, this petition for review. The decision appealed from should be reversed.

The facts are not in dispute. Petitioner Rodolfo R. Vasquez is a resident of the Tondo Foreshore Area. Sometime in April 1986, he and some 37 families from the area went to see then National Housing Authority (NHA) General Manager Lito Atienza regarding their complaint against their Barangay Chairman, Jaime Olmedo. After their meeting with Atienza and other NHA officials, petitioner and his companions were met and interviewed by newspaper reporters at the NHA compound concerning their complaint. The next day, April 22, 1986, the following news article[2] appeared in the newspaper Ang Tinig ng Masa:

> Nananawagan kahapon kay pangulong Corazon Aquino ang 38 mahihirap na pamilya sa Tondo Foreshore Area na umano'y inagawan ng lupa ng kanilang barangay chairman sa pakikipagsabwatan sa ilang pinuno ng National Housing Authority sapul 1980.
>
> Sinabi nila na nakipagsabwatan umano si Chairman Jaime Olmedo ng barangay 66, Zone 6, Tondo Foreshore Area, sa mga project manager ng NHA upang makamkam ang may 14 na lote ng lupa sa naturang lugar.
>
> Binanggit ni Rodolfo R. Vasquez, 40, Tagapagsalita ng (mga) pamilyang apektado, na umaabot lang sa 487.87 metro kuwadrado ang kabuuan ng mga lupa na kinatitirikan ng mga barung-barung ng 38 pamilya.
>
> "Naninirahan na kami sa mga lupang nabanggit sapul 1950 at pinatunayan sa mga survey ng NHA noong nakalipas na taon na may karapatan kami sa mga lupang ito ng pamahalaan," ani Vasquez.
>
> "Pawang lupa ng gobyerno ang mga lupa at ilegal man na patituluhan, nagawa ito ni Olmedo sa pakikipagsabwatan sa mga project manager at legal officers ng NHA," sabi ni Vasquez.
>
> Sinabi rin ng mga pamilya na protektado ng dating pinuno ng city hall ng Maynila, MHS Minister Conrado Benitez, at ilang pinuno ng pulisya ang barangay chairman kaya "nakalusot" ang mga ginawa nitong katiwalian.
>
> Bukod sa pagkamkam ng mga lupaing gobyerno, kasangkot din umano si Olmedo sa mga ilegal na pasugalan sa naturang lugar at maging sa mga nakawan ng manok.
>
> "Sapin-sapin na ang mga kaso na idinulog namin noong nakalipas na mga taon, pero pinawalang saysay ang

> lahat ng iyon, kabilang na ang tangkang pagpatay sa akin kaugnay ng pagrereklamo sa pangangamkam ng lupa noong 1984," sabi pa ni Vasquez.

Based on the newspaper article, Olmedo filed a complaint for libel against petitioner alleging that the latter's statements cast aspersions on him and damaged his reputation. After conducting preliminary investigation, the city prosecutor filed the following information in the Regional Trial Court of Manila, Branch 40:

> The undersigned accuses RODOLFO R. VASQUEZ of the crime of libel committed as follows:
>
> That on or about April 22, 1986, in the city of Manila, Philippines, the said accused, with malicious intent of impeaching the reputation and character of one Jaime Olmedo, chairman of Barangay 66, Zone 6 in Tondo, Manila, and with evident intent of exposing him to public hatred, contempt, ridicule, did then and there willfully, unlawfully, feloniously and maliciously caused the publication of an article entitled "38 Pamilya Inagawan ng Lupa" in Ang Tinig ng Masa, a daily newspaper sold to the public and of general circulation in the Philippines in its April 22, 1986 issue, which portion of the said article reads as follows:
>
> Nananawagan kahapon kay pangulong Corazon Aquino ang 38 mahihirap na pamilya sa Tondo Foreshore Area na umano'y inagawan ng lupa ng kanilang barangay chairman sa pakikipagsabwatan sa ilang pinuno ng National Housing Authority sapul 1980.
>
> Sinabi nila na nakipagsabwatan umano si Chairman Jaime Olmedo ng barangay 66, Zone 6, Tondo Foreshore Area sa mga project manager ng NHA upang makamkam ang may 14 na lote ng lupa sa naturang lugar.
>
> x x x "Pawang lupa ng gobyerno ang mga lupa at ilegal man na patituluhan, nagawa ito ni Olmedo sa pakikipagsabwatan sa mga project manager at legal officers ng NHA," sabi ni Vasquez.
>
> Sinabi rin ng mga pamilya na protektado ng dating pinuno ng city hall ng Maynila, MHS Minister Conrado Benitez, at ilang pinuno ng pulisya ang barangay chairman kaya "nakalusot" ang mga ginawa nitong katiwalian.
>
> Bukod sa pagkamkam ng mga lupaing gobyerno, kasangkot din umano si Olmedo sa mga ilegal na pasugalan sa naturang lugar at maging sa mga nakawan ng manok. x x x
>
> with which statements, the said accused meant and intended to convey, as in fact he did mean and convey false and malicious imputations that said Jaime Olmedo is engaged in landgrabbing and involved in illegal gambling and stealing of chickens at the Tondo Foreshore Area, Tondo, Manila, which statements, as he well knew, were entirely false and malicious, offensive and derogatory to the good name, character and reputation of said Jaime Olmedo, thereby tending to impeach, besmirch and destroy the honor, character and reputation of Jaime Olmedo, as in fact, the latter was exposed to dishonor, discredit, public hatred, contempt and ridicule.
>
> Contrary to law.

Upon being arraigned, petitioner entered a plea of not guilty, whereupon the case was tried. The prosecution presented Barangay Chairman Olmedo and his neighbor, Florentina Calayag, as witnesses. On the other hand, the defense presented Ciriaco Cabuhat, Nicasio Agustin, Estrelita Felix, Fernando Rodriguez ¾ all residents of the Tondo Foreshore Area ¾ and petitioner as its witnesses.

On May 28, 1992, the trial court rendered judgment finding petitioner guilty of libel and sentencing him to pay a fine of P1,000.00. On appeal, the Court of Appeals affirmed in toto. Hence, this petition for review. Petitioner contends that ¾

> I.
>
> THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE TRIAL COURT PINPOINTING PETITIONER AS THE SOURCE OF THE ALLEGED LIBELOUS ARTICLE.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

II.

THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE TRIAL COURT THAT PETITIONER IMPUTED THE QUESTIONED ACTS TO COMPLAINANT.

III.

THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE TRIAL COURT THAT THE ALLEGED IMPUTATIONS WERE MADE MALICIOUSLY.

IV.

THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE TRIAL COURT WHICH FAILED TO APPRECIATE PETITIONER'S DEFENSE OF TRUTH.

V.

THE COURT OF APPEALS ERRED IN AFFIRMING THE DECISION OF THE TRIAL COURT THAT ALL THE ELEMENTS OF LIBEL WERE PROVEN.

We will deal with these contentions in the order in which they are made.

First. Petitioner claims he was "unfairly singled out" as the source of the statements in the article when any member of the 38 complainant-families could have been the source of the alleged libelous statements.[3] The reference is to the following portion of the decision of the Court of Appeals:

> . . . In his sworn statement, appellant admitted he was the source of the libelous article (Exh. "B"). He affirmed this fact when he testified in open court as follows: That his allegation on the act of landgrabbing by Olmedo was based on the alleged report and pronouncements of the NHA representatives (p. 5, tsn, Oct. 18, 1989); that said allegations were made by him before the local press people in the pursuit of fairness and truthfulness and not in bad faith (pp. 8-9, id.); that the only inaccurate account in the published article of "Ang Tinig ng Masa" is the reference to the 487.87 sq.m. lot, on which Olmedo's residence now stands, attributed by the reporter as the lot currently occupied by appellants and his fellow complainants (pp. 4-5, tsn, Nov. 15, 1989; pp. 4-5, tsn, January 15, 1990); and that after the interview, he never expected that his statement would be the cause of the much-publicized libelous article (pp. 4-6, tsn, Nov. 15, 1989).[4]

It is true petitioner did not directly admit that he was the source of the statements in the questioned article. What he said in his sworn statement[5] was that the contents of the article are true in almost all respects, thus:

> 9. Tama ang nakalathala sa pahayagang "Ang Masa" maliban na lang sa tinutukoy na ako at ang mga kasamahang maralitang taga-lungsod ay nakatira sa humigit kumulang 487.87 square meters sapagkat ang nabanggit na 487.87 square meters ay siyang kinatitirikan ng bahay ni Barangay Chairman Olmedo kung saan nakaloob ang anim na lote - isang paglabag sa batas o regulasyon ng NHA;
>
> 10. Ang ginawa kong pahayag na nailathala sa "Ang Masa" ay sanhi ng aking nais na maging mabuting mamamayan at upang maituwid ang mga katiwaliang nagaganap sa Tondo Foreshore Area kung saan ako at sampu ng aking mga kasamang maralitang taga-lungsod ay apektado at naaapi.

This was likewise what he stated in his testimony in court both on direct[6] and on cross-examination.[7] However, by claiming that what he had told the reporter was made by him in the performance of a civic duty, petitioner in effect admitted authorship of the article and not only of the statements attributed to him therein, to wit:

> "Pawang lupa ng gobyerno ang mga lupa at ilegal man na patituluhan, nagawa ito ni Olmedo sa pakikipagsabwatan sa mga project manager at legal officers ng NHA," sabi ni Vasquez.

. . . .

> "Sapin-sapin na ang mga kaso na idinulog namin noong nakalipas na mga taon, pero pinawalang saysay ang lahat ng iyon, kabilang na ang tangkang pagpatay sa akin kaugnay ng pagrereklamo sa pangangamkam ng lupa noong 1984," sabi pa ni Vasquez.

Petitioner cannot claim to have been the source of only a few statements in the article in question and point to the other parties as the source of the rest, when he admits that he was correctly identified as the spokesperson of the families during the interview.

Second. Petitioner points out that the information did not set out the entire news article as published. In fact, the second statement attributed to petitioner was not included in the information. But, while the general rule is that the information must set out the particular defamatory words verbatim and as published and that a statement of their substance is insufficient,[8] United States v. Eguia, 38 Phil. 857 (1918).8 a defect in this regard may be cured by evidence.[9] In this case, the article was presented in evidence, but petitioner failed to object to its introduction. Instead, he engaged in the trial of the entire article, not only of the portions quoted in the information, and sought to prove it to be true. In doing so, he waived objection based on the defect in the information. Consequently, he cannot raise this issue at this late stage.[10]

Third. On the main issue whether petitioner is guilty of libel, petitioner contends that what he said was true and was made with good motives and for justifiable ends.

To find a person guilty of libel under Art. 353 of the Revised Penal Code, the following elements must be proved: (a) the allegation of a discreditable act or condition concerning another; (b) publication of the charge; (c) identity of the person defamed; and (d) existence of malice.[11]

An allegation is considered defamatory if it ascribes to a person the commission of a crime, the possession of a vice or defect, real or imaginary, or any act, omission, condition, status or circumstance which tends to dishonor or discredit or put him in contempt, or which tends to blacken the memory of one who is dead.[12]

There is publication if the material is communicated to a third person.[13] It is not required that the person defamed has read or heard about the libelous remark. What is material is that a third person has read or heard the libelous statement, for "a man's reputation is the estimate in which others hold him, not the good opinion which he has of himself."[14]

On the other hand, to satisfy the element of identifiability, it must be shown that at least a third person or a stranger was able to identify him as the object of the defamatory statement.[15]

Finally, malice or ill will must be present. Art. 354 of the Revised Penal Code provides:

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:

> 1.
>
> A private communication made by any person to another in the performance of any legal, moral or security duty; and
>
> 2. 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.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

In this case, there is no doubt that the first three elements are present. The statements that Olmedo, through connivance with NHA officials, was able to obtain title to several lots in the area and that he was involved in a number of illegal activities (attempted murder, gambling and theft of fighting cocks) were clearly defamatory. There is no merit in his contention that "landgrabbing," as charged in the information, has a technical meaning in law.[16] Such act is so alleged and proven in this case in the popular sense in which it is understood by ordinary people. As held in United States v. Sotto:[17]

> . . . [F]or the purpose of determining the meaning of any publication alleged to be libelous "that construction must be adopted which will give to the matter such a meaning as is natural and obvious in the plain and ordinary sense in which the public would naturally understand what was uttered. The published matter alleged to be libelous must be construed as a whole. In applying these rules to the language of an alleged libel, the court will disregard any subtle or ingenious explanation offered by the publisher on being called to account. The whole question being the effect the publication had upon the minds of the readers, and they not having been assisted by the offered explanation in reading the article, it comes too late to have the effect of removing the sting, if any there be, from the words used in the publication."

Nor is there any doubt that the defamatory remarks referred to complainant and were published. Petitioner caused the publication of the defamatory remarks when he made the statements to the reporters who interviewed him.[18]

The question is whether from the fact that the statements were defamatory, malice can be presumed so that it was incumbent upon petitioner to overcome such presumption. Under Art. 361 of the Revised Penal Code, if the defamatory statement is made against a public official with respect to the discharge of his official duties and functions and the truth of the allegation is shown, the accused will be entitled to an acquittal even though he does not prove that the imputation was published with good motives and for justifiable ends.[19]

In this case, contrary to the findings of the trial court, on which the Court of Appeals relied, petitioner was able to prove the truth of his charges against the barangay official. His allegation that, through connivance with NHA officials, complainant was able to obtain title to several lots at the Tondo Foreshore Area was based on the letter[20] of NHA Inspector General Hermogenes Fernandez to petitioner's counsel which reads:

> 09 August 1983
>
> Atty. Rene V. Sarmiento
> Free Legal Assistance Group (FLAG)
> 55 Third Street
> New Manila, Quezon City
>
> Dear Atty. Sarmiento:
>
> In connection with your request that you be furnished with a copy of the results of the investigation regarding the complaints of some Tondo residents against Chairman Jaime Olmedo, we are providing you a summary of the findings based on the investigation conducted by our Office which are as follows:
>
> 1. Based on the subdivision plan of Block 260, SB 8, Area III, Jaime Olmedo's present structure is constructed on six lots which were awarded before by the defunct Land Tenure Administration to different persons as follows:
> Lot 4 - Juana Buenaventura - 79.76 sq. m.
> Lot 6 - Servando Simbulan - 48.50 sq. m.
> Lot 7 - Alfredo Vasquez - 78.07 sq. m.
> Lot 8 - Martin Gallardo - 78.13 sq. m.
> Lot 9 - Daniel Bayan - 70.87 sq. m.
> Lot 1 - Fortunato de Jesus - 85.08 sq. m. (OIT No. 7800)

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

The above-mentioned lots were not yet titled, except for Lot 1. Fortunato de Jesus sold the said lot to a certain Jovita Bercasi, a sister-in-law of Jaime Olmedo. The other remaining lots were either sold to Mr. Olmedo and/or to his immediate relatives.

Lot 14 is also titled in the name of Mariano Bercasi, father-in-law of Jaime Olmedo, with an area of 47.40 sq. m.

The lot assigned to Chairman Olmedo has a total area of 487.87 sq. m.

2. Block 261, SB 8, Area III

Lot No. 7 is titled in the name of Jaime Olmedo, consisting an area of 151.67 sq. m. A four-door apartment owned by Mr. Olmedo is being rented to uncensused residents.

3. Block 262, SB 8, Area III

Lot No. 13 is allocated to Delfin Olmedo, nephew of Jaime Olmedo, but this lot is not yet titled.

4. Block 256, SB 5, Area III

Victoria Olmedo, uncensused, is a daughter of Jaime Olmedo. Her structure is erected on a non-titled lot. The adjacent lot is titled in the name of Victoria. It was issued OCT No. 10217 with an area of 202.23 sq. m. Inside this compound is another structure owned and occupied by Amelia Dofredo, a censused houseowner. The titled lot of Victoria now has an area of 338.20 sq. m.

For your information.

(s/t) HERMOGENES C. FERNANDEZ

Inspector General

Public Assistance & Action Office

In addition, petitioner acted on the basis of two memoranda,[21] both dated November 29, 1983, of then NHA General Manager Gaudencio Tobias recommending the filing of administrative charges against the NHA officials "responsible for the alleged irregular consolidation of lots [in Tondo to Jaime and Victoria Olmedo.]"

With regard to the other imputations made by petitioner against complainant, it must be noted that what petitioner stated was that various charges (for attempted murder against petitioner, gambling, theft of fighting cocks) had been filed by the residents against their barangay chairman but these had all been dismissed. Petitioner was able to show that Olmedo's involvement in the theft of fighting cocks was the subject of an affidavit-complaint,[22] dated October 19, 1983, signed by Fernando Rodriguez and Ben Lareza, former barangay tanods of Barangay 66, Zone 6, Tondo. Likewise, petitioner presented a resolution,[23] dated March 10, 1988, of the Office of the Special Prosecutor in TBP-87-03694, stating that charges of malversation and corrupt practices had been filed against Olmedo and nine (9) other barangay officials but the same were dismissed. Indeed, the prosecution's own

evidence bears out petitioner's statements. The prosecution presented the resolution[24]in TBP Case No. 84-01854 dismissing the charge of attempted murder filed by petitioner against Jaime Olmedo and his son-in-law, Jaime Reyes. The allegation concerning this matter is thus true.

It was error for the trial court to hold that petitioner "only tried to prove that the complainant [barangay chairman] is guilty of the crimes alluded to; accused, however, has not proven that the complainant committed the crimes." For that is not what petitioner said as reported in the Ang Tinig ng Masa. The fact that charges had been filed against the barangay official, not the truth of such charges, was the issue.

In denouncing the barangay chairman in this case, petitioner and the other residents of the Tondo Foreshore Area were not only acting in their self-interest but engaging in the performance of a civic duty to see to it that public duty is discharged faithfully and well by those on whom such duty is incumbent. The recognition of this right and duty of every citizen in a democracy is inconsistent with any requirement placing on him the burden of proving that he acted with good motives and for justifiable ends.

For that matter, even if the defamatory statement is false, no liability can attach if it relates to official conduct, unless the public official concerned proves that the statement was made with actual malice ¾ that is, with knowledge that it was false or with reckless disregard of whether it was false or not. This is the gist of the ruling in the landmark case of New York Times v. Sullivan,[25] which this Court has cited with approval in several of its own decisions.[26] This is the rule of "actual malice." In this case, the prosecution failed to prove not only that the charges made by petitioner were false but also that petitioner made them with knowledge of their falsity or with reckless disregard of whether they were false or not.

A rule placing on the accused the burden of showing the truth of allegations of official misconduct and/or good motives and justifiable ends for making such allegations would not only be contrary to Art. 361 of the Revised Penal Code. It would, above all, infringe on the constitutionally guaranteed freedom of expression. Such a rule would deter citizens from performing their duties as members of a self- governing community. Without free speech and assembly, discussions of our most abiding concerns as a nation would be stifled. As Justice Brandeis has said, "public discussion is a political duty" and the "greatest menace to freedom is an inert people."[27]

Complainant contends that petitioner was actuated by vengeful political motive rather than by his firm conviction that he and his fellow residents had been deprived of a property right because of acts attributable to their barangay chairman. The Court of Appeals, sustaining complainant's contention, held:

> That the said imputations were malicious may be inferred from the facts that appellant and complainant are enemies, hence, accused was motivated by vengeance in uttering said defamatory statements and that accused is a leader of Ciriaco Cabuhat who was defeated by complainant when they ran for the position of barangay captain. . . .[28]

As already stated, however, in accordance with Art. 361, if the defamatory matter either constitutes a crime or concerns the performance of official duties, and the accused proves the truth of his charge, he should be acquitted.[29]

Instead of the claim that petitioner was politically motivated in making the charges against complainant, it would appear that complainant filed this case to harass petitioner. Art. 360 of the Revised Penal Code provides:

> Persons responsible.—Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means, shall be responsible for the same.
>
> The author or editor of a book or pamphlet, or the editor or business manager of a daily newspaper, magazine or serial publication, shall be responsible for the defamations contained therein to the same extent as if he were

> the author thereof. . . .

Yet, in this case, neither the reporter, editor, nor the publisher of the newspaper was charged in court. What was said in an analogous case[30] may be applied mutatis mutandis to the case at bar:

> It is curious that the ones most obviously responsible for the publication of the allegedly offensive news report, namely, the editorial staff and the periodical itself, were not at all impleaded. The charge was leveled against the petitioner and, "curiouser" still, his clients who have nothing to do with the editorial policies of the newspaper. There is here a manifest effort to persecute and intimidate the petitioner for his temerity in accusing the ASAC agents who apparently enjoyed special privileges—and perhaps also immunities—during those oppressive times. The non-inclusion of the periodicals was a transparent hypocrisy, an ostensibly pious if not at all convincing pretense of respect for freedom of expression that was in fact one of the most desecrated liberties during the past despotism.[31]

WHEREFORE, the decision of the Court of Appeals is REVERSED and the petitioner is ACQUITTED of the crime charged.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

---

[1] Per Associate Justice Celia Lipana-Reyes and concurred in by Associate Justices Asaali S. Isnani and Corona Ibay-Somera.

[2] Exh. A-1, Records, p. 77.

[3] Petition, pp. 9-12; Rollo, pp. 17-20.

[4] CA Decision, p. 4; Id., p. 47.

[5] Exh. B; Records, p. 79. (Emphasis added)

[6]TSN, pp. 3-4, Nov. 15, 1989.

ATTY. VIRGILIO OCAYA ¾ Mr. Vasquez, you are charged with having [made] a statement that was reflected in the Pahayagang [Ang] Masa. Where was this alleged statement taken?

A - What I remember, sir, the reporter got the statement from the National Housing Authority, and we were many at that time that were being interviewed by the reporters, sir.

. . . .

Q - Is that [report] reflected in the Pahayagang [Ang] Masa an accurate report in all aspects?

A - There are some which are correct and some which are wrong, sir.

Q - Which are those which are not correct?

A - Regarding the statement that I was one of those whose residence and lot is area is around more than 400 sq. meters, sir.

[7]TSN, p. 5, Jan. 15, 1990.

[ATTY. CHARLIE TUMARU] ¾ Tell us, Mr. Witness, you said in your affidavit that part of the contents of the

publication “Ang Masa” was not correct which pertains to 487.87 square meters. However, you were able to make that conclusion when you were able to read that part of the publication, “Ang Masa.”

A ¾ No, sir, I told you, sir, that the contents of my sworn statement is correct. But some portion of the newspaper “Ang Masa” particularly the portion regarding the 487.87 square meters wherein me and my companions were living, that is not correct because the lot was occupied by the barangay chairman Olmedo and the lot was owned by the government.

[8] United States v. Eguia, 38 Phil. 857 (1918).

[9]See People v. Burgos, 59 Phil. 375 (1934).

[10]Revised Rules on Criminal Procedure, Rule 117, §8; People v. Garcia, 281 SCRA 463 (1997).

[11] Daez v. Court of Appeals, 191 SCRA 61 (1990).

[12] Revised Penal Code, Art. 353.

[13] M.H. Newell, The Law on Slander and Libel in Civil And Criminal Cases §175 (1924).

[14] Alonzo v. Court of Appeals, 241 SCRA 51 (1995).

[15] Kunkle v. Cablenews-American, 42 Phil 757 (1922).

[16] In Republic v. Court of Appeals, 94 SCRA 865 (1979), usurpation or illegal appropriation of 50 hectares of state-owned urban land was considered as “landgrabbing.” Petitioner, on the other hand, cites the concurring opinion of Justice Ramon C. Aquino in Tahanan Development Corporation v. Court of Appeals, 118 SCRA 273, 325 (1982) that landgrabbing may be perpetrated by (1) actual and physical usurpation, (2) expanded survey, (3) fake Spanish titles, and (4) reconstitution of fake Torrens titles, registration decrees, or judgments in land registration cases. Petition, p. 15; Rollo, p. 23.

[17] 38 Phil. 666, 672-673 (1918).

[18] TSN, pp. 3-4, Nov. 15, 1989.

[19] Art. 361 provides:

Proof of the truth. - In every criminal prosecution for libel, the truth may be given in evidence to the court and if it appears that the matter charged as libelous is true, and, moreover, that it was published with good motives and for justifiable ends, the defendants shall be acquitted.

Proof of the truth of an imputation of an act or omission not constituting a crime shall not be admitted, unless the imputation shall have been made against Government employees with respect to facts related to the discharge of their official duties.

In such cases if the defendant proves the truth of the imputation made by him, he shall be acquitted.

[20] Exh. 12; Records, pp. 238-239.

[21] Exhs. 3 and 4; Records, pp. 225-226.

[22] Exh. 17; Id., p. 251.

[23] Exh. 16; Id., pp. 246-250.

[24] Exhs. D to D-2; Id., pp. 289-291.

[25] 376 U.S. 254, 11 L.Ed.2d 686 (1964). For a fascinating account of this case, see Anthony Lewis, Make No Law - The Sullivan Case and the First Amendment (1991).

[26] Lopez v. Court of Appeals, 145 Phil. 219 (1970); Mercado v. Court of First Instance, 201 Phil. 565 (1982); Babst v. National Intelligence Board, 132 SCRA 316, 325 (1984) (Fernando, C.J., concurring).

[27] Whitney v. California, 247 U.S. 357, 375, 71 L.Ed. 1095, 1105 (1927) (concurring).

[28] CA Decision, p. 5; Rollo, p. 48.

[29] Compare: "The third paragraph of Art. 361 must have reference to the two cases referred to in the second paragraph where proof of the truth may be admitted, namely: (1) if the act or omission imputed constitutes a crime; and (2) if the imputation not constituting a crime is made against Government employees with respect to facts related to the discharge of their duties. The question may arise whether or not it is necessary to show that the accused who proved the truth of the imputation published it with good motives and for justifiable ends in order that he may be acquitted. It is believed that since the accused did the public a service, proof of his good motives and justifiable ends is not necessary." 2 Luis B. Reyes, The Revised Penal Code 361 (1981).

[30] Manuel v. Paño, 172 SCRA 225 (1989).

[31] Id., at 238-239.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.