

DIONISIA ARTAJOS, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 131113. April 21, 1999

Ponente: MENDOZA, J.

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MENDOZA, J.:

Petitioner Dionisia Artajos was charged with grave slander in a complaint filed by Nenita Uy with the Municipal Trial Court (MTC) of Vigan, Ilocos Sur. The complaint alleged -

That on December 3, 1993, in the Municipality of Vigan, province of Ilocos Sur, and within the jurisdiction of this Honorable Court, the abovenamed accused, moved by personal resentment and ill feelings which she harbors against the undersigned, did then and there, wilfully, unlawfully, feloniously and publicly uttered to undersigned complainant the following slanderous and defamatory words - "sika switik, salawasaw, ma[g]nanakaw" "Gaga, Baboy" thereby seriously insulting, discrediting, and dishonoring complainant.

Contrary to law.

Upon arraignment, petitioner pleaded "not guilty," whereupon trial was held.

The main witness for the prosecution was complainant Nenita Uy whose testimony is summarized in the following portion of decision of the MTC:

The witness testified that she has been a teacher of the Burgos Memorial West since September 30, 1984. On December 3, 1993, she arrived at school at 7:15 in the morning. She recorded in the principal's office the time of her arrival in the logbook and in her form 48. During the recitation of the Panatang Makabayan, Miss Dionisia Artajos shouted, "Oy sika Mrs. Uy, okinnam rummuarka ta patayen ka." The accused was then standing facing west from six to eight meters northeast of the principal's office. Present were the pupils participating in the flag ceremony. The complainant could not bear the situation, went away then proceeded to her classroom. Still she could hear the accused shouting. She later went out. She saw her co-teacher Mr. Faina the officer-in-charge and Miss Henedina Alconis. They were inside the Learning Resource Center (LRC) and so she entered the LRC asking the whereabouts of their OIC. They went out to look for the principal. While near the door of the Learning Resource Center the complainant saw Miss Artajos near the office of the principal and the accused was again beckoning her hands at the complainant uttering words because she was very angry at the time. She uttered "you come here the vulva of your mother and I will kill you, swindler, thief, liar, you are talking with Artajos of Pagburnayan." Mrs. Nenita Uy just remained standing and she noticed the principal with her co-teachers, Miss Susan Alconis and Ms. Pacita Go came out from the principal's office. She saw the principal, Dr. Jovina Alibin approached her. While Ms. Pacita Go and Miss Alconis went with Miss Artajos, Miss Artajos continued shouting. The principal, Mr. Faina and Mrs. Henedina Alconis led the complainant away from Miss Artajos. She was brought to a room of Mrs. Melita de Gracia. The accused was still shouting outside the principal's office. The principal advised the complainant that she should keep calm. The principal accompanied the complainant to her room and she continued teaching. She asked permission from the principal that she will go to the higher authorities. She went first to the district supervisor but upon learning that he was out of the district, the complainant went to the division superintendent who was also out of

the province. She later went to the barangay captain. The complainant tried her best to have a confrontation with Miss Artajos in front of the principal. The principal refused as she thought that it might get worse if they confront each other at that moment. Mrs. Uy went to Barangay Captain William Verzosa in the latter's house. She informed and related to the barangay captain about the incident and the slanderous remarks made by the accused such as "salawasaw, ma[g]nanakaw, baboy." The barangay captain called for his secretary. At about 2:00 o'clock in that same day there was a confrontation between the accused and the complainant in the principal's office at the Burgos Memorial West. Present were Dr. Jovina Alibin, barangay captain William Verzosa, Brgy. Secretary Pinedo Rojas and barangay councilman Desiderio Pascua. Mrs. Nenita Uy and Miss Artajos were also present. The barangay captain told the accused about the complaint and the purpose to settle what happened between Miss Artajos and the complainant, but Miss Artajos answered, "Isu ngamin Kapitan, that's why I told her that I will kill her because I came to know from my co-teacher that she is looking for someone who will kill me by means of a witchcraft." There was no settlement because the accused got angry uttering so many bad traits of the complainant that Mrs. Uy is a swindler, the payment of the land which was paid by Reny's Dry Goods and through the barangay captain she even said that the complainant grabbed the grinder managed by her. That the complainant is the cause of the laziness of their co-teacher at the Burgos Memorial West because the complainant is not teaching but placing make up and counting her riches. On December 6, 1993, the complainant was summoned to the office of the district supervisor where she saw Miss Artajos, the principal and the district supervisor interviewed the complainant and the accused. The complainant did not agree to a settlement because Miss Artajos could not accept her own mistake. Because of the incident the personal and family life of the complainant was affected. She was so ashamed with her friends and their small business of grinder and a small sari-sari store was also affected.

Petitioner denied the accusation and claimed that it was complainant who, after the flag ceremony in the morning of December 3, 1993, shouted at her "Oki Artajos, uray ket no pinnatay." According to petitioner, she was then with a group of teachers composed of Perlita Lique, Pacita Go, Henedina Alconis, Honorata Anila, and Carolina Riego. They were telling green jokes as Perlita Lique was dancing. One of them, Pacita Go, told her not to mind complainant. As complainant went to her room muttering unintelligible words, petitioner went to her own room. Petitioner said that while she was teaching in her class, she noticed that her pupils were not paying attention. She later learned that it was because complainant was shouting "Rummuar uray siasino, kayang kaya, awan ti kabutengko." She said she became nervous and so she went to the principal's office where the principal and the guidance counselor advised her not to mind complainant. However, complainant once again threatened to kill her. When petitioner asked the principal to let her speak to complainant, the latter said, "[Y]es, why don't you come near me and do it now, why hire somebody to kill me, I am not afraid." As complainant continued to shout at her, petitioner went to her room. She instructed her pupils to write down what complainant was saying. Petitioner claimed that complainant hated her so much that the latter filed criminal cases (for grave threats, grave slander, two counts of falsification) and an administrative case against her.

The MTC found petitioner guilty of grave slander and sentenced her to a prison term of one (1) year and one (1) day, as minimum, to one (1) year and eight (8) months, as maximum, and ordered her to pay P10,000.00 as moral damages.

On appeal the Regional Trial Court (RTC) of Vigan, Ilocos Sur (Branch 71) affirmed the MTC's decision except as to the award of P10,000.00 as moral damages, there being evidence of prior civil action to recover the same. Petitioner received a copy of the RTC's decision on February 19, 1996.

Instead of filing a petition for review, petitioner filed a notice of appeal on March 12, 1996. Apparently realizing her error, she filed on March 20, 1996 a petition for review.

In its decision, dated February 12, 1997, the Court of Appeals denied due course to the petition for review for having been filed late, due date being March 5, 1996 (not March 6, 1996 as stated by the Court of Appeals); for

petitioner's failure to sign the certification of non-forum shopping personally; and for lack of merit. Petitioner's motion for reconsideration was subsequently denied. Hence this petition for review on certiorari.

Petitioner argues that:

- THE COURT OF APPEALS, ERRED IN NOT GIVING DUE COURSE TO THE PETITION AND APPLYING STRINGENTLY THE TECHNICAL RULES OF PROCEDURE.
- THE COURT OF APPEALS ERRED IN NOT FINDING THAT THE GUILT OF THE PETITIONER HAD NOT BEEN PROVED BEYOND REASONABLE DOUBT.

The Court finds no reversible error to have been committed by the Court of Appeals.

First. Petitioner's petition for review in the Court of Appeals was filed late and its certification of non-forum shopping was not signed by petitioner herself as required by Rule 122, §6 of the Rules on Criminal Procedure and Administrative Circular No. 04-94.

Second. As to the merits, the Court concurs with the Court of Appeals that petitioner's guilt has been proven beyond reasonable doubt.

Petitioner cites alleged contradictions between the testimony of the complainant Nenita Uy and the other prosecution witnesses. Petitioner alleges that despite the fact that the information charged one count of grave slander, the prosecution allegedly presented evidence showing three incidents of the same on December 3, 1993 "one at around 7:15 when the Panatang Makabayan was being recited, another at around 8:00 to 8:15 after the flag ceremony during the first period of classes and another at around 2:00 p.m. at the principal's office."

The contradictions, however, are more apparent than real. Petitioner claims that complainant's testimony that she was with her co-teacher Perlita Lique in the morning of December 3, 1993 was contradicted by Perlita Lique who testified that she was only with a certain Miss Alconis and with nobody else during the morning exercises following the flag ceremony. What complainant said was that she was with Perlita Lique prior to the formation for the flag ceremony. Perlita Lique confirmed this.

The fact that Perlita Lique did not notice any commotion at the time of the flag ceremony does not necessarily mean that none took place. For one, Perlita Lique said that, during the flag ceremony, she was unaware where petitioner was, which indicates that she was far away from where the incident happened. In fact, what Perlita Lique actually contradicted was petitioner's testimony because Perlita said she was not with petitioner in the morning of December 3, 1993 nor did she dance, tell green jokes, or hear complainant threatening petitioner.

As for the testimony of student Daisy Ayson, the same even corroborates complainant's testimony that petitioner shouted at her during the recitation of the Panatang Makabayan while complainant was in the principal's office. Daisy Ayson said she saw complainant coming out of the said office after she heard petitioner shouting, "Oy, Mrs. Uy, vulva of your mother, come out and I will kill you, you are talking to Artajos of Pagburnayan" and "swindler, liar, thief."

Anent the testimony of the school principal, Dr. Jovina A. Alabin (also spelled Alibin in the MTC's decision), which petitioner claims is insufficient to prove slander as Dr. Alabin testified that she only heard petitioner saying "Uy, Uy maykadtoyman (Uy, Uy, will you come here)," it must be stated that such was not the only basis for petitioner's conviction. Dr. Alabin's testimony must be taken in conjunction with the testimonies of complainant and prosecution witnesses, Alfredo Guzman, who was in the school to give money to his children, and Daisy Ayson, which clearly show that defamatory words had been uttered by petitioner against private respondent.

With regard to petitioner's observation that the prosecution presented evidence showing three incidents of slander

(at various times on December 3, 1993) when she was only charged with a single count of slander, as aptly observed by the Regional Trial Court in its decision:

Assuming that what the defense is claiming is true that instead of only one incident of slander, there were three, then the same without doubt works in their favor. Instead of being confronted with three criminal cases, there is only one. This alleged omission of the prosecutorial arm of the State does not wreck havoc against the basic constitutional rights of the Accused. It favors her because obviously instead of having three cases against her, by virtue of said omission, she only has one.

Finally, petitioner also argues that it was wrong for the Court of Appeals to uphold her conviction just because she did not file any case against complainant who had allegedly threatened her. As already stated, this is but one factor which made the three courts below decide that as between the contradictory testimonies of petitioner and that of complainant, the latter was more worthy of credence being consistent with human behavior and experience.

Be that as it may, the Court thinks that a modification of petitioner's penalty is in order as it appears that the Indeterminate Sentence Law was not applied in this instance.

Under Art. 358 of the Revised Penal Code, grave slander is punishable by *arresto mayor* in its maximum period to *prision correccional* in its minimum period. There being neither a mitigating nor an aggravating circumstance, the maximum of the penalty shall be within the medium period thereof, which is from one (1) year and one (1) day to one (1) year and eight (8) months. The minimum shall be within the penalty one degree lower, i.e., *arresto mayor* in its minimum and medium periods, which is from one (1) month and one (1) day to four (4) months per Art. 61, par. 4.

WHEREFORE, the decision of the Court of Appeals is AFFIRMED with the MODIFICATION that petitioner is sentenced to an indeterminate prison term of four (4) months of *arresto mayor*, as minimum, to one (1) year and eight (8) months of *prision correccional*, as maximum.

SO ORDERED.

Bellosilo, (Chairman), Puno, Quisumbing, and Buena, JJ., concur.

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