

DOLORES MAGNO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 133896. January 27, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

Petitioner Dolores Magno appeals from the March 12, 1998 decision[1] and May 20, 1998 resolution[2] of the Court of Appeals (CA) in CA-G.R. CR No. 16033, affirming an earlier decision of the Regional Trial Court of Baguio City in Criminal Cases No. 8804-R and 8806-R which found petitioner guilty of two (2) counts of libel.

Records yield the following pertinent facts:

For around twenty (20) years, petitioner Dolores Magno (Dolores) and Cerelito T. Alejandro (Cerelito) have been neighbors at Pucay Village, Marcos Highway, Baguio City. The land on which the Magnos' house stands abuts the Marcos Highway. The Alejandros, however, can access the highway only by traversing the Magnos' property. Thru the years, the Magnos had allowed the Alejandros the use of this passage way until Dolores closed the same sometime in 1991, purportedly in retaliation to certain unsavory allegations made by Cerelito against the Magnos and because of the deteriorating relationship between the two families.[3]

In the afternoon of March 2, 1991, Cerelito, while at the upper portion of his house, saw Dolores write on the wall at the back of her garage the following words: "Huag Burahin Bawal Dumaan Dito ang Maniac at Magnanakaw ng Aso katulad ni Cere Lito O. Cedring."

Feeling that he was the "Cere", "Lito" or "Cedring" being alluded to, Cerelito reported the matter to the local police and filed an affidavit-complaint with the Fiscal's Office.

Subsequently, or on March 9, 1991, at around 4:00 p.m., Rodelito, Cerelito's 16-year old son, while on his way to buy bread at a nearby store, saw Dolores writing something on her garage's extension wall with the use of a paint brush and red paint. In full, the writing reads: "HUAG BURAHIN BAWAL DUMAAN ANG SUSPETSOSA BASTOS AT MAKAPAL NA MUKHA DITO LALO NA SA MANIAC AT MAGNANAKAW NG ASO KATULAD NI CERELITO." After reading what was thus written, Rodelito proceeded with his errand and, upon reaching home, related what he saw to his father.[4]

Again, feeling that he was the maniac and dog thief being referred to, Cerelito lost no time in filing a complaint with the Baguio City Police (BCP). Pictures were then taken of the aforesaid writing on the wall.[5] Eventually, the Office of the City Prosecutor in Baguio, finding, following an investigation, probable cause for libel against Dolores, filed the corresponding information giving rise to Criminal Case No. 8804-R.

Evidently apprised by the police of the complaint thus filed by Cerelito, Dolores repaired in the morning of March 15, 1991 to the BCP sub-station to deliver her 3-page letter-answer written in yellow pad and addressed to the station sub-commander.[6]

At around 12:20 p.m. of the same day, March 15, 1991, Dolores handed to and instructed Evelyn Arcartado, Cerelito's sister, to deliver an unsealed white, long, ordinary envelope to Fe Alejandro, Cerelito's wife. Since Fe was out of the house at that time, Evelyn gave the unsealed envelope to Cerelito, who immediately read the three (3) separate letters contained in the envelope. Evelyn followed suit afterwards. Fe read the contents of the envelope upon reaching home late in the afternoon of March 15, 1991.[7]

The first letter, unsigned and undated[8] and written on yellow pad, was addressed to spouses Cerelito and Fe Alejandro. Quoted, in part, in the information in Criminal Case No. 8806-R, this unsigned letter reads:

If your husband can't show any proof of his makating dila then comply & if your husband can't understand this simple English dahil mangmang, dayukdok na galing sa isang kahig isang tukang pamilya at walang pinagaralan, illiterate, mal educado kaya bastos eh huag na niya kaming idamay sa kaniyang katangahan na alam na trabaho eh humawak ng grasa sa Saudi. Kaya iyong pambabastos mo at pagdudumi niya sa pangalan naming at higit pa siyang marumi at putang ina rin niya. Galing siya sa p... ng baboy at hindi sa p... ng tao. Huag niyang ikumpara ang pinangalingan niya sa pinangalingan namin. Siya ang magnanakaw at mandaraya. Malinaw na ibidensiya iyan kinalagyan ng hagdan ninyo, di ba lampas kayo sa lote ninyo. Pinalakad ninyo ang mojon para lumaki ang lote ninyo. Bago kayo magsalita mambintang ng kapitbahay ninyo, tignan ninyo muna ang sarili ninyo. Mas mukha pang magnanakaw ang asawa mo para malinaw.

The second letter is a photo-copy of the first, but with the following addendum written in ink at the back page thereof which reads:

Ang tibay mo rin naman Mrs. Alejandro, makapal pa ang mukha mo at ikaw pa ang magpapablotter sa akin para pagtakpan mo ang maniac mong asawa. Kailan mo masasabi na pumasok sa bakuran mo para mamirhuesyo sa inyo. Tanga.

The third letter, a photo-copy of Dolores' signed letter[9] dated March 15, 1991, supra, to the Sub-Station 5 Commander of the BCP purportedly in reply to the statement given by Fe Alejandro to the police station on March 3, 1991, reads in part as follows:

The Sub Station Commander
Sub-Station 5
Marcos Highway, B.C.

Dear sir:

xxx xxx xxx

Allow me then to explain to you . . . why I call Mr. Alejandro a maniac. Pumasok siya sa lote ko sa garahe na naging shelter (temporary) namin ng pamilya ko pagkatapos ng lindol (3 weeks after) ng hatinggabi-lasing na lasing nakapaa, bukas ang zipper ng pantaloon nakayapak na walang sapin sa paa. Tulog na kami. We were awakened by the constant barking of my dogs. I have 3 native dogs but 1 was slaughtered by Mr. Cerelito Alejandro He is even a dog-napper. My Manang Louie can relate the incident since we were out of the country x x x. I don't trust him as my kapitbahay na bantay salakay. In simple tagalog magnanakaw ng aso para may malamom dahil takaw na takaw at walang maibili.

It is upon the foregoing factual backdrop that Dolores was charged with libel under four (4) separate informations filed with the Regional Trial Court of Baguio City, docketed as Criminal Cases No. 8803-R, 8804-R, 8805-R and 8806-R and raffled to Branch 6 of the court.

The information in Criminal Case No. 8803-R was based on Dolores' letter dated March 15, 1991[10] to the BCP Sub-station Commander explaining why she called Cerelito a "maniac," whereas the information in Criminal Case No. 8805-R arose out of the following statement written by Dolores on March 2, 1991 at the back of her garage

wall, viz. "... Bawal Dumaan ang Maniac at Magnanakaw ng aso katulad ni Cerelito O. Cedring..."

The accusatory portion of the information in Criminal Case No. 8804-R reads in full as follows:

That on or about the 9th day of March, 1991, in the City of Baguio, Philippines, the above-named accused [Dolores Magno], with deliberate and malicious intent and evil motive of impeaching the reputation, virtue and integrity of CER[E]LITO T. ALEJANDRO, . . ., and with malicious intent of exposing the said Cerelito Alejandro to public hatred, contempt, ridicule, discredit and dishonor, without any justifiable motive, did then and there willfully, unlawfully and feloniously and criminally paint with brush in bold letters at the wall of the extension of her garage, the following defamatory words: "HUAG BURAHIN BAWAL DUMAAN ANG SUSPETSOSA BASTOS AT MAKAPAL ANG MUKHA DITO LALO NA SA MANIAC AT MAGNANAKAW NG ASO KATULAD NI CERELITO", which aforesaid defamatory, malicious and libelous statements have been read by the public, when in truth and in fact said accused well knew that the allegations are false, untrue and malicious, thereby causing dishonor, discredit, ridicule or contempt against the said Cerelito Alejandro, to his damage and prejudice.

On the other hand, the information in Criminal Case No. 8806-R reads:

That on or about the 15th day of March, 1991, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate and malicious intent and evil motive of impeaching the reputation, virtue and integrity of CERELITO T. ALEJANDRO, a person of good standing in the community, and with malicious intent of exposing the said Cerelito Alejandro to public hatred, contempt, ridicule, discredit and dishonor, without any justifiable motive, did then and there willfully and criminally prepare and write a letter in yellow pad paper addressed to herein complainant and his wife, Fe Alejandro, in an unsealed envelope, the following statements:

"IF YOUR HUSBAND CAN'T SHOW ANY PROOF OF HIS MAKATING DILA THEN COMPLY & IF YOUR HUSBAND CAN'T UNDERSTAND THIS SIMPLE ENGLISH DAHIL MANGMANG, DAYUKDOK NGA GALING SA ISANG KAHIG ISANG TUKANG PAMILYA AT WALANG PINAG-ARALAN, ILLITERATE, MAL EDUCADO KAYA BASTOS EH HUAG NA NIYA KAMING IDAMAY SA KANIYANG KATANGAHAN NA ALAM NA TRABAHO E HUMAWAK NG GRASA SA SAUDI. KAYA IYONG PAMBABASTOS MO AT PAGDUDUMI NIYA SA PANGALAN NAMIN AT HIGIT PA SIYANG MARUMI AT PUTANG INA RIN NIYA. GALING SIYA SA PUKI NG BABOY AT HINDI PUKI NG TAO, HUAG IKUMPARA ANG PINANGALINGAN NAMIN. SIYA ANG MAGNANAKAW AT MANDARAYA. MALINAW NA IBIDENSIYA IYAN KINALALAGYAN NG HAGDAN NINYO, DI BA LAMPAS KAYO SA LOTE NINYO. PINALAKAD NINYO ANG MOJON PARA LUMAKI ANG LOTE NINYO. BAGO KAYO MAGSALITA MAMBINTANG NG KAPITBAHAY NINYO, TIGNAN NINYO MUNA ANG SARILI NINYO. MAS MUKHA PANG MAGNANAKAW ANG ASAWA MO PARA MALINAW

which aforesaid defamatory, malicious and libelous words and statements have been read by the public, when in truth and in fact said accused well knew that the allegations are false, untrue and malicious, thereby causing dishonor, discredit, ridicule or contempt against the said Cerelito T. Alejandro, to his damage and prejudice.

Upon arraignment, Dolores, as accused, entered a plea of "Not Guilty" to each of the offenses charged in the four informations aforesaid.[11] Following a joint trial, the trial court rendered judgment on September 23, 1993,[12] finding her guilty of libel in both Criminal Cases Nos. 8804-R and 8806-R and sentencing her to suffer imprisonment and ordering her to indemnify the offended party a certain sum as moral damages. In Criminal Cases Nos. 8803-R and 8805-R, however, she was acquitted. The decretal portion of the trial court's decision reads, as follows:

WHEREFORE, Judgment is rendered as follows:

- In Criminal Case No. 8803-R, the Court Finds that the prosecution failed to prove the guilt of accused beyond reasonable doubt and hereby Acquits Dolores Magno of the offense of Libel as charged. Costs de oficio.

The bond of the accused in Criminal Case No. 8803-R is cancelled and discharged.

- In Criminal Case No. 8804-R, the Court Finds accused

Dolores Magno Guilty beyond reasonable doubt of the offense of Libel as charged and hereby sentences her to an imprisonment ranging from 3 months and 11 days of Arresto Mayor as Minimum to 1 year 8 months and 21 days of Prision Correccional as Maximum; to indemnify the offended party Cerelito Alejandro the sum of P5,000.00 as Moral Damages and the costs of suit.

- In Criminal Case No. 8805-R, the Court Finds that the prosecution failed to prove the guilt of accused beyond reasonable doubt and hereby Acquits Dolores Magno of the offense of Libel as charged. Costs de oficio.

The bond of accused Dolores Magno in Criminal Case No. 8805-R is cancelled and discharged.

- . In Criminal Case No. 8806-R, the Court Finds accused Dolores Magno Guilty beyond reasonable doubt of the offense of Libel as charged and hereby sentences her to an imprisonment ranging from 3 months and 11 days of Arresto Mayor as Minimum to 1 year 8 months and 21 days of Prision Correccional as Maximum; to indemnify the offended party Cerelito Alejandro the sum of P5,000.00 as Moral Damages and the costs of suit.

SO ORDERED.

Dissatisfied, Dolores went on appeal to the CA. In its Decision dated March 12, 1998,[13] the appellate court affirmed in toto the judgment of conviction of the RTC. It likewise denied Dolores' motion for reconsideration in its Resolution dated May 20, 1998[14]for lack of merit.

Hence, this appeal by Dolores via the instant petition for review.

Dolores urges her acquittal contending that her conviction for libel in Criminal Case No. 8804-R is predicated on what she considers as the incredible testimony of the prosecution's principal witness, Rodelito Alejandro. She claims that it is extremely difficult to believe that Rodelito, after seeing the libelous writings on the wall at the back of her garage, would proceed to buy bread instead of reporting immediately to his father. In Dolores' own words: "In the natural order of things, or in the natural course of events, a son in the place of Rodelito would have gone home first to report the incident to his father, instead of going some place to buy bread." [15] Pressing on, she alleges that father and son could not even agree as to the whereabouts of the former in the afternoon of March 9, 1991, noting that, while Cerelito testified being at their house at that time, Rodelito said his father was not at the house the whole day.[16]

Shifting to another point, Dolores states that the prosecution failed to establish the presence of the elements of authorship and publication of the malicious writings on the wall, as well as the unsigned letter addressed to the spouses Alejandro, referring to Exhibit "F-1".[17]

The appeal is without merit

The familiar and well-entrenched doctrine is that the assessment of the credibility of witnesses lies within the area and competence of the trier of facts, in this case, the trial court and, to a certain extent, the CA. This doctrine is based on the time-honored rule that the matter of assigning values to declarations on the witness stand is best and most commonly performed by the trial judge who, unlike appellate magistrates, is in the best position to assess the credibility of the witnesses who appeared before his sala as he had personally heard them and observed their deportment and manner of testifying during the trial.[18] Succinctly put, findings of fact of the trial court pertaining to the credibility of witnesses command great weight and respect since it had the opportunity to

observe their demeanor, conduct and attitude and is therefore placed in a more competent position to discriminate between truth and falsehood.[19]

Verily, the Court finds no reason to doubt the identification by Rodelito of Dolores as the person who wrote on her garage's extension wall the libelous writing " . . . Maniac at Magnanakaw ng Aso Katulad ni Cerelito." The fact that Rodelito, upon witnessing this particular incident, proceeded to buy bread instead of immediately informing his father of what occurred, does not, without more, vitiate the former's credibility a bit nor diminish the probabilities of the situation testified upon . As aptly observed by the Court of Appeals:

Anent the first argument, it is not at all improbable for Rodelito to proceed to buy bread first before telling his father of the incident. The fact that he did not immediately go home and tell his father what he witnessed but instead proceeded first to the store is not an unusual behavior for this Court to speculate or doubt witness' credibility. As the records show, such maligning of Cerelito's person in public was not the first time for the [petitioner] had priorly (sic) made insulting writings on her garage wall. Thus, this second incident witnessed by Rodelito was no longer a surprise for him which could have immediately prompt (sic) him to report it to his father. (Word in bracket added.)

Of little moment, too, is the minor variance in the respective testimonies of Rodelito and Cerelito on whether or not Cerelito was at his house in the eventful afternoon of March 9, 1991. Given Rodelito's positive assertion of what and who he saw at that time, the exact whereabouts of Cerelito hardly assumes any decisive significance. At any rate, there is no irreconcilable inconsistency between the testimonies of Rodelito and Cerelito. Cerelito testified that at the time Dolores was making the writings on the wall, he was at the upper portion of their house,[20] for which reason, Rodelito probably was not able to see him when he went out to buy bread. But lest it be overlooked, the cited inconsistency between the testimonies of father and son are not of such materiality to overturn the positive identification of Dolores as the author of the writing on the wall in question. In fact, we have previously held that minor discrepancies or inconsistencies in the declarations or testimonies of witnesses do not affect, but even enhance their credibility for they remove any suspicion that the testimonies were contrived or rehearsed. What is important is that the testimonies agree on essential facts and substantially corroborated a consistent and coherent whole.[21] What the CA said in this regard commends itself for concurrence:

Anent the second and third arguments where [petitioner] faults Rodelito's testimony as suffering from material inconsistencies, the same, if any, merely refers to minor points which do not detract from the credibility of his testimony. What is relevant is the fact that Rodelito saw the [petitioner] write the insulting writings and that he afterwards informed his father about it. Well-settled is the rule that inconsistencies and contradictions which are minor, trivial and inconsequential cannot impair, and on the contrary, serve to strengthen the credibility of the witness.[22] (Word in bracket added)

This brings us to Dolores' conviction in Criminal Case No. 8806-R where she insists on the absence of the element of publication so vital in the prosecution for libel. To be liable for libel under Article 353 of the Revised Penal Code, the following elements must be shown to exist: (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.[23]

There can be no quibbling about the defamatory nature of the written imputation or allegations hurled against Cerelito. And the derogatory writings were obviously made out of ill-will or revenge. The issue of defamation, malice or the identity of the person defamed is not even raised in this recourse.

As earlier recited, the information in Criminal Case No. 8806-R arose out of what Dolores wrote about the spouses Cerelito and Fe Alejandro contained in an unsealed envelope and delivered, through Evelyn Arcartado, on March 15, 1991. Dolores contends that, from the time Evelyn was physically handed the unsealed envelope to

the time the latter turned it over to Cerelito, no one opened or read the offending letter contained therein.[24] Prescinding therefrom, Dolores argues against the existence of libel, citing, for the purpose, American jurisprudence holding that "where libelous matter is communicated only to a person defamed and he voluntarily discloses the contents of the libelous communication to others, the originator of the libel is not responsible for the publication." [25] Dolores argues that since the obnoxious letter was addressed to spouses Cerelito and Fe Alejandro, Fe was, insofar as Cerelito is concerned, not a third person for purposes of publication. She further declares that to call the husband (Cerelito) a thief in connection with a charge that he and his wife had stolen goods, is not to speak words of defamation of him alone so as to make the utterance in the presence of his wife a publication.

Publication, in the law of libel, means the making of the defamatory matter, after it has been written, known to someone other than the person to whom it has been written. If the statement is sent straight to a person for whom it is written there is no publication of it.[26] The reason for this is that "a communication of the defamatory matter to the person defamed cannot injure his reputation though it may wound his self-esteem. A man's reputation is not the good opinion he has of himself, but the estimation in which others hold him." [27]

In *People vs. Silvela*, [28] the Court ruled that sending an unsealed libelous letter to the offended party constitutes publication. In the present case, there is no dispute that the unsealed envelope containing the libelous letter was handed by Dolores to Evelyn Arcartado. Contextually, there was a reasonable probability that the contents of the unsealed envelope, particularly the libelous letter, could have been exposed to be read by Evelyn before delivering the same to Cerelito. However, Evelyn categorically admitted not reading the letter at the first instance, reading it only after securing Cerelito's permission. An excerpt of her testimony:

Direct Examination:

FISCAL CENTENO:

Did you read the contents of the letter?

A

Yes, sir. I read it after my brother had read it.

Q

And what did you find out?

A

Damaging words.[29]

CROSS EXAMINATION

BY ATTY. AGRANZAMENDEZ

Q

On March 15, 1991 at 12:20 P.M., as you said, you were called by Mrs. Magno, is that correct? A. Yes, sir.

Q

And she handed an envelope, is that correct. A. Yes, sir.

Q

And she told you to give this envelope to your sister-in-law?

A

Yes, sir.

Q

And because her instruction to you was to give the envelope to your sister-in-law, you did not open the envelope yourself, correct?

A

No, I did not, sir.

Q

But when you got to your house, your sister-in-law was not there, is that correct? A. Yes, sir.

Q

And that is the reason why you gave it instead to your brother, correct? A. Yes, sir.

Q

Between the time that Mrs. Magno gave you that envelope up to the time you gave it to your brother, you yourself did not open it, correct. A. Yes, sir. [30]

RE-DIRECT EXAMINATION

BY FISCAL CENTENO

Q

So, madame witness, all in all how many documents were read by Cerelito Alejandro when you handed this envelope, Exhibit "F"?

A

He read all the letters.

COURT: (To witness)

Q

How about you?

A

I also read all the letters.

Q

Are you saying that after your brother read those letters you read them also? A. Yes, sir

Q

Your brother handed them to you?

A

I asked permission from him and he said, yes.

Q

Does he always allow you to read his private letters?

A

This is the only letter which he allowed me to read. [31]

Inasmuch, therefore, as Cerelito voluntarily disclosed the contents of Dolores' libelous letter to Evelyn, the act of publication cannot be ascribed to Dolores insofar as Evelyn is concerned. However, it could not be said that there was no publication with respect to Cerelito's wife, Fe. While the letter in question was addressed to "Mr. Cerelito & Fe Alejandro," the invectives contained therein were directed against Cerelito only, as shown below:

Mr. Cerelito & Fe Alejandro

xxx xxx xxx

Reason: In retaliation and stupidity of Mr. Cerelito Alejandro accusing us of being corrupt & magnanakaw in the Bu. Of Forestry I am going to sue in due time for Oral Defamation & other moral damages, stealing my dog para lamunin nang asawa mo.

If your husband can't show any proof of this makating dila then comply & if your husband can't understand this simple English dahil mangmang, dayukdok na galing sa isang kahig isang tukang pamilya at walang pinagalaran, illiterate, mal educado kaya bastos eh huag na niya kaming idamay sa kaniyang katangahan na alam na trabaho eh humawak ng grasa sa Saudi. Kaya iyong pambabastos mo at pagdudumi niya sa pangalan naming at higit pa siyang marumi at putang ina rin niya. Galing siya sa puki ng baboy at hindi sa puki ng tao. Huag niyang ikumpara ang pinangalingan niya sa pinangalingan namin. Siya ang magnanakaw at mandaraya. Malinaw na ibidensiya iyan kinalagyan ng hagdan ninyo, di ba lampas kayo sa lote ninyo. Pinalakad ninyo ang mojon para lumaki ang lote ninyo. Bago kayo magsalita mambintang ng kapitbahay ninyo, tignan ninyo muna ang sarili ninyo. Mas mukha pang magnanakaw ang asawa mo para malinaw.

Writing to a person other than the person defamed is sufficient to constitute publication, for the person to whom the letter is addressed is a third person in relation to its writer and the person defamed therein.[32] Fe, the wife, is, in context, a third person to whom the publication was made.

Finally, the Court cannot give credence to Dolores' allegation that she is not the author of the unsigned libelous letter. It cannot be overstressed that she herself handed the unsigned letter to Evelyn Arcartado with specific instructions to give the same to Fe Alejandro. Likewise, the contents of the letters are basically reiteration/elaborations of Dolores' previous writing on the wall and her letter to the BCP Sub-Station commander. What the Court of Appeals said on this point is basic common sense and deserving of acceptance:

Anent the second assigned error, [petitioner] contends authorship of the unsigned letters was not proven. This contention is bereft of merit. As keenly observed by the Solicitor General, said letters were positively identified as written by [petitioner] by reference to the contents thereof which are reiterations of her previous writings on the walls of her garage and her letter to the police. Moreover, the testimony of Evelyn that said unsealed envelope came from the [petitioner] remain un rebutted. Therefore, it appears that there would be no other conclusion except that [petitioner] was the author of the subject letter. (Words in bracket added.)

In all, we find all the elements of libel to have been sufficiently established. Accordingly, the ascription of reversible errors on the part of the CA and the trial court in adjudging Dolores guilty beyond reasonable doubt of two counts of libel cannot be sustained.

WHEREFORE, the petition is DENIED, and the assailed decision of the Court of Appeals AFFIRMED.

Costs against petitioner.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[1] Penned by Associate Justice Quirino D. Abad Santos, Jr. (now ret.), and concurred in by Associate Justice now Presiding Justice Ruben T. Reyes, and Associate Justice Hilarion L. Aquino (now ret.); Rollo, pp. 22-32.

[2] Id., p. 46.

[3] RTC Records, p. 159.

[4] Id., p. 161.

[5] Exhs. "J" and "K."

[6] Exh. "A."

[7] RTC Records, p. 164.

[8] Exh. "F-1."

[9] See Note #6, supra.

[10] See Note #6, supra.

[11] RTC Records, p. 43.

[12] Id., pp. 155-178.

[13] See Note #1, supra.

[14] See note #2, supra.

[15] Petition, p. 9; Rollo, p. 11.

[16] Id., p. 10, 12.

[17] See Note # 8, supra.

[18] People vs. Escote, 431 SCRA 345, (2004), citing cases.

[19] People vs. Whisenhunt, 368 SCRA 586 (2001).

[20] Tsn, December 22, 1991, pp. 13-15.

[21] People vs. Excote, 431 SCRA 345 (2004).

[22] Rollo, pp. 29-30.

[23] Brillantes vs. Court of Appeals, 440 SCRA 541 (2004).

[24] TSN, Nov. 19, 1992, p. 10.

[25] Petition, p. 13; Rollo, p. 15.

[26] Alonzo vs. Court of Appeals, 241 SCRA 51 (1995), citing Per Lord Esher M.R. in Pullman vs. Hill (1891) 1 Q.B. at 527, quoted in R.C. McEWEN and P.S.C. LEWIS, *Gatley on Libel and Slander*, Sixth ed. (1967), 111.

[27] Ibid, citing Sheffil vs. Van Deusen (1859) 79 Mass. R. at 305, cited in R.C. McEWEN, et al., op. cit.

[28] 103 Phil. 773 (1958).

[29] TSN, November 19, 1992, pp. 6-7.

[30] Id., p. 10.

[31] Id., p. 15.

[32] Orfanel vs. People, 30 SCRA 819 (1970).

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