

ROGELIO PADER, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 139157. February 08, 2000

Ponente: PARDO, J.

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PARDO, J.:

What is before the Court is an appeal via certiorari from a decision[1] of the Court of Appeals affirming that of the Regional Trial Court, Branch 1, Balanga, Bataan[2]affirming petitioner’s conviction of grave oral defamation by the Municipal Trial Court, Bagac, Bataan.[3]

The facts may be summarized as follows:

On April 20, 1995, at about 8:00 p.m., Atty. Benjamin C. Escolango was conversing with his political leaders at the terrace of his house at Morong, Bataan when petitioner appeared at the gate and shouted “putang ina mo Atty. Escolango. Napakawalanghiya mo!” The latter was dumbfounded and embarrassed. At that time, Atty. Escolango was a candidate for vice mayor of Morong, Bataan in the elections of May 8, 1995.

On June 16, 1995 Atty. Escolango filed with the Municipal Trial Court, Bagac, Bataan a complaint against petitioner for grave oral defamation, to which petitioner pleaded “not guilty”. [4]

After due trial, on October 30, 1997 the Municipal Circuit Trial Court, Bagac, Bataan rendered decision convicting petitioner of grave oral defamation.[5] The dispositive portion reads:

“Accordingly and in view of all the foregoing, the court finds accused Rogelio Pader guilty beyond reasonable doubt of the crime of Grave Oral Defamation as defined and penalized under Article 358 of the Revised Penal Code and considering the extenuating circumstances of drunkenness hereby sentences him to an imprisonment of one (1) month and one (1) day to one (1) year imprisonment[6] and to indemnify the private offended party in the amount of P 20,000.00 as moral damages, considering his social standing and professional stature.

“SO ORDERED.

“Bagac-Morong, Bataan

“October 30, 1997.

“ANTONIO C. QUINTOS

“Acting Mun. Circuit Trial Judge”[7]

On appeal, on March 4, 1998, the Regional Trial Court affirmed the decision of the Municipal Trial Court in toto. The decretal portion of the decision reads:

“After considering the evidence adduced by the parties together with their respective memorandum, this Court finds no reversible error[8] on the penalty imposed as well as the moral damages awarded by the Municipal Circuit Trial Court of Bagac-Morong, Bataan and therefore affirms the same in toto.

“xxx

“SO ORDERED

“Given this 4th day of March 1998 at Balanga, Bataan.

“BENJAMIN T. VIANZON

“Judge”[9]

Elevated to the Court of Appeals by petition for review, on May 3, 1999 the Court of Appeals affirmed the Regional Trial Court’s decision but with modification as to the penalty imposed, as follows:

“WHEREFORE, in view of the foregoing, the judgement appealed from is hereby affirmed but with the modification that the accused-appellant, Rogelio Pader is sentenced to serve a prison term of four (4) months and one (1) day of arresto mayor.

“SO ORDERED.

“ROMEO A. BRAWNER

“Associate Justice”[10]

Hence, this petition.[11]

The issue is whether petitioner is guilty of slight or serious oral defamation. In resolving the issue, we are guided by a doctrine of ancient respectability that defamatory words will fall under one or the other, depending not only upon their sense, grammatical significance, and accepted ordinary meaning judging them separately, but also upon the special circumstances of the case, antecedents or relationship between the offended party and the offender, which might tend to prove the intention of the offender at the time.[12]

Unquestionably, the words uttered were defamatory. Considering, however, the factual backdrop of the case, the oral defamation was only slight. The trial court, in arriving at its decision, considered that the defamation was deliberately done to destroy Atty. Escolango’s reputation since the parties were political opponents.

We do not agree. Somehow, the trial court failed to appreciate the fact that the parties were also neighbors; that petitioner was drunk at the time he uttered the defamatory words; and the fact that petitioner’s anger was instigated by what Atty. Escolango did when petitioner’s father died.[13] In which case, the oral defamation was not of serious or insulting nature.

In *Reyes vs. People*,[14] we ruled that the expression “putang ina mo” is a common enough utterance in the dialect that is often employed, not really to slander but rather to express anger or displeasure. In fact, more often, it is just an expletive that punctuates one’s expression of profanity. We do not find it seriously insulting that after a previous incident involving his father, a drunk Rogelio Pader on seeing Atty. Escolango would utter words expressing anger. Obviously, the intention was to show his feelings of resentment and not necessarily to insult the latter. Being a candidate running for vice mayor, occasional gestures and words of disapproval or dislike of his person are not uncommon.

In similar fashion, the trial court erred in awarding moral damages without proof of suffering.[15] Accordingly, petitioner may be convicted only of slight oral defamation defined and penalized under Article 358, Revised Penal Code, prescribing the penalty of arresto mayor or a fine not exceeding 200 pesos.

WHEREFORE, we resolve to DENY the petition. However, we set aside the decision of the Court of Appeals in CA–G. R. CR No. 21710 and find petitioner Rogelio Pader guilty only of slight oral defamation. We impose on him a fine of P200.00 and costs.

SO ORDERED.

Puno, Kapunan, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J., (Chairman), It should not be denial of the petition, but a partial grant thereof.

[1] In CA-G.R. CR No. 21710, promulgated on May 3, 1999, Justice Romeo A. Brawner, ponente, and concurred in by Justices Angelina Sandoval-Gutierrez and Martin S. Villarama, Jr.

[2] In Crim. Case No. 6726. Judge Benjamin T. Vianzon.

[3] In Crim. Case No. 2339, Judge Antonio C. Quintos.

[4] Rollo, p. 23.

[5] Rollo, pp. 23-25.

[6] The imposition of an indeterminate sentence where the penalty actually imposed is not more than one year imprisonment is wrong [See *Humilde vs. Pablo*, 190 Phil. 621, 623 (1981) and *People vs. Arellano*, 68 Phil. 678 (1939); See also R. C. Aquino, Revised Penal Code, 1987 Edition, Vol. 1, p. 726-727].

[7] Rollo, p. 25.

[8] Regrettably, Regional Trial Court Judge Vianzon failed to note the error in the imposition of an indeterminate penalty and the award of moral damages, not knowing any better. Both judges should take refresher lessons on the application of the penalties and the Indeterminate Sentence Law.

[9] Regional Trial Court Decision, Rollo, pp. 26-28.

[10] Court of Appeals' Decision, Rollo, pp. 30-35.

[11] Filed on July 20, 1999, Rollo, pp. 8-20.

[12] *Victorio vs. Court of Appeals*, 173 SCRA 645 [1989]; *Larobis vs. Court of Appeals*, 220 SCRA 639 [1993]; *Balite vs. People*, 18 SCRA 280 [1966]; *Padilla, Ambrosio*, Revised Penal Code Annotated, 1990 edition, Vol. 4, pp. 357-358.

[13] Municipal Trial Court Decision in Criminal Case No. 2339, Rollo, pp. 23-25; Regional Trial Court Decision in Criminal Case No. 6726, Rollo, pp. 26-28.

[14] 137 Phil. 112, 120 [1969].

[15] *Ong vs. Court of Appeals*, 301 SCRA 387 [1999]; *Marquez vs. Court of Appeals*, 300 SCRA 353 [1998].

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