

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. CIRIACO YEBRA, DEFENDANT AND APPELLEE.

G.R. No. 14348. September 30, 1960

Ponente: LABRADOR, J.

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LABRADOR, J.:

Appeal from an order of the Court of First Instance of Camarines Norte, Hon. Melquiades G. Ilao, presiding, dismissing an information upon a motion to quash filed by defense counsel on the ground that two distinct offenses, namely, libel and threats, are alleged in the information. The information filed by the fiscal is as follows:

"The undersigned Fiscal accuses Ciriaco Yebra of the crime of Libel, committed as follows:

That on or about February 7, 1958, in the Municipality of Daet, Province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Ciriaco Yebra, moved by personal resentment and, with an evident intention of imputing an act or circumstance tending to dishonor or discredit one Luciano Sta. Catalina, and injure his good name and reputation did then and there willfully, unlawfully, feloniously, publicly, and maliciously impute, threaten and make against the said Luciano Sta. Catalina, in a letter written and sent by said accused to one Narciso Dames, the following derogatory statements threatening to inflict upon the said Luciano Sta. Catalina a wrong amounting to a crime, that is, to kill the said Luciano Sta. Catalina, to wit:

* * * Huwag nilang ipagmatigas and paglilinglang ni Luciano Sta. Catalina sa mga tao" * * *

"at kung hindi babayaran ni Sta. Catalina ang mga nagugol ko o ang nagugol ninyo sa donasiyong ito ay maka-aasa kayo na ang gagawin ko ay buhay sa buhay laban sa mga taong ito na manlilinglang sa ating baryo at sa Kapangyarihan ng ating goviemo sa wakas ng lahat kong sinabi dito ay umaasa ako na hindi mo pagkakaitan ang kahilingan ko."

which statements are fabricated, false, and without foundation in truth and in fact, and made solely to dishonor, discredit and to besmirch the good name and reputation of the said Luciano Sta. Catalina, as a result of which the said Luciano Sta. Catalina suffered damages, both moral and actual in the amount of P10,000.00.

Contrary to Article 355 of the Revised Penal Code.

Daet, Camarines Norte, July 3, 1958."

That portion of the letter sent by Ciriaco Yebra to Narciso Dames, barrio lieutenant, which is quoted in the information, may be translated, thus:

"* * * They must not be stubborn about Mr. Luciano Sta. Catalina's fooling the people * * *."

"* * * And if there is nobody who will care among the authorities in the government in this request of my being belittled and the belittling of others and if Sta. Catalina will not pay what I paid and others paid for the donation, you can be sure that I will do, life for a life; against those people who have been fooling our barrio and to the authorities in the government, I hope they will not withhold all what I said (asked) in this respect."

(pp. 5-6, Brief for the Appellant.)

The Solicitor General, in his brief before Us, argues that even if two distinct offenses are alleged in the information, namely, libel and threats, the second offense of threat is not clearly imputed therein; the expressions "life for life against those people who have been fooling our barrio" or "tooth for a tooth," may reveal the anger the accused may have been engulfed, at the time he expressed them, but does not show an intent to kill. He argues, therefore, that such statements may be treated as mere surplusage in the information.

We have carefully read the letter containing the alleged libelous remarks, and we find that the letter is more threatening than libelous, and the intent to threaten is the principal aim and object of the letter. The libelous remarks contained in the letter, if so they be considered, are merely preparatory remarks culminating in the final threat. In other words, the libelous remarks express the heat of passion which engulfs the writer of the letter, which heat of passion in the latter part of the letter culminates into a threat. This is the more important and serious offense committed by the accused. Under these circumstances this Court believes, after a study of the whole letter, that the offense committed therein is clearly and principally that of threats and that the statements therein derogatory to a person named do not constitute an independent crime of libel, for which the writer may be prosecuted separately from the threats and which should be considered as part of the more important offense of threats.

For the foregoing considerations, the order of the court dismissing the information on the ground of duplicity should be, as it is hereby, set aside, and the case is remanded to the court below for further proceedings not inconsistent with this decision. Without costs.

Paras, C. J., Bengzon, Padilla, Bautista Angela, Concepcion, Reyes, J. B. L., Barrera, Gutierrez David, Paredes, and Dizon, JJ., concur.

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