

GMA NETWORK, INC. (FORMERLY KNOWN AS REPUBLIC BROADCASTING SYSTEM, INC.) AND REY VIDAL, PETITIONERS, VS. JESUS G. BUSTOS, M.D., TEODORA R. OCAMPO, M.D., VICTOR V. BUENCAMINO, ...

G.R. NO. 146848. October 17, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

Assailed and sought to be set aside in this petition for review[1] under Rule 45 of the Rules of Court is the decision[2] dated January 25, 2001 of the Court of Appeals (CA) in CA-G.R. CV No. 52240 which reversed and set aside an earlier decision[3] of the Regional Trial Court (RTC) of Makati City, Branch 64, in Civil Case No. 88-1952, an action for damages thereat commenced by the herein respondents Jesus G. Bustos, Teodora R. Ocampo, Victor V. Buencamino, Cesar F. Villafuerte, Artemio T. Ordinario and Virgilio C. Basilio, all physicians by profession and the former chairman and members, respectively, of the Board of Medicine, against the herein petitioners GMA Network, Inc. (formerly Republic Broadcasting System, Inc.) and Rey Vidal.

The facts:

In August 1987, the Board of Medicine of the Professional Regulation Commission (PRC) conducted the physicians' licensure examinations. Out of the total two thousand eight hundred thirty-five (2,835) examinees who took the examinations, nine hundred forty-one (941) failed.

On February 10, 1988, a certain Abello and over two hundred other unsuccessful examinees filed a Petition for Mandamus before the RTC of Manila to compel the PRC and the board of medical examiners to re-check and reevaluate the test papers. As alleged, mistakes in the counting of the total scores and erroneous checking of answers to test questions vitiated the results of the examinations.

As news writer and reporter of petitioner GMA Network, Inc. assigned to gather news from courts, among other beats, its co-petitioner Rey Vidal covered the filing of the mandamus petition. After securing a copy of the petition, Vidal composed and narrated the news coverage for the ten o'clock evening news edition of GMA's Channel 7 Headline News.

The text of the news report,[4] as drafted and narrated by Vidal and which GMA Network, Inc. aired and televised on February 10, 1988, runs:

Some 227 examinees in the last August Physician Licensure Examinations today asked the Manila [RTC] to compel the [PRC] and the Medical Board of Examiners to recheck the August 1987 test papers. The petitioners [examinees] today went to the Presiding Judge to also ask for a special raffling of the case considering that the next physicians examinations have been scheduled for February [1988] They said that the gross, massive, haphazard, whimsical and capricious checking that must have been going on for years should now be stopped once and for all.

The last examination was conducted last August ... at the PRC central offices, the Far Eastern University and the Araullo High School, the exams on multiple choice or matching type involve 12 subjects including general medicine, biochemistry, surgery and obstetrics and gynecology.

21 schools participated in the examination represented by some 2,835 medical student graduates, 1,894 passed and 141 failed.

The results of the exams were released December 9 and were published the following day in metropolitan papers last years (sic).

A group of failing examinees enlisted the help of the Offices of the President and the Vice President and as a result were allowed by PRC ... to obtain the official set of test questions. The students then researched ... and produced the key answers to the key questions.

The petitioners were also allowed to see their own test papers, most of them copying the papers

With these copies, they were able to match the scores and the correct answers in the examinations. They found that the errors in checking were so material that they actually lowered the scores that formed the individual ratings of the examinees in the various subjects.

Examples of the discrepancies are to be found in identical answers being rated as incorrect in one examinee's paper but correct in another. There is also the case of two different answers being rated as correct. There are indications of wrong counting of total scores per subject so that the totals are either short by two up to four points.

Finally, there are raw scores that have been transmuted incorrectly so that a passing score was rendered a failure. The petitioners said that the haphazard and whimsical and capricious checking should now be stopped once and for all. They said that the nine years formal studies and the one year internship not to mention the expenses and the blood, sweat, and tears of the students and their families will have been rendered nugatory. The petitioners also noted that Com. Francia had promised last January 12 to rectify the errors in the checking and yet they have not received the appropriate action promised whereas the next exams have been set for Feb. 20, 21, 27 and 28. (Words in bracket added.)

Stung by what they claim to be a false, malicious and one-sided report filed and narrated by a remorseless reporter, the herein respondents instituted on September 21, 1988 with the RTC of Makati City a damage suit against Vidal and GMA Network, Inc., then known as the Republic Broadcasting System, Inc. In their complaint,[5] docketed as Civil Case No. 88-1952 and raffled to Branch 64 of the court, the respondents, as plaintiffs a quo, alleged, among other things, that then defendants Vidal and GMA Network, Inc., in reckless disregard for the truth, defamed them by word of mouth and simultaneous visual presentation on GMA Network, Inc.'s Channel 7. They added that, as a measure to make a forceful impact on their audience, the defendants made use of an unrelated and old footage (showing physicians wearing black armbands) to make it appear that other doctors were supporting and sympathizing with the complaining unsuccessful examinees. According to the plaintiffs, the video footage in question actually related to a 1982 demonstration staged by doctors and personnel of the Philippine General Hospital (PGH) regarding wage and economic dispute with hospital management.

In their answer with counterclaim, the defendants denied any wrongdoing, maintaining that their February 10, 1988 late evening telecast on the filing of the mandamus petition was contextually a concise and objective narration of a matter of public concern. They also alleged that the press freedom guarantee covered the telecast in question, undertaken as it was to inform, without malice, the viewing public on the conduct of public officials. And vis-a-vis the particular allegation on the film footages of the PGH demonstration, defendants tagged such footages as "neutral." Pressing the point, defendants hastened to add that the footages were accompanied, when shown, by an appropriate voiceover, thus negating the idea conjured by the plaintiffs to create an effect beyond an

obligation to report.

In the course of trial, the plaintiffs presented testimonial evidence to prove their allegations about the Vidal report having exposed them, as professionals, to hatred, contempt and ridicule. And in a bid to establish malice and bad faith on the part of the defendants, the plaintiffs adduced evidence tending to show that the former exerted no effort toward presenting their (plaintiffs') side in subsequent telecasts.

In a decision[6] dated October 17, 1995, the trial court found for the herein petitioners, as defendants a quo, on the postulate that the Vidal telecast report in question is privileged. Dispositively, the decision reads:

WHEREFORE, in view of the foregoing considerations, plaintiffs' complaint for damages against defendants Republic Broadcasting System Incorporated and Rey Vidal is hereby DISMISSED.

The defendants' counterclaim for damages is likewise dismissed.

SO ORDERED.

Following the denial of their motion for reconsideration,[7] herein respondents went on appeal to the CA in CA-G.R. CV No. 52240. As stated at the threshold hereof, the appellate court, in its decision[8] of January 25, 2001, reversed and set aside that of the trial court, to wit:

WHEREFORE, the Decision dated October 17, 1995 is hereby REVERSED and SET ASIDE and [petitioners] are hereby ordered to pay, in solidum, the following:

- a) the amount of P100,000.00 for each of the [respondents] as moral damages;
- b) the amount of P100,000.00 for each of the [respondents] as exemplary damages;
- c) the amount of P20,000.00 as attorney's fee;
- d) and cost of suit.

SO ORDERED. (Words in brackets added.)

Hence, petitioners' present recourse, submitting for the Court's consideration the following questions:

A.

WHETHER OR NOT THE CA, AFTER DECLARING THE NEWS TELECAST OF FEBRUARY 10, 1988 AS QUALIFIEDLY PRIVILEGED COMMUNICATION, COMMITTED REVERSIBLE ERROR AND ABUSED ITS DISCRETION IN INJECTING ACTUAL MALICE TO THE NEWS TELECAST OF FEBRUARY 10, 1988 JUST SO THAT RESPONDENT BOARD OF MEDICINE COULD RECOVER MORAL AND EXEMPLARY DAMAGES.

B.

WHETHER OR NOT THE CA COMMITTED REVERSIBLE ERROR AND ABUSED ITS DISCRETION IN COMPLETELY REJECTING PETITIONERS' EVIDENCE THAT THE CHARACTER GENERATED WORDS 'FILE VIDEO' WERE INDICATED ON SCREEN TO IDENTIFY THE SHOWING OF THE OLD FILM FOOTAGE IN THE NEWS TELECAST OF FEBRUARY 10, 1988.

C.

WHETHER OR NOT THE CA COMMITTED REVERSIBLE ERROR ... IN IMPUTING MALICE UPON PETITIONERS FOR NOT PRESENTING A TAPE COPY OF THE NEWS TELECAST OF FEBRUARY 10, 1988 ON THE GRATUITOUS DECLARATION THAT A TAPE COPY COULD BE EASILY SECURED

FROM THE NATIONAL TELECOMMUNICATIONS COMMISSION (NTC) WHICH ALLEGEDLY KEEPS FILE COPIES OF ALL SHOWS FOR A CERTAIN PERIOD OF TIME.

D.

WHETHER OR NOT RESPONDENT BOARD OF MEDICINE CHAIRMAN AND MEMBERS THEREOF, WHO NEVER QUESTIONED THE COURT OF APPEALS' DECISION DATED JANUARY 25, 2001 IN A SEPARATE AND INDEPENDENT PETITION BEFORE THE HONORABLE COURT, CAN ASK FOR AN INCREASED AWARD IN DAMAGES FROM THE HONORABLE COURT UNDER THEIR COMMENT DATED 7 MAY 2001.

Summed up, the issues tendered in this petition boil down to the following: (1) whether or not the televised news report in question on the filing of the petition for mandamus against the respondents is libelous; and (2) whether or not the insertion of the old film footage depicting the doctors and personnel of PGH in their 1982 demonstrations constitutes malice to warrant the award of damages to the respondents.

It bears to stress, at the outset, that the trial court found the disputed news report not actionable under the law on libel, hence no damages may be recovered. Wrote that court:

This Court finds the telecast of February 10, 1988 aired over Channel 7 by [petitioner] Rey Vidal as a straight news report of the acts and conduct of the members of the Medical Board of Examiners who are public officers, devoid of comment or remarks, and thus privileged, and recognized under the 1987 Constitution.

A comparative examination of the telecast of the disputed news report with the Petition for Mandamus entitled *Abello, et al., vs. Professional Regulation Commission* ... filed before the [RTC] by the medical examinees reveals that the disputed news report is but a narration of the allegations contained in and circumstances attending the filing of the said Petition for Mandamus. In the case of *Cuenco vs. Cuenco*, G.R. No. L-29560, March 31, 1976 ..., [it was] ... held that the correct rule is that a fair and true report of a complaint filed in Court without remarks nor comments even before an answer is filed or a decision promulgated should be covered by the privilege. xxx. This Court adopts the ruling [in *Cuenco*] to support its finding of fact that the disputed news report consists merely of a summary of the allegations in the said Petition for Mandamus, filed by the medical examinees, thus the same falls within the protected ambit of privileged communication.

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Thus, [petitioners], in consideration of the foregoing observations ... cannot be held liable for damages claimed by [respondents] for simply bringing to fore information on subjects of public concern.[9] (Words in brackets supplied.)

The CA, too, regarded the text of the news telecast as not libelous and as a qualifiedly privileged communication, "[it having been] merely lifted or quoted from the contents and allegations in the said petition [for mandamus]."[10] But unlike the trial court, the CA saw fit to award damages to the respondents, it being its posture that the insertion to the news telecast of the unrelated 1982 PGH picket film footage is evidence of malice. Without quite saying so, the CA viewed the footage insertion as giving a televised news report otherwise privileged a libelous dimension. In the precise words of the appellate court:

While it is the duty of the media to report to the public matters of public concern and interest, the report should be a fair, accurate and true report of the proceedings. The subject telecast failed in this aspect. The insertion of the film footage showing the doctors' demonstration at the PGH several times during the news report on the petition filed by the board flunkers undoubtedly created an impression that the said demonstration was related to the filing of the case by the board flunkers. The insertion of the film footage without the words 'file video', and which had no connection whatsoever to the petition, was done with the knowledge of the [petitioners], thus, in wanton and reckless disregard of their duty to the public to render a fair, accurate and true report of the

same.

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The findings of malice on the part of the [petitioners] should not be construed as a censure to the freedom of the press since their right to render a news on matters of public concern was not the issue but rather the misrepresentation made when they inserted a film footage of the doctors' demonstration which created a wrong impression of the real situation. Unquestionably, the news reporting, interview and the showing of [the flunkers] filing the case were fair reporting. At this point, that would have been sufficient to inform the public of what really happened. However, for reasons only known to [petitioners], they inserted the questioned film footage which had no relation to the news being reported. There is no other conclusion that there was motive to create an impression that the issue also affected the doctors which forced them to demonstrate. xxx. (Words in brackets supplied).

With the view we take of this case, given the parallel unchallenged determination of the two courts below that what petitioner Vidal reported was privileged, the award of damages is untenable as it is paradoxical.

An award of damages under the premises presupposes the commission of an act amounting to defamatory imputation or libel, which, in turn, presupposes malice. Libel is the public and malicious imputation to another of a discreditable act or condition tending to cause the dishonor, discredit, or contempt of a natural or juridical person.[11] Liability for libel attaches present the following elements: (a) an allegation or imputation of a discreditable act or condition concerning another; (b) publication of the imputation; (c) identity of the person defamed; and (d) existence of malice.[12]

Malice or ill-will in libel must either be proven (malice in fact) or may be taken for granted in view of the grossness of the imputation (malice in law). Malice, as we wrote in *Brillante v. Court of Appeals*,^[13] is a term used to indicate the fact that the offender is prompted by personal ill-will or spite and speaks not in response to duty, but merely to injure the reputation of the person defamed. Malice implies an intention to do ulterior and unjustifiable harm. It is present when it is shown that the author of the libelous or defamatory remarks made the same with knowledge that it was false or with reckless disregard as to the truth or falsity thereof.

In the instant case, there can be no quibbling that what petitioner corporation aired in its Channel 7 in the February 10, 1988 late evening newscast was basically a narration of the contents of the aforementioned petition for mandamus. This is borne by the records of the case and was likewise the finding of the trial court. And the narration had for its subject nothing more than the purported mistakes in paper checking and the errors in the counting and tallying of the scores in the August 1987 physicians' licensure examinations attributable to the then chairman and members of the Board of Medicine.

Conceding hypothetically that some failing specifically against the respondents had been ascribed in that news telecast, it bears to stress that not all imputations of some discreditable act or omission, if there be any, are considered malicious thus supplying the ground for actionable libel. For, although every defamatory imputation is presumed to be malicious, the presumption does not exist in matters considered privileged. In fine, the privilege destroys the presumption.

Privileged matters may be absolute or qualified.[14] Absolutely privileged matters are not actionable regardless of the existence of malice in fact. In absolutely privileged communications, the mala or bona fides of the author is of no moment as the occasion provides an absolute bar to the action. Examples of these are speeches or debates made by Congressmen or Senators in the Congress or in any of its committees. On the other hand, in qualifiedly or conditionally privileged communications, the freedom from liability for an otherwise defamatory utterance is conditioned on the absence of express malice or malice in fact. The second kind of privilege, in fine, renders the

writer or author susceptible to a suit or finding of libel provided the prosecution established the presence of bad faith or malice in fact. To this genre belongs "private communications" and "fair and true report without any comments or remarks" falling under and described as exceptions in Article 354 of the Revised Penal Code.[15]

To be sure, the enumeration under the aforecited Article 354 is not an exclusive list of conditional privilege communications as the constitutional guarantee of freedom of the speech and of the press has expanded the privilege to include fair commentaries on matters of public interest.[16] .

In the case at bench, the news telecast in question clearly falls under the second kind of privileged matter, the same being the product of a simple narration of the allegations set forth in the mandamus petition of examinees Abello, et al., devoid of any comment or remark. Both the CA and the trial court in fact found the narration to be without accompanying distortive or defamatory comments or remarks. What at bottom petitioners Vidal and GMA Network, Inc., then did was simply to inform the public of the mandamus petition filed against the respondent doctors who were admittedly the then chairman and members of the Board of Medicine. It was clearly within petitioner Vidal's job as news writer and reporter assigned to cover government institutions to keep the public abreast of recent developments therein. It must be reiterated that the courts a quo had determined the news report in question to be qualifiedly privileged communication protected under the 1987 Constitution.

This brings us to the more important question of whether or not the complaining respondents, in their effort to remove the protection accorded by the privilege, succeeded in establishing ill-will and malice on the part of the petitioners in their televised presentation of the news report in dispute, thus committing libel.

The CA, adopting the respondents' line on the matter of malice, resolved the question in the affirmative. As the CA noted, the insertion of an old film footage showing doctors wearing black armbands and demonstrating at the PGH, without the accompanying character-generated words "file video," created the impression that other doctors were supporting and sympathizing with the unsuccessful examinees.

The Court disagrees.

Contrary to the CA's findings, the identifying character-generated words "file video" appeared to have been superimposed on screen, doubtless to disabuse the minds of televiewers of the idea that a particular footage is current. In the words of the trial court, the phrase "file video" was "indicated on screen purposely to prevent misrepresentation so as not to confuse the viewing public." [17] The trial court added the observation that "the use of file footage in TV news reporting is a standard practice." [18] At any rate, the absence of the accompanying character-generated words "file video" would not change the legal situation insofar as the privileged nature of the audio-video publication complained of is concerned. For, with the view we take of the state of things, the video footage was not libel in disguise; standing without accompanying sounds or voices, it was meaningless, or, at least, conveyed nothing derogatory in nature.

And lest it be overlooked, personal hurt or embarrassment or offense, even if real, is not automatically equivalent to defamation. The law against defamation protects one's interest in acquiring, retaining and enjoying a reputation "as good as one's character and conduct warrant" in the community.[19] Clearly then, it is the community, not personal standards, which shall be taken into account in evaluating any allegations of libel and any claims for damages on account thereof.

So it is that in *Bulletin Publishing Corp. v. Noel*, [20] we held:

The term "community" may of course be drawn as narrowly or as broadly as the user of the term and his purposes may require. The reason why for purposes of the law on libel the more general meaning of community must be adopted in the ascertainment of relevant standards, is rooted deep in our constitutional law.

That reason relates to the fundamental public interest in the protection and promotion of free speech and expression, an interest shared by all members of the body politic and territorial community. A newspaper ... should be free to report on events and developments in which the public has a legitimate interest, wherever they may take place within the nation and as well in the outside world, with minimum fear of being hauled to court by one group or another (however defined in scope) on criminal or civil charges for libel, so long as the newspaper respects and keep within the general community. Any other rule on defamation, in a national community like ours with many, diverse cultural, social, religious and other groupings, is likely to produce an unwholesome "chilling effect" upon the constitutionally protected operations of the press and other instruments of information and education.

It cannot be over-emphasized furthermore that the showing of the 1982 film footage, assuming for argument that it contained demeaning features, was actually accompanied or simultaneously voiced over by the narration of the news report lifted from the filing of the mandamus petition. As aptly put by the petitioners without controversion from the respondents, there was nothing in the news report to indicate an intent to utilize such old footages to create another news story beyond what was reported.[21]

To be sure, actual malice, as a concept in libel, cannot plausibly be deduced from the fact of petitioners having dubbed in their February 10, 1988 telecast an old unrelated video footage. As it were, nothing in the said footage, be it taken in isolation or in relation to the narrated Vidal report, can be viewed as reputation impeaching; it did not contain an attack, let alone a false one, on the honesty, character or integrity or like personal qualities of any of the respondents, who were not even named or specifically identified in the telecast. It has been said that if the matter is not per se libelous, malice cannot be inferred from the mere fact of publication.[22] And as records tend to indicate, the petitioners, particularly Vidal, do not personally know or had dealings with any of the respondents. The Court thus perceives no reason or motive on the part of either petitioner for malice. The respondents too had failed to substantiate by preponderant evidence that petitioners were animated by a desire to inflict them unjustifiable harm or at least to place them in a discomforting light.

Surely, the petitioners' failure, perhaps even their indisposition, to obtain and telecast the respondents' side is not an indicia of malice. Even the CA, by remaining mum on this point, agrees with this proposition and with the petitioners' proffered defense on the matter. As petitioner Vidal said while on the witness box, his business as a reporter is to report what the public has the right to know, not to comment on news and events, obviously taking a cue from the pronouncement of the US Fifth Circuit Court of Appeals in *New York Times Co. v. Connor*[23] that "a reporter ... may rely on statements made by a single source even though they reflect only one side of the story without fear of libel prosecution by a public official."

What is more, none of the herein respondents ever made a claim or pretence that he or all of them collectively was or were among the demonstrating PGH doctors in the 1982 video footage. It thus puzzles the mind how they could claim to have been besmirched by the use of the same video in the subject news telecast.

Given the foregoing considerations, the propriety of the award by the CA of moral and exemplary damages need not detain us long. Suffice it to state that moral damages may be recovered only if the existence of the factual and legal bases for the claim and their causal connection to the acts complained of are satisfactorily proven.[24] Sadly, the required quantum of proof is miserably wanting in this case. This is as it should be. For, moral damages, albeit incapable of pecuniary estimation, are designed not to impose a penalty but to compensate one for injury sustained and actual damages suffered.[25] Exemplary damages, on the other hand, may only be awarded if the claimants, respondents in this case, were able to establish their right to moral, temperate, liquidated or compensatory damages.[26] Not being entitled to moral damages, neither may the respondents lay claim for exemplary damages.

In all, the Court holds and so rules that the subject news report was clearly a fair and true report, a simple narration of the allegations contained in and circumstances surrounding the filing by the unsuccessful examinees of the petition for mandamus before the court, and made without malice. Thus, we find the petitioners entitled to the protection and immunity of the rule on privileged matters under Article 354 (2) of the Revised Penal Code. It follows that they too cannot be held liable for damages sought by the respondents, who, during the period material, were holding public office.

We close this ponencia with the following oft-quoted excerpts from an old but still very much applicable holding of the Court on how public men should deport themselves in the face of criticism:

The interest of society and the maintenance of good government demand a full discussion of public affairs. Complete liberty to comment on the conduct of public men is a scalpel in the case of free speech. The sharp incision of its probe relieves the abscesses of officialdom. Men in public life may suffer under a hostile and unjust accusation; the wound can be assuaged by the balm of clear conscience. A public officer must not be too thin-skinned with reference to comment upon his official acts. Only thus can the intelligence and dignity of the individual be exalted. xxx.[27]

IN VIEW WHEREOF, the petition is GRANTED. Accordingly, the assailed decision dated January 25, 2001 of the appellate court in CA-G.R. CV No. 52240 is REVERSED and SET ASIDE and that of the trial court is REINSTATED and AFFIRMED in toto.

No pronouncement as to costs.

SO ORDERED.

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

[1] As filed, the petition impleads the Court of Appeals as respondent, which should not have been under Sec. 4 of Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Remedios A. Salazar-Fernando and concurred in by Associate Justice Romeo A. Brawner (now a Comelec Commissioner) and Associate Justice Juan Q. Enriquez, Jr., Rollo, pp. 11-26.

[3] Id. at 27-34.

[4] Petitioners' Memorandum, pp. 9-11, Id. at 398-400 and Respondents' Memorandum, pp. 24-25, Id. at 365-366.

[5] Annex "D," Petition, Id. at 102 et seq.

[6] Supra note 3.

[7] Per Order dated January 17, 1996; Annex "M," Petition, Rollo, p. 163.

[8] Supra note 2.

[9] Supra note 3 at 6 and 8.

[10] Supra note 2 at 9.

[11] Article 353 of the Revised Penal Code.

[12] Daez v. Court of Appeals, G.R. No. 47971, October 31, 1990, 191 SCRA 61.

[13] G.R. Nos. 118757 & 121571, October 19, 2004, 440 SCRA 441, citing US v. Cañete, 38 Phil. 253 (1918) and

Vasquez v. Court of Appeals, 373 Phil. 238, 314 SCRA 460 (1999), citing New York Times v. Sullivan, 376 US. 254 (1964).

[14] Flor v. People, G.R. No. 139987, March 31, 2005, 454 SCRA 440, citing Article VI, Section 11 of the 1987 Constitution and Regalado, Florenz, Criminal Law Conspectus, p. 646 (1st Ed.).

[15] Art. 354. Requirement of publicity. -- 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:

- A private communication made by any person to another in the performance of any legal, moral, or social duty; and
- 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.

[16] Borjal v. Court of Appeals, G.R. No. 126466, January 14, 1999, 301 SCRA 1.

[17] Page 7 of the RTC Decision; Rollo, p. 98.

[18] Ibid.

[19] Bulletin Publishing Corp. v. Noel, G.R. No. L-76565, November 9, 1988, 167 SCRA 255, citing Harper and James, The Law of Torts, Vol. 1, p. 349 (1956).

[20] Id., citing Weiman v. Updegraff, 344 U.S. 183, (1952); New York Times Co. v. Sullivan, 376 U.S. 254, (1964); Time Inc. v. Hill, 385 U.S. 374, (1967); and The Chilling Effect in Constitutional Law, 69 Columbia L. Rev. 808, (1969).

[21] CA Decision, p. 5; Rollo, p. 15.

[22] Reyes, Jr. v. CA, 47 O.G. 3569.

[23] No. 22362 [August 4, 1966], 365 F. 2d 567, 576.

[24] Article 2217, New Civil Code of the Philippines.

[25] Simex International, Inc. v. Court of Appeals, G.R. No. 88013, March 19, 1990, 183 SCRA 360.

[26] Article 2234, New Civil Code of the Philippines.

[27] United v. Bustos, 37 Phil. 731, 740-41 (1918).

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