NOEL VILLANUEVA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND YOLANDA CASTRO, RESPONDENTS.

G.R. No. 160351. April 10, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is no ordinary word war story. Here, the Councilor and Vice-Mayor of a town, both holders of exalted government positions, became slaves to their human limitations and engaged in a verbal scuffle at the municipal hall as if they were ordinary men in the streets. A moment of unguarded emotional outburst lead to the long-drawn out twists and turns of this case, which should have been avoided if only they have imbedded in their complex emotions, habits and convictions that consciousness to regulate these deflecting forces and not to let them loose, either to their own detriment or to that of the public they serve. This is the high price they have to pay as occupants of their exalted positions.[1]

At bar is a petition for review assailing the decision[2] dated 28 March 2003 of the Court of Appeals in CA-G.R. CR No. 22932 which affirmed with modification the decision of the Regional Trial Court (RTC) of Tarlac, likewise affirming with modification the joint decision of the 2nd Municipal Circuit Trial Court (MCTC) of Capas-Bamban-Concepcion, convicting petitioner of the crime of Grave Oral Defamation in Criminal Case No. 139-94 and Slander by Deed in Criminal Case No.140-94. Also assailed is the resolution[3] dated 9 October 2003 of the Court of Appeals denying the motion for reconsideration filed by petitioner.

Petitioner Noel Villanueva was then a member of the Municipal Council while private complainant Yolanda C. Castro was then Municipal Vice Mayor, both of Concepcion, Tarlac. Upon complaint of private complainant, two separate Criminal Complaints were filed on 9 October 1994 against the petitioner in the 2nd MCTC of Capas-Bamban-Concepcion, to wit:

CRIMINAL CASE NO. 139-94
For: Grave Oral Defamation

> On September 12, 1994 on or about 10:00 in the morning at the SB Office in the Municipal Building of Concepcion, Tarlac, in the presence of several persons and again in the afternoon on or about four thirty (4:30 PM) at the Old Session Hall of the Municipal Building in my presence and in the presence of several persons, defendant NOEL L. VILLANUEVA, in a loud voice and within hearing distance of everyone present, unlawfully, maliciously and feloniously uttered in a serious and insulting manner at the undersigned complainant the following words: ["]Nagmamalinis ca, ena ca man malinis, garapal ca["] and "Balamu mansanas cang malutu, pero queng quilib ularan ca, tictac carinat" (You are pretending to be clean and honest yet you are not clean and honest, you are corrupt; you are like a red apple, but inside you are worm infested and extremely dirty), which utterances are serious and insulting in nature, tending to cause dishonor, discredit and contempt of undersigned complainant and causing her extreme mental anguish, wound (sic) feelings, besmirched reputation and serious anxiety for which she is entitled to recover moral and exemplary damages in an amount to be determined by the honorable court. Contrary to law.

> CRIM.CASE NO. 140-94
> For: Slander by Deed
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> On September 12, 1994 around four thirty (4:30 P.M.) in the afternoon, more or less, at the Municipal Building of Concepcion, Tarlac, where public authorities are engaged in the discharge of their duties, and in the presence of several persons, the accused Noel L. Villanueva while in the process of hurling verbal insults at the complainant, then and there unlawfully, feloniously and contemptuously gave the complainant what is commonly known as "dirty finger" by poking his hand at complainant's face with the middle finger extended and the rest of his fingers half-closed, an act tending to cause dishonor, discredit and contempt on the complainant and causing her mental anguish, wounded feelings and moral suffering for which she is entitled to moral and exemplary damages in an amount to be determined by the honorable court. Contrary to law.[4]

Petitioner entered a plea of "not guilty" on both counts and trial ensued. The prosecution witnesses presented were the complainant and her two witnesses.

The MCTC restated the facts as presented by the prosecution evidence as follows:

On 12 September 1994, at 10:00 o'clock in the morning, two utility men came to complainant's office, bringing with them the application for monetized leave of Sangguniang Bayan member Noel Villanueva, petitioner in this case. The application for monetized leave was not immediately attended to by complainant as she was then busy dictating some important matters to her secretary.[5]

The accused at that time was standing in front of the Vice Mayor's Office and he allegedly said: "E ano kung wala sa mood, e ano kung galit sya."[6] These utterances of accused were disregarded by complainant but accused then entered the complainant's office bringing with him his Application for Monetized Leave. The accused addressed the complainant's secretary: "Malou, pag atiu ne keng mood, papirma mu ne." The alleged request of accused to the Secretary was made in a very sarcastic manner.[7]

Complainant got the monetized leave and filed it in her "in and out" files and while doing this, the paper accidentally fell on the floor. When she was about to pick it up, the accused allegedly got a yellow pad and swung it at complainant's face, but she was able to evade it. Accused then said: "Ibuat daka ken, inabu daka keng awang, e baling masukul naku." (I will lift you from there and I will throw you out of the window and I don't care if I will go to jail). Then the accused went out of the office and before leaving, he pointed a "dirty finger" at complainant, prompting the latter to stand and get an empty bottle of coke to shield her face. Accused proceeded towards the office of the municipal mayor. Because accused was still frothing invectives, complainant purportedly "rolled" the empty bottle of coke towards him. The incident was witnessed by so many people numbering about 20 to 30 who were then at the municipal hall.[8]

Prosecution evidence further showed that accused allegedly mouthed the following disparaging remarks, "Magmalinis ka, ena ka man malinis, garapal ka." "Balamu mansanas kang malutu, pero king kilub ularan ka, tiktak karinat" (You are pretending to be clean and honest yet you are not clean and honest, you are corrupt. You are like red apple, you are worm infested inside and extremely dirty). While this was going on, the Municipal Attorney, Atty. Pepito Torres, intervened to pacify the accused, but he was unable to do so.[9]

Based on the account of the prosecution witnesses, from the municipal session hall, the complainant was persuaded to enter the office of the Sangguniang Bayan Secretary. Accused followed her and inside said office, the accused again said, "Ibuat daka, inabu daka keng awang, e baling masukul ku (I will lift you from there and I will throw you out of the window and I don't care if I will go to jail). I Tata mu tinagal yang kapitan pero masambut ya, pero ing kaputul ku sinambut ne man" (Your father ran for barangay captain and lost but my brother won)[10] and again, the accused pointed a "dirty finger" at complainant.[11]

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The defense, on the other hand, presented six witnesses. From their testimonies, the MCTC gathered that on 12 September 1994, accused requested Flora Calayag to prepare the application for monetized leave and asked her to have it approved by the complainant. Because the application remained unsigned by the latter, it was Joel Cecilio who in the afternoon went to her office for the approval of the monetized leave, but again, to no avail.[12]

Accused then personally carried his application to complainant's office. At that time, complainant was dictating something to the Secretary and as he was about to give the copy to the Secretary, complainant got up and grabbed the paper from him and placed it on the right side of her table.[13]

This angered the accused and he said to complainant, "[i]s this the actuation of the high government official?" The complainant replied, "Bolang (Insane)." A verbal squabble ensued and the complainant allegedly said, "nung munta kayo keng municipiyong ayni balamu ninu kayong hari, ala nakong depatan nung-e gawang pera, sira nako kareng tau." (When you go to the municipal building as if you are a king, you did nothing except to make money, the people no longer believe in you.)[14]

Complainant, at that instant, hurled a bottle of coke at petitioner and hit one of the Barangay Captains then present.[15]

After trial, the MCTC found petitioner guilty of Grave Oral Defamation and Serious Slander by Deed in a joint decision dated 26 February 1998. The MCTC held that the statements uttered by petitioner and the act of making a dirty finger constitute an affront on complainant who, as Vice Mayor and a lady, deserves greater respect. The MCTC posited that the defense interposed by the petitioner that complainant brought the havoc upon herself when she refused to approve his application for accrued leave credits monetization cannot be considered as valid to obviate or obliterate the crime or damage done unto the complainant. The MCTC then held:

> With these, this Court finds overwhelming evidence against the accused and as such this Court finds the accused guilty beyond reasonable doubt of a charged (sic) of Grave Oral Defamation punishable under Art. 358 of the Revised Penal Code and Slander by Deed punishable under Art. 359 of the Revised Penal Code. x x x The complainant although she can estimate the value of the moral damages is entitled to the sum of P50,000.00 and attorney's fees of P30,000.00 and P1,000.00 as appearance fee plus litigation expenses.
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> WHEREFORE, finding the accused guilty beyond reasonable doubt for the offenses or charges mentioned above, he is hereby sentenced to an imprisonment of FOUR (4) MONTHS and one (1) day to one (1) year in each case which the accused shall served (at the same time), and to pay by way of moral damages the sum of P50,000.00 without subsidiary imprisonment in case of insolvency and litigation expenses and attorneys fees of P30,000.00 plus P1,000.00 per appearance fee.[16]

Both parties appealed to the RTC of Tarlac, which affirmed petitioner's conviction, but modified the penalty and the manner of serving accused's sentence, and with a substantial increase in the award of damages. The fallo reads:

> WHEREFORE, premises considered, the decision of the Municipal Circuit Trial Court, insofar as it finds the accused guilty of grave oral defamation in Criminal Case No. 139 and slander by deed in Criminal Case No. 140 is hereby AFFIRMED with the modification that the accused is to be sentenced to suffer the indeterminate penalty of imprisonment from three (3) months as minimum to TWO (2) years and TWO (2) months as maximum in each of the cases, the same to be served SUCCESSIVELY.
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> Likewise, the decision of the Municipal Circuit Trial Court is further modified and the accused is ordered to pay the amount of P100,000.00 as moral damages and another amount of P50,000.00 as exemplary damages, including the amount of P30,000.00 as attorney's fees and P1,000.00 per hearing as appearance fee.[17]

On appeal, the Court of Appeals affirmed the ruling of the trial court with the modification that the award of

exemplary damages was deleted because according to the Court of Appeals it was shown from the records that the petitioner himself was a victim of complainant's indiscretion for refusing, for no reason at all, to approve petitioner's application for monetization of his accrued leave credits. The Court of Appeals disposed as follows:

IN VIEW OF ALL THE FOREGOING, the assailed decision is hereby affirmed with the modification that the award of exemplary damages is hereby deleted.[18]

As petitioner's motion for reconsideration was likewise met with failure, petitioner, in a last stab at absolution, lodged the present petition for review on the following arguments:

> I.
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> THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN RULING ON ONLY ONE (1) ISSUE RAISED BY PETITIONER IN HIS PETITION FOR REVIEW AND IN NOT RULING SQUARELY ON THE OTHER FIVE (5) ISSUES, THUS, DENYING PETITIONER OF HIS RIGHT TO BE HEARD AND TO DUE PROCESS.
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> II.
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> THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN NOT REVERSING THE ASSAILED DECISION OF THE REGIONAL TRIAL COURT DESPITE THE FACT THAT AS PER THE DECISION OF THE COURT OF APPEALS ITSELF, IT IS CLEAR, IT BEING SUSTAINED BY THE EVIDENCE ON RECORD, THAT IT WAS THE COMPLAINANT WHO GAVE THE PROVOCATION TO THE WHOLE INCIDENT.
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> III.
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> THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN AFFIRMING THE DECISION OF THE LOWER COURTS DESPITE THE FACT THAT SAID COURTS GAVE CREDENCE AND WEIGHT ONLY TO THE TESTIMONIES OF THE PROSECUTION WITNESSES, BUT FAILED TO GIVE PROBATIVE VALUE TO AND ARBITRARILY DISREGARDED THE TESTIMONIES OF THE ACCUSED-PETITIONER AND THAT OF HIS WITNESSES.
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> IV.
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> THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN NOT ACQUITTING THE PETITIONER ON THE GROUND THAT HIS GUILT OF THE CRIMES CHARGED HAD NOT BEEN PROVEN BEYOND REASONABLE DOUBT.[19]

The issues are: (1) whether the Court of Appeals erred in sustaining the conviction of petitioner for grave oral defamation in Criminal Case No. 139-94, and (2) whether the Court of Appeals erred in sustaining the conviction of petitioner for serious slander by deed in Criminal Case No. 140-94.

Anent the first issue, Article 358 of the Revised Penal Code provides:

> Art. 358. Slander. - Oral defamation shall be punished by arresto mayor in its maximum period to prision correccional in its minimum period if it is of a serious and insulting nature; otherwise, the penalty shall be arresto menor or a fine not exceeding 200 pesos.

Slander is libel committed by oral (spoken) means, instead of in writing. The term oral defamation or slander as now understood, has been defined as the speaking of base and defamatory words which tend to prejudice another in his reputation, office, trade, business or means of livelihood.[20]

There is grave slander when it is of a serious and insulting nature. The gravity of the oral defamation depends not only (1) upon the expressions used, but also (2) on the personal relations of the accused and the offended party,

and (3) the circumstances surrounding the case.[21] Indeed, it is 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.[22]

In our previous rulings, we held that the social standing and position of the offended party are also taken into account and thus, it was held that the slander was grave, because the offended party had held previously the Office of Congressman, Governor, and Senator and was then a candidate for Vice-President,[23] for which no amount of sophistry would take the statement out of the compass of grave oral defamation.[24] However, we have, likewise, ruled in the past that uttering defamatory words in the heat of anger, with some provocation on the part of the offended party constitutes only a light felony.[25]

In the case at bar, as a public official, petitioner, who was holding the position of Councilor at that time, is hidebound to be an exemplar to society against the use of intemperate language particularly because the offended party was a Vice-Mayor. However, we cannot keep a blind eye to the fact that such scathing words were uttered by him in the heat of anger triggered by the fact, as found by the Court of Appeals, that complainant refused, without valid justification to approve the monetization of accrued leave credits of petitioner. In a manner of speaking, she sowed the wind that reaped the storm.

In the words of the Court of Appeals:

> The already existing animosity between them does not vest in the complainant the prerogative to deny petitioner a right to which he was legally entitled. Exemplary damages cannot be recovered as a matter of right. They are designed to permit the court to mould behavior that has socially deleterious consequences. Its imposition is required by public policy to suppress the wanton acts of the offender. It cannot be invoked as a matter of right. x x x [26]

The above findings of fact of the Court of Appeals supported by substantial evidence are conclusive and binding on the parties and are not reviewable by this Court.[27] Considering this finding, the Court of Appeals not only should have struck out the award of exemplary damages but should have modified as well the offense committed to be of simple nature punishable by arresto mayor or a fine not exceeding P200.00 under the above-quoted Art. 358 of the Revised Penal Code.

In Pader v. People,[28] complainant 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 8 May 1995. We held that the offense committed was only slight slander. We explained why in this wise:

> 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.
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> 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

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> 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. In which case, the oral defamation was not of serious or insulting nature.
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> In Reyes v. People [137 Phil. 112, 120 (1969)], 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.
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> In similar fashion, the trial court erred in awarding moral damages without proof of suffering. 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.[29] (Emphasis supplied.)

Similarly, in Cruz v. Court of Appeals,[30] petitioner and complainant, a Municipal Judge, were next door neighbors. Animosity grew between their two families because of some disputes. Petitioner resented the practice of complainant of throwing garbage and animal excrement into her premises. There was also a boundary dispute between petitioner's mother and complainant, which was the subject of a civil suit for "Recovery of Possession, Ownership, Enforcement of Legal Easement and Abatement of Nuisance" filed by the mother before the Court of First Instance of Iloilo against complainant. Additionally, petitioner's mother had previously instituted an administrative complaint against the complainant before the Supreme Court, but the same was dismissed. There was a pent-up feeling of being aggrieved, resentment, anger, and vexation on petitioner's part, culminating in her outburst against complainants. For having called the complainant judge "land grabber," "shameless" and "hypocrite," petitioner was charged and subsequently convicted by the Court of First Instance of three separate offenses of Grave Oral Defamation committed on 5, 6 and 8 August 1976. On appeal, the Court of Appeals affirmed the verdicts of conviction. On review, however, we held that although the abusive remarks may ordinarily be considered as serious defamation, under the environmental circumstances of the case, there having been provocation on complainant's part, and the utterances complained of having been made in the heat of unrestrained anger and obfuscation, petitioner is liable only for the crime of Slight Oral Defamation. Petitioner was sentenced to pay a fine of P200.00 in each of the criminal cases, with subsidiary imprisonment in case of insolvency, and to pay the costs.

Guided by the foregoing precedents, we find petitioner guilty only of slight oral defamation because of the attendant circumstances in the case at bar.

Lest we be misconstrued, the Court does not condone the vilification or use of scurrilous language on the part of petitioner, but following the rule that all possible circumstances favorable to the accused must be taken in his favor, it is our considered view that the slander committed by petitioner can be characterized as slight slander following the doctrine that uttering defamatory words in the heat of anger, with some provocation on the part of the offended party, constitutes only a light felony.[31]

In fact, to be denied approval of monetization of leave without valid justification, but as an offshoot of a political dissension may have been vexing for petitioner and may have been perceived by him as provocation that triggered him to blow his top and utter those disparaging words. In hindsight, to be denied monetization of leave credits must have stirred upon the petitioner a feeling akin to begging for money that he was legally entitled to. This oppressive conduct on the part of complainant must have scarred petitioner's self-esteem, too, to appear as

begging for money. But again, this is not an excuse to resort to intemperate language no matter how such embarrassment must have wreaked havoc on his ego.

The next issue that faces this Court is whether or not petitioner's act of poking a dirty finger at complainant constitutes grave slander by deed.

Following the same principle as enunciated in our foregoing discussion of the first issue, we find petitioner guilty only of slight slander by deed in Criminal Case No. 140-94 inasmuch as we find complainant's unjust refusal to sign petitioner's application for monetization and her act of throwing a coke bottle at him constituted a perceived provocation that triggered the "poking of finger" incident.

Article 359 of the Revised Penal Code provides:

> Art. 359. Slander by deed. - The penalty of arresto mayor in its maximum period to prision correccional in its minimum period or a fine ranging from 200 to 1,000 pesos shall be imposed upon any person who shall perform any act not included and punished in this title, which shall cast dishonor, discredit, or contempt upon another person. If said act is not of a serious nature, the penalty shall be arresto menor or a fine not exceeding 200 pesos.

Slander by deed is a crime against honor, which is committed by performing any act, which casts dishonor, discredit, or contempt upon another person. The elements are (1) that the offender performs any act not included in any other crime against honor, (2) that such act is performed in the presence of other person or persons, and (3) that such act casts dishonor, discredit or contempt upon the offended party. Whether a certain slanderous act constitutes slander by deed of a serious nature or not, depends on the social standing of the offended party, the circumstances under which the act was committed, the occasion, etc.[32] It is libel committed by actions rather than words. The most common examples are slapping someone or spitting on his/her face in front of the public market, in full view of a crowd, thus casting dishonor, discredit, and contempt upon the person of another.

In Mari v. Court of Appeals,[33] complainant and petitioner were co-employees in the Department of Agriculture, with office at Digos, Davao del Sur, although complainant occupied a higher position. On 6 December 1991, petitioner borrowed from complainant the records of his 201 file. However, when he returned the same three days later, complainant noticed that several papers were missing which included official communications from the Civil Service Commission and Regional Office, Department of Agriculture, and a copy of the complaint by the Rural Bank of Digos against petitioner. Upon instruction of her superior officer, complainant sent a memorandum to petitioner asking him to explain why his 201 file was returned with missing documents. Instead of acknowledging receipt of the memorandum, petitioner confronted complainant and angrily shouted at her: "Putang ina, bullshit, bugo." He banged a chair in front of complainant and choked her. With the intervention of the security guard, petitioner was prevailed upon to desist from further injuring complainant. We held:

> Prescinding from the foregoing, it would serve the ends of justice better if the petitioner were sentenced to pay a fine instead of imprisonment. The offense while considered serious slander by deed was done in the heat of anger and was in reaction to a perceived provocation. The penalty for serious slander by deed may be either imprisonment or a fine. We opt to impose a fine.
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> ACCORDINGLY, the Court hereby SETS ASIDE the decision of the Court of Appeals and in lieu thereof renders judgment finding petitioner guilty beyond reasonable doubt of serious slander by deed defined and penalized under Article 359 of the Revised Penal Code, and sentencing him to pay a fine of P1,000.00, with subsidiary imprisonment in case of insolvency.[34] (Emphasis supplied.)

In Mari, the Court found petitioner guilty of serious slander by deed defined and penalized under Article 359 of the Revised Penal Code, and sentenced him to pay a fine of P1,000.00, with subsidiary imprisonment in case of

insolvency. The deed involved was the banging of a chair in front of complainant and choking her.

In another case, Teodoro v. Court of Appeals,[35] the incident, which gave rise to this case, is narrated as follows:

> Petitioner Amado B. Teodoro was vice-president and corporate secretary of the DBT-Marbay Construction, Inc., while complainant, Carolina Tanco-Young, was treasurer of the same corporation. Petitioner is the brother of the president of the corporation, Donato Teodoro, while complainant is the daughter of the chairman of the board of the corporation, Agustin Tanco. x x x
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> Records show that the incident complained of took place at the Board Room of the D.B.T. Mar Bay Construction Incorporated in the afternoon of August 17, 1984. Present at the meeting were Agustin Tanco, Chairman of the Board; the President, Donato Teodoro; the accused, Amado Teodoro, as Corporate Secretary; the complainant, Carolina Tanco-Young who is the Treasurer; and one Oscar Benares.
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> x x x x
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> It appears that there was a controversial document being insisted upon by the accused, as secretary, to be signed by the chairman. The Board Treasurer, Carolina Tanco-Young questioned the propriety of having the document signed as there was, according to her, no such meeting that ever took place as to show a supposed resolution to have been deliberated upon. A verbal exchange of words and tirades took place between the accused Secretary and the Treasurer. One word led to another up to the point where Carolina Tanco-Young, the treasurer, either by implication or expressed domineering words, alluded to the accused as a "falsifier" which blinded the accused-appellant to extreme anger and rage, thus leading him to slap Tanco-Young - the alleged name caller.[36] (Emphasis supplied.)

This Court in Teodoro held that there was grave slander by deed.

In another case, the acts of pushing and slapping a woman in order to ridicule and shame her before other people constitute the felony of slander by deed defined and penalized under Article 359 of the Revised Penal Code by arresto mayor in its maximum period to prision correccional in its minimum period.[37]

In the cases as above-cited, there was no provocation on the part of the complainants unlike the present case. Moreover, the "poking of the finger" in the case at bar was, palpably, of less serious magnitude compared to the banging of chair, the choking in Mari and the slapping of a face in Teodoro. Thus, we find that the poking of dirty finger in the case at bar, while it smacks of slander by deed, is of a lesser magnitude than the acts committed in the foregoing cases.

Moreover, pointing a dirty finger ordinarily connotes the phrase "Fuck You," which is similar to the expression "Puta" or "Putang Ina mo," in local parlance. Such expression was not held to be libelous in Reyes v. People,[38] where the Court said that: "This is a common enough expression in the dialect that is often employed, not really to slander but rather to express anger or displeasure. It is seldom, if ever, taken in its literal sense by the hearer, that is, as a reflection on the virtues of a mother." Following Reyes, and in light of the fact that there was a perceived provocation coming from complainant, petitioner"s act of pointing a dirty finger at complainant constitutes simple slander by deed, it appearing from the factual milieu of the case that the act complained of was employed by petitioner "to express anger or displeasure" at complainant for procrastinating the approval of his leave monetization. While it may have cast dishonor, discredit or contempt upon complainant, said act is not of a serious nature, thus, the penalty shall be arresto menor meaning, imprisonment from one day to 30 days or a fine not exceeding P200.00. We opt to impose a fine following Mari.[39]

Yes, complainant was then a Vice-Mayor and a lady at that, which circumstances ordinarily demanded respect from petitioner. But, it was, likewise, her moral obligation springing from such position to act in a manner that is worthy of respect. In the case at bar, complainant's demeanor of refusing to sign the leave monetization of

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petitioner, an otherwise valid claim, because of a political discord smacks of a conduct unbecoming of a lady and a Vice-Mayor at that. Moreover, it appears that she had, indeed, thrown a bottle of coke at petitioner, which actuation reveals that she, too, had gone down to petitioner's level.

Holding an esteemed position is never a license to act capriciously with impunity. The fact that there was a squabble between petitioner and complainant, both high-ranking local public officials, that a verbal brawl ostensibly took place, speaks very poorly of their self-control and public relations. For this, they both deserve to be censured and directed to conduct themselves in a more composed manner and keep their pose as befits ranking officials who officially deal with the public.[40]

To be worthy of respect, one must act respectably, remembering always that courtesy begets courtesy.

Anent the award of damages, the Court of Appeals erred in increasing the award of moral damages to P100,000.00 in light of its own finding that petitioner himself was "a victim of complainant's indiscretion for her refusal, for no reason at all, to approve petitioner's application for monetization of his accrued leave credits."

In similar fashion, considering that petitioner and complainant belong to warring political camps, occasional gestures and words of disapproval or dislike are among the hazards of the job.[41] Considering this political reality and the fact that the Court of Appeals concluded, based on evidence on records, that petitioner himself was a victim of complainant's indiscretion, her claim for damages and attorney's fees must, likewise, fail. Akin to the principle that "he who comes to court must have clean hands," each of the parties, in the case at bar, must bear his own loss.

WHEREFORE, premises considered, the decision of the Court of Appeals in CA-G.R. CR No. 22932 is hereby MODIFIED as follows:

> 1) In Crim. Case No. 139-94, petitioner Noel Villanueva is guilty beyond reasonable doubt of the crime of slight oral defamation only for which we impose on him a fine of P200.00, with subsidiary imprisonment in case of insolvency;
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> 2) In Crim. Case No. 140-94, petitioner Noel Villanueva is guilty beyond reasonable doubt of simple slander by deed for which we impose a fine of P200.00, with subsidiary imprisonment in case of insolvency;
>
> 3) The awards for moral damages and attorney's fees are DELETED.

Finally, the decision of the Court of Appeals insofar as it deleted the award for exemplary damages is AFFIRMED. No costs.

SO ORDERED.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] In the Matter of the Alleged Improper Conduct of Justice Badoy, Jr., 443 Phil. 296, 313 (2003).

[2] Penned by Associate Justice Rodrigo V. Cosico with Associate Justices Juan Q. Enriquez, Jr. and Edgardo F. Sundiam, concurring. Rollo, pp. 51-63.

[3] Rollo, p. 8.

[4] Id., p. 52.

[5] Id., p. 83.

[6] Id., p. 54.

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[7] Id.

[8] Id., pp. 83-84.

[9] Id., p. 85.

[10] Id., p. 95.

[11] Id.

[12] Id.

[13] Id.

[14] Id., p. 86.

[15] Id.

[16] Id., pp. 86-87.

[17] Id., p. 145.

[18] Id., p. 77.

[19] Id., pp. 28-29.

[20] Victorio v. Court of Appeals, G.R. Nos. 32836-37, 31 May 1989, 173 SCRA 645, 652.

[21] THE REVISED PENAL CODE, Book Two, Reyes, p. 956 (14th Ed., 1998), citing People v. Jaring, C.A., 40 O.G. 3683.

[22] Pader v. People, 381 Phil. 932, 935-936 (2000).

[23] THE REVISED PENAL CODE,, supra note 21, citing People v. Boiser, C.A., 53 O.G. 2202.

[24] Id., citing Balite v. People, 124 Phil. 868, 878 (1966).

[25] Id., citing People v. De Modesto, 40 O.G., Suppl. 11,128.

[26] Rollo, p. 63.

[27] Mari v. Court of Appeals, 388 Phil. 269, 275 (2000).

[28] Supra note 22.

[29] Id., pp. 936-937.

[30] 204 Phil. 372, 375-376 (1982).

[31] THE REVISED PENAL CODE, supra note 31, p. 957.

[32] Id., p. 959.

[33] Supra note 27, p. 273.

[34] Id., pp. 275-279.

[35] 328 Phil. 116 (1996).

[36] Id., pp. 118-119.

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[37] People v. Delfin, 112 Phil. 807, 818 (1961).

[38] 137 Phil. 112, 120 (1969).

[39] Mari v. Court of Appeals, supra note 27.

[40] Domingo v. Quimson, supra note 1.

[41] Cf. Pader v. People, supra note 22.

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