

**ERWIN TULFO, LILIBETH FRONDOSO, LYND A JUMILLA, MARIA PROGENA, ESTONILLO REYES, ANNA LIZA EUGENIO, FERNANDO GARCIA, EUGENIO LOPEZ III, LUIS F. ALEJANDRO, JOSE RAMON OLIVES, JESUS...**

*G.R. No. 237620. April 28, 2021*

Ponente: INTING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-237620/>

---

**INTING, J.:**

This is a Petition for Review on Certiorari [With Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction][1] assailing the Decision[2] dated August 17, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 131601 which dismissed the Petition for Certiorari [With Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction][3] under Rule 65 of the Rules of Court filed by petitioners[4] and affirmed the Orders dated April 16, 2013[5] and June 11, 2013[6] of Branch 88, Regional Trial Court (RTC), Quezon City in Criminal Case No. Q-13-180642-43.

The RTC Order dated April 16, 2013 denied petitioners' Very Urgent Motion for Reconsideration of the Judicial Determination of Probable Cause with Motion to Suspend Proceedings, and to Recall Warrants of Arrest[7] and Ad Cautelam Motion to Quash,[8] while the Order dated June 11, 2013 denied petitioners' subsequent Manifestation and Motion to Disqualify with Motion for Reconsideration of the Order dated April 16, 2013.[9]

**The Antecedents**

The instant case stemmed from two (2) Informations,[10] both dated January 28, 2013, charging petitioners with Libel defined under Article 353 of the Revised Penal Code, as amended, to wit:

Criminal Case No. Q-13-180642

That on or about the 23[rd] day of July 2004, in Quezon City, Philippines, accused Erwin Tulfo, News Anchor, Beth Frondoso, Executive Producer of Insider, Lynda Jumilla, Reporter of Insider, Maria Progena Estonilo Reyes, Supervising Producer of Magandang Umaga Bayan and member of ABS-CBN's Management Committee on News Operations and Productions, Annie Eugenio, Executive Producer of Magandang Umaga Bayan, Dondi Garcia, Executive Producer, News Patrol, Eugenio Lopez III, Chairman and Chief Executive Officer, Luis Alejandro, President and Chief Operating Officer, Jose Ramon Olives, OIC/SVP of News and Cultural Affairs, Jesus Jake Maderazo, Vice President, News Operations, Luisita Cruz-Valdes, Vice President, News Productions/Programs, Jose "Jing" Magsaysay, Jr., Assistant Vice-President, News Operations and Alfonso "Pal" Marquez, Director, News Operations of the ABS-CBN Broadcasting Corporation, located at Sgt. E.A. Esguerra Avenue corner Mother Ignacia Avenue, Quezon City, and as such were responsible for airing news broadcasts and bulletins in their TV Programs, conspiring together, confederating with and mutually helping one another, did then and there, willfully, unlawfully and feloniously publicly and maliciously impute a crime, vice or defect, real or imaginary or any act or circumstance upon the following persons who are in charge of management, operations and production of news and public affairs program of GMA-7 TV networks with business address located at GMA Networks, Inc. EDSA corner Timog Avenue, Quezon City, namely;

Felipe L. Gozon, President and Chief Executive Officer, Gilberto R. Duavit, Jr., Executive Vice-President and Chief Operating Officer, Marissa L. Flores, Vice-President and head of News and Public Affairs Department, Jessica A. Soho, News Director, News and Public Affairs Department, Grace dela Peña-Reyes, Head News Operations, News and Public Affairs Department and John Oliver T. Manalastas, Program Manager for News, News and Public Affairs Department, all of said GMA Network, Inc., by then and there causing the airing of a nationwide live broadcast over their news program "Insider" that GMA-7 network has stolen or pirated the video footage exclusively taken by ABS-CBN news on the live coverage of the arrival of Angelo dela Cruz from the middle East after his release by his Iraqi captors, to wit:

(a)

ERWIN TULFO:

"Yan si Angelo (referring to video footage being shown). Kumpletong coverage na ating sinubaybayan ng mga media. Tayo po ang nauna ron, Mareng Tintin. Tayo ang nauna, na ginaya tayo ng isang channel. Na umano'y sinasabi pa nga ng istasyon natin na [ang ating] video ay ninakaw ng kabilang channel, actually, particularly ng GMA-7."

(b)

LYNDA JUMILLA:

"Mahigpit na sinusubaybayan ng ABS-CBN newsroom ang mga balita ng pagdating ni Angelo dela Cruz nang may mapansing kakaiba. Ang mga ekslusibong video na kuha ng ABS-CBN news lumalabas din sa GMA-7. Mula paglabas I [sic] dela Cruz sa eroplano, pagdaan sa tube, hangang sa pagpasok sa VIP lounge. Pati mga eksena sa press conference, kinuha din mula sa video ng ABS-CBN."

xxx xxx xxx

Pinag-iisipan ng ABS-CBN na sampahan ng kaso ang GMA-7 dahil sa pagnanakaw ng video. Pero nagpadala na ng sulat ang ABS-CBN sa GMA para mariing iprotesta ang walang pahintulot na paggamit nito ng video ng ABS-CBN. Ako si Lynda Jumilla, para sa "Magandang Umaga Bayan."

thereby conveying the idea that complainants pirated or caused to be pirated their said exclusive video footage, when in truth and in fact, said statements and imputed to the offended parties on said TV program of the accused were entirely false and untrue and were publicly made for no other purpose but to expose said offended parties to public ridicule, thereby casting dishonor, discredit and contempt upon them, to their damage and prejudice.

### **CONTRARY TO LAW.[11]**

Criminal Case No. Q-13-180643

That on or about the 22[nd] day of July 2004, in Quezon City, Philippines, accused Erwin Tulfo, News Anchor, Beth Frondoso, Executive Producer of Insider, Lynda Jumilla, Reporter of Insider, Maria Progena Estonillo Reyes, Supervising Producer of Magandang Umaga Bayan and member of ABS-CBN's Management Committee on News Operations and Productions, Annie Eugenio, Executive Producer of Magandang Umaga

Bayan, Dondi Garcia, Executive Producer, News Patrol, Eugenio Lopez III, Chairman and Chief Executive Officer, Luis Alejandro, President and Chief Operating Officer, Jose Ramon Olives, OIC/SVP of News and Cultural Affairs, Jesus Jake Maderazo, Vice President, News Operations, Luisita Cruz-Valdes, Vice President, News Productions/Programs, Jose "Ming" Magsaysay, Jr., Assistant Vice-President, News Operations and Alfonso "Pal" Marquez, Director, News Operations of the ABS-CBN Broadcasting Corporation located at Sgt. E.A. Esguerra Avenue corner Mother Ignacia Avenue, Quezon City, and as such were responsible for airing news broadcasts and bulletins in their TV Programs, conspiring together, confederating with and mutually helping one another, did then and there, willfully, unlawfully and feloniously publicly and maliciously impute a crime, vice or defect, real or imaginary or any act or circumstance upon the following persons who are in charge of management, operations and production of news and public affairs program of GMA-7 TV networks with business address located at GMA Networks, Inc, EDSA corner Timog Avenue, Quezon City, namely; Felipe L. Gozon, President and Chief Executive Officer Gilberto R. Duavit, Jr., Executive Vice President and Chief Operating Officer, Marissa L. Flores, Vice President and head of News and Public Affairs Department, Jessica A. Soho, News Director, News and Public Affairs Department, Grace dela Peña-Reyes, Head News Operations, News and Public Affairs Department and John Oliver T. Manalastas, Program Manager for News, News and Public Affairs Department, all of said GMA Network, Inc., by then and there causing the airing of a nationwide live broadcast over their news program "Insider" that GMA-7 network has stolen or pirated the video footage exclusively taken by ABS-CBN News on the live coverage of the arrival of Angelo dela Cruz from the middle East after his release by his Iraqi captors, to wit:

a)

Erwin Tulfo:

Pawis, pagod at di masukliang dedikasyon ng aming news team ang ibinuhos sa paghahatid sa inyo ng pinaka-kumpletong coverage ng pag-uwi ni Angelo de la Cruz. Kaya nakakalungkot po na may ibang istasyon na nagnakaw ng aming eksklusibong kuha. Pinag-iisipan po ng ABS-CBN na kasuhan ang GMA Network sa ginawang pamimirata ng footage kanina sa NAIA. Ang detalye sa Insider Report ni Linda Jumilla."

xxx xxx xxx

"Okay lang ho sana ang pagsisinungaling pero ang pagnanakaw ay isang malaking krimen..."

b)

Lynda Jumilla:

"Mahigpit na sinusubaybayan ng ABS-CBN newsroom ang mga balita ng pagdating ni Angelo dela Cruz nang may mapansing kakaiba. Ang mga eksklusibong video na kuha ng ABS-CBN news lumalabas din sa GMA-7. Mula paglabas ni dela Cruz sa eroplano, pagdaan sa tube, hanggang pagpasok sa VIP lounge. Pati mga eksena sa press conference, kinuha din mula sa video ng ABS-CBN."

xxx xxx xxx

Pinag-iisipan ng ABS-CBN na sampahan ng kaso ang GMA-7 dahil sa pagnanakaw na video. Pero nagpadala na ng sulat ang ABS-CBN sa GMA para mariing iprotesta ang walang pahintulot na paggamit nito ng video ng ABS-CBN. Lynda Jumilla, ABS-CBN News."

c)

As shown on live video:

"ANG PAGNANAKAW BA'Y SERBISYONG TOTOO?"

"Exclusive video ng ABS-CBN Ninakaw ng GMA-7."

thereby conveying the idea that complainants pirated or caused to be pirated their said exclusive video footage, a grave offense, when in truth and in fact, said statements and live videos of bold graphics imputed to the offended parties aired and shown on said TV program of the accused were entirely false and untrue and were publicly made for no other purpose but to expose said offended parties to public ridicule, thereby casting dishonor, discredit and contempt upon them, to their damage and prejudice.

### **CONTRARY TO LAW.[12]**

#### **The Antecedents**

On July 22, 2004, Angelo dela Cruz (Angelo), a Filipino overseas contract worker who was held hostage, but subsequently freed by Iraqi militants, was scheduled to arrive in the Philippines. As early as July 21, 2004, ABS-CBN had already made plans to cover the arrival of Angelo. After a great deal of preparations, ABS-CBN conducted live audio-video coverage of Angelo's arrival and press conference at the Ninoy Aquino International Airport (NAIA).[13]

The Angelo footage was also aired by Reuters Television Service (Reuters) due to its existing agreement with ABS-CBN.[14] On the other hand, GMA-7 was a subscriber of Reuters and Cable News Network (CNN), as such, it received video feed, both live or taped.[15] In the coverage of Angelo's arrival, a live video feed from NAIA was being beamed by Reuters which GMA-7's Technical Operations Center recorded.[16]

GMA-7 aired the Angelo footage for over one and a half minutes through their subscription from Reuters and CNN.[17] Allegedly, not one in GMA-7's news team was aware that Reuters was using, or would be airing footage of ABS-CBN in its live video feed.[18] When GMA-7's Head of News Operations, Grace Dela Peña-Reyes and Program Manager for News, John Oliver Manalastas (Manalastas) saw ABS-CBN reporter Dindo Amparo in the live Reuter's video feed, Manalastas immediately stopped the airing of the Reuters' video.[19]

Meanwhile, on July 22, 2004, or on the day of the unauthorized use of the Angelo footage, ABS-CBN aired on its news program "Insider" a news account of the incident.[20] Erwin Tulfo (Tulfo) articulated:

"Pawis, pagod at di masukliang dedikasyon ng aming news team ang ibinuhos sa paghahatid sa inyo ng pinaka-kumpletong coverage ng pag-uwi ni Angelo de la Cruz. Kaya nakakalungkot po na may ibang istasyon na nagnakaw ng aming eksklusibong kuha. Pinag-iisipan po ng ABS-CBN na kasuhan ang GMA Network sa ginawang pamimirata ng footage kanina sa NAIA. Ang detalye sa Insider Report ni Linda Jumilla."

XXX XXX XXX

"Okay lang ho sana ang pagsisinungaling pero ang pagnanakaw ay isang malaking krimen..."[21]

Lynda Jumilla (Jumilla) likewise stated in the news program:

"Mahigpit na sinusubaybayan ng ABS-CBN newsroom ang mga balita ng pagdating ni Angelo dela Cruz nang may mapansing kakaiba. Ang mga eksklusibong video na kuha ng ABS-CBN news lumalabas din sa GMA-7. Mula paglabas ni dela Cruz sa eroplano, pagdaan sa tube, hanggang sa pagpasok sa VIP lounge. Pati mga eksena sa press conference, kinuha din mula sa video ng ABS-CBN."

xxx xxx xxx

Pinag-iisipan ng ABS-CBN na sampahan ng kaso ang GMA-7 dahil sa pagnanakaw ng video. Pero nagpadala na ng sulat ang ABS-CBN sa GMA para mariing iprotesta ang walang pahintulot na paggamit nito ng video ng ABS-CBN. Lynda Jumilla, ABS-CBN News."[22]

On July 23, 2004, ABS-CBN also aired on its news program "Magandang Umaga Bayan" an account of the incident. In the program, Tulfo said the following statements:

"Yan si Angelo (referring to the video footage being shown). Kumpletong coverage na ating sinubaybayan ng mga media. Tayo po and nauna ron, Mareng Tintin. Tayo ang nauna, na ginaya tayo ng ibang channel. Na umano'y sinasabi pa nga ng istasyon natin na [ang ating] video ay ninakaw ng kabilang channel, actually, particularly ng GMA-7."[23]

Meanwhile, Jumilla likewise stated in the news program:

"Mahigpit na sinusubaybayan ng ABS-CBN newsroom ang mga balita ng pagdating ni Angelo dela Cruz nang may mapansing kakaiba. Ang mga eksklusibong video ng kuha ng ABS-CBN news lumalabas din sa GMA-7. Mula paglabas I [sic] dela Cruz sa eroplano, pagdaan sa tube, hangang sa pagpasok sa VIP lounge. Pati sa mga eksena sa press conference, kinuha din mula sa video ng ABS-CBN."

xxx xxx xxx

Pinag-iisipan ng ABS-CBN na sampahan ng kaso ang GMA-7 dahil sa pagnanakaw ng video. Pero nagpadala na ng sulat ang ABS-CBN sa GMA para mariing iprotesta ang walang pahintulot na paggamit nito ng video ng ABS-CBN. Ako si Lynda Jumilla, para sa "Magandang Umaga Bayan."[24]

On July 27, 2004, a criminal complaint for Libel was filed by Felipe L. Gozon, Gilberto R. Duavit, Jr., Marissa L. Flores, Jessica A. Soho, Grace dela Peña-Reyes, and John Oliver T. Manalastas (collectively, private respondents) based on the aforesaid statements of Tulfo and Jumilla.[25]

After almost 10 years or on February 6, 2013, two (2) criminal Informations for Libel were filed by the Quezon City Prosecutor before the RTC of Quezon City. On February 14, 2013, the RTC issued an Order finding probable cause for the issuance of warrants of arrest against petitioners. Accordingly, it ordered the issuance of warrants of arrest against them.[26] On February 18 and 19, 2013, petitioners posted bail for their temporary liberty.[27] On February 22, 2013, petitioners filed a Very Urgent Motion for Reconsideration of the Judicial Determination of Probable Cause with Motion to Suspend the Proceedings and to Recall Warrants of Arrest.

On March 8, 2013, prior to the resolution of petitioners' Very Urgent Motion, petitioners filed an Ad Cautelam Motion to Quash (the Informations).[28]

The RTC then set the arraignment of petitioners on May 7, 2013.[29]

The Ruling of the RTC

On April 16, 2013, the RTC issued an Order[30] denying both motions of petitioners, to wit:

WHEREFORE, in the light of all the foregoing considerations, the "Very Urgent Motion for Reconsideration of the Judicial Determination of Probable Cause with Motion to Suspend Proceedings, and to recall Warrants of Arrest, and the Ad Cautelam Motion to Quash, both filed by the accused are hereby DENIED. The arraignment of he accused set on May 7, 2013 at 8:30 am shall proceed as scheduled.

SO ORDERED.[31]

In the Order, the RTC reiterated that the determination of probable cause in a preliminary investigation exclusively pertains to the public prosecutor that the RTC may not be compelled to pass upon.[32] It emphasized that the trial court judge should not override the public prosecutor's determination of probable cause to held the accused for trial on the ground that the evidence presented to substantiate the issuance of a warrant of arrest against the accused was insufficient.[33] As regards petitioners' allegations of truth and absence of malice, the RTC held that the allegations were a matter of defense which are best threshed out and appreciated in a full blown trial in court.[34]

Similarly, the RTC found that petitioners' Ad Cautelam Motion to Quash the Informations was untenable as the subject Informations were sufficient in form and substance. It stressed that a perusal of the subject Informations readily showed the presence of all the elements of Libel.[35]

Petitioners subsequently filed a Manifestation and Motion to Disqualify with Motion for Reconsideration. The RTC denied it in the Order[36] dated June 11, 2013; thus:

ACCORDINGLY, the motion for reconsideration filed by the ace used is hereby DENIED.

SO ORDERED.[37]

Alleging that the RTC committed grave abuse of discretion in issuing the Orders, petitioners filed a Petition for Certiorari [With Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction][38] under Rule 65 of the Rules of Court before the CA.

The Ruling of the CA

On August 17, 2017, the CA rendered the assailed Decision[39] dismissing the petition for lack of merit; thus:

WHEREFORE, premises considered, the petition is hereby DISMISSED. Accordingly, the assailed twin ORDERS of the RTC dated 16 April 2013 and 11 June 2013 are AFFIRMED.

SO ORDERED.[40]

The CA found no grave abuse of discretion on the part of the RTC in issuing the questioned Orders. It ruled that petitioners cannot question the denial of their Ad Cautelam Motion to Quash the Informations through certiorari proceedings under Rule 65 of the Rules of Court as they still have an adequate remedy in the ordinary course of law. According to the CA, petitioners should have opted to proceed to trial. Thereafter, in case of an adverse resolution, they can raise as an error on appeal the RTC's denial of their Ad Cautelam Motion to Quash.[41] Moreover, the CA agreed with the RTC that a facial examination of the subject Informations showed that they were valid and regular and in conformity with the guidelines under Section 6, Rule 110 of the Revised Rules on Criminal Procedure.[42] Lastly, the CA highlighted that petitioners' assertion of truth, lack of identifiability, and malice were proper subjects of defense which can be freely ventilated during the trial of the case.[43]

Aggrieved, petitioners filed the instant petition assailing the CA Decision dated August 17, 2017. On December 3, 2018, the Office of the Solicitor General filed its Comment[44] on the petition.

The Issue

Whether the C 4 erred in affirming the RTC ruling.

Petitioners raise the following assignment of errors, to wit:

**A.**

THE COURT OF APPEALS INCORRECTLY RULED THAT A PETITION FOR CERTIORARI IS IMPROPER.

**B.**

THE COURT OF APPEALS INCORRECTLY RULED THAT THE INFORMATIONS ARE SUFFICIENT IN FORM AND SUBSTANCE.

**C.**

THE COURT OF APPEALS INCORRECTLY BRUSHED ASIDE THE TRIAL COURT'S GRAVE ABUSE OF DISCRETION.

**D.**

THE COURT OF APPEALS INCORRECTLY UPHELD THE VALIDITY OF THE INFORMATIONS DESPITE PRIVATE RESPONDENTS' OWN ADMISSIONS AS TO THEIR UNAUTHORIZED USE OF THE FOOTAGE.[45]

**Our Ruling**

The petition has no merit.

The first and third issues, being interrelated, shall be discussed jointly.

The CA correctly ruled that a petition for certiorari under Rule 65 is improper against the denial of motion to quash.

Petitioners aver that the CA's dismissal of their Petition for Certiorari against the RTC for the denial of their motion to quash is erroneous. They insist that certiorari is a proper remedy because the Motion to Quash was denied with grave abuse of discretion.[46]

Petitioners' arguments are untenable. It is well-settled that a special civil action for certiorari is not the proper remedy to assail the denial of a motion to quash information.[47] As a rule, the denial of a motion to quash cannot be "a proper subject of a petition for certiorari which can be used only in the absence of an appeal or any other adequate, plain and speedy remedy." [48] The plain and speedy remedy is to proceed to trial and to determine the guilt or innocence of the accused.[49] The remedy against a denial of a motion to quash an information is not to resort forthwith to certiorari or prohibition, but to continue with the case in due course and, when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law.[50]

In *Galzote v. Briones, et al.*, [51] the Court explained:

A preliminary consideration in this case relates to the propriety of the chosen legal remedies availed of by the petitioner in the lower courts to question the denial of his motion to quash. In the usual course of procedure, a denial of a motion to quash filed by the accused results in the continuation of the trial and the determination of the guilt or innocence of the accused. If a judgment of conviction is rendered and the lower court's decision of conviction is appealed, the accused can then raise the denial of his motion to quash not only as an error committed by the trial court but as an added ground to overturn the latter's ruling.

In this case, the petitioner did not proceed to trial but opted to immediately question the denial of his motion to quash via a special civil action for certiorari under Rule 65 of the Rules of Court.

As a rule, the denial of a motion to quash is an interlocutory order and is not appealable; an appeal from an interlocutory order is not allowed under Section 1(b), Rule 41 of the Rules of Court. Neither can it be a proper subject of a petition for certiorari which can be used only in the absence of an appeal or any other adequate, plain and speedy remedy. The plain and speedy remedy upon denial of an interlocutory order is to proceed to trial as discussed above.[52]

Moreover, "a direct resort to a special civil action for certiorari is an exception rather than the general rule and is a recourse that must be firmly grounded on compelling reasons." [53] As an exception, a party may question the denial of a motion to quash in a petition for certiorari if the party can establish that the denial was tainted with grave abuse of discretion.[54]

In *Pascua v. People*, [55] the Court defines grave abuse of discretion in this manner:

"[G]rave abuse of discretion connotes a capricious and whimsical exercise of judgment, done in a despotic manner by reason of passion or personal hostility, the character of which being so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law." In this regard, case law instructs that there is grave abuse of discretion when an act: (a) is done contrary to the Constitution, the law or jurisprudence, or executed whimsically, capriciously or arbitrarily, out of malice, ill will, or personal bias; or (b) manifestly disregards basic rules or procedures.[56]

The Court recognizes that in certain situations, certiorari is considered an appropriate remedy to assail an interlocutory order, specifically the denial of a motion to quash.[57]

In *Maximo v. Villapando, Jr.*, [58] the Court elucidated:

x x x We have recognized the propriety of the following exceptions: (a) when the court issued the order without or in excess of jurisdiction or with grave abuse of discretion; (b) when the interlocutory order is patently erroneous and the remedy of appeal would not afford adequate and expeditious relief; (c) in the interest of a more enlightened and substantial justice; (d) to promote public welfare and public policy; and (e) when the cases have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof.[59]

In the instant case, the Court finds that the CA did not err in dismissing petitioners' petition for certiorari. The petitioners still have an adequate and speedy remedy in the ordinary course of law, that is to proceed to trial and appeal any unfavorable judgment to the CA.

Likewise, petitioners failed to present evidence that the RTC's denial of the Ad Cautelam Motion to Quash the Information was tainted with grave abuse of discretion amounting to lack or in excess of jurisdiction. There is no proof that in denying petitioners' motion to quash, the RTC capriciously and whimsically exercised judgment, or issued the assailed Orders in a despotic manner by reason of passion or personal hostility, the character of which being so patent and gross as to amount to an evasion of positive duty.

Indubitably, none of the exceptions, wherein direct resort to certiorari is allowed, is applicable to the case at bench. The Court finds no compelling reason for petitioners to resort to certiorari proceedings after the denial of their motion to quash. Petitioners failed to show factual circumstances that their case falls under any of the above-mentioned exceptions. The RTC's denial of the motion to quash was based on its evaluation that the subject Informations are *prima facie* complete, sufficient in form and substance, and compliant with the requirements set forth in Section 6, Rule 110 of the Revised Rules of Criminal Procedure.

The Court cannot allow a party to delay litigation by filing a petition for certiorari under Rule 65 based on scant allegations of grave abuse of discretion.[60] The Court reiterated in a case that it is only in the presence of extraordinary circumstances where a resort to a petition for certiorari is proper.[61] In this case, petitioners' recourse cannot but be dilatory moves that deserve sanction from the Court.

The CA correctly upheld the sufficiency of the subject Informations.

Petitioners contend that the CA erred in upholding the RTC's ruling that the subject Informations are sufficient in form and substance. They argue that the facts alleged in the Informations did not constitute an offense as the elements of identifiability and malice are not present.[62] Thus, they conclude that the RTC gravely abused its discretion in denying their Ad Cautelam Motion to Quash the Informations.

Petitioners' contentions fail to persuade.

A plain reading of the subject Informations shows that they are sufficient in form and substance. As ruled by the CA, the subject Informations complied with the requirements set forth in Section 6, Rule 110 of the Rules of Court, which provides:

SEC. 6. Sufficiency of complaint or information. – A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

In the case of *People v. Cilot, et al.*,[63] the Court reiterated:

x x x the test in determining whether the information validly charges an offense is whether the material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined in the law. In this examination, matters aliunde are not considered. The law essentially requires this to enable the accused suitably to prepare his defense, as he is presumed to have no independent knowledge of the facts that constitute the offense.[64]

The allegations in the information are vital because they determine "the real nature and cause of the accusation against an accused." [65] Nevertheless, "the wording of the information does not need to be a verbatim reproduction of the law in alleging the acts or omissions that constitute the offense." [66] The criminal information "is not meant to contain a detailed resume of the elements of the charge in verbatim." [67] Section 6, Rule 110 of the Rules of Court only requires, among others, that it must state the acts or omissions so complained of as constitutive of the offense." [68]

Here, a careful scrutiny of the subject Informations readily shows that they are sufficient in form and substance as they state: (a) the name of petitioners as the accused; (b) the designation of the crime of libel as the crime committed by petitioners; (c) the acts or omissions complained of as constituting the crime; (d) the manner on how petitioners allegedly committed the acts complained of and the participation of each petitioner; (e) the name of the offended parties; and (f) the place and date of the commission of the crime.

As mentioned, the acts constituting the crime of Libel and its elements were likewise properly alleged in the subject Informations. To be liable for Libel, 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.[69]

A cursory reading of the subject Informations reveals that all of the elements of Libel were sufficiently alleged. Both Informations state the following: (1) the discreditable act of GMA-7 allegedly stealing and pirating the video footage exclusively taken by ABS-CBN thereby causing dishonor, discredit, or contempt to GMA-7; (2) the

publication by petitioners of such discreditable acts of GMA-7 which allegedly exposed the latter to public ridicule and discredit; (3) GMA-7, represented by its management, operations, production of news and public affairs officers, as person defamed; and (4) petitioners' malice and intent of causing the publication of the defamatory statements.

The Court finds that based on the Informations, petitioners have been fully informed of the crimes charged. Thus, the Court rules that the CA was correct in upholding the sufficiency in form and substance of the subject Informations.

Moreover, petitioners' allegation of absence of identifiability and malice of the alleged defamatory imputation can be better threshed out during the trial proper. Petitioners' arguments are proper subjects of defense which can be freely raised in a full-blown trial. The Court stresses that the truth or falsity of the allegations in the Informations can be ventilated better during the trial.[70]

The CA correctly upheld the validity of the Informations despite GMA-7's own admission of the unauthorized use of the footage.

Finally, petitioners claim that the CA erred in finding that the RTC did not commit grave abuse of discretion in upholding the validity of the subject Informations, despite private respondents' admission that the crime of Libel was not committed in the first place.[71]

Petitioners' claim holds no water. Every defamatory imputation is presumed malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in the following cases: (1) a private communication made by any person to another in the performance of any legal, moral or social duty; and (2) 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.[72]

Undoubtedly, even if GMA-7 admitted the unauthorized use of the footage, petitioners' imputation of the discreditable act, vice or defect is presumed malicious. The serious accusation of stealing a video coverage and broadcasting it on national television is an imputation of the crime of Libel and is presumed malicious.

Be that as it may, whether or not petitioners' statements are malicious, or merely as news report, or that they were made with good intention and justifiable motive, are matters best left for discussion and determination during the trial proper.

WHEREFORE, the petition is DENIED. The Decision dated August 17, 2017 of the Court of Appeals in CA-G.R. SP No. 131601 is AFFIRMED in toto.

### **SO ORDERED.**

Leonen (Chairperson), Hernando, Delos Santos, and J. Lopez, JJ., concur.

---

[1] Rollo, Vol. I, pp. 8-70.

[2] Id. at 73-86: penned by Associate Justice Renato C. Francisco with Associate Justices Sesinando E. Villon and Manuel M. Barrios, concurring.

[3] Id. at 87-161.

[4] Erwin Tulfo, Lilibeth Frondoso, Lynda Jumilla, Maria Progena, Estonillo Reyes, Anna Liza Eugenio,

Fernando Garcia, Eugenio Lopez III, Luis F. Alejandro, Jose Ramon Olives, Jesus "Jake" Maderazo, Luisita Cruz-Valdes, Jose "Jing" Magsaysay, Jr., and Alfonso "Pal" A. Marquez III.

[5] Rollo, pp. 191-201; penned by Presiding Judge Rosanna Fe Romero-Maglaya.

[6] Id. at 279-281.

[7] Id. at 236-278.

[8] Id. at 202-236.

[9] Id. at 282-314.

[10] Id. at 321-328.

[11] Id. at 321-323.

[12] Id. at 325-327.

[13] Id. at 12-13.

[14] Id. at 13.

[15] Id. at 475.

[16] Id.

[17] Id. at 13.

[18] Id. at 475.

[19] Id. at 476.

[20] Id. at 14.

[21] As culled from the Information dated July 28, 2013 in Criminal Case No. Q-13-180643, id. at 326.

[22] Id. at 327.

[23] As culled from the Information dated January 28, 2013 in Criminal Case No. Q-13-180642, id. at 322.

[24] Id. at 322-323.

[25] Id. at 15.

[26] Id.

[27] Id. at 487.

[28] Id.

[29] See Order Dated April 6, 2013 of Branch 88, Regional Trial Court (RTC), Quezon City in Criminal Case No. Q-13-180642-43, id. at 201.

[30] Id. at 191-201.

[31] Id. at 201.

[32] Id. at 193.

- [33] Id. at 194.
- [34] Id. at 195.
- [35] Id. at 200.
- [36] Id. at 279-281.
- [37] Id. at 281.
- [38] Id. at 87-161.
- [39] Id. at 73-86.
- [40] Id. at 86.
- [41] Id. at 81-82.
- [42] Id. at 83-84.
- [43] Id. at 85.
- [44] Rollo, Vol. II, pp. 760-779.
- [45] Rollo, Vol. I, pp. 19-20.
- [46] Id. at 20.
- [47] See *Maximo, et al. v. Villapando*, 809 Phil. 843 (2017).
- [48] Id. at 870-871.
- [49] *Cagang v. Sandiganbayan*, Fifth Division, G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018, 875 SCRA 374, 408-409, citing *Galzote v. Briones, et al.*, 673 Phil. 165, 172 (2011).
- [50] See *Atty. Zamoranos v. People, et al.*, 665 Phil. 447, 460 (2011), citing *Madarang v. Court of Appeals*, 501 Phil. 608, 616-617 (2005).
- [51] 673 Phil. 165 (2011).
- [52] Id. at 172.
- [53] *Maximo, et al. v. Villapando*, supra note 47 at 871, citing *Galzote v. Briones, et al.*, id.
- [54] *Cagang v. Sandiganbayan*, Fifth Division, supra note 49 at 409.
- [55] G.R. No. 250578, September 7, 2020.
- [56] Id. Citations omitted.
- [57] *Maximo, et al. v. Villapando*, supra note 47 at 871.
- [58] Id.
- [59] Id., citing *Atty. Zamorano v. People, et al.*, supra note 50 at 461.
- [60] *Galzote v. Briones, et al.*, supra note 51 at 176, citing *Santos v. People, et al.*, 585 Phil. 337, 356 (2008).
- [61] Id.

[62] Rollo, Vol. I, pp. 21-31.

[63] 797 Phil. 725 (2016).

[64] Id. at 739-740, citing *Dela Chica v. Sandiganbayan*, 462 Phil. 712, 719 (2003), further citing *Torres v. Hon. Garchitorena*, 442 Phil. 765, 777 (2002), *Ingco v. Alcasid*, 338 Phil. 1061, 1071 (1997) and *Estrada v. Sandiganbayan*, 427 Phil. 820, 859 (2002).

[65] *Villarba v. Court of Appeals*, G.R. No. 227777, June 15, 2020, citing *Quimvel v. People*, 808 Phil. 889, 913 (2017).

[66] Id.

[67] *Keh v. People*, G.R. Nos. 717592-93, July 13, 2020.

[68] Id.

[69] *Ty-Delgado v. House of Representatives Electoral Tribunal, et al.*, 779 Phil. 268, 280 (2016), citing *Brillante v. Court of Appeals*, 483 Phil. 568 (2004).

[70] See *People v. Olarte*, G.R. No. 233209, March 11, 2019.

[71] Rollo, p. 31.

[72] Article 354. Revised Penal Code provides:

ARTICLE 354. Requirement for 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:

1. A private communication made by any person to another in the performance of any legal, moral or social duty; and
2. 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.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.