

**LETICIA C. BAULA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.***G.R. No. 249034, April 07, 2026*

Ponente: SINGH, J.

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Before the Court is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court filed by petitioner Leticia C. Baula (Leticia), assailing the Decision,[2] dated May 24, 2019, and the Resolution,[3] dated August 14, 2019, of the Court of Appeals (CA) in CA-G.R. CR No. 41896. The CA affirmed the Decision,[4] dated March 21, 2018, and the Order,[5] dated June 13, 2018, of Branch 100, Regional Trial Court, Quezon City (RTC), which, in turn, upheld the Decision,[6] dated May 31, 2017, of Branch 32, Metropolitan Trial Court, Quezon City (MeTC), finding Leticia guilty beyond reasonable doubt of the crime of Simple Slander.

**The Facts**

This case stemmed from an altercation between Leticia and private complainant Elizabeth B. Bayangos (Elizabeth), both unit owners of Elizabeth Mansions, a low-rise condominium consisting of 26 units located in Cubao, Quezon City.[7] At the time material to the case, Leticia had previously served as President of the Elizabeth Mansions Condominium Association, Inc. (EMCAI), while Elizabeth was an officer and member of its Board.[8]

The altercation arose from the decision of the EMCAI Board to bar Leticia's driver, Alberto Spears (Alberto), from entering the condominium premises, following reports that Alberto had exhibited disorderly and unruly behavior on several occasions.[9] Thus, on October 14, 2012, when Alberto attempted to enter the condominium, he was disallowed entry at the gate.[10] Instead of backing out to give way to other unit owners, Alberto blocked the entrance and refused to leave the premises.[11]

Elizabeth, who witnessed the incident, sought assistance from the barangay and the police.[12] Upon the arrival of the authorities, Elizabeth, together with other persons, including Dr. Natividad A. Salazar (Dr. Salazar), approached Leticia.[13] It was during this occasion that Leticia allegedly uttered words of disgust and directed insulting and defamatory statements against Elizabeth, within the hearing of other persons present.[14] In particular, Leticia allegedly exclaimed: "Ang lahat ng gulo na ito [ay] nagsimula sa pagnanakaw mo." [15]

A criminal complaint for Grave Oral Defamation was then filed against Leticia.[16] The accusatory portion of the Information reads:

That on or about the 14[th] day of October 2012, in Quezon City, Philippines, the said accused, without justifiable cause, with intent to cast public contempt, discredit[,] and public ridicule, did and there willfully, unlawfully[,] and feloniously [] utter against ELIZABETH B. BAYANGOS in the presence of several persons, the following serious insulting and defamatory remark, to wit:

"ANG LAHAT NG GULO NA ITO NAGSIMULA SA PAGNANAKAW MO."

and other words of similar import, thereby creating dishonor, discredit[,] and public contempt against said defended party, to her damage and prejudice.

CONTRARY TO LAW.[17] (Emphasis in the original)

During the arraignment on March 26, 2014, Leticia entered a plea of "Not Guilty" to the charge.[18] Trial on the merits thereafter ensued.

The prosecution presented the Judicial Affidavits of Elizabeth, Dr. Salazar, and other persons who allegedly witnessed the incident on October 14, 2012.[19] On the other hand, the defense presented the Judicial Affidavit of Leticia,[20] who denied uttering the alleged defamatory statements.[21]

The case was then submitted for decision.[22]

#### The Ruling of the MeTC

In a Decision, dated May 31, 2017, the MeTC convicted Leticia of Simple Slander.[23] The dispositive portion of the MeTC Decision states:

WHEREFORE, premises considered, accused Leticia C. Baula, is GUILTY beyond reasonable doubt of the crime of SIMPLE SLANDER and hereby ORDERED to pay a fine in the amount of [PHP 200.00] as penalty. She is DIRECTED to [pay] private complainant Atty. Elizabeth B. Bayangos the amount of [PHP 50,000.00] as moral damages.

SO ORDERED.[24] (Emphasis in the original)

The MeTC found that the prosecution sufficiently established that Leticia uttered defamatory words against Elizabeth.[25] However, considering that the statements were made in the heat of the moment, the MeTC held that Leticia could only be held liable for Simple Slander, and not Grave Oral Defamation.[26]

The MeTC likewise imposed the award of PHP 50,000.00 as moral damages pursuant to Article 2219(7) of the Civil Code, which allows the recovery of moral damages in case of Slander or any other form of defamation.[27]

Leticia filed an appeal with the RTC, arguing that the MeTC committed reversible error in finding her guilty beyond reasonable doubt of Simple Slander.[28]

#### The Ruling of the RTC

In a Decision, dated March 21, 2018, the RTC affirmed the MeTC Decision, with modification as to the award of moral damages. The RTC ruled that the probability that Leticia uttered the statement was high, considering that, by her own admission, ill feelings already existed between her and Elizabeth.[29] The RTC further held that the statement was defamatory, as it portrayed Elizabeth as a thief, and was made in the presence of other homeowners, resulting in Elizabeth's shame and dishonor.[30] The RTC, however, deemed it proper to reduce the award of moral damages from PHP 50,000.00 to PHP 5,000.00.[31]

The fallo of the RTC Decision reads:

WHEREFORE, premises considered, accused-appellant's appeal is hereby DENIED. Accordingly, the Decision of Hon. Janet Abergos-Samar, Presiding Judge, Metropolitan Trial Court of Quezon City, Branch 32[,] is hereby AFFIRMED with Modification, as to reduce the award of moral damages from [PHP] 50,000.00 to [PHP] 5,000.00.

SO ORDERED.[32] (Emphasis in the original)

Leticia's Motion for Reconsideration was denied by the RTC in its Order, dated June 13, 2018.[33]

Aggrieved, Leticia filed a Petition for Review<sup>[34]</sup> under Rule 42 of the Rules of Court before the CA, arguing that the prosecution failed to establish the elements of Simple Slander.<sup>[35]</sup> She further invoked a separate civil case, docketed as Civil Case No. Q-12-279, wherein the RTC allegedly upheld her claim that financial irregularities existed within EMCAI and that Elizabeth was involved therein.<sup>[36]</sup>

#### The Ruling of the CA

In a Decision, dated May 24, 2019, the CA denied Leticia's Petition for Review and affirmed the RTC Decision.<sup>[37]</sup> The dispositive portion of the CA Decision states:

WHEREFORE, in view of the foregoing premises, the instant petition for review is hereby DENIED. The assailed Decision[,] dated March 21, 2018[,] of the Regional Trial Court, Branch 100, Quezon City in R-QZN-17-08468-CR, is AFFIRMED in toto.

SO ORDERED.<sup>[38]</sup> (Emphasis in the original)

The CA held that Leticia's utterance was a clear imputation that Elizabeth committed the crime of theft, and that Leticia failed to overcome the presumption of malice attendant to defamatory statements.<sup>[39]</sup> The CA further ruled that the RTC Decision in Civil Case No. Q-12-279 was immaterial, as the circumstances surrounding the utterance did not justify nor excuse Leticia's conduct.<sup>[40]</sup>

In a Resolution, dated August 14, 2019, the CA denied Leticia's Motion for Reconsideration.<sup>[41]</sup>

Undeterred, Leticia filed the present Petition, asserting, as a preliminary matter, that the Court should take cognizance thereof notwithstanding that it does not raise purely questions of law.<sup>[42]</sup> She anchors this position on the following grounds: (1) the misapprehension of facts by the RTC and the CA; (2) the CA's failure to consider certain relevant facts not disputed by the parties; and (3) the CA's Decision being premised on a lack of evidence and contradicted by the evidence on record.<sup>[43]</sup>

On the merits, Leticia contends that the elements of Simple Slander were not established.<sup>[44]</sup> She maintains that the statements attributed to her were made in relation to Elizabeth's position as a member and officer of the EMCAI Board, and thus, concerned matters within the ambit of Elizabeth's official functions.<sup>[45]</sup> Leticia further posits that Elizabeth, as a person clothed with authority, could not be thin-skinned, since criticism is an ordinary and expected incident of holding such a position.<sup>[46]</sup>

Leticia likewise contends that malice cannot be imputed to her, as she acted solely in the best interests of the condominium association.<sup>[47]</sup> She adds that the RTC's finding of financial irregularities within EMCAI, and of Elizabeth's involvement therein, negates any claim of bad faith, as her statements were allegedly grounded in truth.<sup>[48]</sup>

In their Comment, the People of the Philippines (the People), through the Office of the Solicitor General (OSG), assert that the Petition raises questions of fact, which are not the proper subjects of a Rule 45 Petition.<sup>[49]</sup> Although jurisprudence recognizes limited exceptions to this rule, the People maintain that none applies in the present case.<sup>[50]</sup>

More fundamentally, the People contend that the CA committed no error in affirming Leticia's conviction for Simple Slander.<sup>[51]</sup> It argues that publicly imputing theft to Elizabeth constitutes defamation, as it directly assails her character and reputation and is inherently capable of subjecting her to embarrassment and social humiliation.<sup>[52]</sup> According to the People, Leticia failed to establish the presence of good intention or a justifiable motive sufficient to negate the malicious nature of the statement.<sup>[53]</sup>

In a Resolution,<sup>[54]</sup> dated January 25, 2023, the Court directed Leticia to file a Reply to the People's Comment

within 10 days from notice.[55]

Instead of a Reply, Leticia filed a Manifestation[56] on April 28, 2023, informing the Court that she would no longer submit a Reply, having already exhaustively addressed all relevant issues in her Petition.[57]

#### The Issue

Did the CA commit reversible error in affirming Leticia's conviction for Simple Slander, despite the alleged failure of the prosecution to establish the elements of the offense?

#### The Ruling of the Court

The Petition is denied.

#### Scope of a petition for review on certiorari under Rule 45

At the outset, the Court reiterates that a Petition for Review on Certiorari under Rule 45 is confined to questions of law. Questions of fact, which would require a re-examination or re-evaluation of the evidence, are beyond the scope of this Court's review in a Rule 45 Petition.[58] A question of fact arises when doubt pertains to the truth or falsity of alleged facts, or when the resolution of the issue depends on the calibration of the evidence on record.[59]

Here, Leticia readily concedes that her Petition does not raise purely questions of law.[60] Nonetheless, she maintains that her case falls within the recognized exceptions to the rule, invoking: (1) the alleged misapprehension of facts by the RTC and the CA; (2) the CA's supposed failure to consider certain relevant and undisputed facts; and (3) the assertion that the CA Decision was premised on a lack of evidence and contradicted by the evidence on record.[61]

It is settled that, when clearly established, these exceptions may warrant a factual review even in a Rule 45 Petition.[62] However, a judicious scrutiny of the records reveals that none of these circumstances obtain in this case.

First, there is no indication that the trial courts and the CA misapprehended the facts. The assailed Decision reflects a careful review of the evidence, a discussion of the material circumstances surrounding the utterances complained of, and a reasoned affirmation of the RTC's findings. Leticia's disagreement with the conclusions reached by the lower courts does not amount to misapprehension. What she characterizes as error is, in truth, a difference in the appreciation of the evidence on record, which does not warrant the intervention of this Court.

Second, the claim that the CA failed to consider relevant and undisputed facts is belied by the Decision itself. The CA's analysis demonstrates that it considered the parties' submissions and the evidence presented. The fact that the CA did not adopt Leticia's interpretation of the facts does not mean that it ignored them. The rule requires a showing that the lower courts arbitrarily disregarded facts of substance which, if properly considered, would alter the outcome of the case. No such circumstance was shown to be ignored here.

Third, neither can it be said that the CA's ruling was unsupported or contradicted by the evidence on record. The findings of both the RTC and the CA are anchored on testimonial and documentary evidence presented during trial. The determination that the elements of the offense were established stemmed from the lower courts' evaluation of the evidence and assessment of the witnesses' credibility. Leticia's insistence on a different appreciation merely underscores the factual character of her claims.

In fine, even if Leticia invokes the recognized exceptions to justify a factual review, the records do not sustain her position. The factual findings of the trial courts, as affirmed by the CA, were neither arbitrary nor devoid of

evidentiary support. No misapprehension of facts is evident; no material fact was overlooked; and the assailed Decision is firmly grounded on the evidence on record. All three lower courts found against her.

Accordingly, the issues raised remain essentially factual and are an improper subject of a Rule 45 Petition. To entertain them would be to disregard the well-settled boundaries of this Court's jurisdiction.

However, even if the Court were to set aside the procedural infirmity and entertain Leticia's Petition on the merits, it would nonetheless fail. The records amply demonstrate that the trial courts and the CA correctly found that the elements of Simple Slander were established.

The elements of Slander were clearly established

Article 358 of the Revised Penal Code punishes Slander:

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 [PHP 200.00].<sup>[63]</sup>

Republic Act No. 10951<sup>[64]</sup> amended the above provision by increasing the fine for Simple Slander from PHP 200.00 to PHP 20,000.00:

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 [PHP 20,000.00].<sup>[65]</sup>

In *Labargan v. People*,<sup>[66]</sup> citing *De Leon v. People*,<sup>[67]</sup> the Court discussed the nature and elements of the crime:

Oral Defamation or Slander is libel committed by oral (spoken) means, instead of in writing. It is defined as "the speaking of base and defamatory words which tend to prejudice another in his reputation, office, trade, business[,] or means of livelihood." The elements of oral defamation are: (1) there must be an imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, status[,] or circumstances; (2) made orally; (3) publicly; (4) and maliciously; (5) directed to a natural or juridical person, or one who is dead; (6) which tends to cause dis[honor], discredit[,] or contempt of the person defamed. Oral defamation may either be simple or grave. It becomes grave when it is of a serious and insulting nature.

An allegation is considered defamatory if it ascribes to a person the commission of a crime, the possession of a vice or defect, real or imaginary or any act, omission, condition, status[,] or circumstance which tends to dishonor or discredit or put him in contempt or which tends to blacken the memory of one who is dead. To determine whether a statement is defamatory, the words used in the statement must be construed in their entirety and should be taken in their plain, natural[,] and ordinary meaning as they would naturally be understood by persons reading them, unless it appears that they were used and understood in another sense. It must be stressed that words which are merely insulting are not actionable as libel or slander per se, and mere words of general abuse[,] however opprobrious, ill-natured, or vexatious, whether written or spoken, do not constitute a basis for an action for defamation in the absence of an allegation for special damages. The fact that the language is offensive to the plaintiff does not make it actionable by itself.<sup>[68]</sup> (Citations omitted)

Guided by these settled principles, the Court now applies the doctrinal elements to the facts, as established on record.

A careful review reveals that each of the requisites of Slander, as laid down in *De Leon*, has been satisfactorily established.

a.

### Imputation of a crime

First, there was an imputation of a crime. The statement attributed to Leticia, "Ang lahat ng gulo na ito [ay] nagsimula sa pagnanakaw mo,"[69] in its plain, natural, and ordinary meaning, accused Elizabeth of theft. "Pagnanakaw," or theft, is a crime under the Revised Penal Code. Construed in their entirety, and as they would naturally be understood by those who heard them, the words unmistakably ascribe criminal conduct to Elizabeth. Such imputation is defamatory per se, since it inherently tends to dishonor and discredit Elizabeth's character.

b.

### Oral and Public Utterance

Second, the imputation was made orally. The utterance was made during the confrontation between Leticia and Elizabeth on October 14, 2012.[70]

Third, the imputation was made publicly. The statement was not uttered in isolation nor confined to a private exchange between Leticia and Elizabeth. It was delivered in the presence of several other individuals, including residents and responding barangay and police authorities, who were within hearing distance at the time of the confrontation.[71] The defamatory words were, thus, communicated to and heard by persons other than the offended party.

In libel, publication exists once the defamatory matter is made known to a third person other than the one to whom it refers.[72] It is immaterial whether the offended party herself heard the statement, for reputation consists in the estimation in which one is held by others, not in the opinion one has of oneself.[73] By analogy, this settled principle in libel applies with equal force to Oral Defamation. The communication of the imputation to those present at the scene sufficiently satisfies the element of publicity.

c.

### Malice

Fourth, the imputation was malicious.

In defamation, malice is presumed from the defamatory character of the statement.[74] Every imputation of a crime is deemed malicious, even if true, unless the accused is able to show that it was made with good intention and justifiable motive.[75] As a rule, therefore, malice need not be independently proven. It is presumed by law, and the burden rests upon the accused to rebut it.

Here, Leticia failed to rebut the presumption.

i.

### Alleged truth does not justify the imputation of crime

Leticia maintains that she acted in the best interests of the condominium association, and that the RTC's separate finding of financial irregularities within EMCAI, as well as Elizabeth's alleged involvement therein, negates any claim of bad faith.[76]

The contention is unavailing.

Even assuming that financial irregularities were judicially found to have existed, such finding does not authorize the public imputation of the specific crime of theft. A determination of corporate irregularity is not equivalent to a criminal conviction. The law does not authorize a party to elevate alleged financial discrepancies into a categorical public accusation of a crime. Moreover, at the time Leticia uttered the statement, the RTC ruling she

invokes had not yet attained finality.[77] Thus, it could not serve as conclusive proof of criminal wrongdoing, much less as lawful justification for calling another a thief in the presence of third persons.

Good intention and justifiable motive require more than a professed desire to protect corporate interests. If Leticia genuinely believed that criminal conduct had been committed, the law affords proper avenues for redress, through formal complaints before the appropriate authorities or through judicial processes. What she did, instead, was to publicly accuse Elizabeth of theft during a heated confrontation and in the presence of several other individuals. Such conduct does not evince good faith; rather, it reinforces the presumption of malice.

ii.

#### No privileged communication

It bears emphasizing that the presumption of malice is displaced when the defamatory imputation constitutes privileged communication. Article 354 of the Revised Penal Code recognizes such privilege only in two instances: (1) a private communication made in the performance of a legal, moral, or social duty; or (2) a fair and true report, made in good faith, of official proceedings or of acts performed by public officers in the exercise of their functions.[78]

Neither exception applies in this case.

To fall within the first exception, three requisites must concur: (1) the person making the communication must have a legal, moral, or social duty to make it, or at least an interest to protect; (2) the communication must be addressed to a person or body having a corresponding interest or duty in the matter and the power to furnish the protection sought; and (3) the statements must be made in good faith and without malice.[79]

Even if Leticia had an interest in safeguarding the condominium's affairs, the manner in which the statement was made removes it from the protection of the rule. The statement was not a discreet communication to a competent authority; it was publicly declared during a confrontation and heard by several persons. The law requires that the communication be confined to those empowered to provide the protection sought. That requirement was plainly unmet here.

The second exception is equally inapplicable.

Leticia's argument that Elizabeth is a public officer because she was an officer and member of the EMCAI Board fails to persuade.

An officer of a condominium corporation is not a public officer in the sense contemplated by Article 354 of the Revised Penal Code. The privilege attaching to fair and true reports of acts performed by public officers is grounded on democratic accountability and the necessity of uninhibited scrutiny of those who wield governmental power. As the Court declared in *Labargan*:

A public official, more especially an elected one, should not be onion skinned. Strict personal discipline is expected of an occupant of a public office because a public official is a property of the public. He is looked upon to set the example how public officials should correctly conduct themselves even in the face of extreme provocation. Always he is expected to act and serve with the highest degree of responsibility, integrity, loyalty[,] and efficiency and shall remain accountable for his conduct to the people.[80]

The rationale underlying the rule has no application here. A condominium board member does not exercise sovereign authority nor discharge governmental functions.

Even assuming that Elizabeth was acting in her official capacity as a board member, the utterance was not a fair

and true report of official proceedings. It was a direct accusation of theft, a matter far removed from protected commentary on public acts.

In fine, Leticia's invocation of corporate interest and her attempt to characterize Elizabeth as a public officer do not displace the statutory presumption of malice. The statement was neither privileged nor justified. The presumption stands un rebutted.

The lower courts properly identified the offense as Simple Slander

Oral defamation may be grave or simple. The classification of the crime depends not only upon the sense and grammatical meaning of the utterances, but also upon the special circumstances of the case.[81] De Leon is instructive:

The gravity depends upon: (1) the expressions used; (2) the personal relations of the accused and the offended party; and (3) the special circumstances of the case, the antecedents or relationship between the offended party and the offender, which may tend to prove the intention of the offender at the time. In particular, it is a rule that uttering defamatory words in the heat of anger, with some provocation on the part of the offended party[,] constitutes only a light felony.[82]

Here, the records reveal that the defamatory statement was made during a heated confrontation arising from the barring of Leticia's driver from the condominium premises.[83] Tensions were running high. Ill feelings between Leticia and Elizabeth pre-dated the incident.

While the accusation of theft is serious in content, the surrounding circumstances demonstrate that it was uttered impulsively, in the heat of the moment, rather than as a calculated campaign to destroy Elizabeth's reputation.

The MeTC, whose factual findings were affirmed by the RTC and the CA, correctly appreciated these circumstances and reduced the charge to Simple Slander.

The Court finds no reversible error in this appreciation.

#### Penalty and damages

In Supreme Court Administrative Circular No. 08-2008 (A.C. No. 08-08),[84] the Court expressed a preference for the imposition of a fine rather than imprisonment in defamation cases, without removing imprisonment as an alternative penalty. The Circular laid down the following guidelines:

- This Administrative Circular does not remove imprisonment as an alternative penalty for the crime libel under Article 355 of the Revised Penal Code;
- The Judges concerned may, in the exercise of sound discretion, and taking into consideration the peculiar circumstances of each case, determine whether the imposition of a fine alone would best serve the interests of justice or whether forbearing to impose imprisonment would depreciate the seriousness of the offense, work violence on the social order, or otherwise be contrary to the imperative of justice;
- Should only a fine be imposed and the accused be unable to pay the fine, there is no legal obstacle to the application of the [Revised Penal Code] provision on subsidiary imprisonment.[85]

These guidelines have been repeatedly applied by the Court in resolving cases of libel.[86]

Slander, being libel committed by oral means, partakes of the same penal nature. The policy considerations embodied in A.C. No. 08-2008, are thus, equally instructive here.

In the present case, the imposition of a fine alone sufficiently serves the ends of justice. There is no showing that

Leticia is a habitual offender or that she has other criminal records. The degree of publicity was limited; the utterance was heard only by a few individuals present during the confrontation. The circumstances do not reveal such gravity as would warrant imprisonment. To impose incarceration under these facts would be disproportionate.

Accordingly, consistent with the policy in A.C. No. 08-2008, the Court finds that the penalty of a fine, in lieu of imprisonment, is proper.

Considering that the offense was committed on October 14, 2012, prior to the amendment of Article 358 by Republic Act No. 10951, which increased the fine to PHP 20,000.00, the applicable law is the one then in force, as it is more favorable to the accused. The fine of PHP 200.00 imposed by the trial courts, is thus, appropriate.

The award of moral damages is likewise proper.

Article 2219(7) of the Civil Code provides that moral damages may be recovered in cases of "libel, slander[,] or any other form of defamation." [87] A defamatory imputation, particularly one accusing another of theft, naturally results in humiliation and wounded feelings. The law recognizes such injury as compensable.

The RTC reduced the award of moral damages to PHP 5,000.00. [88] The amount is reasonable and consistent with prevailing jurisprudence. In *Ramos v. People*, [89] the Court, after convicting the accused of slight oral defamation, ordered the payment of PHP 5,000.00 as moral damages to the private complainant. The award in the present case accords with that standard and is commensurate to the limited scope of publicity and the circumstances of the offense.

A final note

The Court takes this occasion to acknowledge the deeper constitutional currents that underlie the prosecutions for libel and defamation.

Our law on libel and slander is the product of history. While its origins may be traced to Spanish defamation concepts, the operative framework during the American period was shaped by Act No. 277, [90] which was later incorporated into the Revised Penal Code. [91] Thus, criminal defamation has long been embedded in our penal system.

However, jurisprudence has increasingly recognized the tension between criminal sanctions and the guarantee of free expression. The threat of prosecution, even when imprisonment is sparingly imposed, inevitably chills speech. The process itself may become punitive.

At the same time, the Constitution equally protects reputation and human dignity. The preservation of honor is not a trivial concern. It is precisely the coexistence of these constitutional values that gives rise to enduring strain when defamatory speech is met not merely with civil liability, but with penal consequences.

In *Tulfo v. People*, [92] the Court already observed:

Besides, the constitutionality of criminalizing libel is doubtful. In libel, the kinds of speech actually deterred are more valuable than the State interest the law against libel protects. The libel cases that have reached this Court in recent years generally involve notable personalities for parties, highlighting a propensity for the powerful and influential to use the advantages of criminal libel to silence their critics. [93]

It further recognized that alternative legal remedies exist:

In any event, alternative legal remedies exist to address unwarranted attacks on a private person's reputation and credibility, such as the Civil Code chapter on Human Relations. Civil actions for defamation are more

consistent with our democratic values since they do not threaten the constitutional right to free speech, and avoid the unnecessary chilling effect on criticisms toward public officials. The proper economic burden on complainants of civil actions also reduces the possibility of using libel as a tool to harass or silence critics and dissenters.[94]

These pronouncements reflect a recognition that criminal defamation, though historically entrenched, carries with it the risk of suppressing speech that democratic society ought to protect.

Nonetheless, Article 358 of the Revised Penal Code remains in force. It has not been declared unconstitutional. This case does not squarely present a constitutional challenge to the statute itself. Courts are not at liberty to disregard an existing penal provision absent a proper and direct adjudication of its invalidity.

The judicial duty is to interpret and apply the law as it stands. Thus, the Court is compelled to sustain Leticia's conviction.

ACCORDINGLY, the Petition for Review on Certiorari filed by petitioner Leticia C. Baula is DENIED. The Decision, dated May 24, 2019, and the Resolution, dated August 14, 2019, of the Court of Appeals in CA-G.R. CR No. 41896, are AFFIRMED. Petitioner Leticia C. Baula is found GUILTY beyond reasonable doubt of the crime of Simple Defamation, defined and penalized under Article 358 of the Revised Penal Code. She is METED OUT the penalty of a FINE, in the amount of PHP 200.00, with subsidiary imprisonment in case of insolvency; and ORDERED to pay private complainant Elizabeth B. Bayangos the amount of PHP 5,000.00 as moral damages plus legal interest at the rate of six percent per annum from the date of finality of this Decision until fully paid.

**SO ORDERED."**

Caguioa (Chairperson), Inting, Gaerlan, and Dimaampao, JJ., concur.

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[1] Rollo, pp. 13-34. Petition for Review on Certiorari, dated October 7, 2019.

[2] Id. at 36-44. CA Decision, dated May 24, 2019. Penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Germano Francisco D. Legaspi of the Special Fifteenth Division, Court of Appeals, Manila.

[3] Id. at 46-47. CA Resolution, dated August 14, 2019. Penned by Associate Justice Stephen C. Cruz and concurred in by Associate Justices Zenaida T. Galapate-Laguilles and Germano Francisco D. Legaspi of the Former Special Fifteenth Division, Court of Appeals, Manila.

[4] Id. at 79-85. RTC Decision, dated March 21, 2018. Penned by Presiding Judge Editha G. Mina-Aguba.

[5] Id. at 86-87. RTC Order, dated June 13, 2018. Penned by Presiding Judge Editha G. Mina-Aguba.

[6] Id. at 70-78. MeTC Decision, dated May 31, 2017. Penned by Presiding Judge Janet Abergos-Samar.

[7] Id. at 79. RTC Decision, dated March 21, 2018.

[8] Id.

[9] Id. at 80.

[10] Id.

[11] Id.

- [12] Id.
- [13] Id.
- [14] Id.
- [15] Id.
- [16] Id. at 73, 88. MeTC Decision, dated May 31, 2017.
- [17] Id. at 88. Information, dated November 12, 2013.
- [18] Id. at 71. MeTC Decision, dated May 31, 2017.
- [19] Id. at 39. CA Decision, dated May 24, 2019.
- [20] Id.
- [21] Id. at 80. RTC Decision, dated March 21, 2018.
- [22] Id. at 39. CA Decision, dated May 24, 2019.
- [23] Id. at 74. MeTC Decision, dated May 31, 2017.
- [24] Id. at 78.
- [25] Id. at 75.
- [26] Id. at 77.
- [27] Id. at 77-78.
- [28] Id. at 80. RTC Decision, dated March 21, 2018.
- [29] Id. at 83.
- [30] Id.
- [31] Id. at 84.
- [32] Id. at 84-85.
- [33] Id. at 87. RTC Order, dated June 13, 2018.
- [34] Id. at 48-69. Petition for Review, dated July 12, 2018.
- [35] Id. at 56.
- [36] Id. at 41. CA Decision, dated May 24, 2019.
- [37] Id. at 44.
- [38] Id.
- [39] Id. at 41.
- [40] Id. at 43.
- [41] Id. at 47. CA Resolution, dated August 14, 2019.
- [42] Id. at 21-22. Petition for Review on Certiorari, dated October 7, 2019.

[43] Id.

[44] Id. at 22.

[45] Id. at 27.

[46] Id.

[47] Id.

[48] Id.

[49] Id. at 404. Comment by the People of the Philippines, dated December 2, 2020.

[50] Id. at 405.

[51] Id.

[52] Id. at 412.

[53] Id.

[54] Id. at 422. Resolution, dated January 25, 2023.

[55] Id.

[56] Id. at 432-436. Manifestation, dated April 28, 2023.

[57] Id. at 432.

[58] See *Lopez v. Saludo, Jr.*, 910 Phil. 600, 605 (2021) [Per J. Hernando, Second Division].

[59] Id. at 606.

[60] Rollo, pp. 21-22. Petition for Review on Certiorari, dated October 7, 2019.

[61] Id.

[62] See *Alburo v. People*, 792 Phil. 876, 889 (2016) [Per J. Peralta, Third Division], where the Court held that questions of fact may be raised in a Rule 45 Petition if any of the following is present: (1) when there is grave abuse of discretion; (2) when the findings are grounded on speculations; (3) when the inference made is manifestly mistaken; (4) when the judgment of the Court of Appeals is based on a misapprehension of facts; (5) when the factual findings are conflicting; (6) when the Court of Appeals went beyond the issues of the case and its findings are contrary to the admissions of the parties; (7) when the Court of Appeals overlooked undisputed facts which, if properly considered, would justify a different conclusion; (8) when the findings of the Court of Appeals are contrary to those of the trial court; (9) when the facts set forth by the petitioner are not disputed by the respondent; and (10) when the findings of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record.

[63] REV. PEN. CODE, art. 358.

[64] An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based, and the Fines Imposed under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as "The Revised Penal Code", as Amended, approved on September 1, 2017.

[65] REV. PEN. CODE, art. 358, as amended by Republic Act No. 10951.

- [66] 949 Phil. 1008 (2023) [Per J. Leonen, Second Division].
- [67] 776 Phil. 701, 717 (2016) [Per J. Mendoza, Second Division].
- [68] Labargan v. People, 949 Phil. 1008, 1015-1016 (2023) [Per J. Leonen, Second Division].
- [69] Rollo, p. 79. RTC Decision, dated March 21, 2018.
- [70] Id.
- [71] Id. at 80.
- [72] REV. PEN. CODE, art. 354. See Orillo and Danieles v. People, 934 Phil. 728, 743 (2023) [Per J. Leonen, Second Division].
- [73] Id.
- [74] Id. at 749.
- [75] Id.
- [76] Rollo, p. 27. Petition for Review on Certiorari, dated October 7, 2019.
- [77] Id. at 43. CA Decision, dated May 24, 2019.
- [78] REV. PEN. CODE, art. 354.
- [79] See Lagaya v. People, 691 Phil. 688, 704-705 (2012) [Per Del Castillo, First Division].
- [80] Labargan v. People, 949 Phil. 1008, 1017 (2023) [Per J. Leonen, Second Division].
- [81] See Ramos v. People, 820 Phil. 1182, 1191 (2017) [Per J. Perlas-Bernabe, Second Division].
- [82] De Leon v. People, 776 Phil. 701, 718 (2016) [Per J. Mendoza, Second Division].
- [83] Rollo, p. 80. RTC Decision, dated March 21, 2018.
- [84] Guidelines in the Observance of a Rule of Preference in the Imposition of Penalties in Libel Cases, January 25, 2008.
- [85] Id.
- [86] See Punongbayan-Visitacion v. People, 823 Phil. 212, 225 (2018) [Per J. Martires, Third Division]. See also Orillo and Danieles v. People, 934 Phil. 728, 753 (2023) [Per J. Leonen, Second Division].
- [87] CIV. CODE, art. 2219(7).
- [88] Rollo, pp. 84-85. RTC Decision, dated March 21, 2018.
- [89] 820 Phil. 1182, 1192-1193 (2017) [Per J. Perlas-Bernabe, Second Division].
- [90] See People v. Perfector, 43 Phil. 887 (1922) [Per J. Malcolm, En Banc].
- [91] See Tulfo v. People, 893 Phil. 6 (2021) [Per J. Leonen, Third Division].
- [92] 893 Phil. 6 (2021) [Per J. Leonen, Third Division].
- [93] Id. at 76.
- [94] Id. at 76-77.

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