

RODRIGO DELOS REYES, PETITIONER, VS. HON. ERIBERTO H. ESPIRITU, IN HIS OFFICIAL CAPACITY AS PRESIDING JUDGE OF THE MUNICIPAL COURT OF PASIG, BRANCH I, AND ROMEO R. RODRIGUEZ, RE...

G.R. No. 58395. April 12, 1982

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-58395/>

FERNANDEZ, J.:

This is a petition for certiorari seeking the following relief:

"WHEREFORE, your petitioner respectfully prays:

"a) That after hearing, the questioned Order dated May 5, 1981, Annex "E" hereof, be nullified and set aside; the Complaint, Annex "A" hereof, be dismissed; respondent judge be commanded to desist and refrain absolutely and perpetually from further proceeding with the case with costs;

"b) That upon the filing hereof and pending the hearing of this Petition, a preliminary injunction and/or a restraining order be issued for the protection of the rights of your petitioner;

"Petitioner likewise prays for such other and further reliefs as may be deemed just and equitable in the premises.

"Manila, Philippines, October 14, 1981."[1]

The record discloses that the petitioner, Rodrigo delos Reyes, was charged with libel in the Municipal Court of Pasig in a complaint dated December 10, 1980 which reads:

"The undersigned complainant accuses RODRIGO DELOS REYES of the crime of Libel, committed as follows:

"That on or about the 23rd day of December 1979, in the Municipality of Las Piñas and on the 30th day of December 1979 in Baguio City and in other municipalities and cities all over the Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, with malicious intent of injuring the honesty, virtue and reputation of the undersigned complainant, who was employed with the Philippine American Life Insurance Company, as Claims Investigator, assigned in Baguio City, and exposing him to public hatred, contempt and ridicule, did, then and there willfully, unlawfully and feloniously caused the publication of a notice with my picture, among others, in the Bulletin Today, a newspaper of general circulation and in Baguio Midland Courier a local daily in Baguio City, announcing to the public my separation from Philamlife as Claims Investigator, quoted hereunder:

‘This is to inform the public that MR. ROMEO RODRIGUEZ whose picture appears hereto has ceased to be connected with the Philippine American Life Insurance Company as Claims Investigator as of the close of office hours of May 23, 1979.

'Any transaction entered into by him after said date will not be honored by Philamlife.

'THE PHILIPPINE AMERICAN LIFE INSURANCE COMPANY,'

which publications are malicious, no justifiable cause and baseless.

"Contrary to law.

"Las Piñas, Metro Manila, December 10, 1980.

"(SGD) ROMEO R. RODRIGUEZ

Complainant"[2]

The complaint was docketed as Criminal Case No. 35148.

On February 4, 1981, the accused, petitioner herein, filed a motion to quash the case on the following grounds:

"I. THAT THIS HONORABLE COURT HAS NO JURISDICTION TO TRY AND DECIDE ON THE MERITS LIBEL CASE;

"II. THAT THE FACTS CHARGED DO NOT CONSTITUTE AN OFFENSE;

"III. THAT THE COMPLAINT DOES NOT CONFORM SUBSTANTIALLY TO THE PRESCRIBED FORM."[3]

The Municipal Court of Pasig, presided by the respondent judge, Eriberto H. Espiritu, denied the motion to quash in the following order:

"Before this Court for consideration is a Motion to Quash filed by counsel for the accused dated January 20, 1981 praying for the dismissal of this case on the following grounds:

"I. That this court has no jurisdiction to try and decide on the merits libel cases;

"II. That the facts charged do not constitute an offense;

"III. That the complaint does not conform substantially to the prescribed form;

"This complaint was filed before this Court by the complainant Romeo Rodriguez on December 12, 1980. A preliminary examination was conducted to determine whether or not there is sufficient reason to issue a warrant of arrest. Finding the issuance of a warrant of arrest to be justified, this Court issued the warrant on December 15, 1980 fixing bail of P8,000.00. On December 8, 1980 the accused posted a bond of P8,000.00. Thereafter this case was scheduled for second stage preliminary investigation on January 30, 1981. On February 4, 1981 the defendant thru counsel filed a Motion to Quash, which is now submitted for resolution.

"It should be noted that the proceeding being conducted now by this Court is second stage preliminary investigation. It is now the turn of the accused to adduce evidence in his behalf. The occasion is not for the full and exhaustive display of the parties' evidence it is for the presentation of such evidence only as may engender well grounded belief that an offense has been committed and that the accused is probably guilty thereof. It is the belief of this Court that what ever is the resolution of this Court with regard to the result of the preliminary investigation is not res judicata it does not bar subsequent prosecution and conviction, the dismissal of this case if granted is not final as would preclude further proceedings, for it is the Court of First Instance that has the authority to take cognizance of this case on the merits.

"IN VIEW THEREOF, the Motion to Quash is hereby denied and let this case be scheduled for second stage preliminary investigation on the 22nd day of May 1981 at 8:30 in the morning.

"SO ORDERED.

"Pasig, Metro Manila, May 5, 1981.

"(SGD) ERIBERTO H. ESPIRITU

Judge"[4]

The motion for reconsideration of the foregoing order was denied by the respondent judge in an order dated September 1, 1981.[5]

Hence this petition for certiorari.

In a resolution dated October 21 1981, this Court required the respondents to comment on the petition and issued a temporary restraining order enjoining the respondent judge from further proceeding with Criminal Case No. 35148 entitled "People of the Philippines, Plaintiff versus Rodrigo de los Reyes, etc., Accused", of the Municipal Court of Pasig, Branch I.[6]

In his comment, the Solicitor General recommended that the petition be given due course for the following reasons:

"Motion to quash may be filed during preliminary investigation

"At the outset, it must be noted that the motion to quash in the case at bar was filed during the second stage of preliminary investigation being conducted by respondent municipal judge, and is thus ostensibly improper considering the rule that the accused shall move to quash upon being arraigned by the court having jurisdiction to try the case on the merits (Section 1, Rule 117 of the Rules of Court). However, the question as to whether motion to quash may be filed during preliminary investigation has been resolved in *People v. Sabio* (86 SCRA 568) where this Honorable Court held:

'It is contended that the City Court, acting pursuant to its authority to conduct preliminary investigations, cannot dismiss the case as a motion to quash can only be availed of in a regular trial where the court has no jurisdiction to try the offense. It is further alleged that the purpose of a preliminary investigation is merely to determine a probable cause and not to rule on difficult questions of law. We see no merit in these contentions. There is no dispute that the information was filed before the City Court for purposes of preliminary investigation only, as the offense falls under the exclusive jurisdiction of the Court of First Instance. x x x When a power is conferred upon a court or judicial officer, it is deemed that all the means necessary to carry it into effect are included therein. The power, therefore, conferred upon the City Court of Cagayan de Oro City to conduct preliminary investigations carries with it the power to draw a conclusion after the investigation. It has been held that in the preliminary investigation proper, the Justice of the Peace may discharge the defendant if he finds no probable cause to hold the defendant for trial. But if he finds a probable cause, it is his duty to bind over the defendant to the Court of First Instance for trial on the merits. Moreover, the purpose of a preliminary investigation is to secure the innocent against hasty, malicious and oppressive prosecutions, and to protect him from open and public accusation of a crime. This City Court, therefore, acted within its jurisdiction in granting the motion to quash the information filed in this case. (Emphasis added)

"Facts alleged in the complaint do not constitute an offense

"Petitioner contends that the facts charged in the complaint are not sufficient to constitute the crime of libel. It is a mere announcement that private respondent had ceased to be connected with Philamlife as of a certain date and that any transaction entered into by him after said date will not be honored by the company. Hence, according to petitioner, there is no defamatory imputation therein which causes dishonor or discredit to private respondent.

"We are in accord with petitioner.

"Article 353 of the Revised Penal Code defines statutory libel to be 'a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, or omission, condition, status or circumstance tending to cause the dishonor, discredit or contempt of a natural or juridical person, or to blacken the memory of one who is dead'. By this definition, its elements are: (1) a defamatory imputation tending to cause dishonor, discredit or contempt; (2) malice, either in law or in fact; (3) publication; (4) the person defamed is identified. (Padilla, Criminal Law, Vol. III, 10th ed., p. 587).

"An examination of the notice in question will show that the element of defamatory imputation is missing. There is nothing in said notice that may tend to impeach the honesty, integrity and reputation of private respondent and to expose him to public hatred, contempt and ridicule. Hence, it cannot be considered libelous.

'No case has been found in which the notice claimed to be libelous or slanderous consisted solely of the statement of the cessation of the prior business or professional relationship between the parties, and certainly no one would contend that such a statement is a libel or slander. (Annotation; Libel and Slander, 138 ALR 671).

'A published notice that the plaintiff was no longer connected with the defendant company and that any contracts made by him for the company would be void is not libelous per se. (Behre v. National Cash Register Co. 100 Ca 213, 27 SE 986)

'No defamatory meaning can be inferred from a card circulated among the signers' customers, in respect to one employed by them as a commercial traveler, reading: 'H.B. is no longer in our employ. Please give him no order or pay him any money on our account'. (Betwick v. Smith, 24 Times LR (Eng) 169-CA, 138 ALR 672).

'Notice caused by a corporation to be published in a commercial publication to the effect that plaintiff who withdrew from corporation was no longer an employee of the corporation and that the corporation had no responsibility for contracts entered into with plaintiff, is not libelous. (Lang v. Lang & Marshall Co., 195 NYS 2d 148)

'An employer has the right to publish a notice that a given employee has severed his connection with him and is no longer in his employ without incurring liability therefor, such notice being the statement of a fact, and in no view is it libelous. (Ratzel v. New York News Pub. Co. 67 App Div 598, 73 NYS 849)

'A notice published in a newspaper by the superintendent of a branch office of an insurance company that he therewith informs the public that a named person, formerly an agent for him, is no longer employed in any capacity by the company and that policy holders are thereby notified not to pay him any premiums is not libelous per se. It is not an unusual thing, upon the withdrawal of a partner from a firm, or an agent from the service of his principal, to publish that fact, and notify the world that the person so retiring has no longer authority to act in his former capacity. Such notices may not always be necessary or in good taste, and may sometimes give rise to the suspicion that the relations between the parties have become hostile, but they do not imply any disgraceful accusation. (Quinn v. Prudential Ins. Co., 116 Iowa 522, 90 NW 349)

"In Mulligan v. Cole (33 Law T [N.S.] 12, cited in Quinn v. Prudential Ins. Co., supra), where a notice in a municipal newspaper which reads: 'The public are respectfully informed that Mr. Mulligan's connection with the Watsall Science and Art Institute has ceased and that he is not authorized to receive subscriptions in its behalf', was held not to be libelous, the court therein said: 'It seems clear, on looking at the circumstances of the case, that no person who read this advertisement could infer that the plaintiff had been collecting subscriptions in the name of the institute. The words are not fairly capable of bearing such a meaning.' In a concurring opinion in the same case, it was declared: 'Reading the alleged libelous words in their ordinary sense, they are a mere notification to the public that Mr. Mulligan, who had formerly been connected with the

institute, had no longer any connection with it. I cannot help thinking that to any ordinary person they would not convey any idea that anything defamatory was intended. I also think that the plaintiff fails in giving the language any other meaning than that which it naturally bears.'

"Private respondent alleges in the complaint that petitioner, through the notice in question, announced to the public 'my separation from Philamlife as Claims Investigator'. But the notice does not even state that Philamlife has dispensed with the services of private respondent. The words 'terminated' or 'dismissed' were not used. (In fact, even if the word 'terminated' had been used, there would still be no libel. 'Terminate' is not a word bringing any person into ridicule, hatred or contempt or affecting him injuriously in his trade or profession, within doctrine of libel per se, when used in employer's notice to trade that employee's employment had been terminated (*Becker v. Toulmin*, 138 N.E. 2d. 391, 21 7th D 566)). Moreover, there is no mention of any reason for private respondent's having ceased to be connected with the company. He could very well have resigned voluntarily. Private respondent cannot inject into the notice in question, 'by reading between the lines, forced meaning and far-fetched implications which would not naturally be deduced by the average reader with no deliberate aim of squeezing out some unusual intimations or innuendos therefrom.' (*Zafra v. Menzi*, CA-G.R. No. 34521-R, Feb. 26, 1969, 14 CA Reports 313). In determining the meaning of any publication alleged to be libelous, 'that construction must be adopted which will give to the matter such a meaning as is natural and obvious in the plain and ordinary sense in which the public would naturally understand what was uttered.' (*US v. Sotto*, 38 Phil. 666).

'In determining whether language is libelous or slanderous, language must be taken in its ordinary significance and must be construed, stripped of innuendo, insinuation, colloquium, and explanatory circumstances, in the light of what must reasonably have been understood therefrom by persons to whom words were addressed. (*Judkins v. Buckland*, 98 A. 2d 538)

'In construing words alleged to be libelous, court cannot invade realm of conjecture, but must confine itself to natural, ordinary, and commonly accepted meaning of words themselves. (*Knapp v. Post Printing & Publishing Co.*, 144 P. 2d 981)

"Indeed, the notice in question is stated in plain and simple language. It may not be interpreted to mean other than what it says: that private respondent had ceased to be connected with Philamlife as of a certain date and all transactions entered into by him after said date shall not be honored by the company. Such a notice is not actionable upon the ground that it is calculated reasonably to convey to the mind of the average reader that the employee has been discharged, or was untrustworthy and dishonest, or would be guilty of swindling, or had embezzled or would embezzle moneys paid him for the company. (*Gartman v. Hedgpatch*, 157 SW 2d 139).

'A publication in a municipal newspaper stating that the public are informed that the plaintiff's connection with a municipal science and art institute has ceased, and that he is not authorized to receive subscriptions on its behalf, is not capable of the meaning put upon it by innuendo that the plaintiff falsely assumed and pretended to be authorized to receive subscriptions on its behalf, nor of any other defamatory meaning, so as to support a declaration for libel. (*Mulligan v. Cole*, LR 10 QB (Eng) 549, 138 ALR 672)

"Moreover, Article 1922 of the Civil Code provides:

'Art. 1922. If the agent had general powers, revocation of the agency does not prejudice third persons who acted in good faith and without knowledge of the revocation. Notice of the revocation in a newspaper of general circulation is a sufficient warning to third persons.

Under the foregoing, Philamlife, as the principal, had the right to publish the said notice in order to protect itself against claims by third persons who may transact with private respondent, as the agent, without knowing that his agency had been revoked. It has also been held that an employer has a right to notify his patrons that he has

dispensed with the services of a named employee and to state his reasons, if true, since he had the right to publish all that he had reasonable and probable cause to believe necessary to protect his property from loss or injury. (*Gartman v. Hedgpetch*, *supra*).

"In a case where the accused in a prosecution for libel filed a suit for certiorari and prohibition against respondent judge therein for refusing to grant a motion to quash, this Honorable Court, citing *People v. Andres* (107 Phil. 1046), *People v. Alvarez* (14 SCRA 901) and *People v. Aquino* (18 SCRA 555) in effect ruled that when in the information itself it appears that the publication is clearly not libelous, the motion to quash should be granted. Declared this Court:

'x x x it is fitting and appropriate for a court of first instance to dismiss an information to quash where the privileged character of the alleged offending publication is apparent. Respondent Judge ought not to have betrayed lack of sensibility to the categorical pronouncement of this Court in the above three decisions that call for application. (*Elizalde v. Gutierrez*, 76 SCRA 448)

Accordingly, the Court, in said case, granted the writ of certiorari prayed for and set aside the order of therein respondent judge denying the motion to quash.

"The rule is that the complaint in a criminal case must show on its face every fact necessary to make out an offense. Its sufficiency is determined solely by the facts alleged therein (*Moran*, *Comments on the Rules of Court*, 1970 Ed., Vol. 4, p. 222). Since the complaint in question does not contain sufficient facts that convey the elements of the crime charged, the complaint is defective and must therefore be dismissed.

"In the light of the foregoing, respondent judge, in 'not recognizing what is clearly not libelous' (*Concurring opinion of Justice Barredo in Elizalde v. Gutierrez, supra*) committed grave abuse of discretion when he denied the motion to quash filed by petitioner." [7]

The submission of the Solicitor General is meritorious.

It is now settled that a motion to quash may be filed during the preliminary investigation.[8] The investigating judge may order the discharge of the accused if the former finds that the latter has not committed the crime charged.

The publication which is the basis of the criminal complaint for libel is not defamatory. It is the ordinary notice usually published in the newspapers informing the public that a certain employee is no longer connected with an employer. There is no showing that the notice was published by the petitioner with malice and with intent to cast dishonor on the complainant, *Romeo R. Rodriguez*.

WHEREFORE, the petition for certiorari is hereby granted and Criminal Case No. 35148 against the petitioner is dismissed, without pronouncement as to costs.

SO ORDERED.

Teehankee, Acting C.J., Makasiar, Guerrero, and Melencio-Herrera, JJ., concur. Plana, J., in the result.

[1] Rollo, pp. 17-18.

[2] Annex "A", p. 19.

[3] Annex "C", p. 21.

[4] Annex "E", pp. 54-55.

[5] Annex "G", p. 62.

[6] Rollo, p. 65.

[7] Rollo, pp. 91-102.

[8] People vs. Sabio, Sr., 86 SCRA 568.

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.