

**BULLETIN PUBLISHING CORPORATION, REPRESENTED BY ITS
PRESIDENT MARTIN ISIDRO AND ITS PUBLISHER APOLONIO
BATALLA, BEN F. RODRIGUEZ, FRED J. REYES, JAMIL MAIDAN
FLORES AND JOHN DOE...**

G.R. No. 76565. November 09, 1988

Ponente: FELICIANO, J.

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FELICIANO, J.:

On 3 July 1986, the twenty-one (21) private respondents (plaintiffs below), claiming to be the nearest relatives of the late Amir Mindalano, suing on their own behalf and on behalf of the entire Mindalano clan of Mindanao, filed a Complaint[1] for damages (docketed as Civil Case No. 81-86) before Branch 8 of the Regional Trial Court of Marawi City charging petitioners with libel. Private respondents' action was anchored on a feature article written by Jamil Maidan Flores entitled "A Changing of the Guard," which appeared in the 22 June 1986 issue of Philippine Panorama, a publication of petitioner Bulletin Publishing Corporation. In particular, exception was taken to the following excerpt:

"The division of Lanao into Sur and Norte in 1959 only emphasized the feudal nature of Maranaw politics. Talk of Lanao politics and you find yourself confined to a small circle of the Alonto, Dimaporo, Dimakuta, Dianalan, Lucman families and a few more. These are big royal families. If you are a Maranaw with aspirations for political leadership, you better be a certified bona fide member of one or several of these clans.

x x x x x x x x

About the only time that one who was not of any royal house became a leader of consequence in the province was during the American era when the late Amir Mindalano held some sway. That was because Mindalano had the advantage of having lived with an American family and was therefore fluent and literate in English. But as soon as the datus woke up to the blessings of the transplanted American public school system, as soon as they could speak and read and write in English, political leadership again became virtually their exclusive domain. There must be some irony in that." [2] (Underscoring supplied)

Private respondents alleged in their complaint that, contrary to the above portion of the article, the Mindalanos "belong to no less than four (4) of the 16 Royal Houses of Lanao del Sur." Private respondents likewise objected to the statement that the late Amir Mindalano, grand patriarch of the Mindalano clan, had lived with an American family, a statement which, they alleged, apart from being absolutely false, "has a distinct repugnant connotation in Maranao society." Contending finally that petitioners had with malice inflicted "so much damage upon the social standing of the plaintiffs" as to "irreparably injure" the Mindalano name and reputation, private respondents interposed a claim for the award of moral and exemplary damages, attorney's fees, and litigation expenses, all in the aggregate amount of P2,350,000.00.

Reacting to the complaint, petitioners filed on 6 August 1986 a Motion to Dismiss[3] urging that (a) venue had been improperly laid, (b) the complaint failed to state a cause of action, and (c) the complainants lacked the capacity to bring the suit. In an Order[4] dated 30 October 1986, however, respondent Judge denied the Motion to

Dismiss and directed petitioners (defendants below) to file their answer to the complaint.

In the present Petition for Certiorari and Prohibition, petitioners assail the 30 October 1986 order of respondent Judge, reiterating basically the arguments raised in their Motion to Dismiss filed with the trial court.

On 4 December 1986, the Court issued a Temporary Restraining Order enjoining respondent Judge from conducting further proceedings in Civil Case No. 81-86.[5] Petitioners and private respondents have since then filed responsive pleadings.

On the question of venue raised by petitioners, paragraph 2 of Article 360 of the Revised Penal Code, as amended by Republic Act No. 4363, provides in part:

"The criminal and civil action for damages in cases of written defamations, as provided for in this Chapter, shall be filed simultaneously or separately with the court of first instance (now Regional Trial Court) of the province or city where the libelous article was printed and first published or where any of the offended parties actually resides at the time of the commission of the offense x x x" (Underscoring supplied)

The law specifically designates as proper venue in criminal and civil actions for libel the Regional Trial Court of the province or city "where any of the offended parties actually resides at the time of the commission of the offense;" upon the other hand, the record of this case shows that at the time the allegedly libelous Panorama article was published, nine (9) of the twenty-one (21) complainants (private respondents) were then residents of Marawi City. Filing of the complaint (Civil Case No. 81-86) with the Marawi Regional Trial Court thus did not result in any procedural infirmity as would vitiate the proceedings undertaken there. Petitioners' argument that venue was improperly laid simply because the twelve (12) other complainants were non-residents of Marawi at the time of publication is, therefore, without merit. It is to the benefit of petitioners that the twelve (12) non-residents of Marawi chose to go along with the suit in Marawi instead of commencing a separate suit elsewhere. The Court is not, however, to be understood as saying that the 21 complainants, if resident in 21 different places, could have sued in 21 differing courts and still claim that venue had been properly laid in each instance. Such a situation may well indicate a pattern of harassment of the defendant newspaper which could justify intervention on the part of this Court to avoid a potential paralysing effect upon the exercise of press freedom.

Coming now to the principal issue of whether or not the complaint states a valid cause of action, the Court finds that libel has not here been committed; the civil suit for damages must fail.

It is axiomatic in actions for damages for libel that the published work alleged to contain libelous material must be examined and viewed as a whole.[6] We have accordingly examined in its entirety the subject article "A Changing of the Guard" which is in essence a popular essay on the general nature and character of Mindanao politics and the recent emergence of a new political leader in the province of Lanao del Sur. We note firstly that the essay is not focused on the late Amir Mindalano nor his family. Save in the excerpts complained about and quoted above, the name of the Mindalano family or clan is not mentioned or alluded to in the essay. The identification of Amir Mindalano is thus merely illustrative or incidental in the course of the development of the theme of the article. The language utilized by the article in general and the above excerpts in particular appears simply declaratory or expository in character, matter-of-fact and unemotional in tone and tenor. No derogatory or derisive implications or nuances appear detectable at all, however closely one may scrutinize the above excerpts. We find in the quoted excerpts no evidence of malevolent intent either on the part of the author or the publisher of the article here involved.

Private respondents, however, argue that petitioners had in the article falsely and maliciously ascribed to the late Amir Mindalano, and to the rest of the extended Mindalano family, an inferior status or condition -- i.e., that of

not belonging to any of the royal Muslim houses of the Lanao provinces -- which respondents assert substantially injured their good family name and reputation. In their complaint before the trial court, private respondents asserted their affiliations with at least five (5) royal houses:

"11. The late Amir Mindalano, as well as plaintiffs from their heritage from the Mindalano genealogy, belong to no less than four (4) of the 16 royal Houses of Lanao del Sur, namely: (1) the Sultanate of Ragain; (2) the Sultanate of Butig, (3) the Sultanate of Masiu and (4) the Sultanate of Bayang. They also are distinctly favored for being scions of the Royal House of Noron of Kapatagan, Lanao del Norte. Noron was the sister of Pagayawan and Diwan of the Royal Houses of Pagayawan and Bayang respectively;

"12. Intermarrying with the Mindalano clan, who are also represented in this suit, are scions of the other royal families of the two Lanao provinces, all of whom, together with the nominal plaintiffs and the others represented in this suit, have been provoked to wrath, exposed to public contempt and ridicule, and their social standing and reputation besmirched and humiliated by the defamation subject matter of this suit that blackened and vilified the memory of their departed patriarch, the late Amir Mindalano;

x x x x x x x x."[7]

It is also claimed by private respondents that the excerpts objected to falsely asserted that ---

"the late Amir Mindalano has acquired his fluency and literacy by living with an American family [which] has a distinct repugnant connotation in Maranao society in that during the American time the royal families of Lanao hid their children from the public school system and the Americans. Only the lowliest commoners were sent to school or allowed to live with any American family. Amir Manalao Mindalano has received his education at the Lumbatan High School, was a student leader thereat, and has not lived with an American family."[8]

The Court takes judicial notice of the fact that titles of royalty or nobility have been maintained and appear to be accorded some value among some members of certain cultural groups in our society. At the same time, such titles of royalty or nobility are not generally recognized or acknowledged socially in the national community. No legal rights or privileges are contingent upon grant or possession of a title of nobility or royalty and the Constitution expressly forbids the enactment of any law conferring such a title.[9] Thus, the status of a commoner carries with it no legal disability. Assuming for present purposes only the falsity (in the sense of being inaccurate or non-factual) of the description in the Panorama article of Amir Mindalano as not belonging to a royal house, we believe that such a description cannot in this day and age be regarded as defamatory, as an imputation of "a vice or defect," or as tending to cause "dishonor, discredit or contempt," or to "blacken the memory of one who is dead"[10] in the eyes of an average person in our community. The above excerpts complained of do not disparage or deprecate Maranao titles of royalty or nobility: neither do they hold up to scorn and disrespect those who, Maranao or not, are commoners. There is here visible no effort on the part of petitioners to cast contempt and ridicule upon an institution or tradition of members of a cultural or ethnic minority group, an "indigenous cultural community" in the language of the Constitution, whose traditions and institutions the State is required to respect and protect.[11] What private respondents assert is defamatory is the simple failure to ascribe to the late Amir membership in a Maranao royal house, the ascription, in other words, to him of a factual condition shared by the overwhelming majority of the population of this country, both Maranao and non-Maranao, Muslim and non-Muslim. In a community like ours which is by constitutional principle both republican in character[12] and egalitarian in inspiration,[13] such an ascription, whether correct or not, cannot be defamatory.

The Court is similarly unable to see anything defamatory in a statement (even if inaccurate) that private respondents' patriarch once lived with an American family. Since the early decades of this century a great many young Filipinos (including Muslim Filipinos) have been going abroad for study and many of them share the experience of staying with a foreign family, improving their language skills and learning something about the

culture and mores of the people. Once more, from the viewpoint of the average person in our present day community, the statement complained of is not defamatory.

Private respondents' feelings and sensibilities have obviously been hurt and offended by the reference to Amir Mindalano as a commoner and as having lived for a time with an American family. Personal hurt or embarrassment or offense, even if real, is not, however, automatically equivalent to defamation. The law against defamation protects one's interest in acquiring, retaining and enjoying a reputation "as good as one's character and conduct warrant"[14] in the community and it is to community standards -- not personal or family standards -- that a court must refer in evaluating a publication claimed to be defamatory.

The term "community" may of course be drawn as narrowly or as broadly as the user of the term and his purposes may require. The reason why for purposes of the law on libel the more general meaning of community must be adopted in the ascertainment of relevant standards, is rooted deep in our constitutional law. That reason relates to the fundamental public interest in the protection and promotion of free speech and expression, an interest shared by all members of the body politic and territorial community. A newspaper, especially one national in reach and coverage, should be free to report on events and developments in which the public has a legitimate interest, wherever they may take place within the nation and as well in the outside world, with minimum fear of being hauled to court by one group or another (however defined in scope) on criminal or civil charges for libel, so long as the newspaper respects and keeps within the standards of morality and civility prevailing within the general community. Any other rule on defamation, in a national community like ours with many, diverse cultural, social, religious and other groupings, is likely to produce an unwholesome "chilling effect" upon the constitutionally protected operations of the press and other instruments of information and education.[15]

Applying the foregoing to the facts of the present Petition, we note that the subject matter of the article "A Changing of the Guard" is clearly one of legitimate public interest. As pointed out earlier, petitioners in the exercise of freedom of speech and of the press have kept well within the generally accepted moral and civil standards of the community as to what may be characterized as defamatory. The complaint in the court below failed to state a cause of action and should have been dismissed by respondent Judge. We hold that such dismissal, in the circumstances of this case, including in particular the nature of the basic issue here at stake, may be compelled by certiorari and prohibition.[16] This conclusion renders the third and last issue raised by petitioners quite moot.

WHEREFORE, the Petition for Certiorari and Prohibition is GRANTED. The Order of respondent Judge dated 30 October 1986 in Civil Case No. 81-86 denying the defendants' Motion to Dismiss is SET ASIDE, and respondent Judge is hereby DIRECTED to dismiss Case No. 81-86 forthwith upon notice hereof. The Temporary Restraining Order issued by this Court on 4 December 1986 is made permanent. No pronouncement as to costs.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, and Medialdea, JJ., concur.

Regalado, J., no part, I was a lawyer of petitioner corporation's Chairman.

[1] Rollo, pp. 26-35, Annex "A" of Petition.

[2] Id., p. 35-B.

[3] Id., pp. 38-55, Annex "B" of Petition.

[4] Id., p. 67, Annex "E" of Petition.

[5] Id., p. 69.

[6] See *United States v. O'Connell*, 37 Phil. 767 (1918); and *Jimenez v. Reyes*, 27 Phil. 52 (1914).

[7] Rollo, pp. 30-31.

[8] Id., p. 32.

[9] Sec. 9, Art. IV of the 1935 Constitution provided in part: "No law granting a title of nobility shall be enacted x x x." This was later amended by Sec. 10, Art. IV of the 1973 Constitution, now Sec. 31, Art. VI of the 1987 Constitution, to read: "No law granting a title of royalty or nobility shall be enacted."

[10] Article 353, Revised Penal Code.

[11] Article XIV, Section 17, 1987 Constitution.

[12] Article II, Section 1, Id.

[13] Article II, Sections 10 and 11, Id.

[14] Harper and James, *The Law of Torts*, Vol. 1, p. 349 (1956).

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

[16] *Salonga v. Cruz Paño, etc., et al.*, 134 SCRA 438 (1985).

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