

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FULGENCIO CONTRERAS ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 7897. November 23, 1912

Ponente: MORELAND, J.

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MORELAND, J.:

An appeal from a judgment convicting the appellants of the crime of libel.

The articles in question appeared in the "Camarinense," a newspaper public in the Province of Ambos Camarines. The publication of the articles and responsibility for the same, if any, are admitted by the accused.

The salient features of the articles complained of are as follows:

(From an article published June 9, 1910, entitled "The Babudo Affair")

"We cannot believe, as some suppose, that Governor Perfecto, incapable and powerless to go against the will of Major Swann and other Americans, succumbed to the demands of the all powerful, performing an act of shameful fawning. There still remains to us a little of the opinion which we had of him when his government was inaugurated."

(From an article published July 14, 1910, entitled "Balance Semestral")

"What then has been his policy during the six months? A policy of intrigue, of fawning and of submissions. Policies of cowardice when confronted another man more powerful than himself, and a policy of oppression toward his fellow-creatures. And to think that he boasts of being a Nacionalista!

"What Rizal said is true: 'Man is a creature of circumstances.'

"An ironical expression which is appropriately applied to those persons draw their sustenance from the people but who pay no attention to the groans of the people."

(From an article published August 4, 1910, entitled "' Consummatum Est.")

"Altogether the postponement in the casting of his vote in order to examine this matter more carefully and submit it to the municipalities most comical farce, put on the stage in order to conceal and shroud his villainous falsity.

"Because, it is falsity and a villainous one too, to promise the people the elections took place that as soon as he was made governor he would vote for the single cedula tax, which promise was repeated—as governor—many times on different occasions and in the presence of many persons, and then to act as did - JUDAS."

(From an article published August 4, 1910, entitled "Gobierno de Parientes.")

"What nepotism! We first said that the government, of Perfecto was of favors to his partisans. We must now rectify this and further reduce circle, because it is not a government of favors to partisans, but excl a government of 'relatives.'

"It beats by far the motto: 'When Sagasta goes up, Sagasta's adherent go up.'

"Perfecto practices this other one, still more lucrative:

'When I go up, my relatives go up with me.' ENOUGH.

"This is to have neither decorum nor shame."

That these publications are libelous under the statute is beyond question. They tend directly to impeach the honesty, integrity, an reputation of the person slandered and to expose him to public hatred contempt, and ridicule.

Men have the right to attack, rightly or wrongly, the policy of a public official with every argument which ability can find or ingenuity invent may show, by argument good or bad, such policy to be injurious to the individual and to society. They may demonstrate, by logic true or false, that it is destructive of human freedom and will result in the overthrow the nation itself. But the law does not permit men falsely to impeach motives, attack the honesty, blacken the virtue, or injure the reputation that official. They may destroy, by fair means or foul, the whole fabric his statesmanship, but the law does not permit them to attack the man himself. They may falsely charge that his policies are bad, but they may not falsely allege that he is bad.

The defendants had the right to call the attention of the public to the personal or official relations existing between Governor Perfecto and Swann and other Americans. They might comment, fairly or unfairly, upon what he had actually done as a result of those relations, and what had actually done upon their representations and initiative. They were justified in dilating upon those relations and acts and in demonstration arguments good or bad, all of the disasters which they might claim would follow them. But unless it was true, and they were doing it with good motives and for justifiable ends, they had no right to draw the inference that he was a coward or that his administration was one of cowardice, to charge that; when confronted by men more powerful than himself, he displayed the nature of a weakling and a fawner.

The accused had also the right to call attention to the pre-election promise of the governor and his failure to fulfill that promise after election. They had a right to take up and discuss the reasons which h gave for his not fulfilling such promise; and they were justified in t attempts to show what evil results flowed from his failure to live up by any argument they chose to present. But they had no right, unless was true and they published it with good motives and for justifiable en to say that his acts were the product of a villainous falsity and that he carried out his promise in the same manner as Judas.

It is undoubted that the accused might call attention to the fact that Governor Perfecto was appointing a number of his relatives to public office. They had a right to comment upon what they deemed to be the impropriety of such a policy and to use every argument to sustain their contention. They had a right to call the attention of the people to w they might claim to be the disastrous effects flowing from such a policy. But they had no right, unless it was true and they published it wit good motives and for justifiable ends, to assert that, for that reason was without shame or decorum in his administration of public affairs.

Men may argue, but they may not traduce. Men may differ, but they may not, for that reason, falsely charge dishonesty. Men may look at policies from different points of view and see them in different lights, but they may not, on that account, falsely charge criminality, immorality, virtue, bad motives, evil intentions, or corrupt heart or mind. Men may falsely charge that policies are bad, but they cannot falsely charge that men are bad.

The attempt on the part of the defendants to prove the truth of their allegations resulted in complete failure. While they may have proven fact that Governor Perfecto made a promise before election that he did not fulfill after election and that he placed some of his relations in office, that does not establish the charge that he was dishonest,

that acted with villainous falsity, and that he was without shame or decorum The proof of the commission of an act does not establish at the same time an unjustifiable inference from that fact against the integrity character of the man who performed the act proved.

While the defendants were properly convicted, we are of the opinion that the ends of justice will be fully subserved in the present case by a fine merely, instead of fine and imprisonment.

The judgment appealed from is hereby modified and the defendants sentenced to pay a fine of P1,000 each, with subsidiary imprisonment each according to law in case of nonpayment, with costs.

Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.

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