

**EULOGIO OCCENA, PETITIONER, VS. HON. PEDRO M. ICAMINA,
PRESIDING JUDGE, BRANCH X OF THE REGIONAL TRIAL COURT,
SIXTH JUDICIAL REGION, SAN JOSE, ANTIQUE; THE PEOPLE OF THE
PHILIPPI...**

G.R. No. 82146. January 22, 1990

Ponente: FERNAN, C.J.

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FERNAN, C.J.:

On May 31, 1979, herein petitioner Eulogio Occena instituted before the Second Municipal Circuit Trial Court of Sibalom-San Remigio-Belison, Province of Antique, Criminal Case No. 1717, a criminal complaint for Grave Oral Defamation against herein private respondent Cristina Vegafria for allegedly openly, publicly and maliciously uttering the following insulting words and statements: "Gago ikaw nga Barangay Captain, montisco, traidor, malugus, Hudas," which, freely translated, mean: "You are a foolish Barangay Captain, ignoramus, traitor, tyrant, Judas" and other words and statements of similar import which caused great and irreparable damage and injury to his person and honor.

Private respondent as accused therein entered a plea of not guilty. Trial thereafter ensued, at which petitioner, without reserving his right to file a separate civil action for damages actively intervened thru a private prosecutor.

After trial, private respondent was convicted of the offense of Slight Oral Defamation and was sentenced to pay a fine of Fifty Pesos (P50.00) with subsidiary imprisonment in case of insolvency and to pay the costs. No damages were awarded to petitioner in view of the trial court's opinion that "the facts and circumstances of the case as adduced by the evidence do not warrant the awarding of moral damages." [1]

Disagreeing, petitioner sought relief from the Regional Trial Court, which in a decision dated March 16, 1987 disposed of petitioner's appeal as follows:

"IN VIEW OF ALL THE FOREGOING, the civil aspect of the lower court's decision of April 20, 1981 subject of this appeal, for lack of merit, is hereby DENIED.

"After the decision shall have become final, remand the records of this case to the court of origin, Second Municipal Circuit Trial Court of Sibalom, San Remigio-Belison, Antique, for the execution of its decision on the criminal aspect.

"SO ORDERED." [2]

Petitioner is now before us by way of a petition for review on certiorari seeking to annul the RTC decision for being contrary to Article 100 of the Revised Penal Code providing that every person criminally liable for a felony is also civilly liable, and Article 2219 of the New Civil Code providing that moral damages may be recovered in libel, slander or any other form of defamation. He submits that public respondent RTC erred in relying on the cases of *Roa vs. de la Cruz*, 107 Phil. 10 and *Tan vs. Standard Vacuum Oil Co., et al.*, 91 Phil. 672 cited therein. He differentiates said cases from the case at bar by saying that in the case of *Roa*, the decision of the trial court

had become final before Maria C. Roa instituted a civil action for damages; whereas in the instant case, the decision of the trial court has not yet become final by reason of the timely appeal interposed by him and no civil action for damages has been instituted by petitioner against private respondent for the same cause. Tan, on the other hand, contemplates of two actions, one criminal and one civil, and the prosecution of the criminal case had resulted in the acquittal of the accused, which is not the situation here where the civil aspect was impliedly instituted with the criminal action in accordance with Section 1, Rule 111, of the Rules of Court.

Private respondent for her part argues that the decision of the trial court carries with it the final adjudication of her civil liability. Since petitioner chose to actively intervene in the criminal action without reserving his right to file a separate civil action for damages, he assumed the risk that in the event he failed to recover damages he cannot appeal from the decision of the lower court.

We find merit in the petition.

The issues confronting us in the instant petition is whether or not the decision of the Second Municipal Trial Court of Sibalom, San Remigio-Belison, Province of Antique constitutes the final adjudication on the merits of private respondent's civil liability; and whether or not petitioner is entitled to an award of damages arising from the remarks uttered by private respondent and found by the trial court to be defamatory.

The decision of the Municipal Circuit Trial Court as affirmed by the Regional Trial Court in Criminal Case No. 1709 cannot be considered as a final adjudication on the civil liability of private respondent simply because said decision has not yet become final due to the timely appeal filed by petitioner with respect to the civil liability of the accused in said case. It was only the unappealed criminal aspect of the case which has become final.

In the case of *People vs. Coloma*, 105 Phil. 1287, we categorically stated that from a judgment convicting the accused, two (2) appeals may, accordingly, be taken. The accused may seek a review of said judgment, as regards both civil and criminal actions; while the complainant may appeal with respect only to the civil action, either because the lower court has refused to award damages or because the award made is unsatisfactory to him. The right of either to appeal or not to appeal in the event of conviction of the accused is not dependent upon the other. Thus, private respondent's theory that in actively intervening in the criminal action, petitioner waived his right to appeal from the decision that may be rendered therein, is incorrect and inaccurate. Petitioner may, as he did, appeal from the decision on the civil aspect which is deemed instituted with the criminal action and such appeal, timely taken, prevents the decision on the civil liability from attaining finality.

We tackle the second issue by determining the basis of civil liability arising from crime. Civil obligations arising from criminal offenses are governed by Article 100 of the Revised Penal Code which provides that "(E)very person criminally liable for a felony is also civilly liable," in relation to Article 2177 of the Civil Code on quasi-delict, the provisions for independent civil actions in the Chapter on Human Relations and the provisions regulating damages, also found in the Civil Code.

Underlying the legal principle that a person who is criminally liable is also civilly liable is the view that from the standpoint of its effects, a crime has dual character: (1) as an offense against the state because of the disturbance of the social order; and (2) as an offense against the private person injured by the crime unless it involves the crime of treason, rebellion, espionage, contempt and others wherein no civil liability arises on the part of the offender either because there are no damages to be compensated or there is no private person injured by the crime.[3] In the ultimate analysis, what gives rise to the civil liability is really the obligation of everyone to repair or to make whole the damage caused to another by reason of his act or omission, whether done intentionally or negligently and whether or not punishable by law.[4]

In the case at bar, private respondent was found guilty of slight oral defamation and sentenced to a fine of P50.00 with subsidiary imprisonment in case of insolvency, but no civil liability arising from the felonious act of the accused was adjudged. This is erroneous. As a general rule, a person who is found to be criminally liable offends two (2) entities: the state or society in which he lives and the individual member of the society or private person who was injured or damaged by the punishable act or omission. The offense of which private respondent was found guilty is not one of those felonies where no civil liability results because either there is no offended party or no damage was caused to a private person. There is here an offended party, whose main contention precisely is that he suffered damages in view of the defamatory words and statements uttered by private respondent, in the amount of Ten Thousand Pesos (P10,000) as moral damages and the further sum of Ten Thousand Pesos (P10,000) as exemplary damages.

Article 2219, par. (7) of the Civil Codes allows the recovery of moral damages in case of libel, slander or any other form of defamation. This provision of law establishes the right of an offended party in a case for oral defamation to recover from the guilty party damages for injury to his feelings and reputation. The offended party is likewise allowed to recover punitive or exemplary damages.

It must be remembered that 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. And malice may be inferred from the style and tone of publication^[5] subject to certain exceptions which are not present in the case at bar.

Calling petitioner who was a barangay captain an ignoramus, traitor, tyrant and Judas is clearly an imputation of defects in petitioner's character sufficient to cause him embarrassment and social humiliation. Petitioner testified to the feelings of shame and anguish he suffered as a result of the incident complained of.^[6] It is patently error for the trial court to overlook this vital piece of evidence and to conclude that the "facts and circumstances of the case as adduced by the evidence do not warrant the awarding of moral damages." Having misapprehended the facts, the trial court's findings with respect thereto is not conclusive upon us.

From the evidence presented, we rule that for the injury to his feelings and reputation, being a barangay captain, petitioner is entitled to moral damages in the sum of P5,000.00 and a further sum of P5,000.00 as exemplary damages.

WHEREFORE, the petition is hereby GRANTED. The decision of the Regional Trial Court is hereby MODIFIED and private respondent is ordered to pay petitioner the amount of P5,000.00 as moral damages and another P5,000.00 as exemplary damages. Costs against private respondent.

SO ORDERED.

Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

[1] p. 12, Rollo.

[2] p. 15, Rollo.

[3] H. Jarencio, *Torts and Damages*, 1983, ed., p. 237.

[4] C. Sangco, *Philippine Law on Torts and Damages*, Revised Edition, pp. 246-257.

[5] *U.S. vs. Sedano*, 14 Phil. 328.

[6] *tsn*, March 10, 1980, pp. 5-6, p. 59, Rollo.

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