

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JUAN V. RAMOS, DEFENDANT AND APPELLANT.

G.R. No. 9716. October 13, 1914

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with the crime of libel. He was arrested, arraigned, tried, found guilty, and sentenced to pay a fine of P60, with subsidiary imprisonment in case of insolvency, and to pay the costs. The complaint alleged:

"That on or about October 23, 1913, in the municipality of Nueva Caceres, Ambos Camarines, the said accused, Juan V. Ramos, for the purpose of assailing the honor and reputation of Antonio Carrascoso, a pharmacist and resident of Nueva Caceres, Ambos Camarines, did maliciously, criminally, and unlawfully write and publish a letter addressed to the said Antonio Carrascoso, which letter contains a scandalous defamation and libel about and concerning the said Antonio Carrascoso and is of the following tenor:

" 'NUEVA CACERES, A. C, October 23,1913-4 p. m.

" 'Mr. ANTONIO CARRASCOSO,

" 'Nueva Caceres, Ambos Camarines.

" 'SIR : Trustworthy persons have informed me that you have propagated the report that I have contracted marriage in Albay with a distinguished lady whom I deem to be worthy of all respect. The publication of such a coarse statement was undoubtedly made by you with the mischievous intention and base purpose of thus affixing my name on the pillory of ridicule. That you have succeeded in attaining your stupid design, is evidently shown by the fact that during the short time that has elapsed since I returned here, friends and acquaintances have hastened to annoy me with their felicitations and congratulations, which, lacking as they do lack a true cause, hold me up to humiliating derision. This is not the first time that you concerned yourself with my humble person. On another occasion, immediately after my departure for Manila, you also committed the impropriety of spreading the report in this city that I had been called by the higher authorities to be personally notified of nothing less than my removal from the service. This conduct, this behavior of yours, gives me a right to demand of you a public and sincere explanation. For this purpose, I summon you, as I have summoned several persons who have been deceived by you, to appear without fail in the establishment El Aguila, of Mr. Mendez formerly, now of Mr. Arnau, at 5.40 p. m. today, Thursday, October 23,1913. If you fail to appear at the appointed place at the time indicated, I shall have the right to call you a coward and a low vile scoundrel.

" 'Very respectfully,

(Sgd.) " 'JUAN V. RAMOS.' "

From the sentence of the lower court the defendant appealed and made the following assignments of error:

"(1) The court erred in sustaining the action brought through means of the complaint, by holding that there was publicity.

"(2) The court erred in not considering the motives that induced the accused to write the letter which caused the filing of the complaint.

"(3) The court erred in finding the accused guilty.

"(4) The court erred in sentencing the accused."

With reference, to the first assignment of error, it may be said that the letter copied in the complaint above, was sent by a messenger to the offended party in a closed envelope. Even granting that the letter was libelous, the sending of it to the offended party in a closed envelope did not amount to a publication of its contents. (Lopez vs. Delgado, 8 Phil. Rep., 26.) The sending of libelous matter in a sealed envelope, by a messenger, to the libeled person, is not such a publication of the libel as will support an action under the provisions of Act No. 277. The proof shows, however, in accordance with the request of said letter, that the offended party should meet the defendant at the office of El Aguila, that he (the defendant) went to the said office, at the time stated in the letter (5.40 p. m.), together with a number of his friends and, while there waiting for the offended party, gave copies of said letter to his friends, thereby publishing the same. He attempted to show that the letters which he distributed to his friends in said office, were not exact copies of the letter which he sent to the offended party. He alleged that the words "hombre cobarde, canalla, bajo y ruin" were not in the letters which he distributed. The proof shows, however (Exhibit 3, p. 18), that some of the copies which he distributed did contain said words.

The sending of the letter in a closed envelope to the offended party, in itself did not constitute libel. (Lopez vs. Deigado, 8 Phil. Rep., 26.) The very moment, however, that the contents of the letter were published and were made known to a third person, that very moment he became guilty of the crime of libel, provided the words used in said letter were libelous. In our opinion, the words used were libelous, if they were not true. There was no attempt on the part of the defendant to show that they were true. The evident purpose of the defendant in calling a number of his friends together in the office of El Aguila, and then and there to publish its contents, was to do the offended party injury in his good name and reputation in the community in which he lived. The record shows that the same messenger who carried said letter from the defendant to the offended party, carried a letter containing the answer or reply of the offended party to said letter and the same was delivered to the defendant while he and his companions were waiting at the office of El Aguila (See Exhibit 2). Said letter (Exhibit 2) was an explanation on the part of the offended party of some of the things contained in the letter of the defendant. Notwithstanding the explanation given by the offended party, the defendant insisted upon giving publicity to the contents of his letter.

A careful examination of the evidence brought to this court fails to disclose any reason for modifying the sentence of the lower court. The same is, therefore, hereby affirmed, with costs.

Torres, Moreland, and Araullo, JJ., concur.

CONCURRING

CARSON, J.

I agree with the confirmation of the judgment of conviction, but I think the penalty should be reduced to a mere nominal fine.

Arellano, C. J., dissents.

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