

**TEODORO F. VALENCIA, PETITIONER, VS. EMMANUEL M. PELAEZ
AND HONORABLE NOLI CATLI, IN HIS CAPACITY AS CITY FISCAL OF
CAGAYAN DE ORO CITY, RESPONDENTS.**

G.R. Nos. 58807-08. December 21, 1983

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

This is a petition "to restrain the respondent City Fiscal of Cagayan de Oro City or any of his assistants from conducting a preliminary investigation of I.S. Nos. 410264 and 410265, entitled Emmanuel M. Pelaez vs. Teodoro F. Valencia, et al." The petitioner also sought a temporary restraining order which was issued by the Chief Justice in consultation with the chairmen of the two divisions of this Court because the case had not yet been raffled.

I.S. Nos. 410264 and 410265 in the Office of the City Fiscal of Cagayan de Oro were for libel for statements made by the petitioner in the Daily Express.

The case was first taken en banc but when no constitutional issue emerged, it was assigned to the Second Division which conducted a hearing on the private respondent's motion to enjoin the petitioner from making public statements on the merits and issues of the instant case. On May 5, 1982, the following transpired:

"When this case was called for hearing, Atty. Teodoro Valencia as petitioner in his own behalf and assisted by Attys. Benjamin Almonte and Raul Correa, appeared and argued for the petitioner, while Atty. Arsenio Dizon assisted by Atty. Meynardo Tiro appeared for the respondents. Thereafter, both sides promised out of respect to the Court, not to make any publication or comment regarding the merits of this case during its pendency, so the motion to enjoin petitioner has become moot and academic."

On August 25, 1983, the private respondent, in response to a resolution requiring comment submitted instead a manifestation stating in part:

"6. That on August 24, 1983, the respondent Emmanuel Pelaez filed with the City Fiscal of Cagayan de Oro City a Motion to withdraw charges or complaints against both petitioner Teodoro Valencia and Gov. Homobono Adaza for reasons which are set forth therein."

"7. That the filing of said Motion To Withdraw Charges Or Complaints renders moot and academic the above Petition For Certiorari, Prohibition With Prayer For Preliminary Injunction and Restraining Order;

"8. That for the above reason the respondent has decided not to file anymore his COMMENT on the Petition;

"PREMISES CONSIDERED, it is respectfully prayed of this Honorable Supreme Court that the above Petition be dismissed and that the Restraining Order be set aside."

The motion to withdraw the charges stated in part:

"5. That, on July 21, 1982, the complainant and his driver, Arsenio Rogero, were the objects of a violent attack

in which the latter lost his life, while the complainant, although severely injured, was saved by Divine Providence;

"6. That, as a result of this searing experience, the complainant underwent, during his convalescence, a spiritual renewal, the nature and depth of which could best be appreciated by a perusal of the text of the speech he delivered on September 6, 1982 on the floor of the Batasang Pambansa, (copy of which is attached hereto as Annex "A"), in which, among other things he made a plea for reconciliation and Christian love:

'On my part, I have already forgiven in my heart those who sought to kill me. Vengeance is not mine but the Lord's, to whom I leave everything. I feel no bitterness towards them. Instead, I have prayed to God to cleanse their hearts of hatred, of resentment and to replace these dark sentiments with love for their neighbor and peace in their hearth.'

'It is time that, as Filipinos, we love and help one another again, setting aside hatred, false pride, selfish ends. It is time to come together again, if not as brothers, at least as friends trusting one another, putting our heads together to solve our problems in a spirit of understanding, and together facing the challenges before us.'

'As an eminent and beloved spiritual leader, Monsignor Josemaria Escriva, has put it:

'We must learn to live together, to understand one another, to make allowances, to be brotherly and, at all times, in the words of St. John of the Cross, 'where there is no love, put love and you will find love.'"

'Let us all take these words to heart. Let us tear down the barriers of misunderstanding that have separated us. In place of conflict, let us have dialogue and reconciliation. In place of divisiveness, let us have unity. And then let us begin to bind the wounds that in our inhumanity, unreason and self-centeredness, we ourselves have inflicted upon our motherland.'

"7. That complainant feels that his pursuing these complaints would go against the foregoing sentiments based on Christian principles and that, in truth, he should be the first one to apply the beneficent effects of Christian love to his own life and to his relations with his fellowmen;

"8. That, as a consequence, he has decided to desist from pursuing the above-captioned complaints and, as a renewed Christian, regrets whatever inconvenience the same may have caused; and, in the same spirit, he invites the parties involved to consider the matter closed."

The petitioner was required to comment which he did and which reads as follows:

"That while it is true that we are not going to pursue the complaint for damages, petitioner would want to put on record that by Mr. Emmanuel Pelaez's withdrawing the case, there is a travesty of justice done;

That it cannot be denied that when respondent Pelaez filed that libel case in Cagayan de Oro, there was already a violation of the rights not only of petitioner but also of the guaranteed freedom of speech and of the press;

That by respondent Pelaez's withdrawing, we did not have the chance to prove the innocence of herein petitioner and uphold petitioner's right to freedom of speech and of the press;

That it did not exonerate petitioner and he was not able to prove his innocence and the triumph of the guaranteed freedom of speech and of the press.

WHEREFORE, in view of the above, it is respectfully prayed that the herein comment be NOTED by this Honorable Court for fair play and justice as well.

PETITIONER prays for such other relief as may be just and equitable."

As prayed for by the petitioner, his manifestation is NOTED. However, We agree with the private respondent that

this case has become moot and academic for the reason aforesaid.

WHEREFORE, the petition is hereby dismissed for having become moot and academic without any special pronouncement as to costs.

SO ORDERED.

Makasiar (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.

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