

UY TIOCO ET AL., PLAINTIFFS AND APPELLANTS, VS. YANG SHU WEN ET AL., DEFENDANTS AND APPELLEES.*G.R. Nos. 9986 and 9891. December 22, 1915*

Ponente: TRENT, J.

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These two cases were tried together and are so presented on this appeal. The two plaintiffs were members and president and treasurer, respectively of the Manila branch of a Chinese society known as the Kio Koc Sia, which was organized for the purpose of promoting a boycott of Japanese goods so long as the Japanese Government continued a policy deemed inimical to the integrity of the Republic of China. The plaintiffs allege a libel against themselves by the defendants herein based upon the following article appearing in the Cablenews-American, of February 28, 1913, a daily newspaper published in English in Manila, P. I.

"BOYCOTTERS OFFER P10,000 FOR LIFE OF YANG SHU WEN,**"CONSUL GENERAL FOR CHINA.**

"Official admits that price is on his head, but is not afraid. Says Governor Forbes favors the deportation of bad men. Merchant explains meaning of the boycott. * * * With a price on his head, and with his life in constant danger from the bullets of every boycotter In the Islands whose fanaticism might lead him to rash deeds, the Chinese Consul-General to the Philippines, Hon. Yang Shu Wen, is in Bagnio to confer with the Governor-General regarding the deportation of the six boycott leaders whose presence in the Islands is a menace. With the consul-general is Sergeant R. L. Henderson, of the Manila police force, who has been detailed by the department to accompany the man with a price on his head. Sergeant Henderson has long been a member of the Chinatown squad, and is familiar with the 'bad men' who might seek to win the reward offered for Yang Shu Wen's life. Ten thousand pesos is the price hung up by the boycott society for the life of Yang Shu Wen. This sum was offered in a secret meeting of the boycotters held on the night of February 19. No strings are attached to it—the death of the victim by whatever means being the sole consideration. This sensational story emanates from the consul-general himself, who yesterday, in Bagnio, discussed the boycott situation with a representative of the Cablenews-American. 'Yes, it is true that the boycotters have placed a price upon my head. I understand it is P10,000, and that it was offered at a secret meeting of the society recently held.'—'Are you not afraid they will kill you?'—'No, I am not afraid'—'Suppose they do?'—'It will do their foolish cause no good, for my successor would follow the same policy regarding them as I have followed in the past.'—'Why are your own countrymen so bitter against you ?'

"GOOD MEN WITH HIM.

"The best of my countrymen are with me. A small element, which composes a secret society consecrated to the boycott movement, is opposed to me because I am opposed to their methods, and have done everything in my power to defeat them. Time and again I have given them good advice, which they have not seen fit to accept—Who are the men to be deported ?'—'I would rather not say at this time. I have given their names to the government authorities, in whose hands the matter now lies. At the proper time they will make the announcement.'—'Does Governor Forbes favor the deportation of the men ?'

'FORBES FAVORS DEPORTATION.

"'He most positively does. He, with other officials of the Government, believes that the deportation of the leaders of the movement is the only sure way to break up the boycott in Manila.'—What effect is the boycott having on business there?'—'Business is not suffering to any considerable extent, but these men are a menace to the community, and a great nuisance to the Chinese business-men and to the officials. The country would be better off without them "

After a careful review of the evidence, we are constrained to believe that this article did not connect the plaintiffs with the acts of violence attributed to the society. A fair resume of the evidence offered by the parties shows that it was not until the publication, on March 2, 1913, of another article (Exhibit 1 of the defense) in the newspaper in question, in which those to be deported were specifically named, that the witnesses connected the plaintiffs with the alleged conspiracy, and that some of the witnesses declined to do further business with plaintiffs on a credit basis. Since the withdrawal of credit dated from the publication of this second article, it is clear that the business community of Manila did not identify the plaintiffs as among those to be deported.

Both plaintiffs pleaded their good reputations in the community prior to the publication of the article. It was unnecessary to plead this. That will always be presumed in favor of a plaintiff until the defendant has introduced evidence establishing the contrary. (Newell, on L. & S., 3d ed., sec. 933.) And, having such reputations, it does not necessarily follow that defamatory remarks, absolutely impersonal on their face, directed against a society such as the one to which they belonged, would apply to them. There is nothing in the article indicating that the price placed upon the head of the Chinese consul was the unanimous will of all the members of the society, or even that all the members of the society were aware of the plot. It is to be inferred that in so far as their influence went, the plaintiffs would have favored adhering to a peaceful policy of non-dealing in Japanese goods. That a faction within the society advocated the methods referred to in the publication complained of does not immediately condemn the entire society. The cases collected in the note to *Revert vs. Daily States Pub. Co.* (23 L. R. A., N. S. [123 La., 594], 726) some of which are set out in the brief of the appellees amply illustrate the principle. Defamatory remarks directed at a class or group of persons in general language only, are not actionable by individuals composing the class or group unless the statements are sweeping; and it is very probable that even then no action would lie where the body is composed of so large a number of persons that common sense would tell those to whom the publication was made that there was room for persons connected with the body to pursue an upright and lawabiding course, and that it would be unreasonable and absurd to condemn all because of the actions of a part.

With reference to the alleged justification which the defendants attempted to make, it appears that this evidence was confined to an attempt to show that the society itself was harmful and pernicious. It does not go so far as to identify these plaintiffs as responsible for the alleged reward offered for the murder of the Chinese consul. This is the only method of justification that would have any bearing on the case.

While each case is in some respects a close one, we are of the opinion that a preponderance of the evidence would not justify a reversal of the judgments appealed from. The same are hereby affirmed, with costs. So ordered.

Arellano, C.J., Torres, Johnson, Carson, and Araullo, JJ., concur.

Judgments affirmed.

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