

[G.R. No. 2033. September 19, 1905]

**RUFINA CAUSIN, PLAINTIFF AND APPELLEE, VS. FORTUNATO RICAMORA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

WILLARD, J.:

This is an action for libel. The article in question was written in the Visayan language, and published in that language in a newspaper of Cebu, called "Ang Suga." In the court below some question was made as to the accuracy of the translation of the article into Spanish, but the appellant, in his brief in this court, waives such objections. The article thus translated is as follows:

"Carta de Dumanjug Sr. D. Vicente Sotto, Director de *Ang Suga*. Respetable Senor: Cuando lei el articulo que se ocupaba de mi persona en el Num. 120 del periodico *Ang Suga*, el que aqui apreciamos, me vi obligado a tomar la pluma, para manifestarle unas cuantas palabras para reprehender las mentiras de Rufina Causin, palabras que le suplico se sirva insertar en su periodico.

"Es ima mentira, Sr. Director, el que yo la haya arrestado y aprisionado por tres dias. En la mafiana de un Domingo 20 de Julio el Consejo Municipal de este pueblo se reunio en sesion para tratar de diferentes asuntos; y entre ellos uno, referente a la Senorita Rufina Causin, maestro, que se vio obligada a dirigirse a este pequeno pueblo despues de haber sido 'celebre o famosa' en Iloilo; porque en los anos pasados creo que fue Directora de un Colegio enseñando muchas asignaturas y entre ellas, 'Musica, Pintura y Dibujo'

y en este ultimo, para que veamos su fama en aquel Colegio, me han informado que la ayudaba un Sr. muy conocido, llamado E. Lanza.

“De

lo que se trato sobre esta ‘Santolona’ mujer, era acerca de la ferocidad con que trataba a las ninas en la Escuela: bofeteaba, pellizcaba, desgarraba los cabellos de las ninas que cometiesen alguna falta, sea de cual fuere; como el Consejo de este pueblo comprende, que si les esta mandado por el Codigo, el domar las ferocidades de un animal, pues con mas razon se debia domar las ferocidades de un hombre o mujer; puesto que este es mayor en dignidad, aunque no haya pasado por ser ‘profesora’ de un Colegio para la ensenanza del ‘dibujo’ ayudado por E. Lanza.

“Asi es que el Consejo averiguo la declaracion de los hechos de la Senorita Rufina Causin en la Escuela; y para este me dijeron que mandase llamar, las chiquillas que fueron maltratadas, asi como quien las maltrato.

“Cuando yo la mande

llamar aquella mafiana, pues cumplia con la voluntad del Consejo, para que ella compareciese un ratito ante la Junta, para oir las acusaciones que se la hacia, y para que ella manifestara su defensa y razones para que asi se viese si era o no verdad las acusaciones hechas por las chiquillas.

“Pues creo que sera, esto lo que querra decir o

llamar la Sra. Pinay ‘prision’ que se impuso a su santa y respetable persona por espacio de tres dias. Porque si esto no es, pues ya no hay otro. Aqui estan los Concejales, Aguacil, Carcelero, todo el pueblo y hasta el Padre con quien vive esta Maestra, pueden ser preguntados si es o no verdad lo que acusa. ‘Esta hipocrita Srita.’ de mi empleo, y ya que de el no soy digno.

“No quiero arrebatarle mas tiempo,

Sr. Director, y mucho mas porque este asunto ya se halla en manos del Juzgado. Pues ya alia manifestare todas mis razones; y por ahora basta

con lo que tengo dicho, para recobrar un poco de mi honra perdida, en un articulo publicado en el *Ang Suga*, en un numero del 30 de Julio proximo pasado; y le repito se sirva publicar el presente en su periodico. Fortunato Ricamora, Presidente de Dumanjug.”

This article was written by the defendant, and sent by him to the newspaper in question. Judgment was rendered by the court below in favor of the plaintiff for the sum of 1,200 Mexican pesos. The defendant moved for a new trial. That motion was denied by the court below. He excepted to this order of the court, and also to the judgment and has brought the case here by bill of exceptions.

Section 1 of Act No. 277 of the Commission declares that every writing is libelous which exposes a person to public hatred, contempt, or ridicule. A simple reading of the article in question shows that it falls within this definition.

The appellant claims that the publication of the article was justified, because it appears in the case that about a month before it appeared, there was published in the same newspaper a statement that the defendant had arrested and detained the plaintiff for three days, and that the manager of the paper had written to the defendant telling him that he thought that this statement ought to be answered. These facts did not justify the defendant in libeling the plaintiff.

The fifth finding of fact of the court below is as follows:

“5.º Esta probado que la demandante ganaba como maestra treinta pesos al mes y que ha perdido su empleo por causa de dicho libelo, tanto por la publicidad de su publicacion, como por los sufrimientos fisicos y morales, que la han sido ocasionados, privandola de la aptitud fisiea necesaria para dedicarse a su profesion.”

It appears that after the publication of this article the plaintiff was discharged from her employment as a school teacher by the superintendent in charge. We think that the evidence sufficiently

supports this finding of fact. The appellant also alleges that there was no proof of the damages which the plaintiff had suffered by reason of the publication of the article. Section 11 of said Act No. 277 provides as follows:

“And the person so libeled shall be entitled to recover in such civil action not only the actual pecuniary damages sustained by him, but also damages for injury to his feelings and reputation, and in addition such punitive damages as the court may think will be a just punishment to the libeler and an example to others.”

The evidence in this case was ample to show that the plaintiff had suffered such damages as are referred to in this action, and to the amount found by the court below.

The judgment of the court below was for 1,200 Mexican pesos, and the judgment is modified so as to require the payment of the equivalent of that sum in Philippine currency. As so modified the judgment is affirmed, with the costs of this instance against the appellant, and after the expiration of twenty days judgment should be entered in accordance herewith, and the case remanded to the inferior court for execution of said judgment. So ordered.

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