

G.R1 Phil. 384

[G.R. No. 909. October 02, 1902]

**JOVITO YUSAY, COMPLAINANT AND APPELLANT, VS. VICENTE GARCIA VALDEZ,
DEFENDANT AND APPELLEE.**

D E C I S I O N

MAPA, J.:

The defendant was charged with libel as the editor of a weekly paper in which certain defamatory matter was published in the issue of August 25, 1901. To prove that he was such editor the prosecution presented certain copies of an issue of the same paper dated October 6, 1901. There being no other evidence to connect the defendant with the publication of the libel, he was acquitted. The private prosecutor appealed the case to the Supreme Court. The number of the paper in which the alleged libelous article was published, dated August 25, 1901, did not contain the name of the defendant either as director or otherwise.

To prove that he was such director the complainant offered and there was received in evidence a number of the papers published October 6, 1901, in which the defendant is referred to as such director. No other evidence was offered Tby the complainant. Without deciding whether this was or was not sufficient to prove that the defendant was the director of the paper on October 6, we hold that it was not sufficient to prove that he was such director on August 25. The judgment is affirmed with costs against the appellant.

Arellano, C. J., Torres, Cooper, Willard, Smith, Ladd, and Mapa, JJ., concur.

