

THIRD DIVISION

[GR. No. 187113, January 11, 2021]

**RAFFY T. TULFO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES
AND ATTY. CARLOS T. SO, RESPONDENT.**

[G.R. No. 187230]

**ALLEN A. MACASAET AND NICOLAS V. QUIJANO, JR.,
PETITIONERS, VS. CARLOS T. SO AND PEOPLE OF THE
PHILIPPINES, RESPONDENTS.**

DECISION

LEONEN, J.:

The need to protect freedom of speech and of the press cannot be understated. These freedoms are the most pervasive and powerful vehicles of informing the government of the opinions, needs, and grievances of the public. It is through these guarantees that the people are kept abreast of government affairs. Without these rights, no vigilant press would flourish. And without a vigilant press, the government's mistakes would go unnoticed, their abuses unexposed, and their wrongdoings uncorrected.^[1]

In this regard, journalists and the media enjoy a wide latitude of discretion in investigating, gathering, and reporting news pertinent to public affairs. Public affairs encompass a wide array of matters, including information on public officials' exercise of their official functions. Imbued with public interest, these officials are expected to execute their mandate in a manner consistent with law, morals, and public policy.

Consistent with the right to deliver information on public matters, journalists and members of the press may at times write inaccurate articles. Nonetheless, liability should attach only if it is proven that the article was written and published with knowledge that it was false or with reckless disregard for the truth.

Commentaries on matters of public affairs are not always expected to conform with what is acceptable. More often, these commentaries will contain a degree of crudeness bordering on boorishness when they are directed against unscrupulous public officials. Even then, the Constitution remains steadfast in protecting these kinds of commentaries.

These consolidated criminal cases originated from 14 Informations for libel filed against the writer, publisher, and managing editor of the *Abante Tonite* column, "Shoot to Kill," which covered stories on the alleged anomalous dealings of Atty. Carlos "Ding" So (Atty. So) of the Bureau of Customs. At issue are the Revised Penal Code provisions on libel vis-à-vis the constitutional guarantee of freedom of the press and statements involving public officers in the exercise of their official

functions.

Abante Tonite columnist Raffy T. Tulfo (Tulfo) filed a partial Petition for Review,^[2] docketed as G.R. No. 187113, assailing a portion of the Court of Appeals' Amended Decision^[3] That affirmed his conviction for six of 14 counts of libel. *Abante Tonite* publisher Allen A. Macasaet (Macasaet) and managing editor Nicolas V. Quijano (Quijano) also filed a partial Petition for Review,^[4] docketed as G.R. No. 187230, assailing the same Decision.

On April 12, 1999, after the ninth publication in *Abante Tonite* about his purportedly dubious activities at the Bureau of Customs, Atty. So filed a Complaint-Affidavit for nine counts of libel against the three accused for their abusive and malicious imputations against him. He later filed two more Complaint-Affidavits, in connection with the April 14, 19, 21, and 23, and May 12, 1999 issues of *Abante Tonite*, when Tulfo refused to stop his alleged defamatory statements.^[5]

The 14 Informations read:

1. In CRIM CASE NO. 99-1463:

The undersigned Assistant City Prosecutor accuses RAFFY TULFO, ALLEN A. MACASAET and NICOLAS V. QUIJANO, JR., of the crime of LIBEL, committed as follows:

That on or about the 3rd day of March 1999 in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, being then the columnist, publisher and managing editor, respectively of "ABANTE TONITE", a tabloid published daily and of general circulation in the Philippines, did then and there wilfully, unlawfully and feloniously and with malicious intent to discredit or dishonor complainant ATTY. CARLOS T. SO, and with the malicious intent of injuring and exposing said complainant to public hatred, contempt and ridicule, write and publish in the regular issue of said publication on March 3, 1999, its daily column "SHOOT TO KILL", quoted hereunder, to wit:

"Noong August 14, 1996 ay nag-strike ang mga brokers at hiningi mapatalsik si So dahil sobra umano ito kung mag-extort sa kanila."

Muling nag-strike ang mga brokers laban sa kanya nitong December 1998 dahil sa reklamo nilang sobra kung mangikil si So. Pero hindi na nasibak si So sa kanyang puwesto sa pagkakataong ito.

"Ang modus operandi ni So sa NAIA ay "pinababantayan" niya at 'pina-a-alert' ang lahat ng kargamentong ipinapasok ng mga brokers."

"Hindi para patawan ng karampatang taxes kundi para mag-extort sa mga ito. Ayon sa aking source, P50,000.00 pataas and hinihingi na pang-areglo ni So sa kada cargo."

"Idinagdag pa ng source na kaya malakas diumano ang loob ni So sa kanyang extortion activities ay dahil (ka-) tandem niya si Collector Templo."

"Sa 100 cargoes araw-araw na dumating ay bahala na kayong malula sa kakukuwenta kung gaano kalaking halaga ang nakukurakot ni So."

"Walang pwedeng humarang sa departamento niya (District Collector Templo) at pagdating sa Intelligence and Investigation Service ay naroon and partner niyang si So. Talagang sisiw sa kanila ang smuggling."

"Kaya ayon sa aking source, sky is the limit kung "magparating" itong si Templo ng kargamento."

"Kung sina Hernandez-Taguba raw ang "The Most Formidable Tandem in Customs Smuggling History", sa panig ng mga brokers, itong sina So-Templo naman daw and Mafia ng mga bantay-salakay sa Customs."

"Si So ay may Mercedes Benz, Nissan Patrol, Pajero, Honda Civic at Estrada. Kung gusto ninyong makakita ng tunay na mansion ay magpunta kayo sa Fort Bonifacio at ang pinakamalking (sic) bahay na may blue gate at malapit sa gold course and mansyong ni So diyan sa loob."

"Paano nga pala ito nakasingit sa loob ng Fort Bonifacio samantalang puro military officers and hile-hilerang nakatira diyan at hindi naman miyembro ng militar si So."

"Kamakailan lang na-promote si So bilang CIIS Chief. Sa plantilla niya noon bilang Intelligence Officer I ay P8,000.00 lang kada buwan ang suweldo niya. Paano niya nga kaya nakuha ngayon ang ganito kalaking kayamanan?"

wherein said complainant was indicated as an extortionist, a corrupt public official, smuggler and having illegally acquired wealth, all as already stated, with the object of destroying his reputation, discrediting and ridiculing him before the bar of public opinion.

Contrary to law.^[6] (Emphasis in the original)

2. In CRIM CASE NO. 99-1464:

The undersigned Assistant City Prosecutor accuses RAFFY TULFO, ALLEN

A. MACASAET and NICOLAS V. QUIJANO, JR., of the crime of LIBEL, committed as follows:

That on or about the 5th day of March 1999 in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, being then the columnist, publisher, and managing Editor, respectively of "Abante Tonite", a tabloid published daily and of general circulation in the Philippines, did then and there wilfully, unlawfully and feloniously and with malicious intent to discredit or dishonour complainant CARLOS T. SO and with the malicious intent of injuring and exposing said complainant to public hatred, contempt and ridicule, write and publish in the regular issue of said daily publication on March 5, 1999, its daily column "Shoot to Kill", quoted hereunder, to wit:

"Si Jerry Yap and isa sa mga pinakamalaking smuggler divan sa NAIA, ayon sa aking source. Ang protector na naman nmano nito ay ang dalawang walanghiyang Customs Officials na sina Atty. Ding So, Chief ng CIIS. at si District Collector Celso Templo."

....

"Isang halimbawa ay noong September 1998, walong vans na dineklara niyang personal effects and pinarating niya sa NAIA, hinuli ito ng EIIB pero bigla raw namagitan si So at Templo."

....

"Ayon pa sa aking source, kapalit ng protection ni So ay P25,000.00 daw. Weekly 'tong' mula kay Yap."

....

"Sa ganitong klaseng sistema nina Templo at So ay hindi nga matitigil and smuggling diyan sa NAIA."

"Kaya tinatawagan ko ng pansin si Customs Acting Commissioner Nelso Tan, dapat bantayan mong mabuti itong sina Jerry Yap, So at Templo dahil kung hindi ay sayang lang ang ginawa mong re-shuffle kamakailan."

"Magiging inutil pa rin ang hangarin mong malinis ang Customs."

wherein said complainant was indicated as an extortionist, a corrupt public official, smuggler and having illegally acquired wealth, all as already stated, with the object of destroying his reputation, discrediting and ridiculing him before the bar of public opinion.

Contrary to law.^[7] (Emphasis in the original)

3. In CRIM CASE NO. 99-1465:

The undersigned Assistant City Prosecutor accused RAFFY TULFO, ALLEN A. MACASAET and NICOLAS V. QUIJANO, JR., of the crime of LIBEL, committed as follows:

That on or about the 12th day of March 1999 in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, being then the columnist, publisher and managing editor, respectively of "ABANTE TONITE", a tabloid published daily and of general circulation in the Philippines, did then and there wilfully, unlawfully and feloniously and with malicious intent to discredit and dishonour complainant ATTY, CARLOS T. SO, and with the malicious intent of injuring and exposing said complainant to public hatred, contempt and ridicule, write and publish in the regular issue of said daily publication on March 12, 1999, its daily column "SHOOT TO KILL", quoted hereunder, to wit:

'Kamakailan ay inilantad ko rito sa SHOOT TO KILL and mga katarantaduhan ng isang miyembro ng INC. si Atty. Ding So na Chief ng CIIS sa Customs sa NAIA.'

'Ayon sa aking mga importante (sic) ay nagyayabang pa si So matapos kong bombahin. Ipinagmamalaki niya na hindi siya apektado sa kahit na anumang batikos dahil kaibigan daw niya si Boy Manalo na kamag-anak ninyo, ay ito raw and pader na sinasandalan niya sa INC. Kaya walang sinuman daw ang puwedeng gumalaw sa kanya.'

'Gusto kong isa-isahin ang mga katarantaduhan ni Ding So para sa inyong kaalaman, Ka Erdi.'

'Una, noong Aug. 14, 1996 ay nagstrike ang mga brokers sa NAIA at hiniling na patalsikin si So dahil sobra-sobra umano ito kung mag-extort sa kanila. Pinatalsik naman si So na noon ay Asst. Chief pa lang ng CIIS.'

'At nitong Dec. 1998 ay muling nag-strike ang mga brokers at ang sobra-sobrang extortion pa rin ni So and inireklamo nila ngayong Chief na ito ng CIIS. Pero hindi na napatalsik [p]a ang miyembro ng INC na ito.'

'Panglaw, si So ay sumesweldo lang ng P8,000.00 kada buwan sa posisyon niya sa Customs bilang (Assistant) Chief ng CIIS noong nakaraang taon. Pero siya ay nakabili ng Mercedes Benz, Nissan Patrol, Pajero, Honda Civic at Estrada. Bukod pa rito ay may palasyo siyang naipatayo sa loob ng Fort Bonifacio, sa tabi ng golf course.'