

FIRST DIVISION

[G.R. No. 225010, November 21, 2018]

**ELISEO SORIANO, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

TIJAM, J.:

Eliseo Soriano (petitioner) appeals through a petition for review on *certiorari*^[1] under Rule 45 of the Rules of Court the Decision^[2] dated August 17, 2015 and Resolution^[3] dated May 18, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 35052, which affirmed the Consolidated Judgment dated June 8, 2012 of the Regional Trial Court (RTC) of Iriga City, Branch 60 in Criminal Case Nos. IR-4848 and IR-5273, convicting petitioner of two (2) counts of libel.

Antecedent Facts

On January 15, 1999, petitioner was indicted for libel in an Information, the accusatory portion of which reads in full as follows:

Criminal Case No. IR-4848

That on or about July 31, 1998 at Iriga City, Philippines, within the jurisdiction of this Honorable Court, the said accused being then the anchorman of a religious radio program "Ang Dating Daan" of DZAL, a radio station in Iriga City with considerable coverage in the city and throughout Bicol Region, did then and there, willfully, unlawfully, feloniously, and maliciously with intent to cause and expose to public ridicule, dishonor, discredit or contempt upon the persons comprising the Jesus Miracle Crusade, International Ministry (J[MC]IM), a religious group, publicly air in his said radio program his prepared taped broadcast containing false, injurious, and defamatory statements with no good intention or justifiable motive in the guise of preaching the gospel of the Lord by branding its leader as "BULAANG PROFETA, TARANTADO AND GAGO"; its pastors as PASTOR NG DEMONYO, MGA PASTOR NA IMPAKTO and GAGO and its members as "ISANG DAKOT NA GAGO and SIRA ULO" which in words are quoted hereunder respectively intended for group's leader, pastors and members as follows, to wit:

"Mahina yong Diyos ng gago na iyan ng Pastor na iyan. Ano ba ang itatawag mo roon kundi gago iyon. Galit na galit noong matalo si De Venecia, kasi pinatungan niya ng kamay si De Venecia at idenekre "I decree that you will be the next president of the Philippines" SIRA! O, ngayon nahalata mo dito sya ang "BULAANG PROPETA x x x TARANTADONG PASTOR

NYO;

"Iyang mga PASTOR NG DEMONYO sa ating panahon, bakit di mo sasabihing PASTOR NG DEMONYO IYAN. Hindi ba iyong mga nagsasabing ang mananalo ay si De Venecia. Tapos ng nanalo si Erap, eh, hindi ika kami papayag na umupo siya sa Malacanang. Tingnan mong KAGAGUHANG IYON. MGA PASTOR NA IMPAKTO. MARINA IYONG DIYOS NG GAGONG PASTOR NA IYON"; and

"TARANTADONG PASTOR NYO DIYAN KA PA RIN. Eh, kahit ano ang mangyayari doon pa rin sila talaga. Iyon ang makikita mo iyon espiritu ng PAGKAPANATISMO. x x x Kaya para magrelihiyon ka noong ganoong relihiyon DAPAT SIRA ANG ULO MO. x x x SIRA NA LANG ANG ULO MO kaya nga mali na ang gawing ng pastor mo, doon ka pa rin. DAHIL SIRA NA ANGULO MO."

That the said broadcast in question, particularly the above-quoted statements, had for its object to insinuate and made it understood, as was in effect understood by the public who heard it as referring to the whole JMCIM because it was only its evangelist leader, Wilde Almeda, who placed his hands on the head of De Venecia and decreed that he would be the next president of the Philippines before a multitude in Luneta, Manila duly covered with nationwide telecast in a prayer rally immediately before May 8, 1998 elections and its pastors openly supported for De Venecia, in this manner causing the dishonor, discredit and ridicule of the persons comprising the JMCIM, wherein complainants are pastors thereof, before the bar of public opinion, to the damage and prejudice of the said complainants in such amount as may be proven in court.

ACTS CONTRARY TO LAW.^[4]

A similar Information for Libel was filed against petitioner on June 9, 2000, the accusatory portion of which reads:

Criminal Case No. IR-5273

"That on or about July 31, 1998, between the hours of 7:00 and 8:00 o'clock in the evening- at radio station DZAL, Iriga City, Philippines, its broadcast could reach the entire country, particularly Baao, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the anchorman of Radio Program "Ang Dating Daan" and, in a prepared tape, AIRED its radio program at the aforesaid radio station, with the deliberate purpose of impeaching, attacking and/or destroying the virtue, honesty, integrity and reputation of Evangelist Wilde E. Almeda, head of the Jesus Miracle Crusade International Ministry (JMCIM), and for the further purpose of exposing him to public hatred, contempt and ridicule, willfully, unlawfully, feloniously and maliciously aired and/or circulated the subject prepared tape, hereto attached as Annex "A", over the said radio station, containing false, malicious,

injurious and highly defamatory statements against the said Evangelist Wilde E. Almeda, the pertinent portions/statements are hereunder quoted, to wit:

"Iyong mga pastor ng demonyo sa ating panahon. Bakit? Bakit di mo sasabihing PASTOR NG DEMONYO IYAN, eh, hindi ba iyong mga nagsasabing ang mananalo ay si De Venecia x x x Mahina iyong diyos ng GAGO ano na iyon PASTOR NA IYON. Ano ba ang itatawag mo roon KUNDI GAGO IYON. Galit na galit noong natalo si De Venecia, kasi pinatungan niya ng kamay si De Venecia at idenekre "I decree that you will be the next President of the Philippines" SIRA!!! O ngayon nahalata dito siya ay BULAANG PROPETA. x x x EH TARANTADONG PASTOR NYO, DIYAN KA PA RIN x x x. GAGO IYONG PASTOR NA IYAN. x x x HUWAG SABIHIN NI ALMEDA NA IYONG ESPIRITU IYON DIN AN[G] DIYOS. ESPIRITU NG DIYOS. IYON DIN ANG DIYOS. x x x Kaya para mag-relihiyon ka nong ganoong relihiyon, DAPAT SIRA ANG ULO MO. Di ba iyong wala ng lohika, iyong wala ng katwiran."

That the questioned "taped broadcast" and/or statements aired/circulated had for its object to insinuate and make it understood, as was in effect understood and interpreted by the public who heard it; that the pastor or person who placed his hand over the head of De Venecia and decreed the latter as the next President of the Philippines, referred to therein, can be no other than the complaining witness Evangelist Wilde E. Almeda, thereby in such manner deliberately and maliciously transmitting to the public the impression that the said Evangelist Wilde E. Almeda is a "Bulaang Propeta", "IDIOT" and "APOSTLE of DEMONS" which statements, remarks, imputations and/or insinuations are highly and intrinsically libelous, thereby discrediting and destroying his reputation and ridiculing him (private complainant) before the bar of public opinion and the rest of the religious sects/denominations/congregations, to complainant's damage and prejudice in such amount as may be proven in court.

CONTRARY TO LAW.^[5]

Upon arraignment, petitioner pleaded not guilty to the criminal charges. Petitioner posted cash bonds for his provisional liberty in both cases.^[6]

During the trial, the prosecution presented Eudes Cuadro, Joel Cortero, Jerry Cabanes, and Liza Martinez as witnesses in Criminal Case No. IR-5273. Meanwhile, Joel Cortero was the sole witness in Criminal Case No. IR-4848.^[7]

On the other hand, one Marlon Igana testified for the defense.^[8]

Petitioner filed a Demurrer to Evidence on December 22, 2008. The RTC denied it in a Resolution dated January 6, 2008.^[9]

Ruling of the RTC

After trial, the RTC, found petitioner guilty of two counts of libel. The fallo of the RTC's Consolidated Judgment dated June 8, 2012, is as follows:[10]

WHEREFORE, in the light of the foregoing, this court finds the accused Guilty of the crime of Libel in both cases and he is hereby sentenced to suffer the penalty of Fine of SIX THOUSAND PESOS (P6,000.00) for each case pursuant to Administrative Circular No. 08-2008 relating to the emergent rule of preference for the imposition of fine only rather than imprisonment in libel cases under the circumstances therein specified, with subsidiary imprisonment in case of insolvency.

As set forth in the above discussion, no award of civil damages is given.

No costs.

SO ORDERED.

Ruling of the CA

Petitioner appealed the Consolidated Judgment of the RTC to the CA which, as stated earlier, rendered its Decision[11] on August 17, 2015, affirming the ruling of the RTC. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the instant Appeal is **DENIED**. The Consolidated Judgment dated June 8, 2012, rendered by Branch 60, Regional Trial Court of Iriga City in Criminal Case Nos. IR-4848 and IR-5273 is hereby **AFFIRMED**.

SO ORDERED.[12]

Issues

Petitioner raised the following arguments in support of his petition:

- A) THE [CA] COMMITTED REVERSIBLE ERROR WHEN IT HELD THAT THE PROSECUTION PROVED THE GUILT OF THE [PETITIONER] BEYOND REASONABLE DOUBT SINCE:
 - 1. IT FAILED TO CONSIDER THAT THERE WAS NO DISCREDIT OR DISHONOR CAUSED TO PRIVATE COMPLAINANT
 - 2. IT FAILED TO CONSIDER THAT THERE WAS NO MALICE OR ILL WILL BEHIND PETITIONER'S STATEMENTS
 - 3. IT FAILED TO CONSIDER THAT THERE WAS NO IDENTIFIABLE PERSON IN THE ALLEGED LIBELOUS STATEMENT
- B) THE [CA] COMMITTED REVERSIBLE ERROR WHEN IT CONVICTED PETITIONER WHEN HE HA[D] NO KNOWLEDGE, MUCH MORE CONSENT, IN THE PUBLICATION OF THE ALLEGED LIBELOUS STATEMENT[;]
- C) THE [CA] COMMITTED REVERSIBLE ERROR WHEN ITS DECISION EFFECTIVELY CURTAILS AND CREATES A CHILLING EFFECT ON THE CONSTITUTIONALLY GUARANTEED RIGHT OF FREEDOM OF EXPRESSION[.] [13]