

FIRST DIVISION

[G.R. No. 212904, November 22, 2017]

YOLANDA VILLANUEVA-ONG, PETITIONER, VS. JUAN PONCE ENRILE, RESPONDENT.

DECISION

TIJAM, J.:

Before Us is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court, assailing the Decision^[2] dated March 4, 2014 and Resolution^[3] dated June 9, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 132034.

The Facts

On December 4, 2012, Juan Ponce Enrile (respondent) filed a civil Complaint^[4] for damages against Yolanda Villanueva-Ong (petitioner) for libel before the Regional Trial Court (RTC) of Pasay City, Branch 118, in Civil Case No. R-PSY-12-12031-CV. The pertinent portions of the complaint are as follows:

2.1 On 16 October 2012, a libelous article entitled "Like father like Son?" was published in page 16, Opinion Section of the Philippine Star. The article was authored by [petitioner]. x x x

2.2 The article characterizes [respondent] as a liar, fraud, and manipulator. It accuses [respondent] of attempting to "revise history" with a devious purpose of enticing the electorate to support his only son, Juan Castañer Ponce Enrile, Jr., (popularly known as Jack Enrile), an incumbent Congressman in the province of Cagayan and a candidate in the upcoming senatorial elections. [Petitioner], instead of giving fair comments on [respondent] as public official, deliberately focuses on attacking his character with false and defamatory accusations and intrigues affecting his family and personal life.

2.3 The pertinent portions of the libelous article that characterizes [respondent] as a liar, fraud, and manipulator are as follows:

"Just when we were about to forgive-and-forget [respondent's] checkered past, he himself reminded us of what a wily, shifty chameleon he truly and naturally is.

x x x

In *Juan Ponce Enrile: A Memoir*, and bio-documentary '*Johnny*' that aired in ABS-CBN-he recants his previous recantation of the assassination attempt on him, which Marcos used as one

more reason to justify Martial Law. x x x Did he expect national amnesia to afflict Filipinos who know the truth?"

x x x

"In his attempt to leave an acceptable legacy for posterity and bequeath a Senate seat for junior, the nonagenarian is sanitizing his recollections instead of asking for absolution. Stem cell therapy can deter dementia but it cannot regenerate an innocent man."

x x x

"We are being wooed to perpetuate the 40-years-running Enrile saga. Every night we should pray: *Dear God, Make all who want our vote, be the men we want them to be.*"

2.4 The libelous article's opening sentence alone - "Just when we were about to forgive-and-forget [respondent's] checkered past, he himself reminded us of what a wily, shifty chameleon he truly and naturally is" - already indicates [petitioner's] malicious objective: to discredit the integrity of [respondent] and degrade his accomplishments and success as an elected public official. Read with the succeeding paragraphs cited above, the libelous article clearly depicts [respondent] as a liar and a hoax who deceives the public to believe that he is an honorable and respectable public figure.

2.5 Worse, the libelous article insinuates that [respondent] is a criminal who committed the crime of smuggling of cars. Thus:

"Another misdeed associated with father-and-son is the alleged rampant car smuggling in Port Irene. In 1995, the Cagayan Export Zone Authority (CEZA) was established through Republic Act 7922, authored by Cagayan native [respondent]. x x x Despite E0156 issued in 2008, which prohibited such importations, smuggling continued. Enrile countered that CEZA is not covered by the prohibition because the importers pay the correct duties and taxes. Ford reportedly pulled out its manufacturing business to protest the nefarious activities in CEZA."

2.6 These statements clearly tend to cause dishonor, discredit, disrespect, and contempt of [respondent] by characterizing him as a liar, fraud, manipulator, criminal and smuggler of cars.

2.7 At the time of publication of the libelous article, [respondent] is a public officer holding office in Pasay City.^[5] (Underlining omitted and italics in the original)

On January 17, 2013, petitioner filed an Answer with Compulsory Counterclaims,^[6] the pertinent portion of which, states:

COMPULSORY COUNTERCLAIMS
First Compulsory Counterclaim

- 2.4.[Petitioner] reiterates and incorporates by reference each and every allegation made in each and every preceding paragraph and subparagraph of this Answer.
- 25.In filing this lawsuit, [respondent] did not implead the editor, publisher, and newspaper that published [petitioner's] column (The Philippine Star), but only [petitioner].
- 26.[Respondent's] **unfounded** prosecution of [petitioner], coupled with the singling out of [petitioner], constitutes harassment, malice and evident bad faith. It is meant to intimidate and silence [petitioner], and to place a chilling effect on her rights (and the rights of other journalists) to express themselves and write freely about [respondent's] public conduct on matters of public concern.
- 27.In filing the Complaint, under the facts and circumstances set out above, [respondent] acted with malice, evident bad faith, and in a wanton, reckless, offensive and malevolent manner, and has caused [petitioner] damages consisting of x x x:

x x x x

Second Compulsory Counterclaim

- 30.[Petitioner], as a Filipino citizen and journalist, has a constitutional right to speak out, write and express her opinion and make fair comments on matters of public interest, including those involving the public conduct of [respondent] as a public officer and public figure and his fitness for public office.
- 31.In singling out [petitioner] and suing her alone for libel, [respondent] acted with malice and evident bad faith. In so doing, [respondent] is using the strong arm of the law to intimidate, cow and silence [petitioner] and other journalists, and to neutralize and place a chilling effect on their ability to speak and write freely about [respondent's] public conduct on matters of public concern.
- 32.Under Article 32 of the Civil Code, a public officer who directly indirectly obstructs, defeats, violates or in any manner impedes or impairs a person's freedom of speech and freedom to write for the press is liable in actual, moral and exemplary damages, as well as attorney's fees and costs.^[7] (Emphasis ours)

The respondent filed a Motion to Dismiss^[8] (Re: Defendant's permissive counterclaims) which argued that petitioner's counterclaims are actually permissive, and hence should have complied with the requirements of an initiatory pleading,

specifically the payment of docket fees and certification against forum shopping. Respondent prayed for dismissal of petitioner's counterclaims for her failure to comply with such requirements.

Meanwhile, petitioner opposed respondent's motion arguing that her counterclaims are both compulsory in nature, since both counterclaims arose from the filing of respondent's complaint.^[9]

Ruling of the RTC

The RTC, in its Order^[10] dated April 26, 2013, gave petitioner 15 days from receipt of the said order, to pay the appropriate docket fees, otherwise, such counterclaims shall be dismissed. Despite petitioner's motion for reconsideration,^[11] the RTC stood its ground, and affirmed its ruling in the Order^[12] dated July 22, 2013.

Dissatisfied, petitioner filed a petition for *certiorari* with the CA.

Ruling of the CA

On March 4, 2014, the CA issued the assailed Decision,^[13] the dispositive portion of which states:

WHEREFORE, premises considered, the Petition is **DENIED**. No pronouncement as to costs.

SO ORDERED.^[14]

Hence this petition where petitioner argues that the CA erred in ruling that her counterclaims are permissive in nature. She contends that the same are compulsory, having arisen from respondent's filing of complaint in the court *a quo*.

In his Comment,^[15] respondent maintains that petitioner's counterclaims are permissive in nature since they are based on different sources of obligations: petitioner's counterclaims are based on quasi-delict, while respondent's claim is based on delict.

Issue

Are petitioner's counterclaims compulsory or permissive in nature?

Ruling of the Court

The nature and kinds of counterclaims are well-explained in jurisprudence. In *Alba, Jr. v. Malapajo*,^[16] the Court explained:

[C]ounterclaim is any claim which a defending party may have against an opposing party. A compulsory counterclaim is one which, being cognizable by the regular courts of justice, arises out of or is connected with the transaction or occurrence constituting the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction.