

SECOND DIVISION

[G.R. No. 212623, January 11, 2016]

ENRIQUE G. DE LEON, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND SPO3 PEDRITO L. LEONARDO, RESPONDENTS.

D E C I S I O N

MENDOZA, J.:

This is a petition for review on *certiorari* seeking to reverse and set aside the November 14, 2013 Decision^[1] and the May 20, 2014 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. CR No. 35390, which affirmed the September 28, 2012 Decision^[3] of the Regional Trial Court, Branch 27, Manila (RTC), sustaining the conviction of accused Enrique De Leon (*De Leon*) for Grave Oral Defamation by the Metropolitan Trial Court, Branch 6, Manila (*MeTC*).

Records show that De Leon was charged with Grave Oral Defamation in the Information filed before the MeTC, docketed as Criminal Case No. 453376-CR, the accusatory portion of which reads:

That, on or about April 17, 2006, in the City of Manila, Philippines, the said accused, with the deliberate intent to besmirch the honor and reputation of one SPO3 PEDRITO L. LEONARDO, did and there wilfully, unlawfully, feloniously publicly proffer against the latter slanderous words and expressions such as "WALANGHIYA KANG MANGONGOTONG NA PULIS KA, ANG YABANG YABANG MO NOON. PATAY KA SA AKIN MAMAYA [,]" and other words and expressions of similar import, thereby bringing the said SPO3 PEDRITO L. LEONARDO into public contempt, discredit and ridicule.

Contrary to law.^[4]

Upon arraignment, De Leon entered a plea of not guilty. Pursuant to the Supreme Court Circular No. 20-2002, De Leon and private respondent SPO3 Pedrito Leonardo (*SPO3 Leonardo*) appeared before the Philippine Mediation Center to settle the civil aspect of the case. The conciliation meeting, however, bogged down. Hence, the proceedings before the lower court continued. During the pre-trial, the parties pre-marked their respective exhibits and moved for the trial to commence.

Version of the Prosecution

The prosecution presented three witnesses, namely: private respondent SPO3 Leonardo, Carlito Principe (*Principe*) and Jennifer Malupeng (*Malupeng*). Their combined testimonies narrated that De Leon and his son, John Christopher De Leon

(John), filed a complaint for Grave Misconduct against SPO3 Leonardo before the People's Law Enforcement Board (PLEB), docketed as Administrative Case Nos. 06-02-060 (291) II and 06-02-061 (292)11.

The first hearing was scheduled on April 17, 2006 at the PLEB office on the 5th Floor of the Manila City Hall; At around 1:30 o'clock in the afternoon, while waiting outside the PLEB office on the 5th floor of the Manila City Hall, SPO3 Leonardo noticed De Leon and several of his companions approaching. Before entering the PLEB office, De Leon uttered these words to SPO3 Leonardo, "*Walanghiya kang mangongotong na pulis ka, ang yabang yabang mo noon. Patay ka sa akin ngayon.*"

The words uttered by De Leon caused SPO3 Leonardo embarrassment because there were several persons present at the PLEB premises. He could have arrested De Leon but he did not want to make a scene. Afterwards, De Leon's wife, Concepcion, emerged from the said office and apologized to Leonardo for her husband's actuations. SPO3 Leonardo calmly proceeded to the Special Operations Group of the Philippine National Police (PNP) located at the Manila City Hall to have the incident entered in its blotter. On the same day, SPO3 Leonardo filed his complaint at the Office of the City Prosecutor (OCP) together with Principe.^[5]

Version of the Defense

The defense presented Fernando Manalo (*Manalo*), Ruperto Molera (*Molera*), Concepcion De Leon (*Concepcion*) and the accused himself as witnesses.

From their testimonies, the defense claimed that there was a prior incident that took place on the morning of February 27, 2006 when De Leon, with his son John, while having breakfast with their fellow joggers at the Philippine National Railroad-Tutuban Station, were approached by SPO3 Leonardo who arrived on his scooter. With his gun drawn, SPO3 Leonardo walked fast towards the group and at a distance of two meters, more or less, he said, "*Putang ina mo, tapos ka na Ricky Boy*, referring to De Leon." He pressed the trigger but the gun did not fire, when he was to strike again, De Leon was able to escape with the help of John.^[6]

Consequently, De Leon and John filed an administrative complaint for grave misconduct against SPO3 Leonardo before the PLEB and the first hearing was set on April 17, 2006. In his *Sinumpaang Salaysay sa Paghahabla* filed before the PLEB, De Leon narrated that he and SPO3 Leonardo were former jogging buddies and that the latter wanted to borrow money from the former in the amount of P150,000.00, but he declined. SPO3 Leonardo became upset with him, culminating in the gun-pointing incident.^[7]

On April 17, 2006, at around 1:30 o'clock in the afternoon, De Leon, in the company of his wife Concepcion, Manalo, Molera, and several others went to the PLEB office to attend the hearing. When De Leon and his companions arrived at the PLEB, they saw SPO3 Leonardo seated on the bench alone; that they were about to pass when SPO3 Leonardo stood up, badmouthed and threatened De Leon by uttering the words, "*Putang-ina mong mayabang ka, pag di mo inurong demanda mo sa akin, papatayin kita.*"

Moments later, they caused the incident to be entered in the police blotter. From

there, they returned to the PLEB office where they were advised to file charges against SPO3 Leonardo in Camp Crame. Malupeng and Principe were not seen at the PLEB office premises. Molera even tried to pacify SPO3 Leonardo by saying, "*Itok* (referring to SPO3 Leonardo), *ano ka ba naman andito na tayo sa husgado, ayaw mo pang tigilan ang kamumura kay Ricky, referring to De Leon.*" De Leon did not do anything, he simply entered the PLEB office and sat down there because he got nervous. He also denied apologizing to SPO3 Leonardo.

Also on April 17, 2006, De Leon utilized the police blotter to file a case against SPO3 Leonardo in Camp Crame. He filed the said case only after he received the subpoena from the OCP for the case filed against him by SPO3 Leonardo. Although he was with his lawyer when he went to Camp Crame, the latter did not advise him to file a complaint in the OCP right away. According to De Leon, he also saw SPO3 Leonardo deposit his service firearm while at the PLEB office.^[8]

The Ruling of the MeTC

In its Decision,^[9] dated April 15, 2011, the MeTC found De Leon guilty beyond reasonable doubt of Grave Oral Defamation. The trial court considered SPO3 Leonardo's police blotter as *prima facie* evidence of the facts contained therein. His actuations on the day of the incident were spontaneous. As borne by the records, he immediately reported the incident and filed his complaint on that very same day. Considering the animosity between him and De Leon, it was contrary to human experience to expect him to arrest the latter right there and then when his motives would necessarily be met with doubt later on. Neither was there any ill-motive on the part of witness Principe whose testimony was given great probative consequence.¹⁰ The MeTC found De Leon's defense as only an afterthought and self-serving as he merely filed the counter-charges against Leonardo after he had received the subpoena from the OCP. The dispositive portion of the MeTC decision reads:

WHEREFORE, with the foregoing, the Court finds the accused Enrique De Leon y Garcia **GUILTY** beyond reasonable doubt of the crime charged and is hereby **SENTENCED** to suffer the indeterminate penalty of 4 months and 1 day of *arresto mayor*, as minimum penalty, to 1 year, 1 month and 11 days of *prision correccional* in its minimum period, as maximum penalty.

On the civil aspect *ex delicto*, the accused is **ORDERED** to pay the private complainant P10,000 as moral damages.

SO ORDERED.^[11]

The verdict being unacceptable to him, De Leon filed his Notice of Appeal,^[12] dated April 18, 2011.

On May 4, 2011, the RTC issued the Order^[13] directing De Leon to file his appeal memorandum. De Leon, however, failed to comply. For his failure to file the same, the RTC issued another Order,^[14] dated December 28, 2011, dismissing his appeal.

De Leon then filed a motion for reconsideration^[15] on January 30, 2012, which was granted by the RTC in its Order,^[16] dated May 22, 2012.

On June 15, 2012, De Leon filed his appeal memorandum^[17] and argued, among others, that the MeTC decision lacked the necessary constitutional and procedural requirements of a valid decision.

The Ruling of the RTC

On September 28, 2012, the RTC rendered its decision affirming in *toto* the ruling of the MeTC. It opined that where the issue was the extent of credence properly given to the declarations made by witnesses, the findings of the trial court were accorded great weight and respect. In appreciating the evidence of the prosecution, the RTC observed that the MeTC properly discussed in *seriatim* how it arrived at De Leon's conviction. Thus, contrary to his contentions, the findings of the MeTC were clearly elucidated.^[18]

On October 30, 2012, De Leon filed his motion for reconsideration,^[19] but it was denied by the RTC in its November 27, 2012 Order.

Aggrieved, De Leon filed a petition for review under Rule 42 before the CA.

The Ruling of the CA

The CA affirmed the RTC decision with modification as to the imposed penalty. The CA stated that the issue of credibility was already raised with the RTC and was resolved against De Leon. The CA found that he had not shown any sufficient reason to justify a departure from the factual findings of the MeTC, which were affirmed by the RTC.^[20]

According to the CA, to call SPO3 Leonardo a "*walanghiya*," "*mayabang*" and "*mangongotong*" in public unquestionably constituted grave oral defamation. These words seriously attacked SPO3 Leonardo's character. The term "*mangongotong*" actually imputed a crime that was dishonorable to him as a police authority. There having been no provocation on the part of SPO3 Leonardo and that the utterances complained of were not made in the heat of unrestrained anger or obfuscation, the RTC did not err in upholding the judgment against De Leon for the crime of grave oral defamation.^[21] The decretal portion of the CA decision reads:

WHEREFORE, the petition for review is **DENIED**. The assailed decision of the RTC is **AFFIRMED** except that the minimum sentence of imprisonment is modified to the extent that the penalty to be served shall be: four (4) months as minimum [minus the one (1) day] to a maximum of one (1) year, one (1) month and eleven (11) days, (as imposed by the trial court).

IT IS SO ORDERED.^[22]

De Leon moved for partial reconsideration of the CA decision but to no avail.

Hence, this petition, where De Leon raises matters in question that can be summarized as follows:

ISSUES

I. WHETHER THE DECISION OF THE MeTC FAILED TO INCLUDE THE FACTS AND THE LAW UPON WHICH THE DECISION WAS BASED

II. WHETHER DE LEON'S GUILT HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

In his Petition for Review,^[23] De Leon again argues that the MeTC decision suffers from constitutional infirmity. The lower court should have decided the case on the basis of the testimonies of the witnesses for the defense. Also, the conviction was based simply on De Leon's conduct during trial and not on the merits of the case.^[24]

In its Comment,^[25] the Office of the Solicitor General (OSG) countered that the testimonies of SPO3 Leonardo and Principe were credible and competent. Further, in the absence of clear and convincing extrinsic evidence to prove the charge of bias and partiality on the part of MeTC Judge Teresa Soriaso (*Judge Soriaso*), the presumption of regularity in the performance of the judge's function will stand.^[26]

In his Reply,^[27] however, De Leon insisted that the prosecution failed to prove his guilt beyond reasonable doubt. The intent on his part to diminish the esteem, goodwill or confidence of SPO3 Leonardo or to excite adverse, derogatory or unpleasant feelings or opinion of others against him was lacking as his testimony was made in good faith, without malice. He also reiterated his stand that there was no finding of clear and distinct facts and law to serve as a basis for its conclusion of convicting him for the crime charged and that the MeTC decision was not based on the merits, rather on the personal sentiments harbored by Judge Soriaso against him.^[28]

The Court's Ruling

The MeTC Decision clearly stated the facts and the law on which it was based

Under Section 14, Article VIII of the Constitution, no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based. Section 1 of Rule 36 of the Rules of Court provides that a judgment or final order determining the merits of the case shall be in writing personally and directly prepared by the judge, stating clearly and distinctly the facts and the law on which it is based, signed by him and filed with the clerk of the court.

Faithful adherence to the requirements of Section 14, Article VIII of the Constitution