

FIRST DIVISION

[G.R. NO. 142509, March 24, 2006]

**JOSE ALEMANIA BUATIS, JR., PETITIONER, VS. THE PEOPLE OF
THE PHILIPPINES AND ATTY. JOSE J. PIERAZ, RESPONDENTS**

D E C I S I O N

AUSTRIA-MARTINEZ, J.:

Before us is a petition for review on *certiorari* filed by Jose Alemania Buatis, Jr. (petitioner) seeking to set aside the Decision^[1] dated January 18, 2000 of the Court of Appeals (CA) in CA-G.R. CR. No. 20988 which affirmed the decision of the Regional Trial Court (RTC), Branch 167 of Pasig City, convicting him of the crime of libel. Also assailed is the appellate court's Resolution^[2] dated March 13, 2000 denying petitioner's Motion for Reconsideration.

The facts of the case, as summarized by the appellate court, are as follows:

On August 18, 1995, the wife of private-complainant Atty. Jose J. Pieraz (Atty. Pieraz), retrieved a letter from their mailbox addressed to her husband. The letter was open, not contained in an envelope, and Atty. Pieraz' wife put it on her husband's desk. On that same day, Atty. Pieraz came upon the letter and made out its content. It reads:

DON HERMOGENES RODRIGUEZ Y REYES ESTATE
Office of the Asst. Court Administrator
No. 1063 Kamias St., Bgy. Manggahan, Pasig City,
Metro Manila

August 18, 1995

ATTY. JOSE J. PIERAZ
Counsel for Benjamin A. Monroy
#8 Quirino St., Life Homes Subdivision
Rosario , Pasig City, Metro Manila
Subject: Anent your letter dated August 18, 1995
addressed to one Mrs. Teresita Quingco

Atty. Pieraz:

This has reference to your lousy but inutile threatening letter dated August 18, 1995, addressed to our client; using carabao English.

May we remind you that any attempt on your part to continue harassing the person of Mrs. Teresita Quingco of No. 1582 Mngo St., Bgy. Manggahan, Pasig City, Metro Manila—undersigned much to his regrets shall be constrained/compelled to file the necessary

complaint for disbarment against you.

You may proceed then with your stupidity and suffer the full consequence of the law. Needless for you to cite specific provisions of the Revised Penal Code, as the same is irrelevant to the present case. As a matter of fact, the same shall be used by no other than the person of Mrs. Quingco in filing administrative charge against you and all persons behind these nefarious activities.

Finally, it is a welcome opportunity for the undersigned to face you squarely in any courts of justice, so as we can prove "who is who" once and for all.

Trusting that you are properly inform (sic) regarding these matters, I remain.

Yours in Satan name;

(Signed)

JOSE ALEMANIA BUATIS, JR.

Atty-in- Fact of the present

Court Administrator of the entire

Intestate Estate of Don Hermogenes

Rodriguez Y. Reyes.

Copy furnished:

All concerned.

Not personally knowing who the sender was, Atty. Pieraz, nevertheless, responded and sent a communication by registered mail to said Buatis, Jr., accused-appellant. In reply, Buatis, Jr. dispatched a second letter dated August 24, 1995 to Atty. Pieraz.

Reacting to the insulting words used by Buatis, Jr., particularly: "Satan, senile, stupid, [E]nglish carabao," Atty. Pieraz filed a complaint for libel against accused-appellant. Subject letter and its contents came to the knowledge not only of his wife but of his children as well and they all chided him telling him: "*Ginagawa ka lang gago dito.*"

Aside from the monetary expenses he incurred as a result of the filing of the instant case, Atty Pieraz' frail health was likewise affected and aggravated by the letter of accused-appellant.

The defense forwarded by accused-appellant Buatis, Jr. was denial. According to him, it was at the behest of the president of the organization "*Nagkakaisang Samahan Ng Mga Taga Manggahan*" or *NASATAMA*, and of a member, Teresita Quingco, that he had dictated to one of his secretaries, a comment to the letter of private-complainant in the second week of August 1995.

Initially during his testimony, Buatis, Jr. could not recall whether he had

signed that letter-comment or if it was even addressed to Atty. Pieraz. Neither could he remember if he had made and sent another letter, this time dated August 24, 1995, to Atty. Pieraz. Confronted in court with the counter-affidavit which he filed before the Pasig City Prosecutor's Office, however, Buatis, Jr. could not deny its contents, among which was his admission that indeed, he had sent subject letter of August 18 and the letter dated August 24, 1995 to Atty. Pieraz. [3]

After trial on the merits, the RTC rendered its Decision dated April 30, 1997 [4] finding petitioner guilty of the crime of libel, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused Jose Alemania Buatis, Jr. GUILTY of the crime of LIBEL defined in Art. 353 and penalized under Art. 355 of the Revised Penal Code and is hereby sentenced to an indeterminate penalty of imprisonment of Four (4) Months and One (1) Day, as minimum, to Two (2) Years, Eleven (11) Months and Ten (10) Days, as maximum; to indemnify the offended party in the amount of P20,000.00, by way of compensatory damages; the amount of P10,000.00, as and for moral damages, and another amount of P10,000.00, for exemplary damages; to suffer all accessory penalties provided for by law; and, to pay the costs. [5]

The trial court ruled that: calling a lawyer "*inutil*", stupid and capable of using only carabao English, is intended not only for the consumption of respondent but similarly for others as a copy of the libelous letter was furnished all concerned; the letter was prejudicial to the good name of respondent and an affront to his standing as a lawyer, who, at the time the letter was addressed to him, was representing a client in whose favor he sent a demand letter to the person represented by petitioner; the letter is libelous *per se* since a defect or vice imputed is plainly understood as set against the entire message sought to be conveyed; petitioner failed to reverse the presumption of malice from the defamatory imputation contained in the letter; the letter could have been couched in a civil and respectful manner, as the intention of petitioner was only to advise respondent that demand was not proper and legal but instead petitioner was seething with hate and contempt and even influenced by satanic intention.

The RTC also found that since the letter was made known or brought to the attention and notice of other persons other than the offended party, there was publication; and that the element of identity was also established since the letter was intended for respondent. It rejected petitioner's stance that the libelous letter resulted from mistake or negligence since petitioner boldly admitted that he had to reply to respondent's letter to Mrs. Quingco, it being his duty to do as the latter is a member of petitioner's association.

The RTC found respondent entitled to recover compensatory damages as the immediate tendency of the defamatory imputation was to impair respondent's reputation although no actual pecuniary loss has in fact resulted. It also awarded moral damages as well as exemplary damages since the publication of the libelous letter was made with special ill will, bad faith or in a reckless disregard for the rights of respondent.

Subsequently, petitioner appealed the RTC's decision to the CA which, in a Decision

dated January 18, 2000, affirmed in its entirety the decision of the trial court.

The CA found that the words used in the letter are uncalled for and defamatory in character as they impeached the good reputation of respondent as a lawyer and that it is malicious. It rejected petitioner's claim that the letter is a privileged communication which would exculpate him from liability since he failed to come up with a valid explanation as to why he had to resort to name calling and downgrading a lawyer to the extent of ridiculing him when he could have discharged his so called "duty" in a more toned down fashion. It found also that there was publication of the letter, thus, it cannot be classified as privileged.

The CA denied petitioner's motion for reconsideration in a Resolution dated March 13, 2000.

Hence the instant petition for review on certiorari filed by petitioner, raising the following issues:

- A. CAN THERE BE MALICE IN FACT, AS ONE OF THE ELEMENTS OF LIBEL, ATTRIBUTED TO A RESPONDING URBAN POOR LEADER ACTING AS COUNSEL, DEFENDING A MEMBER OF AN ASSOCIATION UNDER THREAT OF EJECTMENT FROM HER DWELLING PLACE?
- B. WHETHER OR NOT THE APPELLATE COURT ERRED IN NOT FINDING THE ALLEGED LIBELOUS LETTER AS ONE OF THOSE FALLING UNDER THE PURVIEW OF PRIVILEGE (sic) COMMUNICATION?
- C. WHETHER OR NOT THE APPELLATE COURT ERRED IN NOT FINDING THAT: THE PETITIONER CAN NOT BE MADE TO ACCEPT FULL RESPONSIBILITY THAT WHAT HE DID IS A CRIME?^[6]

The Office of the Solicitor General filed its Comment in behalf of the People and respondent filed his own Comment praying for the affirmance of the CA decision. As required by us, the parties submitted their respective memoranda.

The principal issue for resolution is whether or not petitioner is guilty of the crime of libel.

In his Memorandum, petitioner claims that: the CA failed to apply the ruling in *People v. Velasco*^[7] that "if the act/matter charged as libelous is only an incident in [an] act which has another objective, the crime is not libel;" when he made his reply to respondent's letter to Mrs. Quingco making a demand for her to vacate the premises, his objective was to inform respondent that Mrs. Quingco is one of the recognized tenants of the Rodriguez estate which is claiming ownership over the area of Brgy. Manggahan, Pasig City, and petitioner is the attorney-in-fact of the administrator of the Rodriguez estate; communication in whatever language, either verbal or written of a lawyer under obligation to defend a client's cause is but a privileged communication; the instant case is a qualified privileged communication which is lost only by proof of malice, however, respondent failed to present actual proof of malice; the existence of malice in fact may be shown by extrinsic evidence that petitioner bore a grudge against the offended party, or there was ill will or ill feeling between them which existed at the time of the publication of the defamatory imputation which were not at all indicated by respondent in his complaint; contrary

to the findings of the CA, there was justifiable motive in sending such a letter which was to defend the vested interest of the estate and to abate any move of respondent to eject Mrs. Quingco.

Petitioner further argues that if the words used in the libelous letter-reply would be fully scrutinized, there is justification for the use of those words, to wit: "lousy but inutile threatening letter....using carabao English" was due to the fact that the demand letter was indeed a threatening letter as it does not serve its purpose as respondent's client has no legal right over the property and respondent did not file the ejectment suit; that respondent is just making a mockery out of Mrs. Quingco, thus he is stupid; that the words "Yours in Satan name" is only a complementary greeting used in an ordinary communication letter, which is reflected to the sender but not to the person being communicated and which is just the reverse of saying "Yours in Christ".

We deny the petition.

Article 353 of the Revised Penal Code defines libel as a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.

For an imputation to be libelous, the following requisites must concur: (a) it must be defamatory; (b) it must be malicious; (c) it must be given publicity; and (d) the victim must be identifiable.^[8]

The last two elements have been duly established by the prosecution. There is publication in this case. In libel, publication means making the defamatory matter, after it is written, known to someone other than the person against whom it has been written.^[9] Petitioner's subject letter-reply itself states that the same was copy furnished to all concerned. Also, petitioner had dictated the letter to his secretary. It is enough that the author of the libel complained of has communicated it to a third person.^[10] Furthermore, the letter, when found in the mailbox, was open, not contained in an envelope thus, open to public.

The victim of the libelous letter was identifiable as the subject letter-reply was addressed to respondent himself.

We shall then resolve the issues raised by petitioner as to whether the imputation is defamatory and malicious.

In determining whether a statement is *defamatory*, the words used are to be construed in their entirety and should be taken in their plain, natural and ordinary meaning as they would naturally be understood by persons reading them, unless it appears that they were used and understood in another sense.^[11]

For the purpose of determining the meaning of any publication alleged to be libelous, we laid down the rule in *Jimenez v. Reyes*,^[12] to wit: