

THIRD DIVISION

[G.R. No. 150256, March 25, 2004]

CATALINO P. ARAFILES, PETITIONER, VS. PHILIPPINE JOURNALISTS, INC., ROMY MORALES, MAX BUAN, JR., AND MANUEL C. VILLAREAL, JR., RESPONDENTS.

DECISION

CARPIO MORALES, J.:

Petitioner, Catalino P. Arafiles, seeks a review of the July 31, 2001 Decision^[1] of the Court of Appeals dismissing his complaint for damages against respondents Philippine Journalists, Inc., Romy Morales, Max Buan, Jr., and Manuel C. Villareal, Jr.

About 2 a.m. on April 14, 1987, while respondent Morales, a reporter of People's Journal Tonight, was at the Western Police District (WPD) Headquarters along United Nations Avenue, Manila, Emelita Despuig (Emelita), an employee of the National Institute of Atmospheric Sciences (NIAS), lodged a complaint against petitioner, a NIAS director, for forcible abduction with rape and forcible abduction with attempted rape before the then on duty Patrolman Benito Chio at the General Assignments Section of the headquarters.^[2]

In the presence of Morales, Emelita executed a sworn statement^[3] narrating the events surrounding the reported offenses committed against her by petitioner. The pertinent portions of her sworn statement are reproduced hereunder:

T: Ano ang dahilan at ikaw ay naririto ngayon sa aming tanggapan at nagbibigay ng isang malaya at kusang loob na salaysay?

A: Para po magsuplong, tungkol sa karumaldumal naginawa sa akin ni Director Catalino P. Arafiles ng PAG-ASA.

T: Kailan at saan ito nangyari?

A: Noong hong March 14, 1987, diyan ho sa Plaza Miranda ako sapilitan isinakay sa kotse niya at itinuloy sa Flamingo hotel bandang alas pagitan ng 5:30 at 6:00 ng hapon.

T: Kailan naman ang sumunod na pagtatangka sa puri mo si Direktor Arafiles?

S: Kagabi ho. Bandang alas 9:00 ng gabi.

T: Sa ikaliliwanag ng pagsisiyasat na ito maari bang isalaysay mo sa akin sa isang maikling talata kung paano nangyari ang ipinagsusumbong mong ito?

S: Kagagaling ko lang po sa aking klase sa Feati University **noong March 14, 1987**, bandang alas 5:45 ng hapon,

humigit kumulang, habang ako ay naghihintay ng sasakyan pauwi mula sa Plaza Miranda ng may tumigil sa sasakyan sa tabi ko, at bigla na lang po akong hinaltak ni Direktor Arafles papasok sa loob ng kotse niya at may ipina-amoy sa akin na nasa tissue na kulay yellow at bigla na lamang akong naghina at nahilo. Sabay din ho sa pagpapa-amoy niya sa akin ang pagtutok niya sa akin ng isang kutsilyo, at sabi sa akin ay huwag daw akong makulit tapos ay pinatakbo na niya ang kotse niya. Pamaya-maya ay nararamdaman kong karga-karga niya ako pa-akyat sa isang hagdanan. Tapos ibinaba ako sa isang kamang naroroon at akoy unti-unti niyang hinuhubaran. Pamaya-maya ho ay pinaghahalikan po niya ako at nararamdaman ko rin ang mga kamay niya sa mga maseselan na parte ng katawan ko, pero wala akong sapat na lakas para pigilin siya o sumigaw man lamang. Nagawa niyang makuha ang aking pagka-babae noong gabing iyon at nararamdaman kong masakit na masakit ang buong katawan ko. Tinakot niya ako na huwag magsumbong sa mga kapatid ko at sa mga maykapangyarihan at kung hindi ay papatayin daw ako at tatanggalin pa sa trabaho at pati mga kapatid ko ay papatayin daw po. Binibigyan ako ng pera pero ayaw kung tanggapin pero pilit niyang inilagay sa bag ko at ng tingnan ko ay P55.00 lang. Pagkatapos ay hinila na niya akong pababa at pilit ding pinasakay sa kotse niya at doon ako pinababa sa isang lugar na maraming dumadaan ng biyaheng Quiapo at sumakay na lamang ako ng jeep pauwi. **Kagabi naman po,** bandang alas-9:00 ng gabi, sa may kanto ng United Nations Ave. at Taft Ave., Ermita, Mla., habang hinihintay ko ang pinsan ko na umihi lang matapos akong bumili ng gamot ng tumigil na naman sa tapat ko ang kotse ni Director. Bigla na lamang niya akong hinila papasok sa kotse sabay tutok sa akin ng kutsilyo at sabi sa akin ay huwag na raw akong papalag, total ay butas na raw ako. Sa takot ko ay hindi ako nakakibo at itinuloy din ako sa Flamingo hotel. Ng hinuhubaran na niya ako ay bigla na lamang nag-buzzer tapos naka-usap niya yong bellboy na nagsabi sa kanya na may naghahanap daw sa akin o sa amin dalawa na nakakita sa paghaltak niya sa akin. Ng umakyat sa itaas yong bellboy ay nag-usap sila sandali tapos nakita ko pinagbibigyan niya ng pera yong bellboy at yong guwardiya. Tapos ay doon kami bumaba sa likod na sa tingin ko ay fire escape at nakalabas kami ng hotel tapos doon ako ibinaba sa isang lugar na hindi ko rin matandaan kong saan at doon na lang ako kumuha ng taxi at nagpahatid ako sa Pasay City Police ngunit dito rin ako itinuro.^[4] (Underscoring supplied)

Following the execution by Emelita of her sworn statement, Patrolman Chio made the following entry in the Police Blotter which was perused by Morales:

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11:00 PM 4/13/87

PAT. BENITO CHIO ON DUTY

2:00 AM 4/14/87 Subject Emelita Despuig y Puaso reported and

personally came to this office that she was abducted by a certain Catalino P. Arafiles and allegedly (*sic*) rape (*sic*) last March 14, 1987 in a motel in Ermita. The undersigned made a referral to Medico-legal for Physical/Genital Exam. B. Chio.^[5]

Morales thereupon personally interviewed Emelita for the purpose of reporting the same in the next issue of People's Journal Tonight.^[6] By his claim, he, after the interview, tried to contact Arafiles at the NIAS office to verify Emelita's story but failed, the office having already closed.^[7]

Morales then wrote an account about Emelita's complaint and submitted it to his editor.^[8]

That same day, April 14, 1987, Morales' report appeared as headline on People's Journal Tonight reading:

GOV'T EXEC RAPES COED
By ROMY MORALES

A PRETTY coed, working as a grant-in-aid scholar at a Manila university and as an office worker at a government office in Quezon City, was raped by her boss, a government agency director, **last March 15**, but afraid to lose her job – and of being harmed – she chose to keep her ordeal to herself.

Last night, the government man, a director of the National Institute of Atmospheric Science, a branch of PAGASA, again abducted the girl after following her around, forcing her into his car and locking her up in a Malate motel.

This time, however, the girl was not to be raped as easily as the first time, when the man used chloroform in forcing her into submission.

The girl fought like a tigress, alerting roomboys at the Flamingo Motel at corner Carolina and Quirino Ave. Perhaps as a ploy, motel personnel called up the room and told the man some Capcom soldiers were waiting for them outside.

The call saved the girl from being raped the second time around.

Her abductor immediately left the motel, with the girl in tow, and then dropped her off somewhere in Ermita.

When the man had gone, the girl took a taxi and went straight to the Western Police District and filed a complaint.

The girl, 20-year-old Emilita Arcillano (not her real name), **said she was first raped last March 15** by her boss whom she identified as a certain Director Catalino Arafiles.

She recalled that while waiting for a ride at Plaza Miranda, Arafiles alighted from his Volkswagen Beetle, dragged her inside and then

pressed a cotton with chloroform on her mouth and nose.

When she regained consciousness she was already inside the Flamingo Motel, already raped, she said.

She said Arafiles told her not to report the matter or she would lose her job and she and her family would be harmed.

When the act was to be repeated last night, Emilita decided to fight. "Nanlaban ako at nagsisigaw at sinabi kong mabuti pang patayin na lang niya ako," Emilita told Pat. Benito Chio of WPD General Assignments Section.

She said the suspect abducted her at the corner of Taft Ave. and United Nations Ave. at about 9:15 last night.

When Arafiles was told Capcom soldiers were waiting for them outside the Flamingo Motel, he allegedly paid P100 each to four roomboys to help him go out through a side gate.

The police will pick up Arafiles for questioning today.^[9]

(Emphasis and underscoring supplied)

About a year following the publication of above-quoted report or on April 13, 1988, petitioner instituted a complaint before the Regional Trial Court of Quezon City against respondents for damages^[10] arising therefrom.

In his Complaint, docketed as Civil Case No. Q-53399, petitioner alleged that on account of the "grossly malicious and overly sensationalized reporting in the news item" prepared by respondent Morales, edited by respondent Buan, Jr., allowed for publication by respondent Villareal, Jr. as president of Philippine Journalists, Inc., and published by respondent Philippine Journalists, Inc., aspersions were cast on his character; his reputation as a director of the NIAS at the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) was injured; he became the object of public contempt and ridicule as he was depicted as a sex-crazed stalker and serial rapist; and the news item deferred his promotion to the position of Deputy Administrator of PAGASA.

In their Answer,^[11] respondents prayed for the dismissal of the Complaint, they alleging that "the news item, having been sourced from the Police Blotter which is an official public document and bolstered by a personal interview of the victim is therefore privileged and falls within the protective constitutional provision of freedom of the press . . . , " and by way of Compulsory Counterclaim, they prayed for the award of moral and exemplary damages plus attorney's fees.

Branch 97 of the Quezon City RTC, noting as follows:

[T]he publication stated that a "pretty coed was raped by her boss", and not qualifying said statement that it was merely a report, with such phrases as "allegedly" or "reportedly". Furthermore, the article in question continued reporting as if it were fact and truth the alleged