

## THIRD DIVISION

**[ G.R. No. 141332, December 11, 2003 ]**

**LIGAYA S. NOVICIO, PETITIONER, VS. ALMA AGGABAO,  
RESPONDENT.**

### DECISION

**CORONA, J.:**

Before us is a petition for review on certiorari seeking the reversal of the decision<sup>[1]</sup> of the Court of Appeals dated June 10, 1999 and its resolution dated December 28, 1999 in CA-G.R. SP No. 46777.

The facts follow.

On April 20, 1995, petitioner Ligaya Novicio, stockholder and treasurer of Philippine International Life Insurance Company (Philinterlife), sent a letter to Philinterlife's depository banks, namely, Far East Bank and Trust Company, China Banking Corporation and First Bank, informing these banks that several stockholders of Philinterlife, including respondent Alma Aggabao, had been restrained by the Court of Appeals' Twelfth Division, in a separate action for annulment of sale of the company's shares, from exercising their rights as shareholders of Philinterlife.

Upon learning of the petitioner's letter, respondent filed a complaint-affidavit in the Prosecutor's Office of Quezon City charging petitioner with libel. Respondent claimed that the letter injured her reputation and credibility as the corporate secretary and chief accountant of Philinterlife. The city prosecutor, however, dismissed respondent's complaint. Respondent filed a petition for review in the Department of Justice. On April 15, 1997, Chief State Prosecutor Jovencito R. Zuño granted the petition and directed the city prosecutor to file informations for three counts of libel against Novicio. Consequently, on June 9, 1997, the city prosecutor filed three informations for libel pursuant to the directive of the Chief State Prosecutor, as follows:

The undersigned accuses LIGAYA NOVICIO of the crime of Libel, committed as follows:

That on or about the 21<sup>st</sup> day of April, 1995, in Quezon City, Philippines, the above-named accused, did then and there wilfully, unlawfully and feloniously write a letter to Far East Bank, which purport to be an official act of the officers of Philinterlife, pertinent portions of which reads as follows:

Please be informed that the Court of Appeals (12<sup>th</sup> Division) has issued a Resolution dated April 10, 1995 restraining Jose C. Lee, Carlos Lee, Carmencita V. Tan, Angel Ong, Benjamin C.

Lee, Alma Aggabao and Ma. Paz C. Lee from, among others, exercising their rights and privileges (sic) as shareholders of Philippine International Life Insurance Company until further orders from said Court. A copy of such Resolution is hereto attached for your immediate reference.

In pursuance of the subject Resolution, the remaining members of the Board of Directors of Philinterlife who were duly constituted prior to the controversy, had decided to change the bank signatories of its corporate account in your bank. The new signatories are any two of the following:

- (a) Ms. Ligaya Novicio; (b) Mr. Jose Gatchalian; and/or Mr. Jose Ortáñez. Enclosed please find the requisite Secretary's Certificate attesting to such change.

You are therefore, put on notice not to deal with the aforementioned persons who were restrained by the Court of Appeals from exercising their rights as Shareholders of Philinterlife. The company shall not honor any transaction that may be entered into by said persons for and its behalf.

and other words of similar import, when in truth and in fact, as the accused very well know, the same are entirely false and untrue but were publicly made for no other purpose than to convey to all those whoever read it an imputation on Alma Aggabao injurious to her position as Corporate Secretary and Chief Accountant of Philinterlife as an impostor and without authority to act for and in behalf of Philinterlife, thereby exposing her to public ridicule, casting dishonor, discredit and contempt upon the person of the said offended party, to her damage and prejudice.

[2]

The three informations, identically worded except as to the names of the depository banks, were docketed as criminal case nos. Q-97-71379, Q-97-71380 and Q-97-71381, and raffled to the Regional Trial Court of Quezon City, Branch 92<sup>[3]</sup>.

Before arraignment, Novicio moved to quash the informations alleging that the facts charged therein did not constitute libel. The trial court, in an order dated October 7, 1997, denied the motion to quash on the ground that the allegations therein were evidentiary in nature and should thus be presented, proved and resolved in a full-blown trial. Novicio moved for reconsideration but it was denied by the trial court.

Novicio then filed a petition for *certiorari* under Rule 65 in the Court of Appeals. On September 21, 1998, the Office of the Solicitor-General filed a manifestation recommending the dismissal of the criminal cases against petitioner.

On June 10, 1999, however, the Court of Appeals rendered its assailed decision dismissing Novicio's petition, finding that the trial court committed no grave abuse of discretion in denying her motion to quash. Novicio's subsequent motion for reconsideration was likewise denied by the appellate court.