



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

ELISEO SORIANO,

G.R. No. 225010

Petitioner,

Present:

BERSAMIN, J.,*
Acting Chairperson,
DEL CASTILLO,
PERLAS-BERNABE,**
TIJAM, and
GESMUNDO, JJ.***

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

NOV 21 2018

J. Bersamin

X-----X

DECISION

TIJAM, J.:

Eliseo Soriano (petitioner) appeals through a petition for review on *certiorari*¹ under Rule 45 of the Rules of Court the Decision² dated August 17, 2015 and Resolution³ dated May 18, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 35052, which affirmed the Consolidated Judgment dated June 8, 2012 of the Regional Trial Court (RTC) of Iriga City, Branch 60 in Criminal Case Nos. IR-4848 and IR-5273, convicting petitioner of two (2) counts of libel.

* Designated Acting Chairperson per Special Order No. 2606 dated October 10, 2018.

** Designated Additional Member per Raffle dated November 12, 2018 *vice* Associate Justice Francis H. Jardeleza.

*** Designated Additional Member per Special Order No. 2607 dated October 10, 2018.

¹ *Rollo*, pp. 11-54.

² Penned by Associate Justice Maria Elisa Sempio Diy, concurred in by Associate Justices Ramon M. Bato, Jr. and Manuel M. Barrios; *id.* at 62-81.

³ *Id.* at 83-89.

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Antecedent Facts

On January 15, 1999, petitioner was indicted for libel in an Information, the accusatory portion of which reads in full as follows:

Criminal Case No. IR-4848

That on or about July 31, 1998 at Iriga City, Philippines, within the jurisdiction of this Honorable Court, the said accused being then the anchorman of a religious radio program "Ang Dating Daan" of DZAL, a radio station in Iriga City with considerable coverage in the city and throughout Bicol Region, did then and there, willfully, unlawfully, feloniously, and maliciously with intent to cause and expose to public ridicule, dishonor, discredit or contempt upon the persons comprising the Jesus Miracle Crusade, International Ministry (J[MC]IM), a religious group, publicly air in his said radio program his prepared taped broadcast containing false, injurious, and defamatory statements with no good intention or justifiable motive in the guise of preaching the gospel of the Lord by branding its leader as "BULAANG PROFETA, TARANTADO AND GAGO"; its pastors as "PASTOR NG DEMONYO, MGA PASTOR NA IMPAKTO and GAGO and its members as "ISANG DAKOT NA GAGO and SIRA ULO" which in words are quoted hereunder respectively intended for group's leader, pastors and members as follows, to wit:

"Mahina yong Diyos ng gago na iyan ng Pastor na iyan. Ano ba ang itatawag mo roon kundi gago iyon. Galit na galit noong matalo si De Venecia, kasi pinatungan niya ng kamay si De Venecia at idenekre "I decree that you will be the next president of the Philippines" SIRA! O, ngayon nahalata mo dito sya ang "BULAANG PROPETA x x x TARANTADONG PASTOR NYO;

"Iyang mga PASTOR NG DEMONYO sa ating panahon, bakit di mo sasabihing PASTOR NG DEMONYO IYAN. Hindi ba iyong mga nagsasabing ang mananalo ay si De Venecia. Tapos ng nanalo si Erap, eh, hindi ika kami papayag na umupo siya sa Malacanang. Tingnan mong KAGAGUHANG IYON. MGA PASTOR NA IMPAKTO. MAHINA IYONG DIYOS NG GAGONG PASTOR NA IYON"; and

"TARANTADONG PASTOR NYO DIYAN KA PA RIN. Eh, kahit ano ang mangyayari doon pa rin sila talaga. Iyon ang makikita mo iyon espiritu ng PAGKAPANATISMO. x x x Kaya para magrelihiyon ka noong ganoong relihiyon DAPAT SIRA ANG ULO MO. x x x SIRA NA LANG ANG ULO MO kaya nga mali na ang gawing ng pastor mo, doon ka pa rin. DAHIL SIRA NA ANG ULO MO."

That the said broadcast in question, particularly the above-quoted statements, had for its object to insinuate and made it understood, as was in effect understood by the public who heard it as referring to the whole JMCIM because it was only its evangelist leader, Wilde Almeda, who placed his hands on the head of De Venecia and decreed that he would be the next president of the Philippines before a multitude in Luneta, Manila duly covered with nationwide telecast in a prayer rally immediately before May 8, 1998 elections and its pastors openly supported for De Venecia, in this manner causing the dishonor, discredit and ridicule of the persons comprising the JMCIM, wherein complainants are pastors thereof, before the bar of public opinion, to the damage and prejudice of the said complainants in such amount as may be proven in court.

ACTS CONTRARY TO LAW.⁴

A similar Information for Libel was filed against petitioner on June 9, 2000, the accusatory portion of which reads:

Criminal Case No. IR-5273

“That on or about July 31, 1998, between the hours of 7:00 and 8:00 o'clock in the evening- at radio station DZAL, Iriga City, Philippines, its broadcast could reach the entire country, particularly Baa, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the anchorman of Radio Program “Ang Dating Daan” and, in a prepared tape, AIRED its radio program at the aforesaid radio station, with the deliberate purpose of impeaching, attacking and/or destroying the virtue, honesty, integrity and reputation of Evangelist Wilde E. Almeda, head of the Jesus Miracle Crusade International Ministry (JMCIM), and for the further purpose of exposing him to public hatred, contempt and ridicule, willfully, unlawfully, feloniously and maliciously aired and/or circulated the subject prepared tape, hereto attached as Annex “A”, over the said radio station, containing false, malicious, injurious and highly defamatory statements against the said Evangelist Wilde E. Almeda, the pertinent portions/statements are hereunder quoted, to wit:

“Iyong mga pastor ng demonyo sa ating panahon. Bakit? Bakit di mo sasabihing PASTOR NG DEMONYO IYAN, eh, hindi ba iyong mga nagsasabing ang mananalo ay si De Venecia x x x Mahina iyong diyos ng GAGO ano na iyon PASTOR NA IYON. Ano ba ang itatawag mo roon KUNDI GAGO IYON. Galit na galit noong natalo si De Venecia, kasi pinatungan niya ng kamay si De Venecia at idenekre “I decree that you will be the next President of the Philippines” SIRA!!! O ngayon nahalata dito siya ay BULAANG PROPETA. xxx EH TARANTADONG PASTOR NYO, DIYAN KA PA RIN xxx. GAGO IYONG PASTOR NA IYAN. x x x HUWAG SABIHIN NI ALMEDA NA IYONG ESPIRITU IYON DIN AN[G] DIYOS. ESPIRITU NG DIYOS. IYON DIN ANG DIYOS.

⁴ Id. at 63-65.

x x x Kaya para mag-relihiyon ka nong ganoong relihiyon, DAPAT SIRA ANG ULO MO. Di ba iyong wala ng lohika, iyong wala ng katwiran.”

That the questioned “taped broadcast” and/or statements aired/circulated had for its object to insinuate and make it understood, as was in effect understood and interpreted by the public who heard it; that the pastor or person who placed his hand over the head of De Venecia and decreed the latter as the next President of the Philippines, referred to therein, can be no other than the complaining witness Evangelist Wilde E. Almeda, thereby in such manner deliberately and maliciously transmitting to the public the impression that the said Evangelist Wilde E. Almeda is a “Bulaang Propeta”, “IDIOT” and “APOSTLE of DEMONS” which statements, remarks, imputations and/or insinuations are highly and intrinsically libelous, thereby discrediting and destroying his reputation and ridiculing him (private complainant) before the bar of public opinion and the rest of the religious sects/denominations/congregations, to complainant's damage and prejudice in such amount as may be proven in court.

CONTRARY TO LAW.⁵

Upon arraignment, petitioner pleaded not guilty to the criminal charges. Petitioner posted cash bonds for his provisional liberty in both cases.⁶

During the trial, the prosecution presented Eudes Cuadro, Joel Cortero, Jerry Cabanes, and Liza Martinez as witnesses in Criminal Case No. IR-5273. Meanwhile, Joel Cortero was the sole witness in Criminal Case No. IR-4848.⁷

On the other hand, one Marlon Igana testified for the defense.⁸

Petitioner filed a Demurrer to Evidence on December 22, 2008. The RTC denied it in a Resolution dated January 6, 2008.⁹

Ruling of the RTC

After trial, the RTC, found petitioner guilty of two counts of libel. The fallo of the RTC's Consolidated Judgment dated June 8, 2012, is as follows:¹⁰

⁵ Id. at 65-66.

⁶ Id. at 66.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. at 67.

WHEREFORE, in the light of the foregoing, this court finds the accused Guilty of the crime of Libel in both cases and he is hereby sentenced to suffer the penalty of Fine of SIX THOUSAND PESOS (P6,000.00) for each case pursuant to Administrative Circular No. 08-2008 relating to the emergent rule of preference for the imposition of fine only rather than imprisonment in libel cases under the circumstances therein specified, with subsidiary imprisonment in case of insolvency.

As set forth in the above discussion, no award of civil damages is given.

No costs.

SO ORDERED.

Ruling of the CA

Petitioner appealed the Consolidated Judgment of the RTC to the CA which, as stated earlier, rendered its Decision¹¹ on August 17, 2015, affirming the ruling of the RTC. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the instant Appeal is **DENIED**. The Consolidated Judgment dated June 8, 2012, rendered by Branch 60, Regional Trial Court of Iriga City in Criminal Case Nos. IR-4848 and IR-5273 is hereby **AFFIRMED**.

SO ORDERED.¹²

Issues

Petitioner raised the following arguments in support of his petition:

- A) THE [CA] COMMITTED REVERSIBLE ERROR WHEN IT HELD THAT THE PROSECUTION PROVED THE GUILT OF THE [PETITIONER] BEYOND REASONABLE DOUBT SINCE:
1. IT FAILED TO CONSIDER THAT THERE WAS NO DISCREDIT OR DISHONOR CAUSED TO PRIVATE COMPLAINANT
 2. IT FAILED TO CONSIDER THAT THERE WAS NO MALICE OR ILL WILL BEHIND PETITIONER'S STATEMENTS
 3. IT FAILED TO CONSIDER THAT THERE WAS NO IDENTIFIABLE PERSON IN THE ALLEGED LIBELOUS STATEMENT

¹¹ Id. at 62-81.

¹² Id. at 80.

- B) THE [CA] COMMITTED REVERSIBLE ERROR WHEN IT CONVICTED PETITIONER WHEN HE HA[D] NO KNOWLEDGE, MUCH MORE CONSENT, IN THE PUBLICATION OF THE ALLEGED LIBELOUS STATEMENT[;]
- C) THE [CA] COMMITTED REVERSIBLE ERROR WHEN ITS DECISION EFFECTIVELY CURTAILS AND CREATES A CHILLING EFFECT ON THE CONSTITUTIONALLY GUARANTEED RIGHT OF FREEDOM OF EXPRESSION[.]¹³

Summed up, the fundamental issue in the instant case boils down to petitioner's guilt of the two counts of libel.

Ruling of the Court

Libel under Article 353 of the Revised Penal Code is defined “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.”¹⁴ “[F]or an imputation to be libelous, the following requisites must be present: (a) it must be defamatory; (b) it must be malicious; (c) it must be given publicity; and (d) the victim must be identifiable.”¹⁵

Defamatory Imputation

In *Manila Bulletin Publishing Corporation and Ruther Batuigas v. Victor A. Domingo and the People of the Philippines*,¹⁶ this Court explained the rule in the determination of defamatory imputation, *viz*:

An allegation is considered *defamatory* if it ascribes to a person the commission of a crime, the possession of a vice or defect, real or imaginary, or any act, omission, condition, status or circumstance which tends to dishonor or discredit or put him in contempt, or which tends to blacken the memory of one who is dead. 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. Moreover, a charge is sufficient if the words are calculated to induce the hearers to suppose and understand that the person or persons against whom they were uttered were guilty of certain offenses or are sufficient to impeach the honesty, virtue or reputation or to hold the person or persons up to public ridicule.¹⁷ (Citations omitted)

¹³ Id. at 23.

¹⁴ *Philippine Journalists, Inc. (People's Journal) v. Thoenen*, 513 Phil. 607, 618 (2005).

¹⁵ *Diaz v. People*, 551 Phil. 192, 198 (2007).

¹⁶ G.R. No. 170341, July 5, 2017.

¹⁷ Id.



From the abovementioned tests, petitioner's words stated during the airing of his program are clearly defamatory. The words "GAGO", "TARANTADONG PASTOR", "PASTOR NG DEMONYO IYAN", "BULAANG PROPETA" disparage private complainant Wilde Almeda (Almeda). As in *Buatis, Jr. v. People*,¹⁸ evidence aliunde is unnecessary to establish that these words are without malice. Moreover, examination of the statements put forth in the Information does not reveal any good intention on the part of petitioner or any justifiable motive as to negate the presumption of malice.

Petitioner's claim that his motive was harken to other religious leaders and pastors and members of any religious congregation not to use the institution of religion in a manner that would subject not only the pastors and ministers of any religious congregation but also the religion itself to public distrust and disdain,¹⁹ does not make his statements justified. His purported motive is simply not reflected in his malicious statement and insulting labels to the pastors of Jesus Miracle Crusade, International Ministry (JMCIM).

Neither do we deem petitioners statements as qualifiedly privileged communications. Article 354 of the Revised Penal Code, enumerates some of these qualifiedly privileged communications, as follows:

Art. 354. *Requirement for publicity.* - Every defamatory imputation is presumed to be malicious, even if it be true, **if no good intention and justifiable motive for making it is shown**, except in the following cases:

1. A private communication made by any person to another in the performance of any legal, moral or social duty; and
2. A fair and true report, made in good faith, without any comments or remarks, of any judicial, legislative or other official proceedings which are not of confidential nature, or of any statement, report or speech delivered in said proceedings, or of any other act performed by public officers in the exercise of their functions. (Emphasis ours)

The enumeration under said article is, however, not an exclusive list of qualifiedly privileged communications since fair commentaries on matters of public interest are likewise privileged. They are known as qualifiedly privileged communications, since they are merely exceptions to the general rule requiring proof of actual malice in order that a defamatory imputation may be held actionable. In other words, defamatory imputations written or uttered during any of the three classes of qualifiedly privileged communications enumerated above: (1) a private communication made by any person to another in the performance of any legal, moral or social duty;

¹⁸ 520 Phil. 149 (2006).

¹⁹ *Rollo*, p. 28.

(2) a fair and true report, made in good faith, without any comments or remarks, of any judicial, legislative or other official proceedings which are not of confidential nature, or of any statement, report or speech delivered in said proceedings, or of any other act performed by public officers in the exercise of their functions; and (3) fair commentaries on matters of public interest may still be considered actionable if actual malice is proven.

Malice

Though religion is arguably a matter or subject of public interest, there is no standard by which We can declare petitioner's statements as fair commentaries. On their own, the words used by petitioner do not appear to debunk the purported falsities in the preachings of JMCIM but actually to degrade and insult their pastor or founder, Almeda. We likewise cite, with approval, the CA's finding of actual malice, to wit:

Malice or bad faith implies a conscious and intentional design to do a wrongful act for a dishonest purpose or moral obliquity. In the instant case, no good motive can be inferred from the language used by Soriano against private complainants. **This Court can only see Soriano's apparent objective of discrediting and humiliating private complainants as to sow the seeds of JMCIM's dissolution and to encourage membership in his religion.** x x x.²⁰ (Emphasis ours)

Publication

“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.”²¹ “Libel is published not only when it is widely circulated, but also when it is made known or brought to the attention or notice of another person other than its author and the offended party.”²² In this case, there is no doubt that the video footage of petitioner was published as it was broadcasted through petitioner's radio program.

Identification

While We affirm petitioner's guilt of libel, We deem it proper to clarify that petitioner's guilt stems from his statements against pastor Almeda and not the JMCIM, or any of its pastors. We note that aside from mentioning Almeda's name, petitioner's statements did not refer to any specific pastor or member of the JMCIM. In *MVRS Publications, Inc. et al v. Islamic Da'wah Council of the Phils., Inc.*,²³ We held:

²⁰ Id. at 80.

²¹ *Buatis v. People*, supra note 18, at 160.

²² *Yuchengco v. The Manila Chronicle Publishing Corp., et al.*, 620 Phil. 697, 716 (2009).

²³ 444 Phil. 230 (2003).

Declarations made about a large class of people cannot be interpreted to advert to an identified or identifiable individual. Absent circumstances specifically pointing or alluding to a particular member of a class, no member of such class has a right of action without at all impairing the equally demanding right of free speech and expression, as well as of the press, under the Bill of Rights. x x x

x x x x

In the present case, **there was no fairly identifiable person who was allegedly injured by the *Bulgar* article.** Since the persons allegedly defamed could not be identifiable, private respondents have no individual causes of action; hence, they cannot sue for a class allegedly disparaged. Private respondents must have a cause of action in common with the class to which they belong to in order for the case to prosper.

An individual Muslim has a reputation that is personal, separate and distinct in the community. Each Muslim, as part of the larger Muslim community in the Philippines of over five (5) million people, belongs to a different trade and profession; each has a varying interest and a divergent political and religious view — some may be conservative, others liberal. A Muslim may find the article dishonorable, even blasphemous; others may find it as an opportunity to strengthen their faith and educate the non-believers and the "infidels." There is no injury to the reputation of the individual Muslims who constitute this community that can give rise to an action for group libel. Each reputation is personal in character to every person. Together, the Muslims do not have a single common reputation that will give them a common or general interest in the subject matter of the controversy.²⁴ (Emphasis ours)

We find that the facts in the *MVRS* case is analogous to the case at bar. The Information in Criminal Case No. IR-4848 does not refer to any specific individual or pastor but merely mentions "persons comprising the Jesus Miracle Crusade, International Ministry." Further, contrary to the findings of the lower courts, We did not find anything in the records which establish or single out any specific pastor, specifically Joel Cortero. Neither can We consider petitioner's statements, be sweeping enough as to injure the reputation of all the members of JMCIM. Hence, We cannot affirm petitioner's conviction for libel in Criminal Case No. IR-4848.

No violation of religious freedom

Petitioner's claim that his statements are absolutely protected by the Constitution because they are expressions of religious beliefs do not merit any consideration. As what this Court stated in *Soriano v. Laguardia, et al.*,²⁵ "Plain and simple insults directed at another person cannot be elevated to the status of religious speech. Even petitioner attempts to place


²⁴ Id. at 241-243.

²⁵ 605 Phil. 43 (2009).

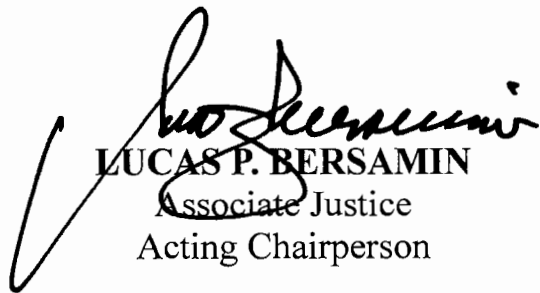
his words in context show that he was moved by anger and the need to seek retribution, not by any religious conviction.”²⁶

WHEREFORE, the petition is **PARTIALLY GRANTED**. The Decision dated August 17, 2015 and the Resolution dated May 18, 2016 of the Court of Appeals in CA-G.R. CR No. 35052 are hereby **MODIFIED**. Petitioner Eliseo Soriano is hereby held **GUILTY** of the crime of libel for in Criminal Case No. IR-5273 and **ACQUITTED** in Criminal Case No. IR-4848.


SO ORDERED.

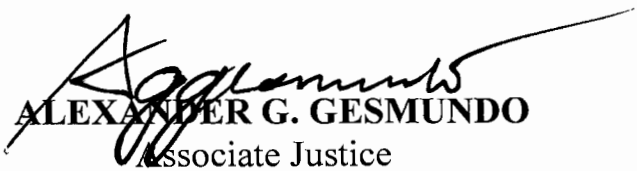

NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:


LUCAS P. BERSAMIN
Associate Justice
Acting Chairperson


MARIANO C. DEL CASTILLO
Associate Justice

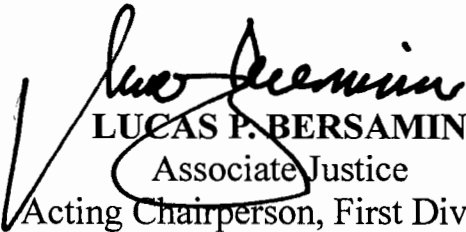

ESTELA M. PERLAS-BERNABE
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

²⁶ Id. at 94.

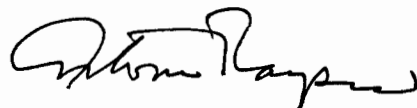
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


LUCAS P. BERSAMIN
Associate Justice
Acting Chairperson, First Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296,
The Judiciary Act of 1948, as amended)