

SECOND DIVISION

[G.R. No. 170341, July 05, 2017]

MANILA BULLETIN PUBLISHING CORPORATION AND RUTHER BATUIGAS, PETITIONERS, VS. VICTOR A. DOMINGO AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

DECISION

MARTIRES, J.:

Through their petition for review under Rule 45 of the Rules of Court, petitioners plead that the Court nullify and set aside the 30 March 2005 decision^[1] and 25 October 2005 resolution^[2] of the Court of Appeals (CA), Eighteenth Division in CA-G.R. CR. No. 19089 affirming the joint decision^[3] of the Regional Trial Court, Branch 6, Tacloban City, in Civil Case No. 91-02-23 and Criminal Case No. 91-03-159.

THE FACTS

Petitioner Ruther D. Batuigas (*Batuigas*) was a writer of the widely circulated tabloid *Tempo*, published by the Manila Bulletin Publishing Corporation (*Manila Bulletin*).

On 20 December 1990, Batuigas wrote an article in his Bull's Eye column in *Tempo* titled "*Crucial task for JoeCon's successor.*" The article dealt with the letter-complaint of the Waray employees of the Department of Trade and Industry (DTI), Region VIII on the "[m]ismanagement, low moral[e], improper decorum, gross inefficiency, nepotism, etc." in the office. One of the public officials complained of was petitioner Regional Director Victor Domingo (*Domingo*) who was accused of dereliction of official duties, among others.^[4] The "JoeCon" referred to was the outgoing DTI Secretary, Jose Concepcion.

On 4 January 1991, Batuigas wrote in his column titled "*A challenge to Sec. Garrucho*" about the alleged "lousy performance of Regional Director R.D. Domingo in DTI Region 8," among others.^[5] Peter Garrucho was the newly appointed DTI Secretary who took over from Jose Concepcion.

Offended by these two articles, Domingo filed, on 18 January 1991, a complaint for libel against. Batuigas before the Provincial Prosecutor of Palo, Leyte.^[6]

On 7 February 1991, Domingo likewise filed a complaint for Damages before the Regional Trial Court (RTC) of Palo, Leyte, against Batuigas and the Manila Bulletin. The complaint, docketed as Civil Case No. 91-02-23, was raffled to the RTC, Branch 6, Palo, Leyte.^[7]

On 18 March 1991, the Provincial Prosecutor terminated the preliminary investigation with the filing of an Information for Libel^[8] against Batuigas, viz:

That on or about the 20th day of December 1990, and the 4th day of January 1991, the above-named accused, with malice afterthought and with intent to damage, ruin and discredit the good name and reputation of one VICTOR A. DOMINGO of Tacloban City, Leyte, did then and there willfully, unlawfully and feloniously wr[o]te and published] in the TEMPO Publication in Manila, the following, to wit:

December 20, 1990

But whoever will succeed JoeCon (Mr. Jose Conception, then the Secretary of the Department of Trade and Industry), will inherit a brewing problem at the Eastern Visayas office of the Department of Trade and industry.

Eastern Visayas in Region 8 is made up of two Leyte and three Samar provinces.

In their letter to this corner, the Waray employees of DTI-8 say they are disgusted over how things are being run and handled in the regional office in Tacloban City.

Mismanagement, low morale, improper decorum, gross inefficiency, nepotism, etc.

"These complaints, they say, were brought last year to the attention of DTI Makati, Civil Service Commission and Ombudsman.

Wala raw nangyari sa reklamo nila.

Kaya kami lumapit sa inyo, Gg. Batuigas, dahil nagbibigay ng resulta ang kolum ninyo," his letter said.

To JoeCon's successor, here are the specifics:

Regional Director V. Domingo is accused of dereliction of official duties.

PECS are allegedly mismanaged, the Kalakalan program not given any direction and non-implementation of the rules on product standards.

The complainants charge that Director Domingo is more interested in night[-]clubbing the female members of his staff.

He also brings out the staff to seminars and conferences because he enjoys the pleasure of their company and his being out of his region, they aver.

A provincial director has organized his staff composed of clan members. Only his house pets were not included.

A couple are in the same office holding sensitive positions.

P. Caludac, a division chief, has hired an aunt to assume a vital post.

On the pretext that they are on fieldwork, time cards of ass-kissers are punched to the detriment of those loyal to the public service.

And these spoiled brats are led by no less than Director Domingo's secretary.

This corner is also told that the director's personal secretary is more often seen in the city hotels and beauty parlors than in her office.

The civil status of the media specialist is officially recorded as 'single' although her three children were sired by different fathers.

And Director Domingo has full knowledge of such immorality.

The Leyte provincial director has neglected to perform his functions causing a downfall in business.

This outright neglect is detrimental to DTI and the region's progress.

These national employees should be commended for bringing into the open this garbage that has piled in their own backyard.

To JoeCon's successor, the chopping board is ready.

All you need is a Muslim kris.

Palakulin mo, Pare ko!

January 4, 1991 issue:

Newly appointed Secretary of the Department of Trade and Industry Peter Garrucho has a difficult job ahead of him.

He is like sailing in turbulent waters.

If he fails the exception (sic) of the public, it is not only his name at stake, but of Tita Cory, too.

He must perform something extraordinary to surpass what JoeCon did at DTI.

One problem that he should give priority [to] is the lousy

performance of Regional Director (sic?) Domingo in DTI Region 8.

There is a serious breakdown of morale of DTI employees in that region because of Domingo's mismanagement.

After we exposed the alleged shenanigans of Domingo and his minions in our Dec. 20 column, the guy reportedly went on the air over PR TV 12 and radio station DYXL (sic) in Tacloban City and announced that he would sue this columnist with a 'multi-million pesos' libel [case].

But why should Domingo threaten us with libel suits instead of presenting his side is something that we can't understand.

We have volumes of documents against you, Mr. Domingo, furnished us by your people there at DTI Region 8.

Maybe you should answer them point by point instead of issuing threats against us.

Ms. Lilia Bautista, DTI Undersecretary for personnel and administration should know all the charges against you by this time.

Your people there have been sending her documented complaints long time ago, before I exposed your kalokohan in my Dec. 20 column.

You will be reading more about them soon.

Abangan!"

thereby injuring the good name, integrity and honor of said Victor A. Domingo and causing and exposing him to public hatred, ridicule and contempt.^[9]

The Information, docketed as Criminal Case No. 91-03-159, was raffled to the RTC, Branch 6, Palo, Leyte. The criminal case was subsequently consolidated with Civil Case No. 91-02-23.

When called to the witness stand, Domingo, then the DTI Director for Region VIII, denied the allegations against him which were contained in the 20 December 1990 and 4 January 1991 articles of Batuigas.^[10] He claimed that he felt like he had been assassinated because of these articles, while his family members were emotionally upset and traumatized.^[11]

To support his claim that the allegations against him were not true, Domingo presented the following: (a) his sworn statement^[12] for the filing of a libel case against Batuigas;^[13] (b) the Joint Affidavit^[14] of all the employees of the DTI Provincial Office denying that they had sent a letter of complaint to Batuigas as

mentioned in the 20 December 1990 article and as to the allegations contained therein;^[15] (c) the 8 January 1991 letter^[16] of Civil Service Commission (CSC) Chairman Patricia Sto. Tomas (*Chairman Sto. Tomas*) to Batuigas in response to the 20 December 1990 article on the alleged "mismanagement, low morale, gross inefficiency and nepotism" pervading at the, DTI Region VIII;^[17] (d) the CSC Indorsement^[18] of Region VIII Director Eliseo Gatchalian relative to the findings and recommendations on the complaint of R. De Paz and company;^[19] (e) the 7 November 1990 letter^[20] of Victoria E. Valeriano (Valeriano) to the CSC Regional Director with reference to her investigation on the complaint of R. De Paz and company against him, among others, and which contained Valeriano's recommendation that the complaint be dismissed and be considered, closed and terminated^[21]; (f) the CSC Region VIII Report of Investigation^[22] where the complaint of immorality against him and Jacqueline G. Aguiles was dismissed;^[23] (g) his draft letter^[24] to Batuigas protesting the inaccuracies and the ill motivation of the 20 December 1990 column but which letter he no longer sent to Batuigas;^[25] (h) the 28 September 1989 letter^[26] of the DTI Director of Legal Affairs transmitting the 7 August 1989 resolution of the Office of the Ombudsman in OSP-88-02282 dismissing the complaint of Arturo Salvacion against him, among others;^[27] (i) the 7 August 1989 resolution^[28] of the Office of the Ombudsman in OSP-88-02282;^[29] (j) the 21 August 1989 memorandum^[30] of the Office of the Ombudsman on the complaint against him by Jose Amable;^[31] (k) the 14 January 1991 resolution^[32] of the Regional Development Council expressing its support and confidence in him;^[33] (l) the 4 January 1991 resolution^[34] of the Leyte Private Media, Inc. where he was commended for being a clean public official and a model family man;^[35] (m) the respective affidavits of DTI Assistant Secretary Jose Man S. Yu^[36] and DTI Director Zafrullah G. Masahud^[37] vouching for his integrity and morality;^[38] (n) the DTI certification^[39] of Amando T. Alvis stating that the DTI Region VIII has no employee by the name of R. de Paz or Meillin dela Cruz either in the past or at present; (o) the resolution^[40] of Provincial Prosecutor Joventino P. Isidro on the libel complaint he filed against Batuigas;^[41] and, (p) the affidavit^[42] of the DTI Region VIII employees denying the statements of Batuigas in his column.^[43]

Domingo stated that his friends who knew him well knew that the articles were fabrications; those who did not know him that well would think him guilty of these charges, some of whom made hurtful comments. He quantified the mental anguish, sleepless nights, and wounded feelings that he suffered as a result of the false and malicious charges against him by Batuigas in the amount of P2 million. He asked that he be paid P1 million and P500,000.00 for moral and exemplary damages, respectively. He claimed to have paid P10,000.00 as filing fee for his complaint against Batuigas and that he agreed to pay his lawyer P200.00 per appearance.^[44]

Domingo claimed that after his exoneration by the CSC no other charges were filed against him before any court or body. On the complaint of immorality, similar charges were filed against him but these were also dismissed.^[45]

Atty. Imelda Nartea,^[46] a resident of Tacloban; Gilene Sta. Maria Advincula,^[47] an