

## SECOND DIVISION

[ G.R. NO. 133896, January 27, 2006 ]

**DOLORES MAGNO, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

### D E C I S I O N

**GARCIA, J.:**

Petitioner Dolores Magno appeals from the March 12, 1998 decision<sup>[1]</sup> and May 20, 1998 resolution<sup>[2]</sup> of the Court of Appeals (CA) in *CA-G.R. CR No. 16033*, affirming an earlier decision of the Regional Trial Court of Baguio City in Criminal Cases No. 8804-R and 8806-R which found petitioner guilty of two (2) counts of libel.

Records yield the following pertinent facts:

For around twenty (20) years, petitioner Dolores Magno (Dolores) and Cerelito T. Alejandro (Cerelito) have been neighbors at Pucay Village, Marcos Highway, Baguio City. The land on which the Magnos' house stands abuts the Marcos Highway. The Alejandros, however, can access the highway only by traversing the Magnos' property. Thru the years, the Magnos had allowed the Alejandros the use of this passage way until Dolores closed the same sometime in 1991, purportedly in retaliation to certain unsavory allegations made by Cerelito against the Magnos and because of the deteriorating relationship between the two families.<sup>[3]</sup>

In the afternoon of March 2, 1991, Cerelito, while at the upper portion of his house, saw Dolores write on the wall at the back of her garage the following words: "Huang Burahin Bawal Dumaan Dito ang Maniac at Magnanakaw ng Aso katulad ni Cere Lito O. Cedring."

Feeling that he was the "Cere", "Lito" or "Cedring" being alluded to, Cerelito reported the matter to the local police and filed an affidavit-complaint with the Fiscal's Office.

Subsequently, or on March 9, 1991, at around 4:00 p.m., Rodelito, Cerelito's 16-year old son, while on his way to buy bread at a nearby store, saw Dolores writing something on her garage's extension wall with the use of a paint brush and red paint. In full, the writing reads: "*HUAG BURAHIN BAWAL DUMAAN ANG SUSPETSOSA BASTOS AT MAKAPAL NA MUKHA DITO LALO NA SA MANIAC AT MAGNANAKAW NG ASO KATULAD NI CERELITO.*" After reading what was thus written, Rodelito proceeded with his errand and, upon reaching home, related what he saw to his father.<sup>[4]</sup>

Again, feeling that he was the maniac and dog thief being referred to, Cerelito lost no time in filing a complaint with the Baguio City Police (BCP). Pictures were then

taken of the aforesaid writing on the wall.<sup>[5]</sup> Eventually, the Office of the City Prosecutor in Baguio, finding, following an investigation, probable cause for libel against Dolores, filed the corresponding information giving rise to Criminal Case No. 8804-R.

Evidently apprised by the police of the complaint thus filed by Cerelito, Dolores repaired in the morning of March 15, 1991 to the BCP sub-station to deliver her 3-page letter-answer written in yellow pad and addressed to the station sub-commander.<sup>[6]</sup>

At around 12:20 p.m. of the same day, March 15, 1991, Dolores handed to and instructed Evelyn Arcartado, Cerelito's sister, to deliver an unsealed white, long, ordinary envelope to Fe Alejandro, Cerelito's wife. Since Fe was out of the house at that time, Evelyn gave the unsealed envelope to Cerelito, who immediately read the three (3) separate letters contained in the envelope. Evelyn followed suit afterwards. Fe read the contents of the envelope upon reaching home late in the afternoon of March 15, 1991.<sup>[7]</sup>

The first letter, unsigned and undated<sup>[8]</sup> and written on yellow pad, was addressed to spouses Cerelito and Fe Alejandro. Quoted, in part, in the information in Criminal Case No. 8806-R, this unsigned letter reads:

If your husband can't show any proof of his makating dila then comply & if your husband can't understand this simple English dahil mangmang, dayukdok na galing sa isang kahig isang tukang pamilya at walang pinagaralan, illiterate, mal educado kaya bastos eh huag na niya kaming idamay sa kaniyang katangahan na alam na trabaho eh humawak ng grasa sa Saudi. Kaya iyong pambabastos mo at pagdudumi niya sa pangalan naming at higit pa siyang marumi at putang ina rin niya. Galing siya sa p... ng baboy at hindi sa p... ng tao. Huag niyang ikumpara ang pinangalingan niya sa pinangalingan namin. Siya ang magnanakaw at mandaraya. Malinaw na ibidensiya iyan kinalagyan ng hagdan ninyo, di ba lampas kayo sa lote ninyo. Pinalakad ninyo ang mojon para lumaki ang lote ninyo. Bago kayo magsalita mambintang ng kapitbahay ninyo, tignan ninyo muna ang sarili ninyo. Mas mukha pang magnanakaw ang asawa mo para malinaw.

The second letter is a photo-copy of the first, but with the following addendum written in ink at the back page thereof which reads:

Ang tibay mo rin naman Mrs. Alejandro, makapal pa ang mukha mo at ikaw pa ang magpapablotter sa akin para pagtakpan mo ang maniac mong asawa. Kailan mo masasabi na pumasok sa bakuran mo para mamirhuesyo sa inyo. Tanga.

The third letter, a photo-copy of Dolores' signed letter<sup>[9]</sup> dated March 15, 1991, supra, to the Sub-Station 5 Commander of the BCP purportedly in reply to the statement given by Fe Alejandro to the police station on March 3, 1991, reads in part as follows:

The Sub Station Commander  
Sub-Station 5

Marcos Highway, B.C.

Dear sir:

xxx xxx xxx

Allow me then to explain to you . . . why I call Mr. Alejandro a maniac. Pumasok siya sa lote ko sa garahe na naging shelter (temporary) namin ng pamilya ko pagkatapos ng lindol (3 weeks after) ng hatinggabi-lasing na lasing nakapaa, bukas ang zipper ng pantaloon nakayapak na walang sapin sa paa. Tulog na kami. We were awakened by the constant barking of my dogs. I have 3 native dogs but 1 was slaughtered by Mr. Cerelito Alejandro .... He is even a dog-napper. My Manang Louie can relate the incident since we were out of the country x x x. I don't trust him as my kapitbahay na bantay salakay. In simple tagalog magnanakaw ng aso para may malamon dahil takaw na takaw at walang maibili.

It is upon the foregoing factual backdrop that Dolores was charged with libel under four (4) separate informations filed with the Regional Trial Court of Baguio City, docketed as Criminal Cases No. 8803-R, 8804-R, 8805-R and 8806-R and raffled to Branch 6 of the court.

The information in Criminal Case No. 8803-R was based on Dolores' letter dated March 15, 1991<sup>[10]</sup> to the BCP Sub-station Commander explaining why she called Cerelito a "maniac," whereas the information in Criminal Case No. 8805-R arose out of the following statement written by Dolores on March 2, 1991 at the back of her garage wall, viz. "... Bawal Dumaan ang Maniac at Magnanakaw ng aso katulad ni Cerelito O. Cedring..."

The accusatory portion of the information in **Criminal Case No. 8804-R** reads in full as follows:

That on or about the 9th day of March, 1991, in the City of Baguio, Philippines, the above-named accused [Dolores Magno], with deliberate and malicious intent and evil motive of impeaching the reputation, virtue and integrity of CER[E]LITO T. ALEJANDRO, . . ., and with malicious intent of exposing the said Cerelito Alejandro to public hatred, contempt, ridicule, discredit and dishonor, without any justifiable motive, did then and there willfully, unlawfully and feloniously and criminally paint with brush in bold letters at the wall of the extension of her garage, the following defamatory words: "'HUAG BURAHIN BAWAL DUMAAN ANG SUSPETSOSA BASTOS AT MAKAPAL ANG MUKHA DITO LALO NA SA MANIAC AT MAGNANAKAW NG ASO KATULAD NI CERELITO'", which aforesaid defamatory, malicious and libelous statements have been read by the public, when in truth and in fact said accused well knew that the allegations are false, untrue and malicious, thereby causing dishonor, discredit, ridicule or contempt against the said Cerelito Alejandro, to his damage and prejudice.

On the other hand, the information in **Criminal Case No. 8806-R** reads:

That on or about the 15th day of March, 1991, in the City of Baguio, Philippines, and within the jurisdiction of this Honorable Court, the

above-named accused, with deliberate and malicious intent and evil motive of impeaching the reputation, virtue and integrity of CERELITO T. ALEJANDRO, a person of good standing in the community, and with malicious intent of exposing the said Cerelito Alejandro to public hatred, contempt, ridicule, discredit and dishonor, without any justifiable motive, did then and there willfully and criminally prepare and write a letter in yellow pad paper addressed to herein complainant and his wife, Fe Alejandro, in an unsealed envelope, the following statements:

"IF YOUR HUSBAND CAN'T SHOW ANY PROOF OF HIS MAKATING DILA THEN COMPLY & IF YOUR HUSBAND CAN'T UNDERSTAND THIS SIMPLE ENGLISH DAHIL MANGMANG, DAYUKDOK NGA GALING SA ISANG KAHIG ISANG TUKANG PAMILYA AT WALANG PINAG-ARALAN, ILLITERATE, MAL EDUCADO KAYA BASTOS EH HUAG NA NIYA KAMING IDAMAY SA KANIYANG KATANGAHAN NA ALAM NA TRABAHO E HUMAWAK NG GRASA SA SAUDI. KAYA IYONG PAMBABASTOS MO AT PAGDUDUMI NIYA SA PANGALAN NAMIN AT HIGIT PA SIYANG MARUMI AT PUTANG INA RIN NIYA. GALING SIYA SA PUKI NG BABOY AT HINDI PUKI NG TAO, HUAG IKUMPARA ANG PINANGALINGAN NAMIN. SIYA ANG MAGNANAKAW AT MANDARAYA. MALINAW NA IBIDENSIYA IYAN KINALALAGYAN NG HAGDAN NINYO, DI BA LAMPAS KAYO SA LOTE NINYO. PINALAKAD NINYO ANG MOJON PARA LUMAKI ANG LOTE NINYO. BAGO KAYO MAGSALITA MAMBINTANG NG KAPITBAHAY NINYO, TIGNAN NINYO MUNA ANG SARILI NINYO. MAS MUKHA PANG MAGNANAKAW ANG ASAWA MO PARA MALINAW

which aforesaid defamatory, malicious and libelous words and statements have been read by the public, when in truth and in fact said accused well knew that the allegations are false, untrue and malicious, thereby causing dishonor, discredit, ridicule or contempt against the said Cerelito T. Alejandro, to his damage and prejudice.

Upon arraignment, Dolores, as accused, entered a plea of "Not Guilty" to each of the offenses charged in the four informations aforesaid.<sup>[11]</sup> Following a joint trial, the trial court rendered judgment on September 23, 1993,<sup>[12]</sup> finding her guilty of libel in both **Criminal Cases Nos. 8804-R and 8806-R** and sentencing her to suffer imprisonment and ordering her to indemnify the offended party a certain sum as moral damages. In Criminal Cases Nos. 8803-R and 8805-R, however, she was acquitted. The decretal portion of the trial court's decision reads, as follows:

WHEREFORE, Judgment is rendered as follows:

1. In Criminal Case No. 8803-R, the Court Finds that the prosecution failed to prove the guilt of accused beyond reasonable doubt and hereby Acquits Dolores Magno of the offense of Libel as charged. Costs de oficio.

The bond of the accused in Criminal Case No. 8803-R is cancelled and discharged.

2. In Criminal Case No. 8804-R, the Court Finds accused Dolores Magno Guilty beyond reasonable doubt of the offense of Libel as charged and hereby sentences her to an imprisonment ranging from 3 months and 11 days of Arresto Mayor as Minimum to 1 year 8 months and 21 days of Prision Correccional as Maximum; to indemnify the offended party Cerelito Alejandro the sum of P5,000.00 as Moral Damages and the costs of suit.
3. In Criminal Case No. 8805-R, the Court Finds that the prosecution failed to prove the guilt of accused beyond reasonable doubt and hereby Acquits Dolores Magno of the offense of Libel as charged. Costs de oficio.

The bond of accused Dolores Magno in Criminal Case No. 8805-R is cancelled and discharged.

4. . In Criminal Case No. 8806-R, the Court Finds accused Dolores Magno Guilty beyond reasonable doubt of the offense of Libel as charged and hereby sentences her to an imprisonment ranging from 3 months and 11 days of Arresto Mayor as Minimum to 1 year 8 months and 21 days of Prision Correccional as Maximum; to indemnify the offended party Cerelito Alejandro the sum of P5,000.00 as Moral Damages and the costs of suit.

SO ORDERED.

Dissatisfied, Dolores went on appeal to the CA. In its Decision dated March 12, 1998,<sup>[13]</sup> the appellate court affirmed in toto the judgment of conviction of the RTC. It likewise denied Dolores' motion for reconsideration in its Resolution dated May 20, 1998<sup>[14]</sup> for lack of merit.

Hence, this appeal by Dolores via the instant petition for review.

Dolores urges her acquittal contending that her conviction for libel in **Criminal Case No. 8804-R** is predicated on what she considers as the incredible testimony of the prosecution's principal witness, Rodelito Alejandro. She claims that it is extremely difficult to believe that Rodelito, after seeing the libelous writings on the wall at the back of her garage, would proceed to buy bread instead of reporting immediately to his father. In Dolores' own words: *"In the natural order of things, or in the natural course of events, a son in the place of Rodelito would have gone home first to report the incident to his father, instead of going some place to buy bread."*<sup>[15]</sup> Pressing on, she alleges that father and son could not even agree as to the whereabouts of the former in the afternoon of March 9, 1991, noting that, while Cerelito testified being at their house at that time, Rodelito said his father was not at the house the whole day.<sup>[16]</sup>

Shifting to another point, Dolores states that the prosecution failed to establish the presence of the elements of authorship and publication of the malicious writings on the wall, as well as the unsigned letter addressed to the spouses Alejandro, referring to Exhibit "F-1".<sup>[17]</sup>