

SECOND DIVISION

[G.R. Nos. 118757 & 121571, November 11, 2005]

**ROBERTO BRILLANTE, PETITIONER, VS. COURT OF APPEALS AND
THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

RESOLUTION

TINGA, J.:

This treats of the *Motion for Reconsideration* dated November 25, 2004 filed by Roberto Brillante (Brillante) assailing the *Decision* of this Court dated October 19, 2004 which affirmed his conviction for the crime of libel but reduced the amount of moral damages he is liable to pay.

Brillante avers that his conviction, without the corresponding conviction of the writers, editors and owners of the newspapers on which the libelous materials were published, violates his right to equal protection. He also claims that he should have been convicted only of one count of libel because private respondents were not defamed separately as each publication was impelled by a single criminal intent. Finally, he claims that there is a "semblance of truth" to the accusations he hurled at private respondents citing several instances of alleged violent acts committed by the latter against his person.

Private respondent Jejomar Binay (Binay) filed a *Comment* dated March 3, 2005, maintaining that the equal protection clause does not apply because there are substantial distinctions between Brillante and his co-accused warranting dissimilar treatment. Moreover, contrary to Brillante's claim that he should have been convicted only of one count of libel, Binay asserts that there can be as many convictions for libel as there are persons defamed. Besides, this matter should have been raised at the time the separate complaints were filed against him and not in this motion.

For its part, the Office of the Solicitor General (OSG) filed a *Comment* dated April 4, 2005, stating that the issues raised in Brillante's motion have already been discussed and passed upon by the Court. Hence, the motion should be denied.

Brillante filed a *Consolidated Reply* dated May 26, 2005 in reiteration of his arguments.

As correctly noted by the OSG, the basic issues raised in the instant motion have already been thoroughly discussed and passed upon by the Court in its *Decision*. For this reason, we shall no longer dwell on them.

We believe, however, that the penalty of imprisonment imposed against Brillante should be re-examined and reconsidered. Although this matter was neither raised