



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ARGELYN M. LABARGAN,*
Petitioner,

G.R. No. 246824

Present:

LEONEN, J., *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

DEC 06 2023

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DECISION

LEONEN, J.:

Statements against public officers do not constitute oral defamation when made in relation to their discharge of official duties, unless the prosecution establishes that they were uttered with actual malice.

This is a Petition for Review¹ filed by Argelyn M. Labargan (Labargan), the accused in Informations charging her with grave oral defamation and other light threats before the Municipal Circuit Trial Court of Kolambugan-Tangkal, Kolambugan, Lanao del Norte. The Complaint for other light threats was dismissed, but she was found guilty of grave oral defamation.

* Sometimes referred to as Aregelyn in some parts of the *rollo*.

¹ *Rollo*, pp. 16-36

Labargan prays for the annulment of the Court of Appeals' Decision² and Resolution,³ which affirmed her conviction for grave oral defamation.

In two separate Informations, Labargan was charged with grave oral defamation and other light threats.⁴ They read:

Criminal Case No. 2754
(Grave Oral Defamation)

That on or about the 21st of February 2013 at Barangay Muntay, Kolambugan, Lanao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a recidivist having been previously convicted of the crime of Slander by Deed before the Municipal Circuit Trial Court of Kolambugan-Tangkal, Lanao del Norte, did then and there willfully, unlawfully and feloniously, with the intent of bringing AILEEN R. MACABANGON, a Barangay Kagawad of said barangay into public dishonor, humiliation and ridicule, speak and utter in public against the latter slanderous and defamatory words or expression, to wit: "*KINSA INYONG GISALIGAN, KANA SI AILEEN? SI AILEEN KONSEHAL NGA BUGO! WALAY GRADO! IGNORANTE!*" - which means, "TO WHOM ARE YOU LEANING TO, THAT AILEEN?" THAT AILEEN IS A DULL COUNCILOR! HAS NO EDUCATION, IGNORANT", or words and expressions of similar import thereby bringing said Aileen R. Macabangon into public dishonor, humiliation and ridicule.

Contrary to and in violation of Article 358 of the Revised Penal Code.⁵

Criminal Case No. 2755
(Other Light Threats)

"That on or about the 13th day of March, 2013 at Muntay, Kolambugan, Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bolo and while in the heat of anger, did then and there willfully, unlawfully and feloniously threaten AILEEN R. MACABANGON with some bodily harm by then and there uttering threatening words against the latter to wit: "*PATYON TA KA! KAY DILI GYUD KO MAHADLOK NIMU!*" (I WILL KILL YOU! BECAUSE I AM NOT AFRAID OF YOU!) but said accused, by his [sic] subsequent acts, did not persist in the idea involved in her threats.

Contrary to and in violation of Article 285 of the Revised Penal Code.⁶

On arraignment, Labargan pleaded not guilty. Trial then ensued.⁷

² *Id.* at 42–57. The September 6, 2018 Decision in CA-G.R. CR No. 01545-MIN was penned by Associate Justice Perpetua T. Atal-Paño and concurred in by Associate Justices Edgardo A. Camello (Chair) and Walter S. Ong of the Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 38–41. The March 15, 2019 Resolution was penned by Associate Justice Walter S. Ong and concurred in by Associate Justices Edgardo A. Camello (Chair) and Evalyn M. Arellano-Morales of the Special Former Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

⁴ *Id.* at 43.

⁵ *Id.*

⁶ *Id.* at 44.

In the grave oral defamation case, the prosecution, through witnesses Aileen Macabangon (Macabangon), Edna Jumapit (Edna) and Jake Jumapit (Jake) established the following:⁸

The offended party, Macabangon, is a barangay kagawad of Muntay, Kolambugan, Lanao del Norte.⁹ She mediated between Labargan and Edna in a barangay conciliation. Labargan's mother, Virginia Labargan (Virginia) told her that she should not mediate "because she is dumb, has not gone to school and is ignorant."¹⁰

Further, she testified that on February 21, 2013, as she was passing by Labargan's house, she heard the latter say, "*Kinsa inyong gisaligan? Kana si Aileen?*"¹¹ Virginia supposedly continued, "*Dili mi mahadlok og konsehal!*"¹² Labargan then added, "*Si Aileen konsehal nga bugo, walay grado! Ignorante!*"¹³

Many people allegedly heard these statements as they were yelled in the terrace of Labargan's house, located beside a highway.¹⁴ Edna and Jake corroborated Macabangon's narration and opined that Labargan and her mother thought that the kagawad acted biased towards Edna.¹⁵

As to the other light threats charge, the prosecution presented Macabangon, Allan Bacton (Allan), Manasis Cajilla (Cajilla) and Ernie Bacton (Ernie).¹⁶

Macabangon alleged that on March 13, 2013, around 8:30 a.m., she was standing under a waiting shed when Labargan passed by on her way to her mother's house.¹⁷ Upon reaching its porch, Labargan pointed at her and said: "*Giatay ka! Yawa ka! Bago [sic] kang konsehala ka! Dili mi mahadlok nimu konsehala ka!*"¹⁸ Labargan then went inside the house, grabbed a *bolo*, and repeatedly hacked the table with the *bolo* as she said, "*Patyon taka! Kay dili gud ko mahadlok nimu!*"¹⁹ (I will kill you! Because I am not afraid of

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 45.

¹¹ *Id.* This means, "who are you counting on, that Aileen?"

¹² *Id.* The translation does not appear on record. This means, "I am not afraid of a Councilor!"

¹³ *Id.* at 43, 45. The Information translated this: "To whom are you leaning to, that Aileen? That Aileen is a dull councilor! Has no education, ignorant."

¹⁴ *Id.* at 45.

¹⁵ *Id.* at 46.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* The translation does not appear on record. This means, "Fuck you! Devil! You are a new Councilor! I am not afraid of you, Councilor."

¹⁹ *Id.*

you!)²⁰

Labargan testified in her defense.²¹ She denied the accusations against her and claimed that she had an argument with Edna, and not Macabangon. She contended that she responded to Edna's text message with, "what do you think of me, Ate? Dumb? Haven't gone to school? Ignorant? I will let you [be] summoned by the Barangay."²²

Edna allegedly sent her a reply, "[Okay], you let me [be] summoned, I am not afraid because Aileen Macabangon will help me so that you cannot file a case against me."²³

Labargan responded with, "Why? Who by the way is Aileen? Why would I be scared of her when I have not done anything wrong against her?"²⁴

Edna replied, "[Okay], I will tell Aileen about this, and I will be willing to be her witness even if it would be a lie, so you can pay us! Remember that you already have a previous case."²⁵

Labargan was caught off guard when Macabangon went to her house and yelled, "What did you say? I am dumb, haven't gone to school? Ignorant?"²⁶ However, she ignored her since Macabangon did not mention her name. She did not know whether Macabangon was referring to her.²⁷

In its Consolidated Decision,²⁸ the Municipal Circuit Trial Court found Labargan guilty beyond reasonable doubt of grave oral defamation.²⁹ The complaint for other light threats was dismissed:

WHEREFORE, premises all considered, the Court finds the accused guilty beyond reasonable doubt of the crime of Grave Oral Defamation defined and penalized under Article 358 of the Revised Penal Code and she is hereby sentenced to suffer the penalty of imprisonment of four months and 1 day to one (1) year. Accused is also adjudged to pay private complainant Aileen Macabangon the amount of P2,000.00 as moral damages and P2,000.00 attorney's fees.

²⁰ *Id.* at 44.

²¹ *Id.* at 46.

²² *Id.* at 47.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* at 91-100. The November 16, 2016 Consolidated Decision in Criminal Case Nos. 2754 and 2755 was penned by Presiding Judge Dominga Garado-Aguaviva of the 5th Municipal Circuit Trial Court, Kolambugan-Tangkal, Kolambugan, Lanao del Norte.

²⁹ *Id.* at 48.

The Court also find [sic] accused not guilty of the crime of Other Light Threats, based on reasonable doubt.

SO ORDERED.³⁰ (Emphasis in the original)

Labargan's Motion for Reconsideration was denied in the Municipal Circuit Trial Court's Order.³¹

In its Order,³² the Regional Trial Court affirmed *in toto* the Municipal Circuit Trial Court decision:

WHEREFORE, premises all considered, the Appeal is hereby **DENIED** and the decision of the trial court is hereby **AFFIRMED in Toto**.

SO ORDERED.³³ (Emphasis in the original)

Labargan again moved for reconsideration, but it was denied in the Regional Trial Court's Order.³⁴

Undeterred, Labargan filed a Petition for Review before the Court of Appeals.³⁵ The Court of Appeals affirmed her conviction but modified the penalty. It held that the prosecution proved all the elements of grave oral defamation.³⁶ It found that contrary to Labargan's position, Jake's testimony that Macabangon was not around when the utterances were made was a minor detail that did not relate to the commission of the crime.³⁷ The *fallo* of the Court of Appeals decision reads:

WHEREFORE, the petition is hereby **DENIED**. The assailed Orders dated May 5, 2017 and June 23, 2017 of the Regional Trial Court, 12th Judicial Region, Branch 7, Tubod, Lanao del Norte in Criminal Case No. 1887-07-2017 is **AFFIRMED with MODIFICATION**. Petitioner ARGELYN LABARGAN is hereby sentenced to a straight penalty of six (6) months of imprisonment.

SO ORDERED.³⁸ (Emphasis in the original)

³⁰ *Id.*

³¹ *Id.* at 106–107. The January 23, 2017 Order in Criminal Case No. 2754 was penned by Presiding Judge Dominga Garado-Aguaviva of the 5th Municipal Circuit Trial Court, Kolambugan-Tangkal, Kolambugan, Lanao del Norte.

³² *Id.* at 111–112. The May 5, 2017 Order in Criminal Case No. 1887-07-2017 was penned by Acting Presiding Judge Dennis P. Vicoy of Branch 7, Regional Trial Court, Tubod, Lanao del Norte.

³³ *Id.* at 48.

³⁴ *Id.* at 113–114. The June 23, 2017 Order in Criminal Case No. 1887-07-2017 was penned by Acting Presiding Judge Dennis P. Vicoy of Branch 7, Regional Trial Court, Tubod, Lanao del Norte.

³⁵ *Id.* at 42.

³⁶ *Id.* at 54.

³⁷ *Id.* at 52.

³⁸ *Id.* at 56.

Labargan filed a Motion for Reconsideration which was denied in the Court of Appeals' Resolution.³⁹

She then filed a Petition for Review⁴⁰ before this Court.

Petitioner argues that her guilt was not proven beyond reasonable doubt, considering that there is uncertainty on who uttered the defamatory statements.⁴¹ Macabangon testified that petitioner and her mother alternately yelled the statements complained of, thus creating doubt on who really declared them.⁴² Petitioner also insists that Jake's claim that Macabangon was not in the area when she supposedly declared those statements contradicts the testimonies of the other witnesses.⁴³ In any case, assuming that she is guilty, she contends that she must be convicted of slight oral defamation only, since the statements were uttered in the heat of anger and upon Macabangon's provocation.⁴⁴ She asserts that Macabangon "is a public official who should not be too onion-skinned...should correctly conduct [herself] even in the face of extreme provocation."⁴⁵

Respondent, through the Office of the Solicitor General, counters that the findings of the Municipal Circuit Trial Court should be accorded great respect "because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying."⁴⁶ Accordingly, this Court should not entertain petitioner's claim that it is uncertain whether petitioner uttered the defamatory words.⁴⁷ Respondent also disagreed with petitioner's argument that she should be convicted of slight oral defamation as the defamatory words had no purpose other than to dishonor Macabangon's name. They "clearly impute a vice or defect against [her], in the exercise of her office."⁴⁸

In her Reply,⁴⁹ petitioner reiterates that the inconsistencies in the prosecution witnesses' narration demonstrate that they were false.⁵⁰ It is unclear what transpired since their claims contradicted each other.⁵¹ She underscored that Macabangon testified that it was petitioner's mother, and not petitioner, that uttered the defamatory words.⁵²

³⁹ *Id.* at 38-41.

⁴⁰ *Id.* at 16-36.

⁴¹ *Id.* at 25.

⁴² *Id.* at 26.

⁴³ *Id.* at 25.

⁴⁴ *Id.* at 29.

⁴⁵ *Id.* at 30.

⁴⁶ *Id.* at 150-151.

⁴⁷ *Id.* at 151.

⁴⁸ *Id.* at 149-150.

⁴⁹ *Id.* at 158-163.

⁵⁰ *Id.* at 160.

⁵¹ *Id.* at 159.

⁵² *Id.* at 160.

For resolution is the issue of whether petitioner Argelyn Labargan is guilty beyond reasonable doubt of grave oral defamation.

Petitioner's defamatory utterances against complainant Macabangon were related to her official duties as a barangay kagawad, and the prosecution failed to show actual malice. Hence, this Court grants the petition, and acquits petitioner of grave oral defamation.

Article 358 of the Revised Penal Code, as amended by Republic Act No. 10951 punishes the crime of oral defamation:

Article 358. Slander. – Oral defamation shall be punished by *arresto mayor* in its maximum period to *prisión correccional* in its minimum period if it is of a serious and insulting nature; otherwise the penalty shall be *arresto menor* or a fine not exceeding Twenty thousand pesos (₱20,000).

*De Leon v. People*⁵³ discussed the nature and elements of the crime:

Oral Defamation or Slander is libel committed by oral (spoken) means, instead of in writing. It is defined as “the speaking of base and defamatory words which tend to prejudice another in his reputation, office, trade, business or means of livelihood.” The elements of oral defamation are: (1) there must be an imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, status or circumstances; (2) made orally; (3) publicly; (4) and maliciously; (5) directed to a natural or juridical person, or one who is dead; (6) which tends to cause dishonour, discredit or contempt of the person defamed. Oral defamation may either be simple or grave. It becomes grave when it is of a serious and insulting nature.

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. To determine whether a statement is defamatory, the words used in the statement must 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. It must be stressed that words which are merely insulting are not actionable as libel or slander per se, and mere words of general abuse however opprobrious, ill-natured, or vexatious, whether written or spoken, do not constitute a basis for an action for defamation in the absence of an allegation for special damages. The fact that the language is offensive to the plaintiff does not make it actionable by itself.⁵⁴ (Citations omitted)

⁵³ 776 Phil. 701 (2016) [Per J. Mendoza, Second Division].

⁵⁴ *Id.* at 717.

In determining whether the crime is grave or simple oral defamation, surrounding circumstances are considered:

The gravity depends upon: (1) the expressions used; (2) the personal relations of the accused and the offended party; and (3) the special circumstances of the case, the antecedents or relationship between the offended party and the offender, which may tend to prove the intention of the offender at the time. *In particular, it is a rule that uttering defamatory words in the heat of anger, with some provocation on the part of the offended party constitutes only a light felony.*⁵⁵ (Emphasis supplied, citation omitted)

This Court evaluates what exactly were stated, the personal relations of the accused and the offended party, among other special circumstances in defamation cases. Significantly, defamatory imputations in the heat of anger are deemed a light felony.

When the object of criticism is a public official, this Court has previously remarked:

*A public official, more especially an elected one, should not be onion skinned. Strict personal discipline is expected of an occupant of a public office because a public official is a property of the public. He is looked upon to set the example how public officials should correctly conduct themselves even in the face of extreme provocation. Always he is expected to act and serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain accountable for his conduct to the people.*⁵⁶ (Emphasis supplied)

Public office is a public trust.⁵⁷ Persons clothed with authority, especially those elected by the public, must be prepared for public scrutiny, and potentially, criticisms inherent in the position.

In *Ayer Productions Pty. Ltd. v. Capulong*,⁵⁸ this Court explained that a public figure's right to privacy "is necessarily narrower than that of an ordinary citizen." It may be intruded upon when public interest so requires, and "cannot be invoked to resist publication and dissemination of matters of public interest."⁵⁹

I previously opined:

It is my position that the standard for oral defamation, especially in cases involving persons of authority, should be subject to a re-evaluation.

⁵⁵ *Agbayani v. Court of Appeals*, 689 Phil. 11, 28 (2012) [Per J. Reyes, Second Division].

⁵⁶ *Yabut v. Office of the Ombudsman*, 303 Phil. 319, 325 (1994) [Per J. Vitug, En Banc].

⁵⁷ CONST., art. XI, sec. 1.

⁵⁸ 243 Phil. 1007 (1988) [Per J. Feliciano, En Banc].

⁵⁹ *Id.*, citing *Nixon v. Administrator of General Services*, 433 U.S. 425, 53 L. Ed. 2d 867 (1977).

In *Chavez v. Court of Appeals*, the objective of libel laws was explained, thus:

Libel stands as an exception to one of the most cherished constitutional rights, that of free expression. While libel laws ensure a modicum of responsibility in one's own speech or expression, a prescribed legal standard that conveniences the easy proliferation of libel suits fosters an atmosphere that inhibits the right to speak freely. When such a prescribed standard is submitted for affirmation before this Court, as is done in this petition, it must receive the highest possible scrutiny, as it may interfere with the most basic of democratic rights.

A police officer, who is a public servant cloaked with authority, should be prepared to take criticism especially in instances where emotions are running high and there is no apparent intent to malign his or her person. Being "sensitive" has no place in this line of service, more so when allowing otherwise has the potential to create a chilling effect on the public. In a democratic country like ours, the protection of free expression is primordial as it is tantamount to upholding the sovereignty of the People. The People should be allowed to express themselves without the threat of government reprisal over the slightest feeling of offense.⁶⁰ (Emphasis supplied, citations omitted)

Freedom of speech and its cognate rights are indispensable in a democracy such as ours, where "sovereignty resides in the people and all government authority emanates from them."⁶¹ These constitutional guarantees ensure that any Filipino may participate in the governance of the country, peaceably assemble, and "petition the government for redress of grievances."⁶² Absent these freedoms, authoritarianism—the antithesis of democracy—prevails.

*Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co., Inc.*⁶³ elaborated:

The rights of free expression, free assembly and petition, are not only civil rights but also political rights essential to man's enjoyment of his life, to his happiness and to his full and complete fulfillment. Thru these freedoms the citizens can participate not merely in the periodic establishment of the government through their suffrage but also in the administration of public affairs *as well as in the discipline of abusive public officers*. The citizen is accorded these rights so that he can appeal to the appropriate governmental officers or agencies for redress and protection as well as *for the imposition of the lawful sanctions on erring public officers and employees*.⁶⁴ (Emphasis supplied)

⁶⁰ J. Leonen, Separate Opinion in *De Leon v. People*, 776 Phil. 701, 724–725 (2016) [Per J. Mendoza, Second Division] (1994) [Per J. Vitug, *En Banc*].

⁶¹ CONST., art. II, sec. 1.

⁶² CONST., art. III, sec. 4.

⁶³ 151-A Phil 656 (1973) [Per J. Makasiar, First Division]

⁶⁴ *Id.* at 675.

*United States v. Bustos*⁶⁵ explained why freedom of expression must be upheld, especially when involving a public officer's conduct:

The interest of society and the maintenance of good government demand a full discussion of public affairs. Complete liberty to comment on the conduct of public men is a scalpel in the case of free speech. The sharp incision of its probe relieves the abscesses of officialdom. Men in public life may suffer under a hostile and an unjust accusation; the wound can be assuaged with the balm of a clear conscience. *A public officer must not be too thin-skinned with reference to comment upon his official acts.* ... The administration of the law is a matter of vital public concern. Whether the law is wisely or badly enforced is, therefore, a fit subject for proper comment.⁶⁶ (Emphasis supplied)

In interpreting laws criminalizing defamation of public officers, this Court notes that protection of these fundamental rights is primordial. Recognizing that free speech empowers the citizens in exacting accountability from public officers, conviction for defamation involving statements related to their discharge of official duties entails proof that they were made with actual malice. Actual malice cannot be presumed.

The development of jurisprudence on defamation of public officers illustrates this.

In the 1996 case of *Sazon v. Court of Appeals*,⁶⁷ this Court ruled that when defamatory statements are directed against a public officer's discharge of official duties, the statements will not constitute libel "if the defendant proves the truth of the imputation."⁶⁸

In *Sazon*, petitioner Fernando Sazon wrote an article in the PML-Homemaker, a monthly newsletter of the association of homeowners of PML Homes, of which petitioner Sazon and complainant Reyes were members. The article described the complainants as "mandurugas," "mastermind sa paninirang puri," and his acts as "panlilinlang," "matagal na tayong niloloko," "patuloy na kabulastugan."⁶⁹ The Regional Trial Court convicted petitioner Sazon of libel, which the Court of Appeals affirmed. On appeal before this Court, petitioner Sazon argued for his acquittal, stating that the article "constitutes a fair and true report on the actuations of a public official falling under the second exception of Article 354 [of the Revised Penal Code]⁷⁰ since private complainant was a public relations consultant in the

⁶⁵ 37 Phil 731 (1918) [Per J. Malcolm, First Division].

⁶⁶ *Id.* at 740-741.

⁶⁷ 325 Phil. 1053 (1996) [Per J. Hermosisima, Jr., First Division].

⁶⁸ *Id.* at 1067.

⁶⁹ *Id.* at 1059-1060, 1063.

⁷⁰ REV. PEN. CODE, 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

Department of Trade and Industry at the time the allegedly libelous article was published.”⁷¹ In rejecting this argument, this Court pointed out:

On this point, the rule is that defamatory remarks and comments on the conduct or acts of public officers which are related to the discharge of their official duties will not constitute libel if the defendant proves the truth of the imputation. But any attack upon the private character of the public officer on matters which are not related to the discharge of their official functions may constitute libel. This is clear by express provision of Article 354, exception number two (2) which refers to “any other act performed by public officers in the exercise of their functions.”⁷² (Emphasis supplied, citations omitted)

Meanwhile in *Agbayani v. Court of Appeals*,⁷³ this Court stated:

The gravity depends upon: (1) the expressions used; (2) the personal relations of the accused and the offended party; and (3) the special circumstances of the case, the antecedents or relationship between the offended party and the offender, which may tend to prove the intention of the offender at the time. In particular, it is a rule that uttering defamatory words in the heat of anger, with some provocation on the part of the offended party constitutes only a light felony.⁷⁴ (Citation omitted)

Finding that the article pertained to the complainant’s acts in his private capacity, unrelated to his official functions, the Court affirmed petitioner Sazon’s conviction. Notably, it also held that defendant who uttered the defamatory remarks against a public officer has the burden of proving that there was no malice. As the law presumes that a defamatory imputation is malicious, it ruled that failure to show otherwise results in a conviction of libel.⁷⁵

This doctrine was modified in *Daquer, Jr. v. People*.⁷⁶ This Court clarified that “[i]n cases of criminal libel where public figures, particularly public officers, are private complainants, . . . it is the burden of the prosecution to prove actual malice, and not the defense’s burden to disprove.”⁷⁷

In *Daquer*, petitioner Daquer’s article in the Palawan Mirror referred to the Puerto Princesa City Sports Development Office Program Manager as “*mokong*,” “*ahas*,” “*kuto*,” “*gago*,” and “*utak tukmol*.” The Court of

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*.

⁷¹ *Sazon v. Court of Appeals*, 325 Phil. 1053, 1066–1067 (1996) [Per J. Hermosisima, Jr., First Division].

⁷² *Id.* at 1067.

⁷³ *Agbayani v. Court of Appeals*, 689 Phil. 11 (2012) [Per J. Reyes, Second Division].

⁷⁴ *Id.* at 28.

⁷⁵ *Id.* at 1065–1068.

⁷⁶ G.R. No. 206015, June 30, 2021 [Per J. Leonen, Third Division].

⁷⁷ *Id.*, citing *Soriano v. People*, G.R. No. 225010, November 21, 2018, [Per J. Tijam, First Division]; *Flor v. People*, 494 Phil. 439 (2005) [Per J. Chico-Nazario, Second Division].

Appeals affirmed the Regional Trial Court's conviction of petitioner Daquer for libel. On appeal, this Court ruled that while the Court of Appeals rightfully identified the articles as a fair commentary on a public matter, it erred when it declared that petitioner Daquer has the burden to prove "that the articles' contents were true, or that he exercised a reasonable degree of care to determine their veracity before publication."⁷⁸ This Court laid down the doctrine:

When the allegedly libelous statement pertains to a matter of public interest, more so when the subject of the statement is a public officer, the prosecution must satisfactorily prove that the petitioner either knew that the statement was false, or that he acted with reckless disregard as to whether or not the statement is true.⁷⁹

Offensive imputations against public officers do not constitute defamation if these relate to their discharge of official duties unless the prosecution proves actual malice. Defamatory utterances are malicious when made with knowledge that they were false, or with reckless disregard as to its falsity.⁸⁰ *Daquer* explained the threshold of reckless disregard:

"Reckless disregard" is determined on a case-by-case basis. There is reckless disregard if the accused was found to have entertained serious doubts of the truth of the published statements, or if the statements were of a matter not determined to be a legitimate topic in the area. Errors or misstatements by themselves are insufficient to be considered reckless disregard, unless shown that the accused possessed a high degree of awareness of the falsity.⁸¹ (Citations omitted)

With these as anchor, we resolve the Petition before us.

Here, whether petitioner Labargan uttered the statements is a question of fact that has been settled by the Municipal Circuit Trial Court, as affirmed by the Regional Trial Court and the Court of Appeals. This Court is duty-bound to respect the consistent prior findings of the lower tribunals, cautious in substituting its own appreciation of facts from tribunals that evaluated the evidence presented in court.⁸² This is the general rule, unless the lower courts "overlooked or misconstrued substantial facts which could have affected the outcome of the case."⁸³ We do not find this here. The Municipal Circuit Trial Court, Regional Trial Court, and the Court of Appeals are uniform in their finding that petitioner uttered the defamatory imputations.⁸⁴

As to Jake's alleged inconsistency on Macabangon's presence when

⁷⁸ *Daquer, Jr. v. People*, G.R. No. 206015, June 30, 2021 [Per J. Leonen, Third Division].

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.* (Citations omitted)

⁸² *Ebuenga v. Southfield Agencies, Inc.*, 828 Phil. 122, 129 (2018) [Per J. Leonen, Third Division].

⁸³ *People v. Montinola*, 567 Phil. 387, 404 (2008) [Per J. Carpio, Second Division].

⁸⁴ *Rollo*, p. 45

the statements were uttered, the Court of Appeals explained:

Such inconsistency is immaterial in the case at bar. The crime of Grave Oral Defamation does not require the presence of the complainant or the person defamed. What is important is that witness Jake was able to corroborate the testimony of Macabangon that petitioner was the one who uttered the defamatory statements. To recall, Jake categorically testified that while he was at the terrace of their house with her mother Edna, he saw petitioner and her mother Virginia who were also at the terrace of their house. He then heard petitioner shout, "*kinsa inyo gisaligan kana si Aileen dili man mi mahadlok ug konsehal, si Aileen konsehal nga bugo, ignoranti ug walay grado.*" Undoubtedly, the testimony of Jake proved that it was indeed petitioner who uttered the defamatory words.

Notwithstanding this, we acquit petitioner of the crime of grave oral defamation.

Recalling the antecedents, the object of the complaint were statements against Aileen Macabangon, who was then a kagawad of Barangay Muntay, Kolambugan, Lanao del Norte. The imputations were criticisms of her competence as a barangay kagawad, originating from her supposed partiality against petitioner in the barangay conciliation proceedings. Clearly, these relate to Macabangon's discharge of her official duties as a public officer. While petitioner's declarations may be offensive, they are not actionable by themselves.⁸⁵ "Being 'sensitive' has no place in this line of service, more so when allowing otherwise has the potential to create a chilling effect on the public."⁸⁶

The prosecution did not show that actual malice attended petitioner's declarations. It was not established whether the defamatory statements were made with knowledge that these were false, or with reckless disregard as to its falsity. Considering the constitutional presumption of innocence, acquittal ensues.

Due to the prosecution's failure to prove malice in uttering the defamatory statements, this Court finds that petitioner is not guilty of grave oral defamation.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The Court of Appeals' September 6, 2018 Decision and March 15, 2019 Resolution in CA-G.R. CR No. 01545-MIN are **REVERSED** and **SET ASIDE**.

⁸⁵ *De Leon v. People*, 776 Phil. 701, 717 (2016) [Per J. Mendoza, Second Division].

⁸⁶ *Id.* at 725.

Argelyn M. Labargan is **ACQUITTED** of grave oral defamation.


Let entry of judgment be issued immediately.

SO ORDERED.

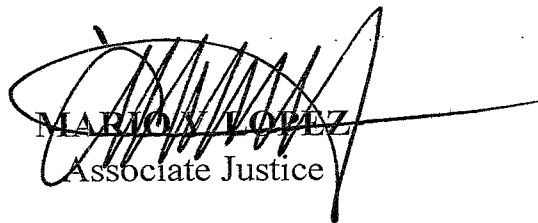


MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:



AMY C. LAZARO-JAVIER
Associate Justice



MARITO V. LOPEZ
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

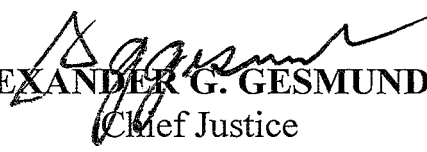
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division 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.


ALEXANDER G. GESMUNDO
Chief Justice

