

**SALVADOR D. FLOR, et al v. PEOPLE OF THE PHILIPPINES
G.R. No. 139987, 31 March 2005, Chico-Nazario, J. (Second Division)**

False statements alone are not actionable; maliciousness may be shown only through knowledge of falsity or reckless disregard of truth or falsity. 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.

On November 18-24, 1986, articles were published in *BICOL FORUM*, debasing and besmirching the reputation of Luis Villafuerte, former governor of Camarines Sur and Minister of the Presidential Commission on Government Reorganization. The articles contained reports that Gov. Villafuerte went to Japan and Israel in a junket—a trip using the funds of the Government. In addition, it was alleged that complainant Villafuerte squandered P700,000 for his air-fare. The paper said that the money used was not even approved by a resolution before its release. As a consequence, Villafuerte filed a civil complaint to the RTC of Naga or Damages against Salvador D. Flor, (managing editor) and Nick Ramos (correspondent) for maliciously writing reports which are defamatory and completely untrue. Subsequently, a criminal case for libel was filed against the petitioners. The court agreed to consolidate the civil and criminal aspects of the case, which the consolidated case was brought to the RTC of Camarines Sur.

The RTC of Camarines Sur convicted Salvador D. Flor and Nick Ramos for the crime of Libel as provided in Article 353 in connection with Article 355 of the Revised Penal Code (RPC). Petitioners Flor and Ramos filed an appeal to the Court of Appeals, but the said court affirmed the decision of the RTC of Camarines Sur.

ISSUE:

Whether or not Salvador D. Flor and Nick Ramos are guilty of libel

HELD: The petition is granted. Ramos and Salvador are acquitted.

It has been settled that Art. 354 of the RPC is not exclusive. As interpreted in the case of *Borjal v. Court of Appeals*, that Art. 354 is not exclusive; it has been expanded by the constitutional guarantee of the freedom of the press. In the case at bar, the circumstances fall under privileged communications insofar as commentaries are based on matters of public interest. The complainant should not be thin-skinned on reports especially if they concern public matters.

In addition, it cannot be said that the reports were maliciously crafted to debase the reputation of Villafuerte, as it was shown that the columnist had his information on the issue. The prosecution did not satisfy the requirements established in the case of *New York Times Co. v. Sullivan*, which says “His [the government official] entitlement, however, is limited to instances when the defamatory statement was made with actual malice—that is with knowledge that it was false or with reckless disregard of whether it was false or not. Reckless disregard cannot be fully encompassed in one infallible definition. Inevitably its outer limits will be marked out through case-by-case adjudication.

Only those false statements made with high degree of awareness of their probable falsity demanded by *New York Times* may be the subject of either civil or criminal sanctions. False statements alone are not actionable; maliciousness may be shown only through knowledge of falsity or reckless disregard of truth or falsity.

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Clearly, when confronted with libel cases involving public officials which deal with public official functions, this Court is not confined within the wordings of the libel statute; rather, the case should likewise be examined under the constitutional precept of freedom of the press. The interest of society and the maintenance of good government demand 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.