



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated September 5, 2022, which reads as follows:

“G.R. No. 253239 (People of the Philippines, *Plaintiff-Appellee* vs. Rossanna Chan Manugue, *Accused-Appellant*). – This is an appeal¹ assailing the Resolutions² dated May 30, 2019 and November 26, 2019 of the Court of Appeals (CA) in CA-G.R. CR. No. 43285. The CA dismissed outright the Petition for Review³ filed by Rossanna Chan Manugue (accused-appellant) for failure to comply with procedural requirements and denied accused-appellant’s subsequent Motion for Reconsideration.⁴

Notably, accused-appellant’s Petition for Review assailed the Decision⁵ dated March 8, 2019 of Branch 50, Regional Trial Court (RTC) of Guagua, Pampanga which affirmed *in toto* the Judgment⁶ dated October 23, 2017 of the Municipal Trial Court (MTC) of Floridablanca, Pampanga convicting her of Simple Oral Defamation under Article 358⁷ of the Revised Penal Code (RPC).

The Antecedents

The instant case stemmed from an Information⁸ charging accused-appellant with Serious Oral Defamation under Article 358 of the RPC. The accusatory portion of the Information provides:

CRIMINAL CASE NO. 7053

¹ CA rollo, p. 156.

² Id. at 46-48 and 154-155. Penned by Associate Justice Nina G. Antonio-Valenzuela and concurred in by Associate Justices Ricardo R. Rosario (now a Member of the Court) and Perpetua T. Atalpaño.

³ Id. at 3-8.

⁴ Id. at 49-52.

⁵ Id. at 9-11. Penned by Presiding Judge Amor M. Dimatatac-Romero.

⁶ Id. at 19-28. Penned by Presiding Judge Wendel M. Ramiterre.

⁷ Art. 358. Slander. — Oral defamation shall be punished by *arresto mayor* in its maximum period to *prision 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 200 pesos.

⁸ CA rollo, pp. 60-61.

That on or about the 11th day of December 2013 at *Barangay Valdez*, municipality of Floridablanca, province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with malicious and deliberate intent to bring the person of private offended party, Cecilia Lugtu-Queg, into discredit, dishonor and contempt, in disregard of the respect due to her by reason of his rank being a member of the Rotary Club of Floridablanca, did then and there, willfully, unlawfully and feloniously utter and speak, in the presence of other persons, the following defamatory remarks and words of similar import to wit: “*OYAN, ANAKPUTA KANG MALANDI, EKA DAPAT KENG PWESTONG A YAN, ING ASAWA KU YANG DAPAT KEN ANIMAL, MALANDI, MAKI-PANGABIT KAREN ROTARIAN*: (Now, you flirting daughter of a whore, you should not be in your position now, it should instead be my husband, you animal, flirt and mistress of the Rotarian) to the damage and prejudice of the private offended party.

Contray to law.⁹

Upon arraignment on May 11, 2016, accused-appellant pleaded “not guilty” to the charge.¹⁰

Trial ensued.

As culled from the MTC Judgment and the RTC Decision, the prosecution established that on December 11, 2013, at the Raccolta Garden Resort in *Barangay Valdez*, the newly-formed Rotary Club of Floridabalanca, Pampanga (new Rotary Club) celebrated the presentation of its charter and the induction of its members.¹¹ One of the persons present therein was Eduardo Manugue (Eduardo), the husband of accused-appellant, and a former member of the old Rotary Club.¹²

During the event, Eduardo asked that he be inducted into the group as well. However, the officers opposed as Eduardo was no longer a member of the new Rotary Club. A commotion ensued and as a result, Eduardo was escorted outside of the venue. He immediately called his wife, accused-appellant, and informed her of what transpired in the venue.¹³

At around 7:00 in the evening, accused-appellant arrived at the venue.¹⁴ Upon seeing Cecilia Lugtu-Queg (Cecilia), she uttered the following statement:

“*Oyan anakputa kang malandi, eka dapat keng pwestong a ayan, Ing asawa ku yang dapat keng animal, malandi, maki-pangabit Karen Rotarian?*” (Now, flirting daughter of a whore, you should not

⁹ Id. at 60.

¹⁰ See Certificate of Arraignment dated May 11, 2016, records, p. 85.

¹¹ CA rollo, p. 10.

¹² Id. at 19-20.

¹³ Id. at 10.

¹⁴ Id.

be in Your position now! It should be my husband, you animal, flirt and mistress of the Rotarians!)”¹⁵

For a period of 30 minutes, an undeterred accused-appellant repeatedly uttered these words against Cecilia. Accused-appellant only ceased from being confrontational when the owner of the resort, Raul Capulong, warned her of possible police arrest.¹⁶ The incident resulted in Cecilia’s filing of a complaint for Oral Defamation against accused-appellant before the MTC.

In her defense, accused-appellant alleged that her husband (Eduardo) and Cecilia had an illicit affair, which she discovered through the Facebook account of her husband.¹⁷ Upon her insistence, Eduardo confessed that he once had a relationship with Cecilia.¹⁸

According to accused-appellant, on December 11, 2013, she was with the cousins of Eduardo at SM Pampanga when she received a call from the latter informing her of what happened during the induction ceremony of the new Rotary Club. She immediately went to the venue. When she was denied entry at the lobby, she said “*Induct those immoral!*” She insisted that the statement was meant for the members of the new Rotary Club who conspired against Eduardo’s induction.¹⁹

The MTC Ruling

In the Judgment²⁰ dated October 23, 2017, the MTC found accused-appellant guilty beyond reasonable doubt of Simple Oral Defamation under Article 358 of the RPC. Accordingly, the MTC imposed against her the penalty of a fine in the amount of Two Hundred Pesos (₱200.00) and ordered her to pay Cecilia the amount of Five Thousand Pesos (₱5,000.00), with interest at the rate of six percent (6%) *per annum* from the date of finality of the Judgment until full payment thereof.²¹

The MTC found that the words used by accused-appellant were defamatory. However, it ruled that accused-appellant was only guilty of Simple Oral Defamation as she may have exclaimed the defamatory words to underscore her furious sentiment of the fact that her husband once had an affair with Cecilia. It likewise ratiocinated that accused-appellant uttered those words because her husband was not accorded due respect during the event.²²

¹⁵ Id. at 20.

¹⁶ Id.

¹⁷ Id. at 21-22.

¹⁸ Id. at 22.

¹⁹ Id.

²⁰ Id. at 19-28.

²¹ Id. at 27-28.

²² Id. at 25-26.

Undaunted, accused-appellant filed an appeal with the RTC.

The RTC Ruling

In the Decision²³ dated March 8, 2019, the RTC affirmed *in toto* the MTC Judgment convicting accused-appellant of Simple Oral Defamation. It agreed with the MTC's finding that the words uttered by accused-appellant were indeed defamatory. Nevertheless, it emphasized that considering the factual backdrop of the case, the oral defamation was only slight.²⁴

Still undeterred, accused-appellant filed a Petition for Review²⁵ dated April 29, 2019 (Petition) before the CA.

The CA Ruling

In the Resolution²⁶ dated May 30, 2019, the CA dismissed outright accused-appellant's Petition for her failure to comply with procedural requirements. The CA disposed the case as follows:

The Court DISMISSES the Petition for Review ("Petition"), because of the following infirmities:

- (1) the Office of the Solicitor General was not furnished with a copy of the Petition, in violation of Rule 42, Section 1, Rules of Court, in relation to Section 35(1), Book IV, Title III, Chapter 12, Administrative Code of 1987;
- (2) the Petition's Verification and Certification of Non-Forum Shopping was defective (*i.e.*: the petitioner did not indicate any competent evidence of the affiant's identity), in violation of Rule II, Section 6(b) and Section 12(a), 2004 Rules on Notarial Practice;
- (3) the petitioner did not attach material portions of the record (*i.e.*: witnesses' judicial affidavits, Transcripts of Stenographic Notes of Testimonies, Informations, and other documentary evidence), in support of the Petition's allegations, in violation of Rule 42, Section 2, Rules of Court.

IT IS SO ORDERED.²⁷

Accused-appellant filed a Motion to Reconsider Resolution,²⁸ which the CA denied in its Resolution²⁹ dated November 26, 2019.

Hence, the instant appeal.

²³ Id. at 9-11.

²⁴ Id. at 10.

²⁵ Id. at 3-8.

²⁶ Id. at 46-48.

²⁷ Id.

²⁸ Id. at 49-52.

²⁹ Id. at 154-155.

Accused-appellant filed her brief, denominated as a “Review of Decisions of the Court of Appeals,”³⁰ before this Court clarifying that her statement, “*Induct Those Immoral*,” was a product of her reaction to defend herself, her husband, and her children.³¹

In response, the People, through the Office of the Solicitor General (OSG), filed a Manifestation in lieu of Supplemental Brief³² informing the Court that it will not be filing a supplemental brief as it deems sufficient the arguments raised in its Comment³³ dated October 29, 2019.

The Issue

Whether accused-appellant’s guilt was proven beyond reasonable doubt.

The Court’s Ruling

The appeal lacks merit.

At the outset, it must be emphasized that accused-appellant had chosen the *wrong mode of appeal* in assailing the CA Resolutions in the case when she filed a Notice of Appeal with the CA instead of a petition for review on *certiorari* under Rule 45 of the Rules of Court before the Court.

Section 3(e), Rule 122, in relation to Section 13, Rule 124, of the Revised Rules of Criminal Procedure is explicit that *all appeals* to the Court shall be by a Rule 45 petition *except* in cases where the CA finds that the penalty of death, *reclusion perpetua*, or life imprisonment should be imposed against the accused.

In the case, the penalty for Simple Oral Defamation is *arresto menor* or a fine not exceeding Two Hundred Pesos (P200.00) under Article 358 of the RPC. Evidently, accused-appellant should have filed a petition for review on *certiorari* instead of an ordinary appeal to challenge her conviction before the Court. On this ground alone, the appeal should be dismissed for being the *wrong remedy*.

Still, *even if* the Court considers the instant appeal as a duly-filed petition for review on *certiorari*, it will be dismissed for lack of merit.

After a judicious examination of the records of the case, the Court finds no justification to overturn the findings of the MTC, as affirmed by the RTC. Likewise, the Court finds no error on the part of the CA in

³⁰ Id. at 18-21.

³¹ Id. at 20.

³² Id. at 81-83.

³³ Id. at 55-61.

dismissing accused-appellant's Petition for her failure to comply with procedural requirements.

Notably, the CA dismissed accused-appellant's Petition for: (1) failure to furnish a copy thereof to the OSG; (2) defective Verification and Certification of Non-Forum Shopping; and (3) failure to attach material portions of the records in violation of Rule 42 of the Rules of Court.

Under these circumstances, the Court deems the *outright dismissal* of accused-appellant's Petition with the CA to be in accord with the procedural rules and applicable jurisprudence. On this point, the Court emphasizes once more that "procedural rules are essential in the administration of justice. They do not exist for the convenience of the litigants and they were established primarily to provide order to, and enhance the efficiency of, our judicial system."³⁴

In *Santos v. Court of Appeals*,³⁵ the Court further explained:

Procedural rules are not to be disdained as mere technicalities that may be ignored at will to suit the convenience of a party. Adjective law is important in insuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These rules are not intended to hamper litigants or complicate litigation but, indeed, to provide for a system under which suitors may be heard in the correct form and manner and at the prescribed time in a peaceful confrontation before a judge whose authority they acknowledge. The other alternative is the settlement of their conflict through the barrel of a gun.³⁶

Moreover, in *Sindophil, Inc. v. Republic*,³⁷ the Court highlighted the importance of procedural rules:

Thus, procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only when, for the most persuasive of reasons, they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed. While it is true that litigation is not a game of technicalities, this does not mean that the Rules of Court may be ignored at will and at random to the prejudice of the orderly presentation and assessment of the issues and their just resolution.³⁸

In the case, accused-appellant admitted in her Motion for Reconsideration of the CA Resolution dated May 30, 2019 that she did

³⁴ *Ngo v. Gabelo*, G.R. No. 207707, August 24, 2020.

³⁵ 275 Phil. 894 (1991).

³⁶ Id.

³⁷ G.R. No. 204594, November 7, 2018.

³⁸ Id.

commit the procedural errors cited by the CA. However, she emphasized that she did not know that the procedures and documents are required and mandatory under the Rules of Court.

The Court rules that accused-appellant must suffer the consequences of her procedural lapses in appealing her conviction before the CA. Simply put, accused-appellant's feigned *ignorance* of the requirements for the filing of a petition for review with the CA *cannot* be deemed as a valid and compelling reason that would warrant the relaxation of the procedural rules.³⁹

Furthermore, even assuming for arguments' sake that accused-appellant had complied with the procedural requirements under Rule 42 of the Rules of Court, still, the Court is convinced that she is guilty beyond reasonable doubt of Simple Oral Defamation.

Article 358 of the RPC defines and penalizes the crimes of Simple Oral Defamation and Serious Oral Defamation; thus:

Article 358. *Slander*. — Oral defamation shall be punished by *arresto mayor* in its maximum period to *prision 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 200 pesos.

“Oral Defamation or Slander is libel committed by oral means, instead of in writing.”⁴⁰ By definition, it is “the speaking of base and defamatory words which tend to prejudice another in his reputation, office, trade, business or means of livelihood.”⁴¹

To warrant a conviction for Oral Defamation or Slander, the following elements must be present: “(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.”⁴²

In *Lopez v. People*,⁴³ the Court elucidated the standard in determining whether a statement is defamatory, thus:

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.

³⁹ See *Rivera-Pascual v. Spouses Lim*, 695 Phil. 543 (2012).

⁴⁰ *Urmaza v. Rojas*, G.R. No. 240012, January 22, 2020.

⁴¹ *Id.*

⁴² *De Leon v. People*, 776 Phil. 701 (2016).

⁴³ 658 Phil. 20 (2011).

To determine “whether a statement is defamatory, the words used are to 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.” Moreover, “[a] charge is sufficient if the words are calculated to induce the hearers to suppose and understand that the person or persons against whom they were uttered were guilty of certain offenses or are sufficient to impeach the honesty, virtue or reputation or to hold the person or persons up to public ridicule.”⁴⁴ (Citations omitted)

Tested under the above-mentioned established standards, the Court agrees with the lower courts that the words uttered by accused-appellant were defamatory in nature. Viewed in its entirety, the statement, “*Now, flirting daughter of a whore, you should not be in Your position now! It should be my husband, you animal, flirt and mistress of the Rotarians!*” clearly tends to prejudice Cecilia in her reputation, character, and integrity.

However, it is the Court’s considered view that the statement uttered by accused-appellant only constituted Simple or Slight Oral Defamation.

In *De Leon v. People*,⁴⁵ the Court expounded the yardstick in determining whether the offense is Simple or Serious Oral Defamation, viz.:

Whether the offense committed is serious or slight oral defamation, depends not only upon the sense and grammatical meaning of the utterances but also upon the special circumstances of the case, like the social standing or the advanced age of the offended party. “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.”⁴⁶ (Citations omitted)

Considering the factual backdrop of this case, the Court rules that the crime committed by accused-appellant was only Simple Oral Defamation for the following reasons: (1) Eduardo, the husband of accused-appellant, was not allowed to be inducted by the officers of the new Rotary Club; (2) Eduardo felt disrespected and humiliated as he was escorted out of the venue; (3) Eduardo previously admitted to accused-appellant that he and Cecilia once had an illicit affair; (4) accused-appellant was denied admission to the venue; and (5) accused-appellant

⁴⁴ Id.

⁴⁵ *De Leon v. People*, supra note 42.

⁴⁶ Id.

uttered the words in the heat of anger when she saw Cecilia at the lobby of the venue.

As to the penalty, the crime of Simple Oral Defamation is punishable by *arresto menor* or a fine not exceeding ₱200.00 under Article 358 of the RPC. As such, the Court finds no error on the part of the MTC and the RTC in imposing a fine of ₱200.00, with subsidiary imprisonment in case of insolvency, instead of imprisonment against accused-appellant.⁴⁷

As to accused-appellant's civil liability, the Court likewise upholds the MTC and RTC rulings ordering her to pay Cecilia ₱5,000.00 as moral damages pursuant to Article 2219(7)⁴⁸ of the Civil Code.⁴⁹ Further, such amount shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid.⁵⁰

WHEREFORE, the appeal is **DISMISSED**. The Resolutions dated May 30, 2019 and November 26, 2019 of the Court of Appeals in CA-G.R. CR No. 43285 are **AFFIRMED**. Accused-appellant Rossanna Chan Manugue is found **GUILTY** beyond reasonable doubt of Simple Oral Defamation under Article 358 of the Revised Penal Code. Accordingly, she is meted out with the penalty of a **FINE** in the amount of ₱200.00, with subsidiary imprisonment in case of insolvency. She is further ordered to pay private complainant Cecilia Lugtu-Queg the amount of ₱5,000.00 as moral damages plus legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Resolution until fully paid and the costs of suit.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

JB 11/7/22

⁴⁷ See *Ramos v. People*, 820 Phil. 1182 (2017).

⁴⁸ Article 2219 (7) of the Civil Code reads: “Moral damages may be recovered in the following and analogous cases:

x x x x

(7) Libel, slander or any other form of defamation[.]”

⁴⁹ *Ramos v. People*, supra note 47.

⁵⁰ Id.

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