Republic of the Philippines
Supreme Court
Manila

EN BANC

BERTENI CATALUÑA CAUSING, Petitioner,	**G.R. No. 258524**
	Present:
- versus -	GESMUNDO, *C.J.*, LEONEN, CAGUIOA, HERNANDO, LAZARO-JAVIER, INTING, ZALAMEDA, GAERLAN, ROSARIO, LOPEZ, DIMAAMPAO, MARQUEZ, KHO, JR., SINGH,* and VILLANUEVA, *JJ.*
PEOPLE OF THE PHILIPPINES, REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 93, OFFICE OF THE CITY PROSECUTOR OF QUEZON CITY, AND REPRESENTATIVE FERDINAND LEDESMA HERNANDEZ OF THE SECOND DISTRICT OF SOUTH COTABATO, Respondents.	**Promulgated:** April 8, 2026

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R E S O L U T I O N

INTING, *J.*:

For resolution are motions for the partial reconsideration of the Court's Decision[1] dated October 11, 2023, to wit: *(1)* the Partial Motion for

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* On leave but left a concurring vote.
[1] *Rollo*, pp. 437–465.

Reconsideration[2] filed by petitioner Berteni Cataluña Causing (Causing); and *(2)* the Motion for Partial Reconsideration[3] filed by respondents, through the Office of the Solicitor General (OSG).

The Assailed Decision dated October 11, 2023

In the Decision dated October 11, 2023, the Court affirmed the Orders dated October 5, 2021,[4] and November 15, 2021,[5] of Branch 93, Regional Trial Court (RTC), Quezon City in Criminal Case Nos. R-QZN-21-04099 and R-QZN-21-04100 (Cyber Libel Cases), which denied the Motion to Quash[6] of Causing.

Essentially, the Court ruled that the crime of cyber libel in Section 4(c)(4)[7] of Republic Act No. 10175, or the Cybercrime Prevention Act, prescribes in one year from discovery thereof by the offended party, the authorities, or their agents, in accordance with Article 90,[8] paragraph 4 and Article 91[9] of the Revised Penal Code.

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2 *Id.* at 472–486.

3 *Id.* at 487–499.

4 *Id.* at 195–198. Penned by Presiding Judge Arthur O. Malabaguio.

5 *Id.* at 191–193.

6 *Id.* at 95–113.

7 Republic Act No. 10175, sec. 4(c)(4) provides:
SECTION 4. *Cybercrime Offenses.* — The following acts constitute the offense of cybercrime punishable under this Act:
. . . .
(c) Content-related Offenses:
. . . .
(4) Libel. — The unlawful or prohibited acts of libel as defined in Article 355 of the Revised Penal Code, as amended, committed through a computer system or any other similar means which may be devised in the future.

8 REV. PEN. CODE, art. 90 provides:
ARTICLE 90. *Prescription of crimes.* — Crimes punishable by death, *reclusión perpetua* or *reclusión temporal* shall prescribe in twenty years.
Crimes punishable by other afflictive penalties shall prescribe in fifteen years.
Those punishable by a correctional penalty shall prescribe in ten years; with the exception of those punishable by *arresto mayor*, which shall prescribe in five years.
The crime of libel or other similar offenses shall prescribe in one year.
The offenses of oral defamation and slander by deed shall prescribe in six months.
Light offenses prescribe in two months.
When the penalty fixed by law is a compound one, the highest penalty shall be made the basis of the application of the rules contained in the first, second and third paragraphs of this article.

9 ARTICLE 91. *Computation of prescription of offenses.* — The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the filing of the complaint or information, and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped for any reason not imputable to him.
The term of prescription shall not run when the offender is absent from the Philippine Archipelago.

Nonetheless, the Court denied Causing's Petition for *Certiorari*[10] because the issue on prescription requires the presentation of evidence. It explained that the RTC did not gravely abuse its discretion when it refused to quash the Informations[11] in the Cyber Libel Cases given that: *first*, Causing reckoned the prescription of the crimes based only on the date on which the allegedly defamatory remarks were posted online; and *second*, he failed to attach any evidence in support of his Motion to Quash. Still, the Court emphasized that Causing may present evidence during the full-blown trial of the Cyber Libel Cases to support his contention that the charges of cyber libel against him had already prescribed.

Arguments in Petitioner's Motion for Partial Reconsideration

In his Motion, Causing seeks reconsideration of the Decision, insofar as it held that the prescriptive period of cyber libel is reckoned from the discovery of the published libelous matter by the offended party. He argues instead that the prescriptive period of cyber libel should be counted from the date of publication of the defamatory materials.[12] He insists that the private complainant, Representative Ferdinand Ledesma Hernandez (Hernandez), should be presumed to have discovered the defamatory materials at the time that they were posted on Facebook, an online social network or social media platform; otherwise, he would be at a loss on the reckoning date of the prescription of the crimes charged against him.[13]

Causing points out that online posts are more widespread compared with the traditional modes of publication in Article 355[14] of the Revised Penal Code.[15] He avers that the Court's ruling will result in an absurd situation where cyber libel may still be charged even after several years have already lapsed from the time of publication, as long as it was discovered at a later date by the offended party.[16]

Arguments in Respondents' Motion for Partial Reconsideration

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10 *Rollo*, pp. 7–57.
11 *Id.* at 204–206 and 207–209.
12 *Id.* at 477.
13 *Id.* at 477–478.
14 REV. PEN. CODE, art. 355 provides:
ARTICLE 355. *Libel by means of writings or similar means.* — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by *prisión correccional* in its minimum and medium periods or a fine ranging from Forty thousand pesos ([PHP] 40,000) to One million two hundred thousand pesos ([PHP] 1,200,000), or both, in addition to the civil action which may be brought by the offended party.
15 *Rollo*, pp. 478–479.
16 *Id.* at 483–484.

In its Motion, the OSG seeks reconsideration of the Decision insofar as it held that cyber libel prescribes in one year. It submits that Cyber Libel prescribes in 15 years based on Article 90, paragraph 2 of the Revised Penal Code because the imposable penalty therefor is afflictive. As basis, the OSG cites *Tolentino v. People*,[17] a case decided by the Court's First Division by way of an *unsigned* Resolution dated August 6, 2018. The OSG asserts that the Court's conclusions in the *unsigned* Resolution in *Tolentino* are binding doctrines or principles of law that may only be overturned by the Court sitting *en banc* pursuant to Article VIII, Section 4(3)[18] of the Constitution.[19]

The OSG further argues that a computer system cannot be considered as a "similar means" of committing libel under Article 355 of the Revised Penal Code because the various means of publication in the said provision of law do not include a computer system.[20] It thus opines that cyber libel does not fall within the term "libel" in Article 90, paragraph 4 of the Revised Penal Code. It insists that cyber libel is a graver offense compared with ordinary libel; hence, the one-year prescriptive period for "libel" under Article 90, paragraph 4 of the Revised Penal Code should not be applied to cyber libel.[21]

The Issues

The following are the issues before the Court:

I. Whether the *unsigned* Resolution in *Tolentino* laid down a doctrine or principle of law on cyber libel's prescription that may only be modified or reversed by the Court *en banc* pursuant to Article VIII, Section 4(3) of the Constitution.

II. Whether cyber libel prescribes in one year under Article 90, paragraph 4 of the Revised Penal Code.

III. Whether the private offended party, the authorities, or their agents may be presumed to have read or discovered a defamatory

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17 G.R. No. 240310, August 6, 2018 [Notice].

18 SECTION 4. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit *en banc* or in its discretion, in divisions of three, five, or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof.

. . . .

(3) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided *en banc*: *Provided*, that no doctrine or principle of law laid down by the court in a decision rendered *en banc* or in division may be modified or reversed except by the court sitting *en banc*.

19 *Rollo*, pp. 488–491.

20 *Id.* at 491–495.

21 *Id.* at 495–497.

material at the time that it is posted online for the purpose of reckoning the prescriptive period of cyber libel.

The Ruling of the Court

The motions for partial reconsideration filed by petitioner and the OSG are both denied for lack of merit.

I. The unsigned Resolution in Tolentino is not doctrinal and is therefore outside the purview of Article VIII, Section 4(3) of the Constitution

The OSG argues that the *unsigned* Resolution in *Tolentino* laid down a doctrine or principle of law on the prescription of Cyber Libel that cannot be modified or reversed except by the Court sitting *en banc* in accordance with Article VIII, Section 4(3) of the Constitution which states:

> (3) *Cases* or *matters* heard by a division shall be *decided* or *resolved* with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided *en banc*: Provided, that **no doctrine or principle of law laid down by the court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc.** (Emphasis and underscoring supplied)

The Court disagrees with the OSG.

First, textually, Article VIII, Section 4(3) of the Constitution pertains to a doctrine or principle of law laid down by the Court in a *decision* rendered *en banc* or in a division. To be clear, *Tolentino* was decided through an *unsigned* resolution, and not by way of a decision.

Second, it is a basic rule in statutory construction that "every part of the [statute] must be interpreted with reference to the context, *i.e.*, that every part of the [statute] must be interpreted together with the other parts, and kept subservient to the general intent of the whole enactment."[22] Further, "[t]he particular words, clauses and phrases should not be studied as detached and isolated expressions, but the whole and every part of the statute must be

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[22] *Cong. Mandanas v. Exec. Secretary Ochoa*, 851 Phil. 545, 564 (2019) [Per C.J. Bersamin, *En Banc*].

considered in fixing the meaning of any of its parts and in order to produce a harmonious whole."[23]

Thus, the *proviso* in Article VIII, Section 4(3) of the Constitution should not be read in isolation but instead be interpreted together with the first sentence thereof, which refers to cases decided "with the concurrence of a majority of the Members who actually took part in the *deliberations* on the issues in the case and *voted* thereon, and in no case, without the concurrence of at least three of such Members." Taking together the first and second sentences of Article VIII, Section 4(3), the Court stresses that the "decision" contemplated by the Constitution, wherein a doctrine or principle of law is laid down, refers to cases decided by the Court that shows the *concurrence* of the majority of the Members who took part in the *deliberations* on the issues in the case and *voted* thereon.

In relation thereto, Rule 13, Section 6 of A.M. No. 10-4-20-SC, or the Internal Rules of the Supreme Court, provides the manner by which the Court adjudicates a case before it. The rule distinguishes among a "decision," a "signed resolution," and an "*unsigned* resolution":

> SECTION 6. *Manner of adjudication.* – The Court shall adjudicate cases as follows:
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> (a) By *decision*, when the Court disposes of the case on its merits and its rulings have significant doctrinal values; resolve novel issues; or impact on the social, political, and economic life of the nation. The decision shall state clearly and distinctly the facts and the law on which it is based. It shall bear the signatures of the Members who took part in the deliberation.
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> (b) By *signed resolution*, when the Court comprehensively resolves the motion for reconsideration filed in the case or when a dissenting opinion is registered against such resolution. The signed resolution shall no longer discuss issues resolved in the decision and need not repeat the facts and the law stated in it. It shall also bear the signatures of the Members who took part in the deliberation.
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> (c) By *unsigned resolution*[,] when the Court disposes of the case on the merits, but its ruling is essentially meaningful only to the parties; has no significant doctrinal value; or is of minimal interest to the law profession, the academe, or the public. The resolution shall state clearly and distinctly the facts and the law on which it is based.

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[23] *Id.*

Likewise, in Circular No. 2-89 dated February 7, 1989, providing Guidelines and Rules in the Referral to the Court *en banc* of Cases Assigned to a Division, the Court identified which decisions or resolutions of a division may be considered for referral to the Court *En Banc* pursuant to Article VIII, Section 4(3) of the Constitution, to wit:

> 2. A decision or resolution of a Division of the Court, when *concurred in by a majority of its Members* who actually took part in the *deliberations* on the issues in a case and *voted* thereon, and in no case without the concurrence of at least three of such Members, is a decision or resolution of *the* Supreme Court (Section 4[3], Article VIII, 1987 Constitution). (Emphasis supplied)

In view of Rule 13, Section 6 of the Internal Rules of the Supreme Court and paragraph 2 of Circular No. 2-89, it is apparent that a doctrine or principle of law may be laid down by the Court, sitting *en banc* or in a division, only via a *decision* or a *signed* resolution, as only such dispositions *expressly* show the concurrence of a majority of the Members who took part in the deliberations and voted thereon.[24]

Third, Article VIII, Section 4(3) of the 1987 Constitution refers to the doctrine of *stare decisis*,[25] which dictates that "for the sake of certainty, a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be *different*."[26] By the principle of *stare decisis*, the Court's ruling is deemed *final* even as to "parties who are *strangers* to the original proceeding and not bound by the judgment under the *res judicata* doctrine,"[27] and all points of law therein decided must generally be followed by all courts of lower rank in subsequent cases where the same legal issue is raised.[28]

The doctrine of *stare decisis* is entrenched in Article 8 of the Civil Code, which states that "[j]udicial decisions applying or interpreting the laws or the Constitution shall form part of the legal system of the Philippines."[29]

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[24] *See Deutsche Bank AG Manila Branch v. Commissioner of Internal Revenue*, 716 Phil. 676, 687-688 (2013) [Per C.J. Sereno, First Division]; *citing Philippine Health Care Providers, Inc. v. Commissioner of Internal Revenue*, 616 Phil. 387 (2009) [Per J. Corona, Special First Division].

[25] *See De Castro v. Judicial and Bar Council*, 632 Phil. 657, 685 (2010) [Per J. Bersamin, *En Banc*].

[26] *Metropolitan Bank & Trust Co. v. Fortuna Paper Mill & Packaging Corp.*, 842 Phil. 819, 842 (2018) [Per J. A. Reyes, Jr., Second Division]; *Department of Transportation & Communications v. Cruz*, 581 Phil. 602, 611 (2008) [Per J. Austria-Martinez, *En Banc*]; *Luzon Brokerage Co., Inc. v. Maritime Building Co.*, 175 Phil. 476 (1978) [Per J. Teehankee, *En Banc*].

[27] *Negros Navigation Co., Inc. v. Court of Appeals*, 346 Phil. 551, 563 (1997) [Per J. Mendoza, Second Division].

[28] *CDCP Mining Corp. v. Commissioner of Internal Revenue*, 502 Phil. 511, 519 (2005) [Per J. Tinga, Second Division].

[29] *De Mesa v. Pepsi Cola Products Phils. Inc.*, 504 Phil. 685, 691 (2005) [Per J. Quisumbing, First Division].

Although judicial decisions are not laws themselves, they constitute evidence of what the law means; hence, as a rule, the application or interpretation that the Court places upon a law becomes a part of it as of the date of the enactment.[30]

Thus, judicial decisions assume the same authority as the laws themselves and, "until authoritatively abandoned, necessarily become, to the extent that they are applicable, *the criteria which must control the actuations not only of those called upon to abide thereby but also of those in duty bound to enforce obedience thereto*."[31] Otherwise said, *all* persons are duty-bound to respect and observe the Court's judicial pronouncements that have become part of the law of the land.[32]

Relevantly, all final judgments, orders, or resolutions of the Court are served upon the parties concerned.[33] However, under Rule 14, Section 7 of the Internal Rules of the Supreme Court, only decisions and *signed* resolutions of the Court shall be *published* in the Philippine Reports:

> SECTION 7. *Publication of decisions and resolutions. – A decision and signed resolution of the Court* ***shall*** *be published in the Philippine Reports*, with the synopsis and syllabus prepared by the Office of the Reporter. Other decisions and signed resolutions not so published may also be published in the Philippine Reports in the form of memoranda prepared by the Office of the Reporter. The Public Information Office (PIO) may choose and submit significant decisions and resolutions for publication in the Official Gazette. (Italics and underscoring supplied)

Thus, only the pronouncements in decisions and *signed* resolutions may be considered as *known* to non-parties and all other persons. Perforce, only decisions and *signed* resolutions may be considered as *doctrinal* and *binding* on third persons and strangers to a case. It would certainly be unfair to hold that the Court's disposition of a case should be taken as a doctrine or principle of law, which is binding on *all* persons, *if* the ruling is furnished only to the parties concerned but *not* to the rest of the populace who cannot be expected to take notice of its contents.

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30 *People v. Licera*, 160 Phil. 270, 273 (1975) [Per J. Castro, First Division].

31 *Caltex (Philippines) Inc. v. Palomar*, 124 Phil. 763, 774 (1966) [Per J. Ruiz Castro, *En Banc*].

32 *See Republic Planters Bank v. National Labor Relations Commission*, 334 Phil. 124, 132 (1997) [Per J. Bellosillo, First Division].

33 *See* 2019 Revised Rules of Civil Procedure, Rule 13, Section 13, which states:
SECTION 13. *Service of judgments, final orders or resolutions.* — Judgments, final orders, or resolutions shall be served either personally or by registered mail. Upon *ex parte* motion of any party in the case, a copy of the judgment, final order, or resolution may be delivered by accredited courier at the expense of such party. When a party summoned by publication has failed to appear in the action, judgments, final orders or resolutions against him or her shall be served upon him or her also by means of publication at the expense of the prevailing party.

Considering that *Tolentino* is an *unsigned* and *unreported* Resolution that does *not* indicate the concurrence of the Members who took part in the deliberations and voted on the disposition of the case, the ruling therein as regards the prescription of cyber libel cannot be considered as a doctrine or principle of law under Article VIII, Section 4(3) of the Constitution. While the *unsigned* Resolution in *Tolentino* is binding on the parties thereto, any statement made therein by the Court cannot be considered as doctrinal or a binding principle of law *as against third parties*.

There being no principle of law or doctrine to modify or reverse in the first place, the Court's Third Division committed no misstep in rendering the assailed Decision without elevating the case to the Court *En Banc* for proper action.

I. A. *Conflicting rulings of the Court on the application of the principle of stare decisis to unsigned resolutions*

That being said, the Court is not unaware of the conflicting rulings regarding the jurisprudential value of *unsigned* resolutions. Consequently, the Court now takes the opportunity to settle the matter once and for all for the guidance of the bench and the bar.

To recall, the Court held in *Eizmendi v. Fernandez*[34] that an *unsigned* resolution may create a binding precedent when it "state[s] clearly and distinctly the facts and law on which it is based and is not a mere dismissal of a petition for failure to comply with formal and substantive requirements."[35]

In *Eizmendi*, the Court's Special Third Division relied upon an *unsigned* resolution in a different case which likewise involved one of therein petitioners, Valle Verde Country Club, Inc. (Valle Verde), as a party, but excluded therein respondent Teodorico P. Fernandez (Fernandez). The Court ruled that the earlier *unsigned* resolution involving Valle Verde constituted *stare decisis* even against a non-party, such as Fernandez, as to the existence of an election contest based on the allegations in a complaint and the real parties-in-interest thereto.[36]

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34 866 Phil. 638 (2019) [Per C.J. Peralta, Special Third Division].
35 *Id.* at 651.
36 *Id.* at 648–651.

In contrast to *Eizmendi*, the Court's Third Division stated in *Denila v. Republic of the Philippines*[37] that an *unsigned* resolution constitutes *res judicata*, but it is *not doctrinal*.[38] Similarly, the Court's First Division in *RMFPU Holdings, Inc. v. Forbes Park Association, Inc.*[39] held that an *unsigned* Resolution, like a *minute* resolution, is binding only between the parties as both dispositions are *unsigned*. Thus, the doctrine of *stare decisis* cannot be invoked in a subsequent case to bind non-parties thereto:

> *PAGREL* was resolved by the Court through an unsigned Resolution. Being an unsigned Resolution, similar to a minute Resolution, the disposition therein is binding only as between the parties. The doctrine of *stare decisis* cannot be invoked in a subsequent case to bind non-parties thereto, who may be similarly situated as the original parties to the case. Thus, the CA erred when it justified its invocation of *PAGREL* in the present cases by applying the doctrine of *stare decisis*.[40] (Citation omitted)

In *RMFPU Holdings, Inc.*, an earlier *unsigned* resolution was issued by the Court in *Forbes Park Association, Inc. v. PAGREL, Inc.*,[41] which involved cases filed by the registered owners of properties within Forbes Park Village for the cancellation of a Deed of Restrictions annotated on the owners' certificates of title. Like PAGREL, Inc., therein petitioner RMFPU Holdings, Inc. was also a registered owner of a property in Forbes Park Village and sought the cancellation of the same Deed of Restrictions annotated on its certificate of title. Both *PAGREL, Inc.* and *RMFPU Holdings, Inc.* raised the same issue on whether Forbes Park Association was an indispensable party in the similar actions for cancellation.

Despite the First Division's statement in *RMFPU Holdings, Inc.* that the *unsigned* resolution in *PAGREL, Inc.* cannot be invoked as *stare decisis* against non-parties, it nonetheless followed the ruling in the *unsigned* resolution because of the similarities of the parties, the factual circumstances, and the causes of action in both cases. The First Division emphasized that it found no cogent reason to depart from the earlier ruling in *PAGREL, Inc.*

It thus appears that *Eizmendi*, on the one hand, and *Denila* and *RMFPU Holdings, Inc.*, on the other, provide *conflicting* rulings on whether the doctrine of *stare decisis* may be invoked as regards a case that was resolved through an *unsigned* resolution. While the Court's Special Third Division in *Eizmendi* held that an *unsigned* resolution may still be a binding precedent even against non-parties, an opposite conclusion was rendered by the Court's

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37 877 Phil. 380 (2020) [Per J. Gesmundo, Third Division].
38 *Id.* at 462.
39 903 Phil. 518 (2021) [Per J. Caguioa, First Division].
40 *Id.* at 534–535.
41 568 Phil. 603 (2008) [Per J. Velasco Jr., Second Division].

Third Division in *Denila* and the Court's First Division in *RMFPU Holdings, Inc.*

After a careful evaluation of the foregoing cases, the Court finds that the ruling in *Denila* and *RMFPU Holdings, Inc.* is more consistent with Our earlier discussion on disposition of cases that are covered by Article VIII, Section 4(3) of the Constitution. The Court thus re-affirms its ruling in *Denila* and *RMFPU Holdings, Inc.*, and so holds that *an unsigned resolution is not doctrinal and is binding only on the parties thereto because it is unreported and unpublished and does not expressly show the concurrence of a majority of the Members who took part in the deliberations and voted thereon.* No doctrine or principle of law may be laid down in an *unsigned* resolution in the context of Article VIII, Section 4(3) of the Constitution. At most, an *unsigned* resolution involving facts and issues that are similar to a pending case for review may serve as an uncertain guide to the reviewing court, but it cannot be deemed as doctrinal nor a binding source of *stare decisis* against non-parties and third persons.

To summarize, Article VIII, Section 4(3) of the Constitution pertains to the Court's decisions and *signed* resolutions, as these are the only manners of adjudication under Rule 13, Section 6 of the Internal Rules of the Supreme Court that bear "the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon[.]"

Further, the "doctrine or principle of law" referred to in Article VIII, Section 4(3) relates to *stare decisis*, as entrenched in Article 8 of the Civil Code,[42] wherein decided points of law are not only considered binding on strangers to the original suit but must also be observed by all courts of lower rank in subsequent cases where the same legal issue is raised.[43] Due process and fairness dictate that the principle of *stare decisis* contemplated in Article VIII, Section 4(3) of the Constitution be only sourced from decisions and *signed* resolutions, as they are the only ones that are required to be published under the present internal rules[44] of the Court. To hold otherwise would lead to an iniquitous situation wherein all persons are mandated to respect and

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42 *See De Castro v. Judicial and Bar Council*, 632 Phil. 657, 685-687 (2010) [Per J. Bersamin, *En Banc*] and *De Mesa v. Pepsi Cola Products Phils. Inc.*, 504 Phil. 685, 691 (2005) [Per J. Quisumbing, First Division].

43 *See Metropolitan Bank & Trust Co. v. Fortuna Paper Mill & Packaging Corp.*, 842 Phil. 819, 842 (2018) [Per J. A. Reyes, Jr., Second Division], *Department of Transportation & Communication v. Cruz*, 581 Phil. 602, 610 (2008) [Per J. Austria-Martinez, *En Banc*]; *CDCP Mining Corp. v. Commissioner of Internal Revenue*, 502 Phil. 511, 519 (2005) [Per J. Tinga, Second Division]; *Negros Navigation Co., Inc. v. Court of Appeals*, 346 Phil. 551 (1997) [Per J. Mendoza, Second Division]; *Luzon Brokerage Co., Inc. v. Maritime Building Co.*, 175 Phil. 476 (1978) [Per J. Teehankee, *En Banc*].

44 *See* Rule 14, Section 7 of the Internal Rules of the Supreme Court.

observe the Court's ruling in a specific case even when they are furnished only to the parties concerned but not to the general public.

Consequently, *minute* resolutions and *unsigned* resolutions of the Court are beyond the ambit of Article VIII, Section 4(3) of the Constitution and the principle of *stare decisis*.[45] For one, *minute* resolutions and *unsigned* resolutions are signed only by the clerk of court, by authority of the Court, and do not show the concurrence of the Members who participated in the deliberations and voted thereon. For another, as provided in the Internal Rules of the Court, *unsigned* resolutions have *no significant doctrinal value*, while *minute* resolutions[46] are issued by the Court when it denies or dismisses an action *outright* in the exercise of its discretion under Rule 45, Section 6[47] of the Rules of Court, or when the complaint or petition before it fails to comply with formal and substantive requirements.[48] Moreover, *unlike* decisions and signed resolutions, minute resolutions and *unsigned* resolutions are *not* required to be published under the Court's Internal Rules; hence, non-parties and strangers to a suit cannot be expected to take notice of their contents, much less comply therewith.

Nonetheless, the principle of *res judicata*, which dictates that a final judgment or decree *on the merits* by a court of competent jurisdiction shall be *conclusive* as to the rights of the parties or their privies in all later suits and on

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45 *San Miguel Corp. v. Commissioner of Internal Revenue*, 940 Phil. 285, 296 (2023) [Per J. Singh, Third Division] *citing Philippine Health Care Providers, Inc. v. Commissioner of Internal Revenue*, 616 Phil. 387 (2009) [Per J. Corona, Special First Division].

46 Rule 13, Section 6(d) of the Internal Rules of the Supreme Court, which states:
SECTION 6. *Manner of adjudication.* – The Court shall adjudicate cases as follows:
. . . .
(d) By *minute resolution* when the Court (1) dismisses a petition filed under Rule 64 or 65 of the Rules of Court, citing as legal basis the failure of the petition to show that the tribunal, board or officer exercising or quasi-judicial functions has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; (2) denies petition filed under Rule 45 of the said Rules, citing as legal basis the absence of reversible error committed in the challenged decision, resolution, or order of the court below; (3) dismisses an administrative complaint, citing as legal basis failure to show a *prima facie* case against the respondent; (4) denies a motion for reconsideration, citing as legal basis the absence of a compelling or cogent reason to grant the motion, or the failure to raise any substantial argument to support such motion or the decision of the court has already passed upon the basic issue in the case; and (5) dismisses a petition on technical grounds or deficiencies.

47 SECTION 6. *Review discretionary.* — A review is not a matter of right, but of sound judicial discretion, and will be granted only when there are special and important reasons thereof. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of the reasons which will be considered:
(a) When the court *a quo* has decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court; or
(b) When the court *a quo* has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision.

48 *See San Miguel Corp. v. Commissioner of Internal Revenue,* 940 Phil. 285, 296 (2023) [Per J. Singh, Third Division] and *Que v. People*, 238 Phil. 155 (1987) [Per J. Paras, Special Former Second Division].

all points and matters determined in the former suit,[49] applies to *all* final decisions or resolutions of the Court, *regardless* of the manner of adjudication under Rule 13, Section 6 of the Internal Rules of the Supreme Court, i.e., by decision, signed resolution, *unsigned* resolution, or minute resolution.[50] The binding effect of a judgment or final order under Rule 39, Section 47[51] of the Rules of Court may be invoked in these dispositions by the Court.[52] Otherwise stated, minute resolutions and *unsigned* resolutions are not doctrinal and cannot serve as judicial precedents as against non-parties or strangers to suit; however, they are considered as dispositions on the merits and serve as *res judicata* as against the parties to the suit and the matters therein adjudged in accordance with Rule 39, Section 47 of the Rules of Court.

In the case at hand, the OSG cited the *unsigned* Resolution in *Tolentino* as basis for its argument that cyber libel prescribes in 15 years. Although lacking in doctrinal value, *Tolentino* may certainly serve as an aid or guide in the present case because of the common or similar issues and questions of law involved, i.e., prescription of cyber libel. However, for reasons explained in the assailed Decision, the Court's Third Division did not find *Tolentino* persuasive and found compelling grounds to depart from its ruling, which the Third Division could validly do without a prior referral to the *en banc* and without violating Article VIII, Section 4(3) of the Constitution.

II. Cyber libel prescribes in one year under Article 90, paragraph 4 of the Revised Penal Code

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49 *Villaroman v. Estate of Arciaga*, 905 Phil. 622, 635 (2021) [Per J. Hernando, Third Division].

50 *See San Miguel Corp. v. Commissioner of Internal Revenue*, 940 Phil. 285, 296 (2023) [Per J. Singh, Third Division] citing *Philippine Health Care Providers, Inc. v. Commissioner of Internal Revenue*, 616 Phil. 387 (2009) [Per J. Corona, Special First Division]; *Philippine National Bank v. Lim,* 702 Phil. 461 (2013) [Per J. Reyes, First Division]; *Del Rosario, Jr. v. People*, 525 Phil. 261 (2006) [Per J. Corona, Second Division].

51 SECTION 47. *Effect of judgments or final orders.* — The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:

(a) In case of a judgment or final order against a specific thing, or in respect to the probate of a will, or the administration of the estate of a deceased person, or in respect to the personal, political, or legal condition or status of a particular person or his relationship to another, the judgment or final order is conclusive upon the title to the thing, the will or administration or the condition, status or relationship of the person; however, the probate of a will or granting of letters of administration shall only be *prima facie* evidence of the death of the testator or intestate;

(b) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been missed in relation thereto, conclusive between the parties and their successors in interest, by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and

(c) In any other litigation between the same parties or their successors in interest, that only is deemed to have been adjudged in a former judgment or final order which appears upon its face to have been so adjudged, or which was actually and necessarily included therein or necessary thereto.

52 *Villaroman v. Estate of Arciaga*, 905 Phil. 622 (2021) [Per J. Hernando, Third Division].

In the assailed Decision, the Court ruled that the prescriptive period of cyber libel should be determined based on Article 90, paragraph 4 of the Revised Penal Code, for the following reasons:

First, Section 4(c)(4) of the Cybercrime Prevention Act does not define any new crime of "cyber libel" but merely cites Article 355 of the Revised Penal Code in defining "Libel" as an unlawful conduct, *when committed through a computer system or any other similar means* which may be devised in the future.

Second, the Court *En Banc* in *Disini, Jr. v. The Secretary of Justice*[53] already stated that cyber libel is *not* a new crime because Article 353,[54] in relation to Article 355, of the Revised Penal Code already punishes it. The Cybercrime Prevention Act simply recognizes a computer system *as a means of publishing a defamatory material* and makes the use of information and communication technology (ICT) in the commission of libel a qualifying circumstance.

Third, the legislators themselves recognized that the Cybercrime Prevention Act did not create a new crime of cyber libel because libel is already punished by the Revised Penal Code.

Finally, even assuming that cyber libel is a "new" crime that is made punishable by a special law, i.e., the Cybercrime Prevention Act, the law's specific reference to libel under Article 355 of the Revised Penal Code calls for the application of the elementary principle that statutory provisions on the prescription of crimes must be construed in favor of the accused.[55]

II.A. *Libel in Section 4(c)(4) of the Cybercrime Prevention Act is the same crime of Libel in Article 353, in relation to Article 355 of the Revised Penal Code, when committed through a computer system or ICT*

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53 733 Phil. 717, 741 (2014) [Per J. Abad, *En Banc*].

54 ARTICLE 353. *Definition of libel.* — A libel is a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.

55 *People v. Moran*, 44 Phil. 387, 394–401 (1923) [Per C.J. Araullo, *En Banc*]; *People v. Reyes*, 256 Phil. 1015, 1027 (1989) [Per J. Cortes, Third Division]; *People v. Pacificador*, 406 Phil. 774, 784 (2001) [Per J. De Leon, Jr., Second Division].

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The OSG insists that libel under Section 4(c)(4) of the Cybercrime Prevention Act is not the same as Libel in Article 355 of the Revised Penal Code because the means of publication recognized in the latter does not include a computer system or ICT. It thus argues that the one-year prescriptive period for ordinary Libel under Article 90, paragraph 4 of the Revised Penal Code cannot be applied to cyber libel.

The Court is not persuaded by the OSG's argument.

In *Peñalosa v. Ocampo, Jr.*,[56] the Court's Second Division ruled that the act of posting a defamatory remark on a social media platform in 2011, ***before*** the Cybercrime Prevention Act took effect, cannot be punished as libel in Section 4(c)(4) of the said law pursuant to the basic principle that penal statutes cannot be retroactively applied except when they are favorable to the accused. Neither may the conduct be punished as libel under Article 355 of the Revised Penal Code as the means of publication recognized in the said law do not include computer systems or ICT.

Peñalosa correctly states that Article 355 of the Revised Penal Code does *not* recognize a computer system or ICT as a means of publication. As the Court pointed out in the assailed Decision, when the Revised Penal Code was passed in 1930, the lawmakers "could not have contemplated the use of technologies not yet existing at that time, such as a computer system, to publish libelous statements."[57] This is the very reason why the only means of publication recognized in Article 355 of the Revised Penal Code are "writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means[.]"

While the enumeration in Article 355 includes electronic devices, such as radio and by extension, television,[58] these technologies refer to "the transmission and reception of electromagnetic waves without conducting wires intervening between *transmitter* and *receiver*."[59] They involve *one-way* communication, for the end-user merely *receives* the broadcast signals and could only use the radio or television to switch to a different channel. They are not computer devices for *two-way* communication, where end-users are capable not only of receiving signals but also of transmitting their own by inputting command prompts in the computer device, which then processes the

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56 941 Phil. 680 (2023) [Per J. Leonen, Second Division].
57 *Causing v. People*, 948 Phil. 400, 415 (2023) [Per J. Inting, Third Division].
58 *Tieng v. Judge Palacio-Alaras*, 907 Phil. 616, 644 (2021) [Per J. Carandang, *En Banc*].
59 *People v. Santiago*, 115 Phil. 219, 221 (1962) [Per J. Concepcion, *En Banc*].

instructions to produce the desired output or to achieve the intended result, i.e., to share or communicate information online or in cyberspace.[60]

Still, it is *incorrect* to state that Libel in Section 4(c)(4) of the Cybercrime Prevention Act is an entirely new crime that was not previously punished in the Revised Penal Code. The OSG overlooks the fact that libel is *not* defined in Article 355 of the Revised Penal Code, but in Article 353 thereof, to wit:

> ARTICLE 353. *Definition of libel.* — A libel is a public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.

There are several ways of committing libel under the Revised Penal Code, depending on how the defamatory remarks are uttered: if done through *writing*, Article 355 of the Revised Penal Code applies; if made *orally*, slander under Article 358[61] of the Revised Penal Code applies; if performed through any other act not included and punished in Title Thirteen of the Revised Penal Code, Article 359[62] on slander by deed applies.

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[60] *See* Cybercrime Prevention Act, Section 3(d), (e), (f), (g), and (i) which state:
SECTION 3. *Definition of Terms.* — For purposes of this Act, the following terms are hereby defined as follows:

. . . .

(d) *Computer* refers to an electronic, magnetic, optical, electrochemical, or other data processing or communications device, or grouping of such devices, capable of performing logical, arithmetic, routing, or storage functions and which includes any storage facility or equipment or communications facility or equipment directly related to or operating in conjunction with such device. It covers any type of computer device including devices with data processing capabilities like mobile phones, smart phones, computer networks and other devices connected to the internet.

(e) *Computer data* refers to any representation of facts, information, or concepts in a form suitable for processing in a computer system including a program suitable to cause a computer system to perform a function and includes electronic documents and/or electronic data messages whether stored in local computer systems or online.

(f) *Computer program* refers to a set of instructions executed by the computer to achieve intended results.

(g) *Computer system* refers to any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automated processing of data. It covers any type of device with data processing capabilities including, but not limited to, computers and mobile phones. The device consisting of hardware and software may include input, output and storage components which may stand alone or be connected in a network or other similar devices. It also includes computer data storage devices or media.

. . . .

(i) *Cyber* refers to a computer or a computer network, the electronic medium in which online communication takes place.

[61] 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 Twenty thousand pesos ([PHP] 20,000).

[62] ARTICLE 359. *Slander by deed.* – The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period or a fine ranging from Twenty thousand pesos ([PHP] 20,000) to One hundred thousand pesos ([PHP] 100,000) shall be imposed upon any person who shall perform any

When the Legislature introduced libel in Section 4(c)(4) of the Cybercrime Prevention Act, *it simply recognized another means of committing Libel* as defined in Article 353, in relation to Article 355, of the Revised Penal Code, that is, by publishing a defamatory material in the cyberspace using a computer system or ICT.

The Court cannot subscribe to the OSG's argument that cyber libel is entirely different from libel in the Revised Penal Code because the Cybercrime Prevention Act itself *refers* to the Revised Penal Code, not only in *defining* the crime of cyber libel, but also in setting the *penalty* therefor.

Verily, in defining "libel" as a prohibited act, Section 4(c)(4) of the Cybercrime Prevention Act merely refers to Article 355 of the Revised Penal Code, when it is committed through a computer system or any other similar means which may be devised in the future:

> SECTION 4. *Cybercrime Offenses.* — The following acts constitute the offense of cybercrime punishable under this Act:
>
> . . . .
>
> (c) Content-related Offenses:
>
> . . . .
>
> (4) Libel. — The unlawful or prohibited acts of libel *as defined in Article 355 of the Revised Penal Code*, as amended, committed through a computer system or any other similar means which may be devised in the future. (Italics supplied)

In setting the penalty therefor, Section 6 of the Cybercrime Prevention Act again refers to the Revised Penal Code:

> SECTION 6. All crimes defined and penalized by the Revised Penal Code, as amended, and special laws, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of this Act: *Provided,* That the penalty to be imposed shall be one (1) degree higher than that provided for by the Revised Penal Code, as amended, and special laws, as the case may be.

Clearly, as stated in *Disini*, cyber libel in the Cybercrime Prevention Act is no different from libel in Article 353, in relation to Article 355, of the Revised Penal Code. Nonetheless, given the far reach of materials posted online, Section 6 of the law makes the commission of already *existing crimes*

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act not included and punished in this title, which shall cast dishonor, discredit or contempt upon another person. If said act is not of a serious nature, the penalty shall be *arresto menor* or a fine not exceeding Twenty thousand pesos ([PHP] 20,000).

in special laws and the Revised Penal Code, such as libel, *through the internet*, a *qualifying circumstance* that raises by one degree the penalties corresponding to such crimes.[63] It considers as *aggravating* the deliberate use of available ICT by those who ply their wicked trades.[64]

Simply, pursuant to Section 4(c)(4) of the Cybercrime Prevention Act, when the crime of libel in Article 353, in relation to Article 355, of the Revised Penal Code is committed through and with the use of a computer system or ICT, the penalty therefor is one degree higher than what would have been imposed under Article 355 of the Revised Penal Code. In other words, the crime that is referred to as cyber libel is, in actuality, libel as defined and penalized under Article 353 in relation to Article 355 Revised Penal Code, and it is committed by publishing the defamatory remark online using a computer system or ICT.

There is therefore no merit to the OSG's argument that Cyber Libel in the Cybercrime Prevention Act should be distinguished from "libel" under Article 90, paragraph 4 of the Revised Penal Code. The only distinction created by Article 90 as regards the prescriptive period of libel, as defined in Article 353, is as follows: (a) for oral defamation under Article 358 or slander by deed under Article 359, the crime prescribes at a shorter period of six months under Article 90, paragraph 5; and (b) for libel by means of writing under Article 355, the crime prescribes in one year pursuant to Article 90, paragraph 4. In the absence of a legislative act excluding Cyber Libel from the scope of the term "libel" in Article 90, paragraph 4 in relation to Articles 353 and 355 of the Revised Penal Code, the Court must apply the one-year prescriptive period to cyber libel as a matter of course.

II.B. *Cyber libel prescribes in one year despite the heavier penalty therefor*

The OSG asserts that cyber libel should have a longer prescriptive period because it carries an afflictive penalty and is graver compared with ordinary libel in writing under Article 355 of the Revised Penal Code. It opines that instead of Article 90, paragraph 4 of the Revised Penal Code, paragraph 2 thereof should be applied, which would make cyber libel prescribe in 15 years. In his Dissenting Opinion, Justice Antonio Kho, Jr., supports the OSG's argument and posits that Section 4(c)(4) of the Cybercrime Prevention Act, as a qualifying circumstance, changes the nature of the crime of libel under Article 355, in relation to Article 353 of the Revised Penal Code, warranting the conclusion that cyber libel prescribes in 15 years.

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63 *Disini, Jr. v. The Secretary of Justice*, 733 Phil. 717, 737 (2014) [Per J. Abad, *En Banc*].
64 *Id.* at 738.

The Court does not agree.

Article 90,[65] paragraph 4 of the Revised Penal Code provides a one-year prescriptive period for "libel *or other similar offenses.*" Notably, Article 90 of the Revised Penal Code was amended through Republic Act No. 4661,[66] which originated from House Bill No. 1037. During the deliberations for the passage of the bill, the legislators discussed that the term "other similar offenses" in Article 90 of the Revised Penal Code includes the publication of defamatory remarks through modes other than traditional print media that are identified in Article 355 of the Revised Penal Code, such as radio broadcasts, which are disseminated more widely:

> Senator GANZON. Did I hear right that utterances which are prejudicial to the honor of an individual over the radio are oral defamation?
>
> Senator TAÑADA. That is in my opinion oral defamation.
>
> Senator GANZON. According to Article 355 of the Revised Penal Code, it is libel. "A libel committed by means of writing, printing, litography, engraving, radio, x x x" Here, Article 355 of the Revised Penal Code.
>
> Senator TAÑADA. I was shown by our authority on Criminal Law the provision of Article 355. It provides:
>
> "Art. 355. *Libel by means of writings or similar means.* – A libel committed by means of writing, printing, litography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by *prision correcional* in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action which may be brought by the offended party."
>
> Now, it seems, as stated by Senator Padilla, that "other similar offenses" covers radio broadcast, but I stick to my view that radio broadcast is oral defamation.
>
> Senator GANZON. Well, how about Article 355 of the Revised Penal Code?

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[65] REV. PEN. CODE, art. 90 provides:
ARTICLE 90. *Prescription of crimes.* — Crimes punishable by death, *reclusión perpetua* or *reclusión temporal* shall prescribe in twenty years.
Crimes punishable by other afflictive penalties shall prescribe in fifteen years.
Those punishable by a correctional penalty shall prescribe in ten years; with the exception of those punishable by *arresto mayor*, which shall prescribe in five years.
The crime of libel **or other similar offenses** shall prescribe in one year.
The offenses of oral defamation and slander by deed shall prescribe in six months.
Light offenses prescribe in two months.
When the penalty fixed by law is a compound one, the highest penalty shall be made the basis of the application of the rules contained in the first, second and third paragraphs of this article. (Emphasis supplied)

[66] Entitled "An Act Shortening the Prescriptive Period for Libel and other Similar Offenses, Amending for the Purpose Article Ninety of the Revised Penal Code," approved on June 18, 1966.

> Senator TAÑADA. Because the only difference from an oral defamation without the aid of radio is that one is disseminated more widely and the other is not, but it is defamation just the same by verbal means.[67]

As earlier discussed, Section 4(c)(4) of the Cybercrime Prevention Act simply recognized another means of committing libel as defined in Article 353, in relation to Article 355, of the Revised Penal Code, i.e., with the use of ICT. Hence, even granting that a heavier penalty is warranted for cyber libel, it may still fall under the term "other similar offenses" under Article 90, paragraph 4 of the RPC.

Laws must be presumed to have been passed by the Legislature with deliberation and full knowledge of all statutes bearing on the subject.[68] When Congress referred to Article 355[69] of the Revised Penal Code in Section 4(c)(4) of the Cybercrime Prevention Act, it must be presumed to know all laws related to the subject, including the applicable provisions of the Revised Penal Code on the prescriptive period of "libel *or other similar offenses*." Had it been the intention of the Legislature to exclude cyber libel from the crime of "libel or other similar offenses" in Article 90, paragraph 4 of the Revised Penal Code, it would have used the appropriate amendatory or exclusionary language to do so, but it did not.[70]

Moreover, a review of the laws in relation to Libel reveals a legislative history that consistently distinguished Libel's prescriptive period from other crimes on the same penal scale. Thus, the mere fact that a heavier penalty applies to cyber libel is insufficient to conclude that its prescriptive period should be made longer compared with ordinary libel.

Originally, when the Revised Penal Code was enacted in 1930, written libel prescribed in *two years*, while crimes that are similarly punishable with a correctional penalty prescribed in 10 years. Congress further shortened written libel's prescriptive period to only *one year* through Republic Act No.

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67 Congressional Records on the Second Reading of House Bill No. 1037 dated May 12, 1966, Vol. I, No. 66, pp. 2589-2590.

68 *Sps. Recaña, Jr. v. Court of Appeals*, 402 Phil. 26, 35 (2001) [Per J. Quisumbing, Second Division], *citing City Gov't of San Pablo, Laguna v. Hon. Reyes*, 364 Phil. 842, 853 (1999) [Per J. Gonzaga-Reyes, Third Division].

69 REV. PEN. CODE, art. 355 provides:
Art. 355. *Libel by means of writings or similar means.* — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by *prisión correccional* in its minimum and medium periods or a fine ranging from Forty thousand pesos ([PHP] 40,000) to One million two hundred thousand pesos ([PHP] 1,200,000), or both, in addition to the civil action which may be brought by the offended party.

70 *See South African Airways v. Commissioner of Internal Revenue*, 626 Phil. 566, 572–573 (2010) [Per J. Velasco, Jr., Third Division].

4661, but retained the 10-year prescriptive period for all other crimes on the same penal scale.

Plainly, as early as 1930, the prescriptive period of written Libel had *always* been shorter compared with other crimes that likewise carried correctional penalties. As the Court explained in the assailed Decision, excepting written libel from the general 10-year prescriptive period for other crimes with correctional penalties may be taken as an acknowledgment by the lawmakers that it is "less grave" than other crimes on the same penal scale.[71] There is nothing in the Cybercrime Prevention Act or any other amendatory law that may warrant the conclusion that the Legislature has changed its stance on the foregoing matter.

As Associate Justice Filomena D. Singh pointed out in her Separate Concurring Opinion in the present case, Republic Act No. 4661 originated from House Bill No. 1037, which was passed into law to *synchronize* the prescriptive period of libel with the one-year prescriptive period of civil actions for defamation under Article 1147[72] of the Civil Code.[73] In addition, Senator Lorenzo Tañada, who sponsored House Bill No. 1037, declared that a shorter prescriptive period for libel will especially benefit the members of the press by allowing them to "discharge their functions better."[74] As stated in the assailed Decision, the very same rationale remains true to this day and equally applies to the prescriptive period of cyber libel.

The Court stresses that it is the Legislature that wields the *exclusive* power to enact laws setting forth what should be criminalized, the definition of the crime, and the *prescriptive period* thereof.[75] These statutes must be construed in such a way as to give effect to the *intention* of the Legislature.[76] Hence, the Court cannot, as it should not, disregard the legislative intent to set a different prescriptive period for libel, or cyber libel for that matter, compared with other crimes on the same penal scale, and to synchronize it with the prescription of civil actions for defamation under the Civil Code.

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71 *People v. Yu Hai*, 99 Phil. 725, 727–728 (1956) [Per J. J.B.L. Reyes, *En Banc*].

72 Civil Code, art. 1147 provides:
ARTICLE 1147. The following actions must be filed within one year:
(1) For forcible entry and detainer;
(2) For defamation.

73 Separate Concurring Opinion of Justice Singh, pp. 5–6. *See also* Congressional Records on the Second Reading of House Bill No. 1037 dated May 12, 1966, Vol. I, No. 66, pp. 2587 and 2591.

74 Congressional Records on the Second Reading of House Bill No. 1037 dated May 12, 1966, Vol. I, No. 66, p. 2588.

75 *People v. Quijada*, 328 Phil. 505, 555 (1996) [Per J. Davide, Jr. *En Banc*].

76 *People v. Duque*, 287 Phil. 669, 680 (1992) [Per J. Feliciano, Third Division].

At any rate, it is well-established that the *statutory provisions on the prescription of crimes must be construed in favor of the accused.*[77] The Cybercrime Prevention Act's direct reference to libel under the Revised Penal Code creates an *ambiguity* in the laws which calls for the application of the doctrine that in the interpretation of the law on prescription of crimes, that which is more favorable to the accused is to be adopted.[78] In accordance with this principle, the provision of law that sets the shortest prescriptive period for cyber libel should be applied.[79] Because Article 90, paragraph 4 of the Revised Penal Code makes cyber libel prescribe in one year, then it should prevail over Article 90, paragraph 2 of the Revised Penal Code, which would make cyber libel prescribe in 15 years.

III. The prescriptive period of cyber libel is reckoned from discovery

For his part, petitioner argues that the prescriptive period of Cyber Libel must be reckoned from the date of publication of the libelous matter because online posts are more widespread compared with traditional written publications; thus, the private offended party may already be presumed to have read the online defamatory material when it is published. He insists that a contrary ruling would result in an absurd situation where the accused would be unable to determine the reckoning point for the prescription of the crime, and where a cyber libel charge may still be filed even if the defamatory material was posted several years prior.

The Court does not agree.

First, Article 91[80] of the Revised Penal Code categorically states that "[t]he period of prescription shall commence to run from the day on which the crime is *discovered* by the offended party, the authorities, or their agents[.]" The fundamental duty of the Court is *to apply the law*, regardless of its implications.[81] The Court is not in a position to disregard the foregoing provision of law, lest it tread upon impermissible judicial legislation and violate the elementary principle of separation of powers.

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77 *People v. Moran*, 44 Phil. 387, 394–401 (1923) [Per C.J. Araullo, *En Banc*]; *People v. Reyes*, 256 Phil. 1015, 1027 (1989) [Per J. Cortes, Third Division]; and *People v. Pacificador*, 406 Phil. 774, 784 (2001) [Per J. De Leon, Jr., Second Division].

78 *People v. Moran, Id.*

79 *See People v. Terrado*, 211 Phil. 1 (1983) [Per J. Concepcion, Jr., Second Division].

80 ART. 91. *Computation of prescription of offenses.* — The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the filing of the complaint or information, and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped for any reason not imputable to him.
The term of prescription shall not run when the offender is absent from the Philippine Archipelago.

81 *Manigbas v. Luna*, 98 Phil. 466, 472 (1956) [Per J. Bautista].

Second, there is no factual and legal basis to hold that the offended party may be presumed to have discovered or read an online defamatory material just because it is more widespread compared with traditional modes of publishing libelous remarks under Article 355 of the Revised Penal Code. To be sure, such a presumption does not exist in the Revised Penal Code or in any of the disputable presumptions in Section 3, Rule 131 of the Revised Rules on Evidence.

The Court is aware that there have been cases where the concept of "*constructive notice*" was applied in setting the reckoning point of the prescriptive period of a crime that is defined and penalized in the Revised Penal Code.

To illustrate, in *People v. Hon. Villalon*,[82] an Information was filed in March 1974 charging therein accused with estafa by falsification of a public document because he supposedly forged a Special Power of Attorney (SPA), which was registered with the Register of Deeds and annotated on a certificate of title in February 1964. The Court ruled that the registration of the SPA with the Register of Deeds, a *public registry*, constituted *constructive notice* to the whole world of the alleged falsification. Consequently, the Court concluded that the Information was filed beyond the 10-year prescriptive period for estafa, reckoned from the date of the SPA's registration with the Register of Deeds, to wit:

> The document which was allegedly falsified was a notarized special power of attorney registered in the Registry of Deeds of Dagupan City on February 13, 1964 authorizing private respondent to mortgage a parcel of land covered by Transfer Certificate of Title No. 47682 in order to secure a loan of [PHP] 8,500.00 from the People's Bank and Trust Company. The information for estafa thru falsification of a public document was filed only on March 29, 1974. We reject petitioner's claim that the ten-year period commenced when complainant supposedly discovered the crime in January, 1972 by reason of the ejectment suit against him.
>
> *People vs. Reyes* cites authorities on the well established rule that *registration in a public registry is a notice to the whole world.* The record is *constructive notice* of its contents as well as all interests, legal and equitable, included therein. All persons are charged with knowledge of what it contains. On these considerations, it holds that the prior ruling in *Cabral vs. Puno, etc., et al.*, to the effect that in the crime of falsification of a public document the prescriptive period commences from the time the offended party had constructive notice of the alleged forgery after the document was registered with the Register of Deeds is not without legal basis.

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[82] 270 Phil. 637 (1990) [Per J. Regalado, Second Division].

> It was also noted that in *Armentia vs. Patriarca, et al.*, in interpreting the phrase "from the discovery" found in Article 1391 of the Civil Code which authorizes annulment, in case of mistake or fraud, within four years from the time of the discovery of the same, the Court also held that the discovery must be reckoned to have taken place from the time the document was registered in the Register of Deeds, for the familiar rule is that *registration is a notice to the whole world and this should apply to both criminal and civil cases.*
>
> We are further in accord with the conclusion in *Reyes* that the application of said rule on constructive notice in the interpretation of Article 91 of the Revised Penal Code would most certainly be favorable to private respondent herein, since the prescriptive period of the crime shall have to be reckoned with earlier, that is, from the time the questioned documents were recorded in the Registry of Deeds.
>
> In the instant case, the special power of attorney involved was registered on February 13, 1964. The criminal information against private respondent having been filed only on March 29, 1974, or more than ten (10) years thereafter, the crime with which private respondent was charged has indubitably prescribed.[83] (Emphasis supplied)

However, the rule on constructive notice, as interpreted within the context of Article 91 of the Revised Penal Code, *cannot* be applied to the charge of cyber libel against petitioner, who allegedly posted defamatory remarks against respondent Hernandez on Facebook. The act of posting a libelous remark on Facebook is simply not the same as the registration of a document in a public registry.

In the first place, the constructive notice of a felony covered by the Revised Penal Code is based on the well-established rule that *the registration in a public registry is notice to the whole world.* In cases[84] where the principle of constructive notice was applied to a criminal case, there was a provision of law which expressly deemed the act of registration as the *operative act* that puts everyone on notice of the relevant transaction, e.g., Section 52[85] of Presidential Decree No. 1529 and Section 50[86] of Act No. 496.

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83 *Id.* at 647–648.

84 *See Batungbacal v. People*, 931 Phil. 698, 706 (2022) [Per J. Inting, Third Division]; *Lim v. People*, 830 Phil. 669 (2018) [Per J. Reyes, Jr., Second Division]; *People v. Hon. Villalon*, 270 Phil. 637 (1990) [Per J. Regalado, Second Division].

85 SECTION 52. *Constructive Notice Upon Registration.* Every conveyance, mortgage, lease, lien, attachment, order, judgment, instrument or entry affecting registered land shall, if registered, filed or entered in the office of the Register of Deeds for the province or city where the land to which it relates lies, be *constructive notice* to all persons from the time of such registering, filing or entering. (Emphasis supplied)

86 SECTION 50. An owner of registered land may convey, mortgage, lease, charge, or otherwise deal with the same as fully as if it had not been registered. He may use forms of deeds, mortgages, leases, or other voluntary instruments like those now in use and sufficient in law for the purpose intended. But no deed, mortgage, lease, or other voluntary instrument, except a will, purporting to convey or affect registered

There is no similar provision of law on constructive notice that applies to cyber libel. For this reason, the Court must reckon the prescriptive period of cyber libel from the *date of discovery* of the alleged defamatory remarks posted online, in the absence of a counterpart statutory provision on constructive or presumed notice relating to such publication.[87]

Moreover, there is a clear distinction between the registration of documents in a public registry and the posting of social media content, whether it be in text, photograph, and/or video formats, in online platforms such as Facebook.

Documents that are registered in a public registry are readily available to anyone who desires to inspect them. The public registry office cannot deny access to such public records or documents in its custody. In contrast, Facebook posts are not always available to or accessible by everyone. Indeed, in *Vivares v. St. Theresa's College*,[88] the Court recognized that the privacy settings of Facebook may be customized by expanding or restricting access to the social media content that a Facebook user posts in their account, viz.:

> To address concerns about privacy, but without defeating its purpose, *Facebook was armed with different privacy tools designed to regulate the accessibility of a user's profile as well as information uploaded by the user*. In *H v. W*, the South Gauteng High Court recognized this ability of the users to "customize their privacy settings," but did so with this caveat: "Facebook states in its policies that, although it makes every effort to protect a user's information, these privacy settings are not fool-proof."
>
> For instance, a Facebook user can regulate the visibility and accessibility of **digital images** (photos), posted on his or her personal bulletin or "wall," except for the user's profile picture and ID, by selecting his or her desired privacy setting:
>
> (a) Public — the default setting; every Facebook user can view the photo;
>
> (b) Friends of Friends — only the user's Facebook friends and their friends can view the photo;
>
> (c) Friends — only the user's Facebook friends can view the photo;

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land, shall take effect as a conveyance or bind the hind, but shall operate only as a contract between the parties and as evidence of authority to the clerk or register of deeds to make registration. *The act of registration shall be the operative act to convey and affect the land*, and in all cases under this Act the registration shall be made in the office of register of deeds for the province or provinces or city where the land lies. (Emphasis supplied)

87 *See Sermonia v. Court of Appeals*, 303 Phil. 165, 172 (1994) [Per J. Bellosillo, First Division].

88 744 Phil. 451 (2014) [Per J. Velasco, Jr., Third Division].

> (d) Custom — the photo is made visible only to particular friends and/or networks of the Facebook user; and
>
> (e) Only Me — the digital image can be viewed only by the user.
>
> *The foregoing are privacy tools, available to Facebook users, designed to set up barriers to broaden or limit the visibility of his or her specific profile content, statuses, and photos, among others, from another user's point of view*. In other words, Facebook extends its users an avenue to make the availability of their Facebook activities reflect their choice as to "when and to what extent to disclose facts about [themselves] — and to put others in the position of receiving such confidences." Ideally, the selected setting will be based on one's desire to interact with others, coupled with the opposing need to withhold certain information as well as to regulate the spreading of his or her personal information. Needless to say, as the privacy setting becomes more limiting, fewer Facebook users can view that user's particular post.[89] (Emphasis in the original; italics supplied)

Even more, access to a Facebook post would necessarily depend, among others, on: (1) access to a computer device connected to the internet; (2) possession of and logging into a Facebook account for posts that are not set to "public;" and (3) a "friends" connection with the relevant Facebook user who has not set the privacy setting of their account and/or post to "public."

All things considered, the Court cannot subscribe to the argument that respondent must be presumed to have already read or discovered the allegedly defamatory remarks that petitioner petitioner posted on Facebook, notwithstanding the allegation in respondent respondent's Complaint-Affidavit that the posts' privacy settings were set to "public." To rule otherwise and allow such a presumption to arise on the basis of unsubstantiated speculations, e.g., that the offended party has a Facebook account, or that they have access to the post uploaded on social media, would be a grave legal error.

Contrary to petitioner's submission, reckoning the prescriptive period of cyber libel from the date of discovery will not result in a situation where the accused would have no way of knowing when the period started to run. Knowledge, as the mental state of awareness of a fact, may be determined on a case-to-case basis by taking into consideration the prior or contemporaneous acts of the person to whom knowledge is imputed, as well as the surrounding circumstances of the case.[90] The offended party, and/or their agent, may comment on or react to a defamatory post, threaten a libel suit, or otherwise act in a manner that demonstrates their discovery of the libelous material. Surely, the attendant facts in each case are peculiar to it. Hence, the Court

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89 *Id.* at 469–471.

90 *See Luna v. People*, 906 Phil. 438, 444–445 (2021) [Per J. Caguioa, First Division].

cannot agree to petitioner's blanket statement that *in every case*, the accused is deprived of information on when the offended party came to know of the defamatory material that was posted online.

In addition, as the accused in the Cyber Libel Cases, petitioner has the right to have compulsory processes issued to secure the attendance of witnesses and the production of evidence in his behalf.[91] He may also cross-examine the prosecution witnesses as regards the date when they discovered the purported defamatory remarks that he uploaded on Facebook.[92] Plainly, there are procedural remedies and trial techniques available to petitioner in order to elicit evidence proving that the crime has prescribed.

The Court emphasizes that the prescription of crimes, as an act of amnesty and liberality on the part of the State in favor of the accused,[93] is the *sole prerogative* of the Congress.[94] As such, the Court cannot disregard the clear provision of Article 91 of the Revised Penal Code on the reckoning period for the prescription of crimes. The fundamental legal principle that every doubt in the construction of a criminal statute should be resolved in favor of the accused *presupposes* the existence of some doubt in the application of the law under the relevant circumstances.[95] Considering the absence of any ambiguity or doubt in the applicable law concerning the reckoning point of the prescriptive period of cyber libel under Article 91 of the Revised Penal Code, there is no room for the attempted interpretation or extended rationalization of the statute; instead, the Court's bounden duty is to simply apply it.[96]

ACCORDINGLY, the Motions for Partial Reconsideration are **DENIED WITH FINALITY**. No further pleadings shall be entertained.

Let entry of judgment be issued immediately.

SO ORDERED.

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91 CONST., art. III, sec. 14(2); Rules of Criminal Procedure, Rule 115, section 1(g).
92 *See People v. Ang*, 887 Phil. 277, 325–326 (2020) [Per J. Carandang, *En Banc*].
93 *People v. Pacificador*, 406 Phil. 774, 784 (2001) [Per J. De Leon, Jr., Second Division].
94 *People v. Quijada*, 328 Phil. 505, 555 (1996) [Per J. Davide, Jr. *En Banc*].
95 *Id.*
96 *See People v. Laurel*, 349 Phil. 959, 963 (1998) [Per J. Bellosillo, First Division].

HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

MARVIC M.V.F. LEONEN
Senior Associate Justice
I join Dissent of Justice Kho, Jr.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
See Concurring

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice
I join the Dissent of Justice Kho

RODIL V. ZALAMEDA
Associate Justice
I Join the dissent of Justice Kho

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice
I join the Dissent of Justice Kho

JAPAR B. DIMAAMPAO
Associate Justice
I join the Dissent of Justice Kho

JOSE MIDAS P. MARQUEZ
Associate Justice

With Concurring and Dissenting Opinion

ANTONIO T. KHO, JR.
Associate Justice

(On leave but left a concurring vote)

MARIA FILOMENA D. SINGH
Associate Justice

I join the dissent of Justice Kho, Jr.

RAUL B. VILLANUEVA
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

ALEXANDER G. GESMUNDO
Chief Justice