

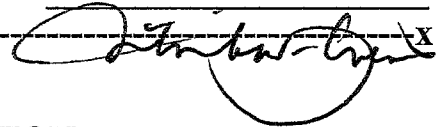
EN BANC

G.R. No. 258524 – BERTENI CATALUÑA CAUSING, Petitioner, v. 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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CONCURRING OPINION

LEONEN, SAJ:

I concur with the *ponencia* of my esteemed colleague, Associate Justice Henri Jean Paul B. Inting. I write this separate opinion to expound on my views regarding the constitutionality of libel.

The case originated from a Complaint-Affidavit filed by Ferdinand L. Hernandez (Hernandez) charging Berteni Cataluña Causing (Causing) with cyber libel. Hernandez, “a duly elected member of the House of Representatives of the Second District of South Cotabato,”¹ alleged that Causing, in a series of Facebook posts, “made it appear that he stole public funds intended for Marawi siege victims.”² According to Hernandez, the posts portrayed him as a thief, thus discrediting him.³

Following this, two Informations were filed against Causing charging him with two counts of cyber libel.

Causing filed a Motion to Quash, arguing that the offenses had already prescribed.⁴ He claimed that because Hernandez’s Complaint-Affidavit was filed more than a year after the alleged libelous Facebook posts, the cyber libel charges against him had already prescribed under Article 90 of the Revised Penal Code.

¹ *Causing v. People*, 948 Phil. 400 (2023) [Per J. Inting, Third Division].

² *Id.* at 401.

³ *Id.*

⁴ *Id.* at 404.

On October 5, 2021, the Regional Trial Court denied Causing's Motion to Quash. It held that contrary to Causing's argument, cyber libel prescribes in 12 years.⁵

In the assailed October 11, 2023 Decision, this Court settled the issue of the prescriptive period for cyber libel. Applying Article 90 of the Revised Penal Code, the Court held that cyber libel prescribes in one year, "counted from the day on which the crime is discovered by the offended party, the authorities, or their agents."⁶ The Court nonetheless affirmed the denial of Causing's Motion to Quash, ruling that he failed to present evidence to support his claim of prescription.

Petitioner Causing and respondents filed their respective Motions for Partial Reconsideration.⁷

Petitioner contends that in determining whether cyber libel has prescribed, the period should be reckoned from the date the alleged defamatory statement was published.⁸ He argues that without presuming that the offended party discovered the defamatory material on the date of online posting, it would be difficult for the accused to know when the offense would prescribe. He further asserts that unlike statements made through traditional modes of publication, online utterances are more widespread.⁹

For their part, respondents argue that the prescriptive period for cyber libel is 15 years. To support their argument, they cite *Tolentino v. People*,¹⁰ where the Court's First Division held that since the penalty for cyber libel is afflictive in nature, the offense prescribes in 15 years.¹¹

The *ponencia* denied the Motions for Partial Reconsideration,¹² ruling that cyber libel prescribes in one year.¹³

I agree.

Prescription of crimes "is one of the modes of totally extinguishing criminal liability."¹⁴ It refers to "the loss or waiver by the State of its right to prosecute an act prohibited and punished by law."¹⁵ For acts penalized under

⁵ *Id.* at 405–406.

⁶ *Id.* at 427.

⁷ *Ponencia*, pp. 1–2.

⁸ *Id.* at 3.

⁹ *Id.*

¹⁰ G.R. No. 240310, August 6, 2018 [Unsigned Resolution, First Division].

¹¹ *Ponencia*, pp. 3–4.

¹² *Id.* at 27.

¹³ *Id.* at 21–22.

¹⁴ *People v. Lee, Jr.*, 863 Phil. 134, 139 (2019) [Per J. Peralta, Third Division].

¹⁵ *Id.*

the Revised Penal Code, prescription of crimes is governed by Article 90 of the same code. It states:

ARTICLE 90. Prescription of crimes.—Crimes punishable by death, *reclusion perpetua* or *reclusion 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 crime 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.

Article 90 is read in conjunction with Articles 25 and 26 of the Revised Penal Code which, in turn, categorize the penalties into scales:

ARTICLE 25. *Penalties which may be imposed.* - The penalties which may be imposed according to this Code, and their different classes, are those included in the following:

Scale
Principal Penalties

Capital punishment:
Death.

Afflictive penalties:
Reclusion perpetua,

Reclusion temporal,

Perpetual or temporary absolute disqualification,

Perpetual or temporary special disqualification,

Prision mayor.

Correctional penalties:
Prision correccional,

Arresto mayor,

Suspension,

Destierro.

*Light penalties:**Arresto menor,*

Public censure.

Penalties common to the three preceding classes:

Fine, and

Bond to keep the peace.

Accessory Penalties

Perpetual or temporary absolute disqualification,

Perpetual or temporary special disqualification,

Suspension from public office, the right to vote and be voted for, the profession or calling

Civil interdiction,

Indemnification,

Forfeiture or confiscation of instruments and proceeds of the offense,

Payment of costs.

ARTICLE 26. *Fine* - When afflictive, correctional, or light penalty. - A fine, whether imposed as a single or as an alternative penalty, shall be considered an afflictive penalty, if it exceeds 6,000 pesos; a correctional penalty, if it does not exceed 6,000 pesos but is not less than 200 pesos; and a light penalty if it be less than 200 pesos.

Notably, a reading of these provisions reveals a clear intent on the part of the Legislature to provide a shorter prescriptive period for the crime of libel.

To be sure, libel is defined as the “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.”¹⁶ It is penalized under Article 355 of the Revised Penal Code and carries a penalty of “*prision correccional* in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both”:

ARTICLE 355. Libel means by 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 *prision correccional* 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.

¹⁶ REV. PEN. CODE, art. 353.

As a rule, when the Revised Penal Code imposes a penalty of *prision correccional*¹⁷ or a fine of PHP 200.00 to PHP 6,000.00,¹⁸ as for the crime of libel, the penalty is characterized as correctional in nature and therefore prescribes in 10 years.¹⁹

However, notwithstanding the penalty provided for under Article 355, Article 90 of the Revised Penal Code explicitly provides that libel shall prescribe in one year.

Based on the foregoing, it can be construed that by imposing a one-year prescriptive period for libel and excluding it from the standard 10-year prescriptive period for offenses carrying correctional penalties, the Legislature acknowledges that libel is a crime of lesser gravity as “compared to other crimes at the same penal scale[.]”²⁰ As this Court explained in the 2023 Decision:

Third, the history of the prescriptive period of Libel under Article 90 of the RPC discloses the Legislature’s intent to set it apart from other crimes punishable with a correctional penalty. When the RPC was passed, the prescriptive period of Libel was two years. Congress further reduced the period by passing RA 4661, which amended Article 90 of the RPC to specifically *shorten* the prescriptive period of Libel and other similar offenses from two years to one year.

Significantly, the Court has held that the prescription of a crime is intimately connected with and depends upon the gravity of the offense. Hence, a reduction or shortening of the prescriptive period “implies an acknowledgment on the part of the sovereign power that the greater severity of the former statute relative to the substances of the criminal action is unjust.” Excepting Libel from the general 10-year prescriptive period for other crimes with correctional penalties may therefore be taken as an acknowledgment by the Legislature that it is “less grave” compared to other crimes at the same penal scale.²¹ (Citations omitted)

In this regard, the question arises as to whether the one-year prescriptive period for libel applies to cyber libel under Republic Act No. 10175 or the Cybercrime Prevention Act of 2012. Under the law, libel is considered as a cybercrime offense when the act is committed through a computer system. Section 4(c)(4) provides:

SECTION 4. Cybercrime Offenses. — The following acts constitute the offense of cybercrime punishable under this Act:

.....

¹⁷ REV. PEN. CODE, art. 25.

¹⁸ REV. PEN. CODE, art. 26.

¹⁹ REV. PEN. CODE, art. 90.

²⁰ *Causing v. People*, 948 Phil. 400, 423 (2023) [Per J. Inting, Third Division].

²¹ *Id.*

(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.

In ruling that the one-year prescriptive period applies to the crime of cyber libel, the *ponencia* decreed that Section 4(c)(4) of the Cybercrime Prevention Act did not introduce a new offense and merely “recognized another means of committing Libel as defined” under the Revised Penal Code.²²

It then emphasized that in the absence of an enactment from the Legislature to the contrary, it must be construed that cyber libel is within “the scope of the term ‘libel’ in Article 90, paragraph 4 . . . of the Revised Penal Code” and carries a prescriptive period of one year.²³

In addition, the *ponencia* ruled that notwithstanding the heavier penalty imposed for cyber libel, the crime may be considered as covered by the term “other similar offenses,” which under Article 90, paragraph 4 of the Revised Penal Code likewise prescribes in one year.²⁴

Our esteemed colleague, Associate Justice Antonio Kho, Jr., offers an opinion different from the majority in that the prescriptive period for cyber libel is 15 years.²⁵ According to him, cyber libel is a crime distinct from traditional libel, considering that as compared to libel under Article 355 of the Revised Penal Code, cyber libel requires an additional element of use of information and communications technologies (ICT). He maintains that this additional element is a qualifying aggravating circumstance which has the effect of changing the nature and designation of the offense.²⁶

While I agree that the use of ICT is a qualifying aggravating circumstance which alters the nature of libel as an offense,²⁷ I am of the view that the Legislature intended the one-year prescriptive period to apply to cyber libel. As the *ponencia* aptly observed, this intention is evident with the Cybercrime Prevention Act’s reference to Article 355 of the Revised Penal Code. I concur with the *ponencia* that through Section 4(c)(4) of the Cybercrime Prevention Act, the Legislature merely introduced a new method of committing libel.

In any case, the diverging theories on the applicable prescriptive period creates ambiguity on the cyber libel provisions under the Cybercrime Prevention Act. In such a situation where “the court is faced with two possible

²² *Ponencia*, pp. 16–17.

²³ *Id.* at 18.

²⁴ *Id.* at 20.

²⁵ J. Kho, Jr., Concurring and Dissenting Opinion, p. 6.

²⁶ *Id.* at 5–6.

²⁷ See *People v. ABC260708*, 950 Phil. 199, 229 (2024) [Per J.M. Lopez, *En Banc*].

interpretations of a penal statute, one that is prejudicial to the accused and another that is favorable,”²⁸ the rule of lenity urges courts to adopt the theory that “is more lenient to the accused.”²⁹ *People v. Valdez*³⁰ teaches:

The foregoing interpretation is more favorable to Valdez as an accused following the rule of lenity:

Intimately related to the *in dubio pro reo* principle is the rule of lenity. The rule applies when the court is faced with two possible interpretations of a penal statute, one that is prejudicial to the accused and another that is favorable to him. The rule calls for the adoption of an interpretation which is more lenient to the accused.

The time-honored principle is that penal statutes are construed strictly against the State and liberally in favor of the accused. When there is doubt on the interpretation of criminal laws, all must be resolved in favor of the accused. Since penal laws should not be applied mechanically, the Court must determine whether their application is consistent with the purpose and reason of the law.³¹ (Citations omitted)

Accordingly, I am of the view that the rule of lenity calls us to adopt the interpretation that cyber libel prescribes in one year.

Notwithstanding the foregoing, it is my opinion that this rule should only apply to libel committed against *private individuals*. Libel against public figures is best decriminalized. The continued punishment of comments and criticisms directed at public figures hampers the promotion of an atmosphere of uninhibited discussion of ideas and opinions relating to the proper conduct of those in public office.

Notably, the constitutionality of both the penal code provisions on libel and Section 4(c)(4) of the Cybercrime Prevention Act on cyber libel was challenged in the case of *Disini, Jr. v. Secretary of Justice*.³²

In sustaining the provisions’ constitutionality, the Court declared that “libel is not a constitutionally protected speech and that the government has an obligation to protect private individuals from defamation.”³³

In my separate opinion in *Disini, Jr.*, I emphasized my disagreement with the statement that libel is not constitutionally protected speech. I explained that the continued characterization of libel as a crime not only “produces a ‘chilling effect’ that stifles our fundamental guarantees of free

²⁸ *People v. Valdez*, 774 Phil. 723, 747 (2015) [Per J. Peralta, *En Banc*]. (Citations omitted)

²⁹ *Id.*

³⁰ 774 Phil. 723 (2015) [Per J. Peralta, *En Banc*].

³¹ *Id.* at 747.

³² 727 Phil. 28 (2014) [Per J. Abad, *En Banc*].

³³ *Id.* at 114.

expression”³⁴ but also “contradicts our notions of a genuinely democratic society.”³⁵ I further stressed:

With the definite evolution of jurisprudence to accommodate free speech values, it is clear that the reenactment of the old text of libel is now unconstitutional. Articles 353, 354, and 355 of the Revised Penal Code — and by reference, Section 4(c) 4 of the law in question — are now overbroad as it prescribes a definition and presumption that have been repeatedly struck down by this court for several decades.

A statute falls under the overbreadth doctrine when “a governmental purpose may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.” Section 4 (c) (4) of Rep. Act No. 10175 and Articles 353, 354, and 355 produce a chilling effect on speech by being fatally inconsistent with *Ayer Productions* as well as by imposing criminal liability in addition to civil ones. Not only once, but several times, did this court uphold the freedom of speech and expression under Article III, Section 4 of the 1987 Constitution over an alleged infringement of privacy or defamation. This trend implies an evolving rejection of the criminal nature of libel and must be expressly recognized in view of this court's duty to uphold the guarantees under the Constitution.

The threat to freedom of speech and the public's participation in matters of general public interest is greater than any satisfaction from imprisonment of one who has allegedly “malicious[ly] imput[ed] . . . a crime, or . . . 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 . . . blacken[ed] the memory of [the] dead.” The law provides for other means of preventing abuse and unwarranted attacks on the reputation or credibility of a private person. Among others, this remedy is granted under the Chapter on Human Relations in the Civil Code, particularly Articles 19, 20, 21, and even 26. There is, thus, no cogent reason that a penal statute would overbroadly subsume the primordial right of freedom of speech provided for in the Constitution.³⁶ (Citations omitted)

*Tulfo v. People*³⁷ echoed this observation, emphasizing that the kinds of speech actually deterred by criminal libel are often more valuable than the State interest the law seeks to protect:

Besides, the constitutionality of criminalizing libel is doubtful. In libel, the kinds of speech actually deterred are more valuable than the State interest the law against libel protects. The libel cases that have reached this Court in recent years generally involve notable personalities for parties, highlighting a propensity for the powerful and influential to use the advantages of criminal libel to silence their critics.

In any event, alternative legal remedies exist to address unwarranted attacks on a private person's reputation and credibility, such as the Civil

³⁴ *Id.* at 366.

³⁵ *Id.*

³⁶ *Id.* at 375–376.

³⁷ 893 Phil. 6 (2021) [Per J. Leonen, Third Division].

Code chapter on Human Relations. Civil actions for defamation are more consistent with our democratic values since they do not threaten the constitutional right to free speech, and avoid the unnecessary chilling effect on criticisms toward public officials. The proper economic burden on complainants of civil actions also reduces the possibility of using libel as a tool to harass or silence critics and dissenters.³⁸ (Citations omitted)

Tulfo involved several counts of libel against Abante Tonite columnist Raffy T. Tulfo (Raffy). Raffy, in his "Shoot to Kill" column, tackled the purported irregular and illegal dealings of Atty. Carlos "Ding" So (Atty. So) of the Bureau of Customs.

In that case, the Court had the opportunity to expound on the elements of libel, particularly the element of malice:

Malice exists when the prosecution proves that the author made the defamatory statement knowing it was false, or even if true, there is no showing of good intention and justifiable motive. It "implies an intention to do ulterior and unjustifiable harm" and exists when "the offender is prompted by personal ill-will or spite and speaks not in response to duty, but merely to injure the reputation of the person defamed."

The requisite of malice has evolved, there being a distinction between libel cases involving private persons and those involving public officers and public figures. Thus, whether the complainant is a private or public person is a factor that must be considered.

Here, the prosecution admitted during pre-trial that at the time the articles were published, private complainant Atty. So was a public officer, the then officer-in-charge of the Bureau of Customs Intelligence and Investigation Service at the Ninoy Aquino International Airport. This admission shall be considered in determining petitioners' liability for libel.

The Constitution mandates that "[p]ublic officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."

As early as 1918, this Court in *Bustos* emphasized the need for full discussion of public affairs and how those in public positions should not be too thin-skinned when comments are made on their official functions.

In the United States, it was not only until the 1964 case of *New York Times v. Sullivan* that the United States Supreme Court laid down "the extent to which the constitutional protections for speech and press limit a State's power to award damages in a libel action brought by a public official against critics of his official conduct."

....

The United States Supreme Court in *New York Times* went on to introduce the "actual malice" test. Under this test, a public official cannot

³⁸ *Id.* at 76-77.

recover damages for a defamatory falsehood on their official conduct unless they prove “that the statement was made ...with knowledge that it was false or with reckless disregard of whether it was false or not.”

In our jurisdiction, this Court adopted with approval the actual malice test and has since applied it to several cases involving libel.

In *Ayer Productions Pty. Ltd. v. Hon. Capulong*, this Court extended the “actual malice” requirement in libel cases involving public officers to “public figures.” It decreed that owing to the legitimate interest of the public in his or her affairs “the right of privacy of a ‘public figure’ is necessarily narrower than that of an ordinary citizen.”³⁹ (Citations omitted)

The Court then went on and explained the relationship between the element of malice and the presumption under Article 354 of the Revised Penal Code. Article 354 states that “[e]very defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motive for making it is shown.” One of the recognized exceptions to this is a privileged communication, whether absolute or qualified:

As an exception to the presumption that every defamatory imputation is malicious, privileged communication has two kinds: absolute and qualified . . .

....

Absolute privileged communications include Article VI, Section 11 of the Constitution, which states, “No Member [of Congress] shall be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof.” On the other hand, qualified privileged communications include “private communications” and ‘fair and true report without any comment or remarks.’

In *Borjal v. Court of Appeals*, this Court recognized that the enumeration of qualified privileged communications under Article 354 of the Revised Penal Code is not exclusive. It decreed that “fair commentaries on matters of public interest” are likewise deemed privileged by reason of the constitutional guarantee of freedom of the press:

The rule on privileged communications had its genesis not in the nation’s penal code but in the Bill of Rights of the Constitution guaranteeing freedom of speech and of the press. As early as 1918, in *United States v. Caete*, this Court ruled that publications which are privileged for reasons of public policy are protected by the constitutional guaranty of freedom of speech. This constitutional right cannot be abolished by the mere failure of the legislature to give it express recognition in the statute punishing libels.

The concept of privileged communications is implicit in the freedom of the press. As held in *Elizalde v. Gutierrez* and reiterated in *Santos v. Court of Appeals* —

³⁹ *Id.* at 49–51.

To be more specific, no culpability could be imputed to petitioners for alleged offending publication without doing violence to the concept of privileged communications implicit in the freedom of the press. As was so well put by Justice Malcolm in *Bustos*: Public policy, the welfare of society, and the orderly administration of government have demanded protection of public opinion. The inevitable and incontestable result has been the development and adoption of the doctrine of privilege.

The doctrine formulated in these two (2) cases resonates the rule that privileged communications must, *sui generis*, be protective of public opinion. This closely adheres to the democratic theory of free speech as essential to collective self-determination and eschews the strictly libertarian view that it is protective solely of self-expression which, in the words of Yale Sterling Professor Owen Piss, makes its appeal to the individualistic ethos that so dominates our popular and political culture.

To reiterate, fair commentaries on matters of public interest are privileged and constitute a valid defense in an action for libel or slander. The doctrine of fair comment means that while in general every discreditable imputation publicly made is deemed false, because every man is presumed innocent until his guilt is judicially proved, and every false imputation is deemed malicious, nevertheless, when the discreditable imputation is directed against a public person in his public capacity, it is not necessarily actionable. In order that such discreditable imputation to a public official may be actionable, it must either be a false allegation of fact or a comment based on a false supposition. If the comment is an expression of opinion, based on established facts, then it is immaterial that the opinion happens to be mistaken, as long as it might reasonably be inferred from the facts.

....

Every prosecution for libel, therefore, must undergo the rigorous and exacting standard of ensuring that it does not violate the fundamental right to free speech and the press. Unless the prosecution proves that the defamatory statements were made with actual malice, a criminal case for libel against critics of a public officer's exercise of official functions cannot prosper.⁴⁰ (Citations omitted)

In rendering a decision of acquittal, the Court held that the prosecution failed to prove actual malice, especially considering the privileged nature of the articles involved. Once communication is deemed privileged, the burden shifts to the prosecution to prove that the defamatory statements were made with knowledge of their falsity or reckless disregard for the truth:

⁴⁰ *Id.* at 52-58.

Having established the privileged nature of the *Abante Tonite* articles, the burden shifts to the prosecution to prove that actual malice exists. The prosecution is duty bound to show that the alleged defamatory statements were made “with knowledge that it was false or with reckless disregard of whether it was false or not.” The reason for this rule is based on the *New York Times* doctrine, which provides:

[T]o require critics of official conduct to guarantee the truth of all their factual assertions on pain of libel judgments would lead to self-censorship, since would-be critics would be deterred from voicing out their criticisms even if such were believed to be true, or were in fact true, because of doubt whether it could be proved or because of fear of the expense of having to prove it.

The “reckless disregard” standard “cannot be fully encompassed in one infallible definition” and must be applied depending on the facts of each case. Nevertheless, in *Flor v. People*, this Court decreed that the existence of reckless disregard cannot be based on “whether a reasonably prudent [person] would have published, or would have investigated before publishing.” Instead, it depends on whether sufficient evidence has been adduced “to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of [their] publication.”

Here, petitioner Tulfo’s testimony on cross-examination does not show that the allegations were false, or that they were made with reckless disregard of ascertaining whether the statements were false or not. His testimony that no administrative case was filed against Atty. So does not mean that the statements in the articles were false.

Besides, it is not unusual that columnists have no personal knowledge on the material they report. Perhaps compelled by their societal duty to maintain good government, people with information on matters of public interest may contact reporters and columnists to share in confidence what they know. Columnists cannot be compelled to reveal their sources, pursuant to Republic Act No. 53, as amended by Republic Act No. 1477. The confidentiality of sources serves as their protection.⁴¹ (Citations omitted)

In my view, the adoption and strict application of the actual malice test in cases involving public figures is a recognition of the importance of freedom of speech and expression.

Nonetheless, I agree that the State remains dutybound to protect private individuals from slanderous remarks. Private individuals have the “right to be free from ‘unwarranted publicity, from the wrongful publicizing of the private affairs and activities of an individual which are outside the realm of legitimate public concern.’”⁴²

⁴¹ *Id.* at 64–66.

⁴² *Ayer Productions Pty. Ltd. v. Capulong*, 243 Phil. 1007, 1018–1019 (1988) [Per J. Feliciano, *En Banc*].

In *Orillo v. People*,⁴³ the Court sustained the conviction of therein petitioners for libel after determining that the object of the defamatory articles was a private individual:

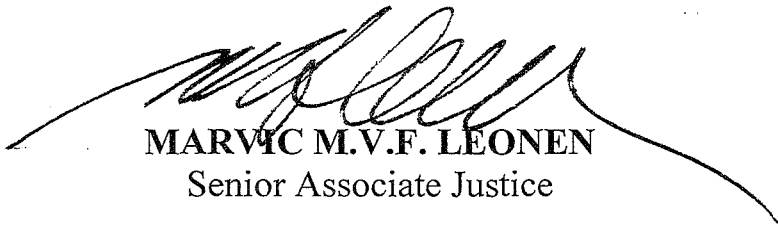
At the core of libel is malice. Malice signifies that the offender is impelled by “personal ill [will] or spite and speaks not in response to duty, but merely to injure the reputation of the person defamed; it implies an intention to do ulterior and unjustifiable harm.”

....

A more exacting standard is imposed for criminal libel cases where the plaintiff or complainant is a public figure, particularly a public officer. In those cases, it is on the prosecution to establish that actual malice exists, and not for the defense to refute.

Hence, whether complainant is a private person or a public officer is a matter ought to be considered in deciding libel cases. Here, the object of the defamatory articles is complainant Cabatian, a private individual.⁴⁴ (Emphasis supplied, citations omitted)

ACCORDINGLY, I vote to **DENY** the Motions for Partial Reconsideration.



MARVIC M.V.F. LEONEN
Senior Associate Justice

⁴³ 934 Phil. 728 (2023) [Per J. Leonen, Second Division].

⁴⁴ *Id.* at 746–748.