Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

GODOFREDO V. ARQUIZA, Petitioner,	**G.R. No. 261627**
	Present:
-versus-	GESMUNDO, *C.J., Chairperson,* HERNANDO,* ZALAMEDA, ROSARIO, and MARQUEZ, *JJ.*
PEOPLE OF THE PHILIPPINES, Respondent.	
	Promulgated: NOV 13 2024

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DECISION

ROSARIO, *J.*:

Absolute immunity from suit applies to defamatory statements made not only in judicial proceedings but also in quasi-judicial proceedings, which includes steps necessarily preliminary thereto, provided that such proceedings afford procedural protections similar to those in judicial proceedings, and that the statement is relevant thereto and is communicated by the author only to those who have a duty to perform with respect to the document containing the statement and to those legally required to be served a copy thereof.

This Verified Petition for Review on *Certiorari* under Rule 45, Rules of Court registers a challenge to the Court of Appeals (CA) Decision[1] and

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* On official business.

[1] *Rollo*, pp. 39–55. The December 4, 2020 Decision in CA-G.R. CR No. 41652 was penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Florencio M. Mamauag, Jr. of the Thirteenth Division, Court of Appeals, Manila.

Resolution[2] which affirmed the Regional Trial Court (RTC) Decision[3] convicting Godofredo V. Arquiza of libel as defined under Article 353 of the Revised Penal Code and penalized under Article 355 of the same Code.

I

Petitioner was charged with the crime of libel in an Information, the accusatory portions of which state:

> That on or about the 11th day of September, 2012, in Quezon City, Philippines, the above-named accused, acting with malice, did then and there, willfully, unlawfully and feloniously impute a crime, vice or def[e]ct, real or imaginary upon **FRANCISCO G DATOL, JR.**, a 3rd nominee of the Senior Citizen Party-List to Congress, by then and there filing a Petition to Deny Due Course or Cancel the Certificate of Nomination of Party List Nominees of complainant filed before the COMELEC. Such statements are found in the following provision of the Petition, to wit:
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> **"14. As indications of his criminal bent, Datol, Jr had a string of criminal cases showing his propensity and predisposition to commit illegal and unlawful acts."**
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> **"55. Moreover, Datol, Jr. is a fugitive from justice and cannot be allowed to participate in any election as provided under the Omnibus Election Code"**
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> said accused knowing fully well that the same were made for no other purpose than to expose said complaint to public ridicule, thereby casting dishonor, discredit and contempt upon him, to the damage and prejudice of the said offended party.[4]

Upon arraignment, petitioner pled *not guilty*. Trial thereafter ensued.

The CA summarizes the facts as follows:

> Datol narrated in his complaint-affidavit and reply-affidavit that on 21 September 2012, Santos showed him a copy of the petition to deny filed and signed by accused-appellant. He claimed that the malicious and defamatory statements mentioned in the petition to deny made him worried and disturbed as he labeled as "a fugitive from justice" and "xxx had a string of criminal cases showing his propensity and predisposition to commit illegal and unlawful acts." Apart from the said statements, accused-appellant also attached NBI criminal records of his namesake. Datol added

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2 Not attached to the *rollo*. Awaiting compliance by petitioner with Our Resolution dated April 12, 2023. The June 20, 2022 Resolution in CA-G.R. CR No. 41652 was penned by Associate Justice Florencio M. Mamauag, Jr. and concurred in by Associate Justices Geraldine C. Fiel-Macaraig and Louis P. Acosta of the Special Former Thirteenth Division, Court of Appeals, Manila.

3 Not attached to the *rollo*. The May 8, 2017 Decision in Criminal Case No. R-QZN-15-08000-CR was penned by Presiding Judge Tita Marilyn Payoyo-Villordon of Branch 224, Regional Trial Court, Quezon City.

4 *Rollo*, p. 40.

> that when Santos read the petition to deny, the latter doubted his integrity and low regard for him.
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> Datol claims that all the elements of the crime of libel are present in his case since the accused-appellant imputed that he was a notorious criminal offender; that he made such imputation public by filing the petition to deny and sending copies thereof to several other persons; that it was maliciously made; that said malicious imputation was directed at his person; and that it caused him dishonor as he was discredited and defamed by the imputation.
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> In his counter-affidavit and rejoinder, accused-appellant denied the accusations against him…
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> Further, accused-appellant asserted that an element of libel is lacking as it is required that the imputation be made publicly. He averred that the statements alleged to be libelous were part of the petition to deny that was filed before the COMELEC, a quasi-judicial body, thus, was not for public purpose. Moreover, the statements in the petition to deny are in the nature of privileged communication, as provided under Article 345 of the RPC, thereby negating the presumption of malice on the part of the accused-appellant.[5]

In its Decision dated May 8, 2017, the RTC convicted petitioner of the crime charged. The decretal portion provides:

> IN VIEW OF THE FOREGOING, the Court hereby finds accused GODOFREDO V. ARQUIZA, GUILTY beyond reasonable doubt of the crime of libel defined under Article 353 of the Revised Penal Code and is penalized under Article 355 of the same Code, and sentencing to the indeterminate penalty of FOUR (4) MONTHS of ARRESTO MAYOR, as minimum, to TWO (2) YEARS of PRISION CORRECCIONAL, as maximum, and to PAY a fine of Two Thousand Pesos (PhP2,000.00).
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> The accused is further Ordered to PAY private complainant Francisco Datol, Jr., the amount of Twenty Five Thousand Pesos (PhP25,000.00) for moral damages that the latter suffered.
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> SO ORDERED.[6]

The RTC subsequently denied petitioner's Motion for Reconsideration (MR), prompting petitioner to file a Notice of Appeal.[7] During the appeal's pendency, private complainant passed away.[8]

In its assailed Decision, the CA denied the appeal and affirmed the RTC Decision *in toto*.[9] It found that petitioner's statements in his Petition to Deny Due Course or Cancel the Certificate of Nomination of Party List Nominees

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5 *Id.* at 41–44.
6 *Id.* at 44–45.
7 *Id.* at 45.
8 Filane Cervantes, *Senior Citizens Party-list solon passes away*, PHILIPPINE NEWS AGENCY, August 10, 2020, *available at* https://www.pna.gov.ph/articles/1111728 (last accessed on December 9, 2023).
9 *Rollo*, pp. 54–55.

("Petition to Deny Due Course") are clear, unambiguous and can be taken in their plain and ordinary meaning as defamatory.[10] His failure to diligently verify the cases he used as his basis for said petition demonstrates his intent to injure Datol's reputation. He likewise failed to dispute the presumption of malice. His sole purpose was to remove Datol from the roster of the nominees that was submitted before the COMELEC by claiming that his nomination was illegally acquired through his misrepresentation to the other members of the party.[11] As regards the element of publication, it was not only the COMELEC who received a copy of said petition, but also the parties thereto[12], one of whom informed Datol about the petition filed against him. Anent the element of identifiability, Datol's identity was evidently apparent as it was the denial of his nomination that was being prayed for. With regard to petitioner's claim that his statements are considered privileged communication, the CA agreed with the RTC that said petition was filed not in response to a moral or social duty but merely to injure Datol's reputation. Moreover, there was no hearing or judicial proceeding before the COMELEC at the time petitioner filed the pleading. Hence, his statements in said petition cannot be considered privileged. The CA subsequently denied petitioner's MR for want of merit.

Hence, this Petition arguing that Datol had the burden to prove that the criminal case was not against him but against an accused with his namesake. Hence, his allegation that Datol is a fugitive from justice is legally true and he cannot be faulted from using the criminal case as basis for his allegations in the Petition to Deny Due Course. As regards the element of publicity, petitioner contends that private complainant admitted on cross-examination that only the parties to said Petition to Deny Due Course were furnished copies thereof. Petitioner also avers that he had the legal, moral and social duty to protect his association. Finally, he posits that his statements in the Petition to Deny Due Course are absolutely privileged since they were made in the course of proceedings before the COMELEC.

In their Comment[13], the People, through the Office of the Solicitor General (OSG) contend that the Petition is procedurally defective for failing to comply with the mandatory requirements under Rule 45, Rules of Court. First, it raised questions of fact and not of law. Second, it failed to indicate material dates, i.e., date of the filing of the MR and date of receipt of the assailed Resolution denying said MR. Third, it failed to include a certified true copy of said assailed Resolution. As regards the substantive aspect, the OSG argues that the CA did not err in upholding petitioner's conviction for libel since the prosecution was able to establish beyond reasonable doubt the elements of said crime. Petitioner painted Datol as a criminal offender and fugitive from justice and failed to prove the absence of malice. The element of publication was likewise present since it was not only the COMELEC that

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10 *Id.* at 49.

11 *Id.* at 50.

12 Amelia G. Olegario, Ma. Isabel Q. Reinoso, Efren T. Santos, Ricardo P. Escutea, and Jeremias P. Castillon.

13 *Id.* at 354–373.

received a copy of the Petition to Deny Due Course but also several other parties therein such as Santos. Finally, the element of identifiability was satisfied by the fact that Datol's identity was apparent as it was his nomination that was being prayed cancelled on the basis of defamatory imputations.

In his Reply[14], petitioner stresses that he acted in good faith and to protect his seat in Congress as well as his social and moral obligation to the Board of Trustees and his Party.

II

At the outset, the petition is dismissible for failure to comply with the Rule 45, Rules of Court, particularly the requirement that the petition indicate the material dates showing when the MR was filed and when notice of its denial was received, and that it be accompanied by certified true copy of the resolution subject thereof.[15] Nonetheless, in the higher interest of justice and considering the petition's merit, the Court, in its April 12, 2023 Resolution[16], allowed petitioner to correct said defects. He thereafter moved for extension of time[17] to comply with said Resolution on humanitarian grounds but still failed to do so, which would normally be sufficient ground to dismiss the Petition. Nonetheless, considering that the CA has decided a question of substance not theretofore determined by this Court[18] and the apparent merit of the Petition, We deem it in the higher interest of justice to relax technical rules of procedure and exercise Our discretionary power of review.

III

Historical antecedents

The principle of immunity from suit for statements made at judicial proceedings can be traced back at least to the 16th century in English law. The classic formulation for absolute privilege was enunciated in 1772 by Lord Mansfield in the case of *R v. Skinner*[19] where he declared that "[n]either party, witness, counsel, jury, or Judge, can be put to answer, civilly or criminally, for words spoken in office." The Restatement's embrace of this principle reflects its longstanding acceptance in American law.[20] Legal scholar Judge Van Vechten Veeder explained the reason for the rule in this wise:

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14 *Rollo*, pp. 374–389.
15 RULES OF COURT, Rule 45, sec. 5.
16 *Rollo*, pp. 340–341.
17 *Id.* at 350–351.
18 RULES OF COURT, Rule 45, sec. 6(a).
19 Lofft 54, 56, 98 Eng. Rep. 529 (K. B. 1772).
20 Nat Stern, *Rethinking Absolute Immunity from Defamation Suits in Private Quasi-Judicial Proceedings*, 21 U.N.H. L. REV. 117, 120 (2022), *available at* https://scholars.unh.edu/cgi/viewcontent.cgi?article=1445&context=unh_lr (last accessed on December 9, 2023), *citing* RESTATEMENT (SECOND) OF TORTS § 586 (attorneys), § 587 (parties), § 588 (witnesses).

> The true doctrine of absolute immunity is that, in the public interest, it is not desirable to inquire whether utterances on certain occasions are malicious or not. It is not that there is any privilege to be malicious, but that, so far as it is a privilege of the individual, the privilege is to be exempt from all inquiry as to malice; the reason being that it is desirable that persons who occupy certain positions, as judges, jurors, advocates, or litigants, should be perfectly free and independent, and that, to secure their independence, their utterances should not be brought before civil tribunals for inquiry on the mere allegation that they are malicious. The rule exists, not because the malicious conduct of such persons ought not to be actionable, but because, if their conduct were actionable, actions would be brought against them in cases in which they had not spoken falsely and maliciously; it is not a desire to prevent actions from being brought in cases where they ought to be maintained, but the fear that if the rule were otherwise, numerous actions would be brought against persons who were acting honestly in the discharge of a duty.[21]

In our jurisdiction, We ruled that utterances made in the course of judicial or administrative proceedings belong to the class of communications that are absolutely privileged.[22] This absolute privilege remains regardless of the defamatory tenor and the presence of malice if the same are relevant, pertinent, or material to the cause in hand or subject of the inquiry.[23] The privilege is not intended so much for the protection of those engaged in the public service and in the enactment and administration of law, as for the promotion of public welfare, the purpose being that members of the legislature, judges of courts, jurors, lawyers, and witnesses may speak their minds freely and exercise their respective functions without incurring the risk of criminal prosecution or an action for damages.[24]

Finding persuasion in the ruling in the U.S. case of *Borg v. Boas*[25] persuasive, We extended in *Alcantara v. Ponce*[26] the privilege to statements made during preliminary investigations despite the same not being quasi-judicial[27] because it was a preliminary step leading to judicial action, *viz.*:

> While Philippine law is silent on the question of whether the doctrine of absolute privilege extends to statements made in preliminary investigations or other proceedings preparatory to the actual trial, the U.S. case of *Borg v. Boas* makes a categorical declaration of the existence of such protection:
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> > It is hornbook learning that the actions and utterances in judicial proceedings so far as the actual participants therein are concerned and preliminary steps leading to judicial action of an official nature have been given absolute privilege. Of particular interest are proceedings leading up

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21 Van Vechten Veeder, *Absolute Immunity in Defamation: Judicial Proceedings*, 9 COLUM. L. REV. 463, 49-470 (1909), *available at* https://doi.org/10.2307/1109136 (last accessed on December 9, 2023).

22 *Malit v. People*, 199 Phil. 532, 536 (1982) [Per J. Relova, First Division].

23 *Navarrete v. Court of Appeals*, 382 Phil. 427, 434 (2000) [Per J. Gonzaga-Reyes, Third Division].

24 *Deles v. Aragona*, 137 Phil. 61 (1969) [Per J. Castro, *En Banc*].

25 231 F 2d 788 (1956).

26 545 Phil. 677 (2007) [Per J. Corona, First Division].

27 *De Lima v. Reyes*, 776 Phil. 623, 637 (2016) [Per J. Leonen, Second Division] *citing Bautista v. Court of Appeals*, 413 Phil. 159 (2001) [Per J. Bellosillo, Second Division].

> to prosecutions or attempted prosecutions for crime... [A] written charge or information filed with the prosecutor or the court is not libelous although proved to be false and unfounded. Furthermore, the information given to a prosecutor by a private person for the purpose of initiating a prosecution is protected by the same cloak of immunity and cannot be used as a basis for an action for defamation.
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> The ruling in *Borg* is persuasive in this jurisdiction. We see no reason why we should not adopt it.
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> Furthermore, the newsletter qualified as "a communication made bona fide upon any subject-matter in which the party communicating has an interest... made to a person having a corresponding interest or duty, although it contained [in]criminatory matter which without this privilege would be slanderous and actionable."
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> While the doctrine of privileged communication can be abused, and its abuse can lead to great hardships, to allow libel suits to prosper strictly on this account will give rise to even greater hardships. The doctrine itself rests on public policy which looks to the free and unfettered administration of justice. It is as a rule applied liberally.
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> . . . .
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> Here, the controversial statements were made in the context of a criminal complaint against petitioner, albeit for other, separate acts involving greed and deceit, and were disclosed only to the official investigating the complaint. Liberally applying the privileged communication doctrine, these statements were still relevant to the complaint under investigation because, like the averments therein, they also involved petitioner's alleged rapacity and deceitfulness.[28]

A decade later, in *Belen v. People*[29], We once again found *Borg* persuasive and applied the doctrine of absolutely privileged communication to statements in preliminary investigations or other proceedings preparatory to trial. However, until this case, the Court has not had the opportunity to rule on whether such doctrine extends to quasi-judicial proceedings.

Statements made in quasi-judicial proceedings are absolutely privileged, subject to certain requirements

While originally applied to "traditional litigation," American courts have expanded the reach of absolute privilege to quasi-judicial proceedings.[30] This privilege which protects actions required or permitted in the course of a quasi-judicial proceeding also embraces steps necessarily preliminary to such

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28 *Id.* at 684–685.

29 805 Phil. 628, 647–648 (2017) [Per J. Peralta, Second Division].

30 *Webster v. Byrd*, 494 So. 2d 31 (1986), *citing Brubaker v. Board of Education, School District 149, Cook County,* Illinois, 502 F.2d 973 (7th Cir.1974).

a proceeding.[31] To qualify as quasi-judicial and for statements made therein to be absolutely privileged, a proceeding must afford procedural protections similar to those provided by the judicial process, i.e., notice and opportunity to be present, information as to charges made and opportunity to controvert them, the right to examine and cross-examine witnesses, to submit evidence on one's behalf, and to be heard in person, and the presence of an objective decisionmaker.[32] The number of proceedings deemed quasi-judicial, however, does not mean that this status and its absolute privilege are lightly granted. American courts have withheld recognition where there is inadequate assurance of procedural safeguards.[33] Even if absolute immunity is not warranted due to failure to meet one or more requisites, the alternative thereto need not be no immunity at all.[34] A qualified privilege, which requires a demonstration of the absence of malice, is the wiser policy and would adequately protect the interests of all parties concerned.[35]

In our jurisdiction, a quasi-judicial proceeding has been defined as the power to hear and determine questions of fact to which the legislative policy is to apply, and to decide in accordance with the standards laid down by the law itself in enforcing and administering the same law.[36] It involves: (a) taking and evaluating evidence; (b) determining facts based upon the evidence presented; and (c) rendering an order or decision supported by the facts proved.[37] In other words, it involves a determination, with respect to the matter in controversy, of what the law is; what the legal rights and obligations of the contending parties are; and based thereon and the facts obtaining, the adjudication of the respective rights and obligations of the parties.[38]

Having applied absolute privilege to statements given during judicial and administrative proceedings, and even preliminary investigations, We see no reason not to apply it to statements given in quasi-judicial proceedings. However, whereas the lone requirement imposed to maintain the cloak of absolute privilege in judicial proceedings is the test of relevancy,[39] applying such privilege in quasi-judicial proceedings additionally requires that they provide procedural protections similar to those in judicial proceedings.

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31 *Zych v. Tucker*, 844 N.E.2d 1004, 1009 (Ill. App. Ct. 2006). In *Zych*, the court found that defendant's defamatory letter did not constitute a formal written charge filed with the Merit Board, nor was it sent in response to any inquiry from the Board, and was thus not considered an action "necessarily preliminary" to a proceeding before it.

32 *Webster v. Byrd*, 494 So. 2d 31 (1986), *citing Board of Education of Choctaw County v. Kennedy*, 55 So. 2d 511 (1951).

33 Nat Stern, *Rethinking Absolute Immunity from Defamation Suits in Private Quasi-Judicial Proceedings*, 21 U.N.H. L. REV. 117, 124 (2022).

34 *Id.* at 150.

35 *Id. citing* Dawson v. N.Y. Life Ins. Co., 135 F.3d 1158, 1164 (7th Cir. 1998).

36 *Bedol v. Commission on Elections*, 621 Phil. 498, 510 (2009) [Per J. Leonardo-De Castro, *En Banc*].

37 *Ligtas v. People*, 766 Phil. 750, 771 (2015) [Per J. Leonen, Second Division].

38 *Doran v. Luczon*, 534 Phil. 198, 204–205 (2006) [Per J. Sandoval-Gutierrez, Second Division].

39 *Navarrete v. Court of Appeals*, 382 Phil. 427, 435 (2000) [Per J. Gonzaga-Reyes, Third Division]; *Alcantara v. Ponce*, 545 Phil. 677, 682 (2007) [Per J. Corona, First Division].

Thus, We lay down the following four-fold test to determine whether to apply absolute privilege to statements made in the course of quasi-judicial proceedings, or in steps necessarily preliminary thereto:

(1) **Quasi-judicial powers test:** Was the document containing the alleged defamatory statement filed or submitted as a necessarily preliminary step to or during a quasi-judicial proceeding?

(2) **Safeguards test:** Does the proceeding afford procedural protections similar to those provided by the judicial process?

(3) **Relevancy test:** Was the alleged defamatory statement relevant and pertinent to such proceeding?

(4) **Non-publication test:** Was the document containing the alleged defamatory statement communicated by the author only to those who have a duty to perform with respect to it and to those legally required to be served a copy thereof?

As to the *quasi-judicial powers test*, We have held that the denial of due course or cancellation of a certificate of candidacy calls for the exercise of the COMELEC's quasi-judicial functions.[40] By analogy, the very nature of a petition to deny due course or to cancel a certificate of nomination of party-list nominees calls for the exercise of its quasi-judicial functions.

Anent the *safeguards test*, this analysis serves to protect all interests involved in a proceeding. While the proceedings in a petition to deny due course or to cancel a certificate of nomination of party-list nominees are summary in nature,[41] procedural safeguards of due notice and hearing[42] and an opportunity to controvert the charges[43] and submit evidence[44] are not dispensed with. Parties may also be allowed to cross-examine affiants.[45]

As to the *relevancy test*, courts have adopted a liberal attitude by resolving all doubts in favor of relevancy.[46] It has been held that "what is relevant or pertinent should be liberally considered to favor the writer, and the words are not to be scrutinized with microscopic intensity."[47] The allegedly defamatory statements made in the Petition to Deny Due Course certainly pass the test of relevancy considering that they are the very grounds relied upon to cause the denial or cancellation of the certificate of nomination.

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40 *Cipriano v. Commission on Elections*, 479 Phil. 677, 690 (2004) [Per J. Puno, *En Banc*].
41 COMELEC Resolution No. 9366, Rule 5, sec. 5(9).
42 *Id.*, sec. 5(6).
43 *Id.*, sec. 5(7), (10).
44 *Id.*, sec. 5(9).
45 *Id.*, Rule 17, sec. 3.
46 *Navarrete v. Court of Appeals*, 382 Phil. 427, 436 [Per J. Gonzaga-Reyes, Third Division].
47 *People v. Aquino*, 124 Phil. 1179, 1185 (1966) [Per J. Bengzon, *En Banc*].

Finally, as regards the *non-publication test*, We have laid down the rule that when a person sends a communication to an office/officer which/who has a duty to perform with respect to the subject matter of the communication, such communication does not amount to publication.[48] Under COMELEC Resolution No. 9366, a petition to deny due course or to cancel a certificate of nomination of party-list nominees may only be filed with the Office of the Clerk of the Commission and no other office.[49] Further, a copy of the petition must be furnished to the respondent.[50] Private complainant admitted that only he and the other parties in the Petition to Deny Due Course were given copies thereof.[51] Contrary to the ruling of the CA, the fact that Santos was also given a copy does not amount to publication because he is impleaded therein and Resolution No. 9366 requires that the petition be furnished to respondents.

The foregoing tests having been satisfied, We hold that petitioner's statements in his Petition to Deny Due Course are covered by absolute privilege, thus, warranting his acquittal.

ACCORDINGLY, the Petition is **GRANTED**. The December 4, 2020 Decision and June 20, 2022 Resolution of the Court of Appeals in CA-G.R. CR No. 41652 are **REVERSED** and **SET ASIDE**. Petitioner Godofredo V. Arquiza is hereby **ACQUITTED** of libel.

SO ORDERED.

RICARDO R. ROSARIO
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

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48 *Alcantara v. Ponce*, 545 Phil. 677, 683 [Per J. Corona, First Division].
49 COMELEC Resolution No. 9366, Rule 5, sec. 3.
50 *Id.*, sec. 5(2).
51 TSN, Francisco Datol, Jr., December 4, 2015, p. 61.

On official business
RAMON PAUL L. HERNANDO
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

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

ALEXANDER G. GESMUNDO
Chief Justice