

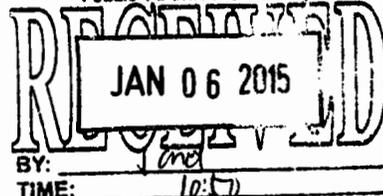


Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 22, 2014** which reads as follows:*

“G.R. No. 211975 (*Niña Oclarit Ido v. People of the Philippines and Jose Domingo L. Aizpuru, Jr.*) – This is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, seeking to reverse the Court of Appeals (CA) Decision dated 29 November 2013 and its Resolution on the Motion for Reconsideration dated 31 March 2014 in CA-G.R. CR No. 34489. The assailed Decision and Resolution of the CA affirmed with modification the Decision entitled *People of the Philippines v. Niña Oclarit Ido* dated 14 March 2011 of the Regional Trial Court (RTC) of Makati City, Branch 143. Said RTC Decision likewise affirmed with modification the Makati Metropolitan Trial Court (MTC), Branch 65’s Decision, from which the case originated, dated 11 August 2010, which found the petitioner **GUILTY** of the crime of Grave Slander and ordering her to pay respondent Aizpuru moral damages.

Based on the records from the lower courts, respondent Aizpuru testified that on 27 May 2010, at around 4:30 in the afternoon and while he was performing his duties as Public Attorney, petitioner Ido suddenly went near his desk and shouted “*O ano! O ano! Ano gusto mo!*” much to the respondent’s surprise. Nonetheless, respondent kept his cool and requested petitioner to leave the premises as she was disrupting the other PAO Lawyers as well as their respective clients who were holding client conferences. However instead of leaving, Petitioner’s anger escalated and started shouting at respondent while pointing her finger at him, “*Government office ito, abogado ka pa naman, idiot ka, gago ka, bastos ka!*”

Petitioner’s tirades continued to shock and embarrass respondent until the District Public Attorney, Atty. Gesiree M. Abong, called them both into her office. While inside Atty. Abong’s office, petitioner even threatened respondent that she can have him removed from the PAO owing

to her connections in Malacañang and the Department of Justice, specifically State Prosecutor Rances. After petitioner had been pacified and had left the premises, respondent immediately reported the incident to the building guards at the lobby by making an entry thereof in the logbook. He likewise went to the nearby Police Precinct to execute a blotter report of the same.

Respondent further alleged that a lot of PAO lawyers were still present at the office when the incident happened, as well as other employees and litigants who were consulting with their respective PAO lawyers. Lastly, respondent admitted that since a lot of people witnessed the incident, he felt so humiliated and embarrassed. Respondent's testimony was corroborated by the testimony of fellow PAO lawyer Atty. Fara Aldovino along with their other PAO colleagues Attys. Michael Llaguno, Kareen Tacorda, Maria Ghia Evangelista, and Mary Ann Mendoza, who all executed a Joint Affidavit detailing the above incident.

Meanwhile, petitioner countered respondent's allegations by saying that she had been a long time visitor of the PAO Makati Office since she acted as a liason by assisting whoever wanted to secure the services of PAO lawyers. She likewise testified that respondent Aizpuru was a friend of hers since she was already a regular at the PAO Makati Office. That on 3 March 2009 around 11:30 in the morning, she was consulting with PAO lawyer Atty. Abner Balo about her son's pending criminal case of physical injuries, as she wanted an amendment of the charge from physical injuries to attempted homicide reasoning that a samurai sword was used.

After consulting with Atty. Balo, she went to respondent and told him about her son's case. When he heard about the amendment of the charge from physical injuries to attempted homicide, respondent quipped, "*Bakit ka nag-motion ng homicide, e physical injuries lang ang kaso?*" He then asked who advised her, and petitioner said DOJ Chief Prosecutor Rances had advised her. To this, respondent replied, "*Polpol naman yang nag-advice sa 'yo eh.*" Respondent's comment hurt and embarrassed petitioner so she left the PAO Makati Office with her son.

Petitioner also testified that on 27 May 2009 (the date of the incident complained of) at around 5:00 in the afternoon, she was again at the PAO Makati Office because the wife of a seaman asked for her help. Aside from this, she was likewise consulting with two Public Prosecutors about her son's case. She was advised by the said prosecutors to ask for ₱30,000.00 to settle the case. She went on to say that she saw respondent, who was seated behind her, make a sign with his thumb and index finger as if insinuating that she was "*mukhang pera.*" This riled her thus she confronted respondent by saying, "*Mukhang pera pala ah. Mag-administrative ako!*" Respondent then replied, "*Lumabas ka, ginagawa mo 'tong business.*" Petitioner parried by saying, "*Bakit mo ako palalabasin? Public Office ito.*" After which, respondent called the guard so she can be

escorted out of the building. Finally, petitioner denies uttering the words “gago” and “idiot” alleging instead that what she said was, “*Bastos ka, wala kang galang sa matanda, wala kang edukasyon! Attorney ka pa naman.*”

THE MTC RULING

The MTC found petitioner guilty of the crime of grave oral defamation, to wit:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Niña Oclarit Ido GUILTY of the crime of Grave Oral Defamation for which she is hereby sentenced to suffer imprisonment of three (3) months of *Arresto Mayor* Minimum and Medium, as minimum, to one (1) year and eight (8) months of *Arresto Mayor* Maximum to *Prision Correccional* Minimum, as maximum.

Accused Niña Ido is likewise ordered to pay the amount of ₱100,000.00 by way of moral damages.

SO ORDERED.

THE RTC RULING

The RTC affirmed the MTC’S Decision of conviction, but lowered the amount of moral damages, to wit:

WHEREFORE, premises considered, the Decision dated 11 August 2010 is hereby affirmed with modification. The award for moral damages is lessened to Fifty Thousand Pesos (PhP 50,000.00)

SO ORDERED.

THE CA RULING

The CA likewise affirmed the RTC, but further lowered the amount of moral damages to ₱30,000.00.

Thus, petitioner now files the instant Petition for Review on Certiorari under Rule 45 seeking the reversal the CA Decision, alleging questions of law.

We deny the petition.

OUR RULING

We affirm the assailed CA Decision. We have scrutinized the Decision and found it to be exhaustive in its evaluation of the facts and its legal conclusions well supported by applicable jurisprudence. Moreover,

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the CA, in affirming the RTC's Decision, was already exercising its appellate jurisdiction under Rule 42 of the Revised Rules of Civil Procedure.¹ This means that the CA reviewed the RTC's Decision, which was likewise rendered in the RTC's appellate jurisdiction when it affirmed the MeTC's Decision from which the case originated. In other words, the facts and issues have already traversed the hierarchy of courts from the MeTC, to the RTC, to the CA, and now with this Court.

The CA, in affirming the RTC's Decision, rightly ruled when it cited the case of *Lapasaran v. People of the Philippines*² by saying:

Furthermore, both the MetroTC and RTC found the testimonies of the prosecution witnesses credible and convincing. We are, therefore, inclined to respect such finding. The best arbiter of the issue of credibility of the witnesses and their testimonies is the trial court. When the inquiry is on that issue, appellate courts will not generally disturb the findings of the trial court, considering that the latter was in a better position to decide the question, having heard the witnesses themselves and having observed their deportment and manner of testifying during the trial. Its finding thereon will not be disturbed, unless it plainly overlooked certain facts of the case. Petitioner, however, failed to show that this case falls under the exception.

Concerning the so-called "questions of law" raised by petitioner, these were thoroughly threshed out by the CA when it laid down the elements of grave oral defamation and found them existing in the present case. As a court of last resort, we deem it no longer necessary to delve on the issues raised in this case since it has gone through appeal not only once, but twice – originating from the MeTC, appealed to the RTC under Rule 40³, and appealed to the CA under Rule 42. Both questions of fact and law have already undergone intense scrutiny by all three courts. Therefore, it would amount to judicial overkill if this Court again unravels the legal thread skillfully sewn by the MeTC, RTC, and the CA.

WHEREFORE, herein Petition for Review on Certiorari is **DENIED**. The Decision of the Court of Appeals (CA) dated 29 November 2013 and Resolution dated 31 March 2014 in CA-G.R. CR No. 34489 are hereby **AFFIRMED**.

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¹ Revised Rules of Civil Procedure, Rule 42, Section 1: How appeal taken; time for filing. — A party desiring to appeal from a decision of the Regional Trial Court rendered in the exercise of its appellate jurisdiction may file a verified petition for review with the Court of Appeals xxx

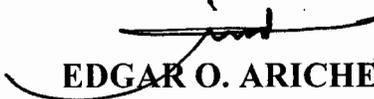
² G.R. No. 179907, 12 February 2009.

³ Revised Rules of Civil Procedure, Rule 40, Section 1: Where to appeal. — An appeal from a judgment or final order of a Municipal Trial Court may be taken to the Regional Trial Court exercising jurisdiction over the area to which the former pertains. The title of the case shall remain as it was in the court of origin, but the party appealing the case shall be further referred to as the appellant and the adverse party as the appellee.

The notice of change of counsel for petitioner, in lieu of Cortina and Buted Law Offices, filed by Atty. Juan Orendain P. Buted of Gordon Dario Reyes Buted Hocson Viado Blanco Law Offices, 6/F W Global Center, 30th and 9th Sts., Bonifacio High Street, Taguig City, requesting that all notices, pleadings, orders or resolutions be served at the given address is **NOTED**.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *pk/alex*
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GORDON DARIO REYES BUTED
HOCSON VIADO BLANCO
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Manila
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The Solicitor General
Makati City

Atty. Jose Domingo Aizpuru, Jr.
Private Respondent
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The Hon. Presiding Judge
Regional Trial Court, Br. 143
1200 Makati City
(Crim. Case No. 10-1703)

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Supreme Court

*For this Resolution only.

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