



*Republic of the Philippines*  
*Supreme Court*  
*Manila*

**ADMINISTRATIVE CIRCULAR No. 08-2008**

**TO :** ALL JUDGES

**SUBJECT :** GUIDELINES IN THE OBSERVANCE OF A RULE OF PREFERENCE IN THE IMPOSITION OF PENALTIES IN LIBEL CASES.

Article 355 of the Revised Penal Code penalizes libel, committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, with *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.

In the following cases, the Court opted to impose only a fine on the person convicted of the crime of libel:

In *Fernando Sazon v. Court of Appeals and People of the Philippines*,<sup>1</sup> the Court modified the penalty imposed upon petitioner, an officer of a homeowners' association, for the crime of libel from imprisonment and fine in the amount of ₱200.00, to fine only of ₱3,000.00, with subsidiary imprisonment in case of insolvency, for the reason that he wrote the libelous article merely to defend his honor against the malicious messages that earlier circulated around the subdivision, which he thought was the handiwork of the private complainant.

In *Quirico Mari v. Court of Appeals and People of the Philippines*,<sup>2</sup> where the crime involved is slander by deed, the Court modified the penalty imposed on the petitioner, an ordinary government employee, from imprisonment to fine of ₱1,000.00, with subsidiary imprisonment in case of insolvency, on the ground that the latter committed the offense in the heat of anger and in reaction to a perceived provocation.

In *Roberto Brillante v. Court of Appeals and People of the Philippines*,<sup>3</sup> the Court deleted the penalty of imprisonment imposed upon petitioner, a local politician, but maintained the penalty of fine of

<sup>1</sup> 325 Phil. 1053, 1068 (1996).

<sup>2</sup> 388 Phil. 269, 279 (2000).

<sup>3</sup> G.R. Nos. 118757 & 121571, November 11, 2005, 474 SCRA 480.

₱4,000.00, with subsidiary imprisonment in case of insolvency, in each of the (5) cases of libel, on the ground that the intensely feverish passions evoked during the election period in 1988 must have agitated petitioner into writing his open letter; and that incomplete privileged communication should be appreciated in favor of petitioner, especially considering the wide latitude traditionally given to defamatory utterances against public officials in connection with or relevant to their performance of official duties or against public figures in relation to matters of public interest involving them.

In *Jose Alemania Buatis, Jr. v. People of the Philippines and Atty. Jose Pieraz*,<sup>4</sup> the Court opted to impose upon petitioner, a lawyer, the penalty of fine only for the crime of libel considering that it was his first offense and he was motivated purely by his belief that he was merely exercising a civic or moral duty to his client when he wrote the defamatory letter to private complainant.

The foregoing cases indicate an emergent rule of preference for the imposition of fine only rather than imprisonment in libel cases under the circumstances therein specified.

All courts and judges concerned should henceforth take note of the foregoing rule of preference set by the Supreme Court on the matter of the imposition of penalties for the crime of libel bearing in mind the following principles:

1. This Administrative Circular does not remove imprisonment as an alternative penalty for the crime of libel under Article 355 of the Revised Penal Code;
2. The Judges concerned may, in the exercise of sound discretion, and taking into consideration the peculiar circumstances of each case, determine whether the imposition of a fine alone would best serve the interests of justice or whether forbearing to impose imprisonment would depreciate the seriousness of the offense, work violence on the social order, or otherwise be contrary to the imperatives of justice;
3. Should only a fine be imposed and the accused be unable to pay the fine, there is no legal obstacle to the application of the *Revised Penal Code* provisions on subsidiary imprisonment.

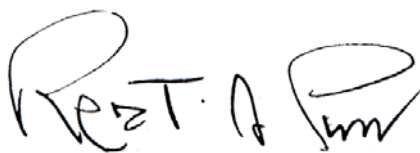
The Court Administrator shall cause the immediate dissemination of this Administrative Circular to all courts and judges concerned.

This Administrative Circular, approved by the Supreme Court *En Banc* in A.M. No. 08-1-17-SC at its session of 22 January 2008 shall take effect upon its issuance.

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<sup>4</sup> G.R. No. 142509, March 24, 2006, 485 SCRA 275.

Issued this 25<sup>th</sup> day of January 2008.

A handwritten signature in black ink, appearing to read 'REYNATO S. PUNO', with a stylized flourish at the end.

**REYNATO S. PUNO**  
Chief Justice