

PR Supreme Court Clarifies Statute of Limitations in Defamation Cases

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- Litigation

McV Litigation Alert

August 26, 2019

In an opinion issued on August 19, 2019, the Puerto Rico Supreme Court (“PRSC”) held that, for statute of limitations purposes, defamation cases shall be analyzed under the successive damages doctrine and that each allegedly defamatory act triggers an individual limitations period. This decision puts an end to a decades-old confusion caused by erroneous interpretations of the PRSC’s decision in [Galib Frangie v. EL Vocero de P.R.](#), 138 D.P.R. 560 (1995). The PRSC also held that an extrajudicial claim letter effectively tolls the statute of limitations, even if it does not specify the dates of each allegedly defamatory publication.

In [Ana Y. Cacho González, et al. v. Antulio “Kobbo” Santarrosa, et al.](#), the plaintiffs sued several television producers and presenters for publishing allegedly defamatory statements during several years. The defendants moved to dismiss, arguing that the complaint was time-barred under Puerto Rico’s one-year statute of limitations applicable to defamation claims. The plaintiffs claimed that the alleged defamation continued uninterrupted during a period of several years and, thus, should be analyzed as one act under the continuing damages doctrine.

The PRSC concluded that plaintiffs’ claims were partially time-barred, but allowed the complaint to continue as to the allegedly defamatory statements made during the year preceding the extrajudicial claim letter sent by plaintiffs before filing the complaint. Below is a summary of the important determinations in the PRSC’s opinion:

- All defamation cases shall be analyzed under the successive damages doctrine and each publication creates an individual cause of action with its own statute of limitations.
- Defamation claims should not be analyzed under the continuing damages doctrine, as many courts had previously done based on an erroneous interpretation of the PRSC’s decision in [Galib Frangie](#), because it is not foreseeable –and even speculative– that a defamatory act will be repeated.

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- To determine whether a claim is for successive or continuing damages, the focus should be on the conduct (act or omission) and not the effects of such conduct (injury).
- It is not necessary for Plaintiffs to include the specific dates on which the allegedly defamatory statements were published in order to toll the statute of limitations by way of extrajudicial claim letters.

Read the Courts's opinion **here**.

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