

ALBERT PAULINO Y CRISTOBAL, PETITIONER, VERSUS PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: REYES, JR., J.C., J.

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REYES, JR., J.C., J.:

Before the Court is a petition for review filed by Albert Paulino y Cristobal (Albert) assailing the Decision dated September 28, 2012 of the Regional Trial Court (RTC) Branch 134 of Makati City, which affirmed en toto the Decision of the Metropolitan Trial Court (MeTC), Branch 65 of Makati City which found him guilty of slight physical injuries for which he was sentenced to suffer thirty (30) days of imprisonment and to pay private complainant Teresa Santos (Teresa) the amount of P2,000.00 as moral damages.

The facts as found by the MeTC are as follows:

In the early morning of January 4, 2005, Teresa received a call from her sister, Ma. Elena, telling her that she (Elena) was mauled by Albert, Elena's husband. Teresa went to her sister's house where she found Elena with bloodied lips and a swollen face. Elena told Teresa that Albert mauled her ("binugbog ako ng kuya mo"). Teresa told Elena to report the incident to the barangay. On their way, Elena told Teresa that even Marcelo, Albert's driver, helped in beating her. This angered Teresa and she went to the talyer where Albert was staying. Upon seeing Albert, Teresa tried to attack him, but the latter was taller and stronger than her. Upon noticing Marcelo, Teresa tried to attack him, but Albert blocked her way and shoved her. Teresa fell on the bumper of the parked jeepney and Albert dragged her towards the street. The Bantay Bayan arrived and upon seeing them, Albert released his hold on her. Teresa took the opportunity to hit him with the flashlight that she was carrying. (Rollo, p. 18).

Although the MeTC found no ground to hold Albert liable for grave threats, it found him guilty however of less serious physical injuries as follows:

"WHEREFORE, premises considered, in Criminal Case No. 343282, judgment is hereby rendered acquitting accused Albert Paulino y Cristobal of Grave Threats for failure of the prosecution to prove his guilt beyond reasonable doubt.

Anent Criminal Case No. 343283 for Less Serious Physical Injuries, judgment is hereby rendered finding accused Albert Paulino y Cristobal guilty beyond reasonable doubt for the lesser offense of Slight Physical Injuries punishable under paragraph 1, Article 266 of the Revised Penal Code. Accordingly, accused Albert Paulino y Cristobal is hereby sentenced to suffer thirty (30) days of imprisonment; and to pay Teresa Santos the amount of P2,000.00 as moral damages.

SO ORDERED." (Rollo, p. 21).

The MeTC held that Albert failed to convince the court that he did not inflict injury on Teresa. When Albert came to the defense of Marcelo, he not only blocked the raging Teresa, he also pushed and shoved her causing her to fall on a parked jeep, which is consistent with the finding that Teresa suffered hematoma at her left mandibular area. (Rollo, p. 20).

The MeTC further held that while the Information charged Albert with Less Serious Physical Injuries, the nature of the injuries sustained by Teresa however did not prevent her from engaging in her habitual work nor required her to seek medical treatment for ten days or more. The prosecution failed to present evidence on her incapacity to work or the length of time that she was under medication. Thus, Albert could only be held guilty of Slight Physical Injuries, which is punishable with *arresto menor* when the offender caused physical injuries which incapacitated the offended party from engaging in his habitual work from one to nine days or require medical attendance during the same period. The MeTC also awarded her P2,000.00 as moral damages for the injuries she suffered. (Rollo, p. 20).

Albert elevated the case to the RTC which affirmed the MeTC thus:

“WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the appeal for lack of merit. The Decision dated May 18, 2011 of the Metropolitan Trial Court of Makati City, Branch 65 in Criminal Cases No. 343282-83 is hereby AFFIRMED EN TOTO.

SO ORDERED.” (Rollo, p. 13).

The RTC held that Albert slapped Teresa and the act of slapping the face of a person is punishable under the Revised Penal Code. Albert also admitted having pushed Teresa as a way to drive her away. While he may not have any intention to hurt Teresa, the injuries sustained by her was the direct and natural consequence of the acts committed by him. (Rollo, p. 12).

Albert is now before the Court claiming that

The case presents an issue as to whether or not the Regional Trial Court Branch 134, Makati City is correct in affirming en toto the decision of [the] Metropolitan Trial Court Branch 65, Makati City. The Regional Trial Court Branch 134 a quo committed a serious error in holding the accused-appellant liable for Slight Physical Injuries and liable to pay moral damages. (Rollo, p. 5).

Albert argues that when there is doubt as to the guilt of the accused, such doubt should be resolved in the accused's favor. Teresa herself admitted that she was the aggressor and not the aggrieved. Albert was in his home asleep when Teresa roused and hit him. Teresa also admitted that while she was backing off, she fell down with her left face hitting the jeepney parked at the garage. Her claim that Albert slapped her is also inconsistent with her injury. (Rollo, pp. 5-6).

The People, through the Office of the Solicitor General, meanwhile asserts that the trial prosecutor was able to prove Albert's guilt for slight physical injuries beyond reasonable doubt. Albert is also criminally liable although the end result was different from that which he intended. (Rollo, pp. 55-61).

The Court DENIES the petition.

Albert's petition claims in essence that it was Teresa, and not he, who was the aggressor in the early morning of January 4, 2005 and that Teresa, while backing off, fell face down with her left face hitting the jeepney parked at Albert's garage. (Rollo, pp. 5, 10).

Higher courts have always inclined, with a few exceptions, to defer to the findings of fact of trial courts. (People v. Tamayo, G.R. No. 196960, March 12, 2014). Findings of fact of trial courts on matters of credibility of witnesses are generally conclusive on this Court. Such conclusiveness derives from the trial courts' having the first-hand opportunity to observe the demeanor and manner of the witness when he/she testified at the trial. The calibration of the testimony of a witness and the assessment of the probative weight thereof, are left, almost entirely, to the trial courts which have the opportunity to observe the demeanor of witnesses at the stand. Unless there are substantial matters that might have been overlooked or discarded, generally, the findings of trial courts

as to the credibility of witnesses will not be disturbed on appeal. Such doctrine is especially true when the findings are affirmed by the appellate court, in this case by the RTC. (*People v. Jastiva*, G.R. No. 199268, February 12, 2014).

As the matters raised by Albert are primarily questions of fact, the Court defers to the findings on such matters by the MeTC which has been affirmed en toto by the RTC, absent any showing that said courts overlooked any vital or material fact that could have altered the outcome of the case.

The RTC was very clear when it affirmed the MeTC's findings:

“[it] can deduce that accused-appellant admitted having slapped the complainant-appellee. In fact, in his Appeal Memorandum, accused-appellant quoted the testimony of complainant-appellee on January 30, 2007 and underscored the fact that “xxx bigla niya ako sinampal sa kaliwang pisngi ko tumama.” Besides, complainant-appellee had been very consistent, positive and straightforward in her testimonies from the filing of her complaint to her testimonies in Court that accused-appellant slapped her.... the same was substantiated by the testimonies of the other prosecution witness PO2 Ariel Vejerano who investigated the incident... [Albert's] defense is mere denial, which he only asserted upon the filing of his Reply to the Complainant-appellee's Memorandum. It is a well-entrenched rule in Criminal Law jurisprudence that greater weight is given to the positive testimony of prosecution witnesses than to the denials of the accused....

Furthermore, accused-appellant in his Reply to Appellee's Memorandum admits that he pushed complainant-appellee as a reasonable way to drive her away. And, this is consistent with the accusations made by complainant-appellee during her testimony and as alleged in her Sinumpaang Salaysay: “ipinagtulakan pa rin ako ni kuya Albert hanggang masubsob ako sa may jeep na nakaparada” (TSN, January 30, 2007) causing her to fall down with her face hitting the body of the jeep. Going now to the Medico-legal Report findings as explained by Dra. Teresita Sanchez, the attending physician during her testimonies, it appears that it is consistent with the circumstances relayed by complainant-appellee in both her Sinumpaang Salaysay and testimonies as to how she sustained her injuries.

Consequently, this Court cannot concede to the claim of accused-appellant that the injuries sustained by the complainant-appellee is not supported by evidence. Herein accused-appellant cannot also claim that complainant-appellee's injuries were caused by accidental fall because he admitted having pushed her causing her to fall down and sustained (sic) injuries. While it may be true that it was not his intention to hurt the complainant-appellee, the injuries sustained by the latter is the direct and natural consequences (sic) of the acts committed by him.” (Rollo, p. 12) (Citations omitted).

Again, factual findings of the trial court as regards its assessment of the witnesses' credibility are entitled to great weight and respect particularly when the appellate court has affirmed such findings. The findings will not be disturbed absent any showing that the trial court overlooked certain facts or circumstances which could substantially affect the outcome of the case. As the petitioner in this case has failed to produce any scintilla of evidence to warrant a reexamination of the facts and circumstances as found by the MeTC and by the RTC, this Court has no reason to reverse the lower courts' findings. (*See People v. Laurio*, September 13, 2012).

Under Article 266 of the Revised Penal Code:

“Article 266. Slight physical injuries and maltreatment. --- The crime of slight physical injuries shall be punished:

1. By arresto menor when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period.”

The penalty for slight physical injuries is arresto menor, which ranges from one (1) day to thirty (30) days of imprisonment. To conform with recent jurisprudence however, We modify the penalty to be imposed on petitioner

to ten (10) days of arresto menor. The award of moral damages meanwhile is sustained as moral damages are warranted in criminal cases resulting in physical injuries. (Bongalon v. People, 694 SCRA 12, 23-24 [2013]).

WHEREFORE, the petition is DENIED for lack of merit. The Decision dated September 28, 2012 of the Regional Trial Court, Branch 134 of Makati City in Crim. Case No. 11-1789 is hereby AFFIRMED WITH MODIFICATION in that the penalty imposed on Albert Paulino y Cristobal is reduced to TEN (10) days of arresto menor. He is also ORDERED TO PAY private complainant Teresa Santos the amount of Two Thousand Pesos (P2,000.00) as moral damages.

SO ORDERED.

Lopez, and Inting, JJ., concur.

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