CIPRIANO PANTIG, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: REYES-CARPIO, A., J.

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REYES-CARPIO, A., J.:

Before Us is a Petition for Review[1] under Rule 42 of the Revised Rules of Court filed by Cipriano Pantig which seeks to reverse and set aside the January 31, 2013 Decision[2] of the Regional Trial Court of Caloocan City Branch 128, and its July 31, 2013 Resolution[3] denying his Motion for Reconsideration (appealed case from MeTC of Caloocan City, Branch 49), the respective dispositive portions of which read:

> "WHEREFORE, premises considered, the instant appeal is hereby DENIED and the decision appealed from is AFFIRMED in toto.
>
> SO ORDERED."
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> *** *** ***
>
> "WHEREFORE, premises considered, the motion for reconsideration is hereby denied for lack of merit.
>
> SO ORDERED."

THE CASE

In an Information[4] dated August 10, 2006, Cipriano Pantig[5] was charged with the crime of slight physical injuries, allegedly committed as follows:

> "That on or about the 24th day of June 2005, in Caloocan City and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously attack and employ personal violence against one MARGIE P. BALASBAS by hacking the latter with a bolo, and as a consequence, the latter sustained injuries which require medical attendance for a period of not more than nine (9) days and incapacitated and will incapacitate her from performing her habitual work for the same period of time.
>
> CONTRARY TO LAW."

Upon arraignment, Pantig pleaded "NOT GUILTY"[6] to the charge. After pre-trial, trial on the merits ensued.

Subsequently, the MeTC Branch 49 of Caloocan City rendered a Decision[7] dated June 4, 2012, finding Cipriano Pantig guilty beyond reasonable doubt of the crime charged. The dispositive portion of said Decision states:

> "WHEREFORE, judgment is hereby rendered finding accused CIPRIANO O. PANTIG GUILTY beyond reasonable doubt of the crime of slight physical injuries as defined and penalized under paragraph no. 1, Article 266 of the Revised Penal Code. Accordingly, there being no mitigating or aggravating circumstances which was (sic) alleged and proved to have attended the commission of the crime, the accused is hereby sentenced to suffer the penalty of imprisonment of (11) days of arresto menor.
>
> Moreover, the accused is hereby adjudged CIVILLY LIABLE to private complainant Margie P. Balasbas. Accordingly, the accused is hereby ordered to pay the private complainant the amount of Five Thousand Pesos

(P5,000.00) as temperate damages and the amount of Five Thousand Pesos (P5,000.00) as moral damages. With pronouncement as to costs against the accused.

SO ORDERED."

Aggrieved, Pantig appealed the foregoing Decision to the RTC, Branch 128 of Caloocan City which rendered the assailed Decision[8] dated January 31, 2013 affirming in toto the findings of the MeTC. Pantig then filed a Motion for Reconsideration[9] which was denied in a Resolution[10] dated July 31, 2013. Hence, this petition.

THE FACTS

The RTC synthesized the facts of the case in this wise:

"Version of the Prosecution

The evidence for the prosecution established that private complainant Margie P. Balasbas (hereinafter Balasbas) and appellant Pantig are neighbors in Carmelite Village, Bo. San Lazaro, Tala, Caloocan City; that sometime on June 20, 2005, Balasbas' common-law husband, Dabilo (sic) Capuli, asked Pantig to cut the guyabano tree of the latter since the same stretched to an electric wire to which request Pantig assented; that a few days thereafter, Pantig indeed cut the guyabano tree with a bolo but since the clothesline of Balasbas was attached to the tree, her laundries attached to the clothesline fell on the ground and got dirty; that Balasbas confronted Pantig about the cutting of the tree and the confrontation initially resulted in a verbal tussle between Balasbas and Pantig and the latter's wife; that during the verbal confrontation, Pantig hacked Balasbas with a bolo he was holding and was hit at the left elbow which Balasbas used to parry the attack; that thereafter, Danilo Capuli arrived at the scene, and upon seeing a bloodied Balasbas, punched Pantig and took away the latter's bolo; that Balasbas sought medical treatment at Dr. Jose N. Rodriguez Memorial Hospital and she was examined and treated by Dr. Alfredo A. Talosig; that upon examination, Balabas suffered a "lacerated wound about 2 cm. (L) elbow" caused by a sharp object which according to the examining physician, required medical attention and would have healed from seven (7) to nine (9) days.

Balasbas further established that she filed a complaint before the barangay for conciliation but no amicable settlement was reached, hence a Certificate to File Action was issued; that as a result of the incident, she failed to engage in her usual means of livelihood as a manicurist for two (2) weeks thus failing to earn her income in the amount of Php400.00 per day for the same period; and that she also incurred expenses for her medication, preparation of affidavit and for transportation and food in the total amount of Php6,900.00 .

Version of the Defense

Accused-appellant Pantig averred that the accusation against him by Balasbas were fabricated lies and as a counter-charge for the complaint he filed against Danilo Capuli before the Office of the Ombudsman; that the truth of the matter is that it was Danilo Capuli who mauled him on June 24, 2005 when he (Pantig) removed the clothesline of Balasbas which was tied to the post inside his yard; that the removal of the clothesline resulted in a verbal tussle between him and Balasbas that prompted Danilo Capuli to came (sic) to Balasbas' rescue and punched him on his different parts of his body; that his wife tried to pacify them but Danilo Capuli likewise punched her; that thereafter, Balasbas rushed towards their yard, took his borrowed bolo and pacified Danilo Capuli and then both of them left with the bolo; that the sinumpaang salaysay of Balasbas are full on inconsistencies since in her Sinumpaang Salaysay the clothesline was attached to a guyabano tree, but in the barangay blotter, she mentioned that the clothesline was tied to a MERALCO post; that he could not have hacked Balasbas, otherwise her arm would have been cut into pieces and not hit only in the arm; that Balasbas' wound was sustained by her when she got hooked on an iron sheet (yero) when the latter rushed towards their yard; that it is not true that he cut down the guyabano tree contrary to Balasbas' claim and he was not holding a bolo at the time of the incident; and that despite his request to be issued a Certificate to File Actio[n], the barangay did not issue any in his favor.

Rebuttal Evidence for the Prosecution

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> As rebuttal evidence for the prosecution, Danilo Capuli testified that at the time of the incident, he was then facilitating a livelihood program for the constituents of the barangay when he was informed of the altercation between Balasbas and Pantig; that he thereafter when (sic) home and when he arrived, he noticed the bloodied arm of Balasbas; that he confronted Pantig about the incident but the latter tried to hack him so he punched Pantig; that he was able to wrest the bolo from Pantig and turned-over the same to the Executive Officer of the barangay; and that the criminal and administrative complaints were filed against him by Pantig before the Office of the Ombudsman but both were dismissed."[11]

ASSIGNMENT OF ERRORS

Discontented, Pantig filed the instant Petition for Review raising the following issues:[12]

> I
> WHETHER THE REGIONAL TRIAL COURT GRAVELY ERRED IN AFFIRMING THE METROPOLITAN TRIAL COURT'S DECISION FINDING THE PETITIONER GUILTY OF THE CRIME CHARGED.
>
> II
> WHETHER THE REGIONAL TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT THE EVIDENCE PRESENTED BY THE PROSECUTION IS INSUFFICIENT TO PROVE THE PETITIONER'S GUILT BEYOND REASONABLE DOUBT.

THE COURT'S RULING

The petition lacks merit.

DISCUSSION

Well-settled is the rule that the findings of a trial court on the credibility of witnesses deserve great weight, as the trial judge has a clear advantage over the appellate magistrate in appreciating testimonial evidence. The trial judge is in the best position to assess the credibility of the witness as he had the unique opportunity to observe the witness firsthand and note his demeanor, conduct and attitude under grueling examination. Absent any showing that the trial court’s calibration of credibility was flawed, we are bound by its assessment. Only the trial judge can observe the furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath — all of which are useful aid for an accurate determination of a witness’ honesty and sincerity. The trial court’s findings are accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case.[13]

Pantig attempts to place the present case under the pale of such exception by denying that he inflicted the 2cm lacerated wound on Margie's elbow. He points out that if the weapon he allegedly used to hack Margie was a bolo intended for cutting trees, it is unthinkable why she only suffered a 2cm lacerated wound on her elbow instead of a hacking or gaping wound. In turn, Pantig alleges that it was Barangay Kagawad Danilo Capuli[14] (Margie's common law husband) who actually inflicted physical harm on him as evidenced by the photographs[15] showing his bruised face and neck, plus the medico-legal certificate[16] stating that he suffered contusions on his mandible and upper lip after the latter punched him.

Considering the foregoing circumstances, Pantig came up with the theory that Margie is lying and that the lacerated wound on her elbow may be self-inflicted given the disparity of the nature of the wound in relation to the weapon allegedly used.

On the other hand, the prosecution does not deny that Pantig and Capuli engaged in a brawl but offered a different scenario on how the situation came about. Margie stands firm on her assertion that a verbal tussle ensued between her and Pantig after he hastily cut the guyabano tree where her clothesline hang. In the heat of their argument, it

was then when Pantig suddenly hacked her with the bolo he earlier used to cut the guyabano tree. To protect herself, she used her left arm to parry the attack, hence, the 2cm lacerated wound near her left elbow.[17] It was then that Capuli came to her rescue, boxed Pantig and successfully wrested the bolo and confiscated it.[18]

Pitting the two conflicting versions of the story and the evidence on record, We find no justification to deviate from the findings of the MeTC and the RTC.

While it was alleged[19] initially that Margie instituted the instant case by way of retaliation when Pantig filed a case[20] for slight physical injuries against Capuli before the Ombudsman involving the same incident, such allegation was unsubstantiated as Pantig's defense focused on the denial that he hacked Margie, pointing out the inconsistencies in the testimonies of the prosecution witnesses and the incredibility of their version of the incident.

It is a settled rule that, "denial is an inherently weak defense, which crumbles in the light of positive identification of accused-appellant. It can easily be fabricated and to deserve acquittal, it must be proved by clear and convincing evidence."[21] Unfortunately, Pantig's negative assertions cannot prevail in the light of the affirmative declarations of Margie who has not been sufficiently shown to have been impelled by any ill-will or improper motive to implicate the former with the commission of such crime.

Moreover, the fact that Margie only sustained a 2cm lacerated wound does not negate the possibility that it was caused by hacking by means of a bolo. As succinctly discussed by the OSG in its Brief, viz:

> "It was established that petitioner inflicted injuries on Balasbas. Balasbas' (sic) gave a clear narration of the incident of the hacking. Thus, upon confronting petitioner regarding his failure to inform Balasbas of his intention to cut the guyabano tree, an altercation between them ensued. It was at the heat of such squabble that petitioner hacked Balasbas with the bolo which he had used to cut the guyabano tree,
>
> Because of the injury she sustained, the offended party, Balasbas, required medical attention. She was brought to the Dr. Jose N. Rodriguez Memorial Hospital to have her wounded left elbow treated by Dr. Talosig. A corresponding Medico-Legal Certificate describing the nature of the injury, was issued by the same physician. Per Dr. Talosig's testimony, Balasbas' wound would heal between seven (7) to nine (9) days.
>
> Contrary to petitioner's argument, the depth of the wound alone does not prove that an injury is self-inflicted nor negate that it was initiated by an assailant. As emphasized by the MTC, and affirmed by the RTC, the gravity of the victim's injury may also depend on the relative positions of the parties at the time of the incident and the force exerted by the petitioner when he hit Balasbas.
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> To note, the RTC Decision dated January 31, 2013 held that "it matters not that the injury was too slight as long as there is a positive testimony that it was the accused who caused it. In the case at bar, Balasbas unequivocally identified petitioner as the one who hacked her with a bolo after they had an argument.
>
> Significantly, the wound of Balasbas itself serves as physical evidence of her injury. Balasbas used her arm to shield her head from the bolo. By doing so, she sustained a two (2) cm wound on her left elbow. Balasbas' injury is but a concrete proof of her claim that she attempted to protect herself from petitioner's attack.
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> In Nunez vs. People, the Supreme Court explained the primacy of physical evidence over biased and uncorroborated testimony of witnesses:
> ...Physical evidence is a mute but eloquent manifestation of truth, and it ranks high in our hierarchy of trustworthy evidence. In criminal cases such as murder or rape where the accused stands to lose his liberty if found guilty, this Court has, in many occasions, relied principally upon physical evidence in ascertaining the truth...[W]here the physical evidence on record ran counter to the testimonial evidence of the prosecution witnesses, we ruled that the physical evidence should prevail.

That the possibility of the wound being self-inflicted was not ruled out by the physician who examined and treated Balasbas is not sufficient to conclude that it was not petitioner who inflicted the same on Balasbas. The fact that Balasbas is injured by petitioner is established not only by the testimony of Dr. Talosig but also by the testimony of the other prosecution witnesses, and the physical evidence of the wound."[22]

Pantig also harps on the alleged inconsistency in Margie's Sinumpaang Reklamo wherein she made it appear that Capuli personally witnessed the hacking incident while the latter testified otherwise. Pantig stresses that the glaring contradictory testimonies of the prosecution witnesses generated serious doubts on whether it was actually him who caused the injuries sustained by Margie. Thus, it was submitted that had such inconsistencies been considered by the MeTC and RTC, it could have resulted to his acquittal.

Contrary to Pantig's insistence, a simple reading of the Sinumpaang Reklamo shows that Margie never made such statement that Capuli personally witnessed the hacking incident, thus:

> "4. NA, ng napansin ko ang nagkalat na damit ay sinita ko si Cipriano O. Pantig, kung bakit hindi man lamang niya ako sinabihan na puputulin na niya ang puno para maalis ko muna ang mga nasabing sinampay, ngunit galit niya akong sinagot ng "WALA KANG PAKIALAM SA GINAWA KO DAHIL TANIM KO NAMAN ITO", kaya pinagmulan ito ng pagtatalo namin at lumabas ng bahay ang asawa niyang si Jasmin Pantig at nakisali sa aming pagtatalo, at bigla akong tinaga sa kaliwang braso ni CIPRIANO PANTIG, ng hawak niyang itak at dumating sa aktong dumudugo na aking kaliwang braso. Dumating si Kagawad CAPULI at inagaw niya ang hawak na itak at sabay suntok kay Cipriano Pantig; ang nasabing itak na nakataga sa akin ay ibinigay o tinurn-over agad ni Kagawad Capuli sa barangay."[23] (Emphasis Ours)

From the foregoing, it was clearly stated by Margie that she was first hacked by Pantig and her arm was already bleeding when Capuli arrived who, in turn, punched Pantig and wrested the bolo from him. Such statement was later on corroborated by Capuli when he affirmed on the witness stand that he did not personally witness Pantig hacking Margie as he was at the time facilitating a livelihood program at their barangay and only rushed home to check the condition of Margie after someone informed him of the incident.[24]

And even assuming there was such an inconsistency, it appears that the same only pertains to the order of events as they transpired and does not in any way detract from the fact that Pantig was positively identified by Margie as her assailant. Accordingly, Margie's firm and unyielding assertion that it was Pantig who hacked her cannot outweigh the latter's misplaced claims of inconsistencies in her Sinumpaang Reklamo viz-a-viz Capuli's testimony in open court. As correctly pointed out by the OSG, "it is not natural for an aggrieved party to just accuse anyone of a crime other than the person responsible for it,"[25] thus, the lower courts committed no error in giving probative weight to the testimonies of the prosecution witnesses.

Meantime, while the prosecution may have failed to present receipts to prove that Margie incurred medical expenses or that she was engaged in a livelihood at the time of the incident, thereby failing to earn income from one to nine days, it still cannot be denied that the injuries inflicted on Margie necessitated medical attendance as attested to by Dr. Alfredo Talosig.[26]

Finally, as regards the penalty and damages, We find the trial court's conviction of Pantig for slight physical injuries in order, being in accordance with the provision of Art. 266 par (1) of the Revised Penal Code.[27]

We also find the award of five thousand pesos (Php 5,000.00) as temperate damages and five thousand pesos (Php 5,000,00) as moral damages reasonable under the circumstances of the case.

WHEREFORE, premises considered, the petition for review is DENIED. The assailed Decision dated January 31, 2013 and the Resolution dated July 31, 2013 of the Regional Trial Court of Caloocan City Branch 128, are AFFIRMED.

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SO ORDERED.

Carandang, R.D., Chairperson, and Barza, R.F., JJ., concur.

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[1] Rollo, pp. 10-18

[2] Rollo, pp. 57-63

[3] Rollo, p. 69

[4] Rollo, p. 24

[5] "Pantig" for brevity

[6] See: MeTC Decision, Rollo, p. 39

[7] Rollo, pp. 39-46

[8] Supra note 1

[9] Rollo, pp. 64-67

[10] Supra note 2

[11] See: RTC Decision, Rollo, pp. 59-61

[12] Rollo, p. 13

[13] People vs. Carino G.R. No. 131117 June 15, 2004

[14] "Capuli" for brevity

[15] Attached as Annexed "D" of the Petition, Rollo, p 34

[16] Attached as Annex "G" of the Petition, Rollo, p. 37

[17] See: OSG's Comment to the Petition, Rollo, p. 86

[18] See: Margie's Sinumpaang Reklamo, attached as Annex "B" of the Petition, Rollo, pp. 25-26

[19] See: Sinumpaang Kontra Salaysay, Rollo, pp. 27-28

[20] Pantig's Letter-Complaint is Attached as Annex "A" of the Petition, Rollo, pp. 29-30

Later on, the complaint was dismissed by the Ombudsman after finding that it was actually Cipriano who was the aggressor while Capuli was only defending Margie.

The Resolution dated January 29, 2008 dismissing Pantig's complaint against Capuli was not attached in the Rollo, The information was culled from the MeTC's Decision (See: Rollo, p. 44)

[21] People vs Delos Reyes G.R. No. 133385 December 7, 2001

[22] Rollo, pp. 86-87

[23] Attached as Annex "B" of the Petition, Rollo, pp. 25-26

[24] See: Excerpt of Capuli's testimony taken on October 4, 2010 attached as Annex "L" and "M"of the Petition, Rollo, pp. 78-79

[25] See: OSG's Brief, citing People vs. Ramo G.R. No. L-33225 (1984), Rollo, p. 89

[26] See: Medical Certificate of Margie Rollo, p. 71 and excerpts of Dr. Alfredo Talosig's cross-examination, Rollo, p. 72

[27] "Art. 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. xxx"

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