

AMELITA A. ABITONG, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

Ponente: BARRIOS, J.

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BARRIOS, J.:

In the Information dated December 16, 2003 filed before the Municipal Trial Court in Dagupan City (hereafter the MTC for brevity), the petitioner Amelita A. Abitong (or Abitong) was charged with light threats, committed as follows:

That on or about the 18th day of September, 2003, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, AMELITA ABETONG (sic), did then and there, wilfully (sic), unlawfully and criminally, threaten one ATTY. REBENE CARRERA by shouting at the top of her voice that she will destroy the PIMSAT College by telling everybody that the said school is not authorized school for Caregiver, that it is fake and it is not approved by the government and the reputation of the school, thereby inflicting upon said ATTY. REBENE CARRERA of a wrong amounting to a crime, and that as a consequence thereof, the herein offended party sustained damages.

Contrary to Article 283 of the Revised Penal Code. (p. 147, rollo)

Abitong pleaded Not Guilty. In the ensuing trial, the prosecution presented as witnesses the complainant Atty. Rebene Carrera (or Carrera) and Jocelyn Ceralde (or Ceralde). The witnesses for the defense were Abitong herself and her sister Virgie Javines (or Javines).

According to the version of the prosecution, on September 18, 2003 at around 3:00 o'clock in the afternoon, Abitong went to PIMSAT Colleges in Dagupan City and met Carrera who is its owner and president at his office. Abitong introduced herself as the sister of Javines, one of the graduates of the caregiver course given at PIMSAT Colleges. She told Carrera that her sister's application for a working visa was denied twice by the Canadian Embassy. Abitong then demanded from Carrera the refund of her sister's tuition fees and the expenses incurred in applying for the visa, as well as payment of damages for the anxiety she suffered resulting from the denial of her visa application.

Carrera informed Abitong that the school's caregiver course is accredited by the government. He also explained to Abitong that the school only trains the students but is not the insurer of their success in finding employment. While he was trying to explain this, Abitong suddenly flared up and shouting at the top of her lungs cursed and even threatened Carrera that she will destroy the reputation of the school if he will not comply with her demand for refund and damages. She likewise threatened Carrera that she will go to the proper authorities to report that the school is a fake and is not approved by the government. Abitong's shouting caught the attention of some of the students and employees of the school thereby causing Carrera embarrassment.

The defense put it in another way. Abitong contended that her sister Javines was a graduate of the caregiver course in PIMSAT Colleges. Her sister's application for a working visa as caregiver in Canada was denied twice by the Canadian Embassy on the ground that PIMSAT Colleges failed to comply with the requirements for a

caregiver course and was not accredited by the Canadian Embassy. Distraught by the denial of her application for visa, Javines sought the help of Abitong who had paid for her schooling at PIMSAT Colleges. Thus, on September 18, 2003 Abitong asked for an appointment with the president of PIMSAT Colleges and this was set at 3:00 o'clock in the afternoon of the same day. When Abitong arrived at the school for her appointment, she was ushered to the office of the vice president where Ceralde was waiting. Carrera arrived later. Abitong then informed Carrera and Ceralde about the predicament of her sister and the fact that her visa application was denied twice by the Canadian Embassy. She pleaded for their assistance and requested for the possible reimbursement of the tuition fee and expenses incurred by her sister in applying for the visa. Instead of offering assistance, Carrera allegedly threatened her that he will blacklist them with the Department of Foreign Affairs and the Canadian Embassy. Appalled by the treatment she got from Carrera and Ceralde, Abitong was pushed into tears and immediately left the office. Ceralde then ran after her and apologized for the behavior of Carrera explaining that the latter just arrived from a trip abroad.

Abitong was found Guilty in the Decision of the MTC dated February 16, 2005 which disposed that:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused, Amelita A. Abitong, GUILTY beyond reasonable doubt of the crime of light threats and sentenced to suffer the penalty of imprisonment of 2 months and 1 day of arresto mayor, medium, there being no mitigating nor aggravating circumstance and to pay the costs.

SO ORDERED. (pp. 55-56, rollo)

From this she appealed to the Regional Trial Court of Dagupan City, which ruled that:

WHEREFORE, finding no reversible error committed by the court a-quo, the decision appealed from is hereby affirmed in-toto.

SO ORDERED. (p. 34, rollo)

Asking that this be reversed, Abitong in this petition for review submits that:

- THE TRIAL COURT ERRED WHEN IT RULED THAT THE LOWER COURT DID NOT ERR IN IMPUTING MOTIVE ON THE PETITIONER NOTWITHSTANDING THAT THERE WAS NO EVIDENCE PRESENTED BY THE RESPONDENT TO MERIT SUCH CONCLUSION.
- THE TRIAL COURT ERRED WHEN IT AFFIRMED THE RULING OF THE LOWER COURT IN GIVING WEIGHT AND CREDENCE TO THE TESTIMONIES OF PRIVATE RESPONDENT AND JOCELYN CERALDE.
- THE TRIAL COURT ERRED WHEN IT AFFIRMED THE RULING OF THE LOWER COURT IN FINDING THAT THE RESPONDENT WAS ABLE TO REBUT THE ALLEGATIONS OF THE PETITIONER WITH RESPECT TO THE SPECIAL ORDER OF THE DIPLOMA OF THE SISTER OF THE PETITIONER.
- THE TRIAL COURT ERRED WHEN IT AFFIRMED THE DECISION OF THE LOWER COURT FINDING THE PETITIONER GUILTY OF LIGHT THREATS. (pp. 16-17, rollo)

The encompassing issue to be resolved in this petition is whether or not there was sufficient evidence to convict Abitong for light threats.

Article 283, in relation to Article 282 of the Revised Penal Code, provides thus:

Art. 282. Grave threats - Any person who shall threaten another with the infliction upon the person, honor, or property of the latter or of his family of any wrong amounting to a crime, shall suffer:

- The penalty next lower in degree than that prescribed by law for the crime he threatened to commit, if the offender shall have made the threat demanding money or imposing any other condition, even though not unlawful, and said offender shall have attained his purpose. If the offender shall not have attained his purpose, the penalty lower by two degrees shall be imposed.

x x x

Art. 283. Light threats - A threat to commit a wrong not constituting a crime, made in the manner expressed in subdivision 1 of the next preceding article, shall be punished by arresto mayor. (emphasis supplied)

The elements of light threats which must be proven beyond reasonable doubt are: (1) that the offender makes a threat to commit a wrong; (2) that the wrong does not constitute a crime; (3) that there is demand for money or that other condition is imposed, even though not unlawful; and (4) that the offender has attained his purpose or, that he has not attained his purpose.

The trial court correctly found that these essential ingredients were duly proved in the case at bar. Abitong demanded for the reimbursement of her sister's tuition fees as well as the expenses incurred by her sister in applying for a working visa with the Canadian Embassy and damages. She likewise threatened to destroy the reputation of the school by exposing it as a fake and by reporting it to be so to the proper government agencies if her demand for reimbursement was not heeded. Clearly, Abitong made threats to commit a wrong not constituting a crime, by her threats of accusation and exposure against the school. She also imposed a condition, although not unlawful, in demanding for the refund of her sister's tuition fees and other expenses, and the payment of damages. It is no defense that they were crestfallen and frustrated that all their efforts and expectations for that job abroad did not bear fruition.

Well-settled is the rule that findings of facts and assessment of credibility of witnesses is a matter best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. 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 results of the case (*People vs. Bontuan*, 388 SCRA 436). We see no cause to deviate from this general rule.

WHEREFORE, the petition is DENIED and the Decision of the Regional Trial Court of Dagupan City is hereby AFFIRMED.

SO ORDERED.

Guariña III and Romilla-Lontok, JJ., concur.

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