

EDGARDO POSTANES, Petitioner, vs. PEOPLE OF THE PHILIPPINES, Respondent.

G.R. No. 155850. February 19, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari[1] seeking the nullification of the Decision rendered by the Court of Appeals (CA) on June 25, 2002, and its Resolution, dated October 24, 2002, in CA-G.R. CR No. 24568, entitled “People of the Philippines v. Edgardo Postanes.” The CA affirmed petitioner’s conviction for slight physical injuries.[2]

The facts[3] are:

Two informations (consisting of charge and countercharge) for slight physical injuries were separately filed in court against Remigio Pasion in Criminal Case No. 96-1301, and against petitioner Edgardo Postanes in Criminal Case No. 96-1433. These two cases were consolidated before the Metropolitan Trial Court, Branch 45, Pasay City.

Trial ensued after petitioner and Pasion pleaded not guilty upon arraignment.

In Criminal Case No. 96-1301, petitioner adduced evidence to show the following:

On April 9, 1996, at around three o’clock in the afternoon, petitioner, who was then employed as Security Coordinator of the First Land Link Asia Development Corporation which owns the Masagana City Mall along Taft Avenue, Pasay City, was doing his daily rounds when Pasion, who was then in the company of Gines Carmen, Ali Plaza and Armand Juarbal, without any provocation, uttered the following words to him: “Kupal, Tang Na Mo.” Pasion then punched petitioner, hitting him on the jaw, near his left eye and other parts of his body. The two engaged in a brief scuffle but eventually stopped when the mall patrons started panicking.

In view of the injuries sustained by petitioner, he was treated at the Philippine General Hospital in Manila. He likewise reported the matter to the police.

In Criminal Case No. 96-1433, Pasion alleged the following:

On April 9, 1996, at past three o’clock in the afternoon, Pasion and his co-employees, Gines Carmen, Ali Plaza and Armand Juarbal, were walking on the 3rd Floor of the Masagana City Mall when all of a sudden, petitioner appeared and tapped him on the shoulder. When he turned around, petitioner punched him on the face. Pasion fell on the floor, and petitioner kicked him and poked a gun at him. Immediately, Pasion ran toward the LRT station.

As a result of the attack, Pasion suffered physical injuries which prevented him from working for ten days. He spent P2,000 for his medical expenses. Pasion’s testimony was corroborated by Gines Carmen.

On February 29, 2000, the trial court promulgated a Joint Decision.[4] Pasion was acquitted of the crime of slight

physical injuries in Criminal Case No. 96-1301. Petitioner, however, was found guilty of slight physical injuries in Criminal Case No. 96-1433, and the court sentenced him to imprisonment for twenty days.

Petitioner appealed the judgment of conviction to the Regional Trial Court (RTC) of Pasay City.

On August 28, 2000, the RTC of Pasay City, Branch 117, rendered a decision[5] affirming petitioner's conviction. Petitioner's motion for reconsideration was denied on October 4, 2000, so he filed a petition for review with the CA.

On June 25, 2002, the CA rendered a Decision[6] dismissing the petition and affirming petitioner's conviction. The pertinent portions of the Decision read:

[T]he RTC and Metro TC found the testimony of Pasion plausible and credible. These two courts found that it was Postanes who had the motive to attack Pasion.

...

We have constantly reiterated that conclusions and findings of the facts of the trial court as well as the assessment of the credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal when supported by substantial evidence on record.

In rejecting the medical certificate of Postanes and admitting that of Pasion, the RTC and Metro TC ruled that these two documents cannot be placed on equal footing. Pasion's medical certificate was duly authenticated. Thus, even without the corroborating testimony of the issuing doctor on the nature of the injuries he sustained, the certificate was given probative value.

...

On the other hand, the medical certificate of Postanes was not presented to prove its authenticity. Thus, Postanes' medical certificate cannot be given probative value.

...

WHEREFORE, the instant petition is DISMISSED. The appealed Decision dated August 28, 2000 and the Order dated October 4, 2000 are hereby AFFIRMED.

SO ORDERED.[7]

Petitioner's motion for reconsideration was likewise denied in a Resolution[8] dated October 24, 2002.

Petitioner contends that:

The CA committed grave abuse of discretion, in excess of or amounting to lack of jurisdiction, when it:

a)

unfairly discriminated against petitioner when it held inadmissible his medical certificate on the ground that it was not identified by the doctor who issued the same, but at the same time admitting Pasion's medical certificate, leading to petitioner's conviction despite the fact that Mr. Pasion's medical certificate was not also identified by the doctor issuing the same;

b)

gave undue credit to the findings of the trial court, in spite of the fact that Honorable Judge Laguilles, who penned the Decision, did not personally hear the testimonies of petitioner and his three witnesses;

c)

ignored the clear and convincing testimonies of petitioner's three witnesses who all pointed to Mr. Pasion as the assailant, and petitioner, the victim;

d)

preferred to believe the testimonies of Mr. Pasion and his lone witness, Gines Carmen, over the testimonies of petitioner and his three witnesses, in spite of the fact that Messrs. Pasion and Carmen, being in bitter quarrel with petitioner, were demonstrably biased and partial, while no such infirmity existed with petitioner's witnesses; and

e)

affirmed the conviction of petitioner.

Petitioner argues that the CA should have acquitted him because the medical certificate/records presented by Mr. Pasion were not also identified by the physician who issued the same; that the findings of the trial court were overrated, and the judge who penned the decision was not the one who personally heard the testimony of petitioner and his three witnesses; that the CA should not have disregarded the testimony of petitioner's witnesses who identified Mr. Pasion as the assailant and petitioner as the victim; that Mr. Pasion and his witnesses are not credible because they were directly involved in the altercation, and their testimonies are biased and self-serving; and that the CA gravely erred in affirming the conviction of petitioner for lack of proof beyond reasonable doubt.

The petition fails. Petitioner raises factual issues and credibility issues, which are not appropriate in a petition for certiorari under Rule 45 wherein only questions purely of law may be raised.

Petitioner contends that there was an unequal treatment of medical certificates. The record, however, shows that the certificate of Mr. Pasion from the Philippine General Hospital was authenticated by the records custodian who testified, whereas that of petitioner was not authenticated at all.

WHEREFORE, the petition is DENIED and the Decision and Resolution of the Court of Appeals in CA-G.R. CR No. 24568 dated June 25, 2002 and October 24, 2002, respectively, are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., Sandoval-Gutierrez, Corona, and Leonardo-De Castro, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Under Article 266, par. 2 of the Revised Penal Code.

[3] Rollo, pp. 34-35.

[4] Records, p. 44.

[5] Rollo, p. 51.

[6] Id. at 33.

[7] Id. at 38-39.

[8] Id. at 41.

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