

RONNIE CALUAG, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 171511. March 04, 2009

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For review on certiorari are the Decision[1] dated December 9, 2005 of the Court of Appeals in CA-G.R. CR No. 28707 and its Resolution[2] dated February 15, 2006, denying reconsideration. The appellate court had affirmed the Decision[3] dated August 3, 2004 of the Regional Trial Court (RTC) of Las Piñas City, Branch 198, in Criminal Case No. 04-0183-84, which affirmed the Joint Decision[4] dated January 28, 2004 of the Metropolitan Trial Court (MeTC) of Las Piñas City, Branch 79, in Criminal Cases Nos. 47358 and 47381 finding petitioner Ronnie Caluag and Jesus Sentillas guilty of slight physical injuries and Ronnie Caluag guilty of grave threats.

The factual antecedents of this case are as follows:

On May 18 and 23, 2000, two separate Informations[5] docketed as Criminal Cases Nos. 47381 and 47358, respectively, were filed against Caluag and Sentillas. The Information in Criminal Case No. 47381 charged Caluag and Sentillas with slight physical injuries committed as follows:

That on or about the 19[th] day of March, 2000, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together, and both of them mutually helping and aiding one another did then and there willfully, unlawfully and feloniously attack, assault, and employ personal violence upon the person of NESTOR PURCEL DENIDO, by then and there mauling him, thereby inflicting upon him physical injuries which required medical attendance for less than nine (9) days and incapacitated him from performing his customary labor for the same period of time.

CONTRARY TO LAW.[6]

The Information in Criminal Case No. 47358 charged Caluag with grave threats committed as follows:

That on or about the 19[th] day of March 2000, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, moved by personal resentment which he entertained against one JULIA LAVIAL DENIDO, did then and there willfully, unlawfully and feloniously threaten said JULIA LAVIAL DENIDO with the infliction on her person of a harm amounting to a crime, by then and there poking his gun at her forehead and uttering the following words in tagalog, to wit:

"Saan ka pupunta gusto mo ito?"

thereby causing said complainant to be threatened.

CONTRARY TO LAW.[7]

Upon arraignment, Caluag and Sentillas pleaded not guilty. Thereafter, joint trial ensued.

The prosecution presented the two private complainants, the spouses Nestor and Julia Denido, as witnesses. Their

version of the facts are as follows:

In the afternoon of March 19, 2000, around 4 o'clock^[8] in the afternoon, Nestor learned that two of his guests from an earlier drinking spree were mauled. At that time, Caluag and Sentillas were drinking at the store owned by the son of Sentillas. When Nestor inquired from several people including his own son Raymond what happened, Caluag butted in and replied, "Bakit kasama ka ba roon?," and immediately boxed him without warning. Nestor retaliated but he was overpowered by Caluag and Sentillas. Julia saw Caluag and Sentillas box her husband. Although she tried to pacify them, they did not listen to her. To avoid his assailants, Nestor ran to his house. Julia followed him. At around 6:00 p.m., Nestor told his wife to report the boxing incident to the barangay authorities.^[9]

Later, at around 7:30 in the evening, when Julia and her son Rotsen were on their way to their barangay hall, she encountered Caluag, who blocked her way at the alley near her house. Caluag confronted Julia with a gun, poked it at her forehead, and said "Saan ka pupunta, gusto mo ito?"^[10] Despite this fearful encounter, she was still able to proceed to the barangay hall where she reported the gun-poking incident to the barangay authorities.^[11]

For its part, the defense presented the accused Caluag and Sentillas; and the barbecue vendor Pablo Barrameda, Jr. as witnesses. According to them, in the afternoon of March 19, 2000 at around 6 o'clock in the evening, Caluag was on his way home with his three-year old son when Nestor, drunk and unruly, blocked his way and asked him, "Pare, galit ka ba sa akin?" He answered in the negative but Nestor persisted in his questioning and would not allow him to pass through. Annoyed, he told Nestor, "Hindi nga! Ang kulit kulit mo!" Nestor then boxed him on his face which caused him to fall down. Caluag first assured himself of the safety of his son and then punched Nestor back. As people around pacified them, he was led to the store owned by the son of Sentillas. Nestor pursued him and punched him again. As he retaliated, some bystanders separated them. Nestor then shouted, "Putang ina mo, Pare! Gago ka! Gago ka! Marami ka ng taong niloko!" Thereafter, an unidentified man from the crowd armed with a knife went towards Nestor but Sentillas timely interceded and pacified the man. Sentillas never boxed Nestor. Caluag also denied poking a gun at Julia.^[12]

In a Joint Decision dated January 28, 2004, the MeTC found Caluag and Sentillas guilty of slight physical injuries, and Caluag guilty of grave threats.

The MeTC relied on Nestor's testimony. It noted that Nestor did not deny that he was drunk at the time of the incident while Caluag admitted that he got annoyed by Nestor's attitude. The MeTC concluded that Caluag and Sentillas lost control of their tempers due to Nestor's unruly behavior. On the other hand, the MeTC noted that Julia did not waste time reporting the gun-poking incident to the barangay. While she had intended to report the mauling of her husband, as he instructed her, what she reported instead was what happened to her. With such straightforward and seemingly natural course of events, the MeTC was convinced that the negative assertions of Caluag and Sentillas cannot prevail over the positive testimonies of Nestor and Julia.

The decretal portion of the joint decision reads:

WHEREFORE, all the foregoing premises considered, the Court finds and declares accused RONNIE CALUAG AND JESUS S[ENTILLAS] GUILTY beyond reasonable doubt of the offense of Slight Physical Injuries under Criminal Case No. 47381, and sentences them to pay [a] fine of P200.00 each. The two (2) accused are also censured to be more complaisant and well-bred in dealing with people.

The Court also finds accused RONNIE CALUAG guilty beyond reasonable doubt of the offense of Grave Threats under Article 282, par. 2 of the Revised Penal Code, under Criminal Case No. 47358, and sentences him to suffer two (2) months imprisonment [and to] pay [a] fine of P200.00.

Criminal Case No. 47382, as earlier explained, is ordered dismissed being merely a duplication of Criminal

Case No. 47358.

SO ORDERED.[13]

Caluag and Sentillas appealed to the RTC which affirmed in toto the joint decision of the MeTC.

On appeal, the Court of Appeals affirmed the decision of the RTC on December 9, 2005. The appellate court noted that the MeTC gave credence to the testimonies of Nestor and Julia because they were in accord with the natural course of things. Likewise, petitioner's negative assertions cannot prevail over the positive testimonies of Nestor and Julia. The appellate court disregarded the purported inconsistencies in the testimonies of Nestor and Julia since these refer to collateral matters and not to the essential details of the incident.

Dissatisfied, petitioner appealed to this Court on the ground that the Court of Appeals:

I.

... MANIFESTLY OVERLOOKED CERTAIN RELEVANT FACTS NOT DISPUTED BY THE PARTIES AND WHICH, IF PROPERLY CONSIDERED WOULD JUSTIFY A DIFFERENT CONCLUSION;

II.

... ERRED IN AFFIRMING THE FINDINGS OF THE [MeTC] WHICH MADE INFERENCES OR CONCLUSIONS IN ITS JOINT DECISION THAT ARE MANIFESTLY MISTAKEN, ABSURD OR IMPOSSIBLE AND WHICH ARE GROUNDED ENTIRELY ON SPECULATIONS, SURMISES OR CONJECTURES OR ARE BASED ON A MISAPPREHENSION OF FACTS;

III.

... ERRED IN RULING THAT THE PETITIONER HEREIN IS GUILTY OF THE OFFENSES CHARGED BEYOND A REASONABLE DOUBT.[14]

Simply, the issue is: Was there sufficient evidence to sustain petitioner's conviction of slight physical injuries and of grave threats?

Petitioner contends that he was able to present Barrameda, an independent and impartial witness, who supported his version of events and debunked those of Nestor and Julia. Contrary to the findings of the lower courts that petitioner offered mere denials, Barrameda's testimony is actually a positive statement that should have been given full credit. Petitioner also argues that although the lower courts acknowledged that Nestor was drunk and troublesome at the time of the incident, they chose to believe his testimony rather than petitioner's. Petitioner adds that there is no basis for the lower courts to conclude that he lost his temper because of Nestor's unruly behavior. Petitioner maintains that just because Julia immediately reported the gun-poking incident to the barangay, this did not necessarily mean that it actually happened. Petitioner also argues that assuming that he did poke a gun at Julia, the crime committed was other light threats as defined under Article 285, paragraph 1 of the Revised Penal Code.[15]

For the respondent, the Office of the Solicitor General (OSG) counters that the MeTC did not err in giving credence to the testimonies of Nestor and Julia. The MeTC found that the positive assertions of Nestor and Julia, their straightforward manner of testifying, and the seemingly natural course of events, constituted the more plausible and credible version. The MeTC also noted that Julia did not waste time reporting the gun-poking incident to the barangay authorities immediately after it happened. The OSG also agrees with the MeTC that petitioner lost his temper, given the unruly behavior of Nestor.

We find the petition with insufficient merit and accordingly sustain petitioner's conviction.

At the outset, it must be stressed that petitioner raises questions of fact. Certainly, such matters mainly require a calibration of the evidence or a determination of the credibility of the witnesses presented by the parties and the existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole, and the probabilities of the situation.[16]

The well-entrenched rule is that only errors of law and not of fact are reviewable by this Court in petitions for review on certiorari under Rule 45 under which this petition is filed. It is not the Court's function under Rule 45 to review, examine and evaluate or weigh once again the probative value of the evidence presented.[17]

Moreover, findings of fact of the trial court, when affirmed by the Court of Appeals, are binding upon this Court. It is not the function of this Court to weigh anew the evidence already passed upon by the Court of Appeals for these are deemed final and conclusive and may no longer be reviewed on appeal.[18]

A departure from the general rule, however, may be warranted where the findings of fact of the Court of Appeals are contrary to the findings and conclusions of the trial court, or when the same is unsupported by the evidence on record. Nevertheless, we find that there is no ground to apply the exception in the instant case because the findings and conclusions of the Court of Appeals are in full accord with those of the MeTC and the RTC. This Court will not assess and evaluate all over again the evidence, both testimonial and documentary, adduced by the parties to the appeal particularly where, as in this case, the findings of the MeTC, the RTC and the Court of Appeals completely coincide.[19]

Even if the Court relaxes the abovesited general rule and resolves the petition on the merits, we still find no reversible error in the appellate court's ruling.

As the lower courts and the Court of Appeals correctly stated, the testimonies of Nestor and Julia were more in accord with the natural course of things. There could be no doubt that Caluag and Sentillas lost control of their temper as Caluag himself admitted that he got annoyed by Nestor's unruly behavior. Likewise, the gun-poking incident also happened since Julia did not waste time in reporting it to the barangay authorities. Instead of reporting the mauling of her husband, she reported what happened to her in her hurry, excitement and confusion. Indeed, the positive declarations of Nestor and Julia that petitioner committed the acts complained of undermined his negative assertions. The fact that Barrameda testified in petitioner's behalf cannot be given more weight than the straightforward and credible statements of Nestor and Julia. Indeed, we find they had no reason to concoct stories to pin down petitioner on any criminal act, hence their testimonies deserve full faith and credit.

The MeTC, the RTC and the Court of Appeals uniformly found petitioner guilty of grave threats under Article 282, par. 2 of the Revised Penal Code and sentenced him to suffer two months of imprisonment and to pay a fine of P200. We find no reason to reverse the findings and conclusions of the MeTC and RTC, as affirmed by the Court of Appeals.

Under the Revised Penal Code, there are three kinds of threats: grave threats (Article 282), light threats (Article 283) and other light threats (Article 285). These provisions state:

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.

If the threat be made in writing or through a middleman, the penalty shall be imposed in its maximum period.

- The penalty of *arresto mayor* and a fine not exceeding 500 pesos, if the threat shall not have been made subject to a condition.

Art. 283. Light threats. — Any 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*.

Art. 285. Other light threats. — The penalty of *arresto menor* in its minimum period or a fine not exceeding 200 pesos shall be imposed upon:

- Any person who, without being included in the provisions of the next preceding article, shall threaten another with a weapon or draw such weapon in a quarrel, unless it be in lawful self-defense.
- Any person who, in the heat of anger, shall orally threaten another with some harm not constituting a crime, and who by subsequent acts show that he did not persist in the idea involved in his threat, provided that the circumstances of the offense shall not bring it within the provisions of Article 282 of this Code.
- Any person who shall orally threaten to do another any harm not constituting a felony.

In grave threats, the wrong threatened amounts to a crime which may or may not be accompanied by a condition. In light threats, the wrong threatened does not amount to a crime but is always accompanied by a condition. In other light threats, the wrong threatened does not amount to a crime and there is no condition.

The records show that at around 7:30 in the evening, Julia Denido left her house to go to the barangay hall to report the mauling of her husband which she witnessed earlier at around 4:00 o'clock in the afternoon. On her way there, petitioner confronted her and pointed a gun to her forehead, while at the same time saying "Saan ka pupunta, gusto mo ito?"[20] Considering what transpired earlier between petitioner and Julia's husband, petitioner's act of pointing a gun at Julia's forehead clearly enounces a threat to kill or to inflict serious physical injury on her person. Actions speak louder than words. Taken in the context of the surrounding circumstances, the uttered words do not go against the threat to kill or to inflict serious injury evinced by petitioner's accompanying act.

Given the surrounding circumstances, the offense committed falls under Article 282, par. 2 (grave threats) since: (1) killing or shooting someone amounts to a crime, and (2) the threat to kill was not subject to a condition.

Article 285, par. 1 (other light threats) is inapplicable although it specifically states, "shall threaten another with a weapon or draw such weapon in a quarrel", since it presupposes that the threat to commit a wrong will not constitute a crime. That the threat to commit a wrong will constitute or not constitute a crime is the distinguishing factor between grave threats on one hand, and light and other light threats on the other.

WHEREFORE, the petition is DENIED for utter lack of merit. The Decision dated December 9, 2005 and the Resolution dated February 15, 2006 of the Court of Appeals in CA-G.R. CR No. 28707 are AFFIRMED.

Costs against petitioner.

SO ORDERED.

Carpio-Morales, Chico-Nazario,[*] Velasco, Jr., and Brion, JJ., concur.

* Designated member of Second Division pursuant to Special Order No. 580 in place of Associate Justice Antonio Eduardo B. Nachura, who was earlier designated as an additional member per Special Order No. 571 but will take no part being then the Solicitor General.

- [1] Rollo, pp. 46-57. Penned by Associate Justice Fernanda Lampas Peralta, with Associate Justices Eliezer R. Delos Santos and Josefina Guevara-Salonga concurring.
- [2] Id. at 68.
- [3] Records, pp. 256-261. Penned by Judge Erlinda Nicolas-Alvaro.
- [4] Id. at 71-79. Penned by Judge Pio M. Pasia.
- [5] Id. at 1-2.
- [6] Id. at 2.
- [7] Id. at 1.
- [8] Time as stated during cross-examination. In the Sinumpaang Salaysay, the time of the incident is stated as "bandang 7:30 ng gabi."
- [9] Id. at 4 and 140.
- [10] TSN, November 19, 2001, p. 5; Sinumpaang Salaysay (Exhibit A), records, p. 25.
- [11] Id. at 3 and 86.
- [12] Id. at 8-10 and 184.
- [13] Id. at 79.
- [14] Rollo, p. 24.
- [15] Id. at 27.
- [16] *Lamis v. Ong*, G.R. No. 148923, August 11, 2005, 466 SCRA 510, 517.
- [17] *Lorenzo v. People*, G.R. No. 152335, December 19, 2005, 478 SCRA 462, 469.
- [18] *Changco v. Court of Appeals*, G.R. No. 128033, March 20, 2002, 379 SCRA 590, 593-594.
- [19] Id. at 594.
- [20] Exhibit A, Records, p. 25.

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