

ROBERT TAGUINOD, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.*G.R. No. 185833. October 12, 2011*

Ponente: PERALTA, J.

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For this Court's consideration is the petition for review[1] dated February 5, 2009 of petitioner Robert Taguinod seeking to reverse the Decision[2] of the Court of Appeals (CA) dated September 8, 2008 and its Resolution[3] dated December 19, 2008 affirming the Decisions of the Regional Trial Court of Makati City (RTC)[4] and the Metropolitan Trial Court of Makati City (MeTC)[5] dated September 6, 2007 and November 8, 2006, respectively.

The following are the antecedent facts:

This case started with a single incident on May 26, 2002 at the parking area of the Rockwell Powerplant Mall. Pedro Ang (private complainant) was driving his Honda CRV (CRV) from the 3[rd] basement parking, while Robert Taguinod (petitioner) was driving his Suzuki Vitara (Vitara) from the 2[nd] basement parking. When they were about to queue at the corner to pay the parking fees, the respective vehicles were edging each other. The CRV was ahead of the queue, but the Vitara tried to overtake, which resulted the touching of their side view mirrors. The side view mirror of the Vitara was pushed backward and naturally, the side view mirror of the CRV was pushed forward. This prompted the private complainant's wife and daughter, namely, Susan and Mary Ann, respectively, to alight from the CRV and confront the petitioner. Petitioner appeared to be hostile, hence, the private complainant instructed his wife and daughter to go back to the CRV. While they were returning to the car, petitioner accelerated the Vitara and moved backward as if to hit them. The CRV, having been overtaken by the Vitara, took another lane. Private complainant was able to pay the parking fee at the booth ahead of petitioner. When the CRV was at the upward ramp leading to the exit, the Vitara bumped the CRV's rear portion and pushed the CRV until it hit the stainless steel railing located at the exit portion of the ramp.

As a result of the collision, the CRV sustained damage at the back bumper spare tires and the front bumper, the repair of which amounted to P57,464.66. The insurance company shouldered the said amount, but the private complainant paid P18,191.66 as his participation. On the other hand, the Vitara sustained damage on the right side of its bumper.

Thereafter, an Information[6] was filed in the MeTC of Makati City against petitioner for the crime of Malicious Mischief as defined in and penalized under Article 327[7] of the Revised Penal Code (RPC). The Information reads as follows:

That on or about the 26[th] day of May, 2002, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent to cause damage, and motivated by hate and revenge and other evil motives, did then and there willfully, unlawfully and feloniously bump the rear portion of a Honda CRV car bearing Plate No. APS-222 driven by Pedro N. Ang, thus, causing damage

thereon in the amount of P200.00.

CONTRARY TO LAW.

Petitioner pleaded Not Guilty during the arraignment on March 10, 2003. Consequently, the trial on the merits ensued. The prosecution presented the testimony of private complainant. The defense, on the other hand, presented the testimonies of Mary Susan Lim Taguinod, the wife of petitioner, Jojet N. San Miguel, Jason H. Lazo and Engr. Jules Ronquillo.

Afterwards, the MeTC, in its Decision dated November 8, 2006, found petitioner guilty of the crime charged in the Information, the dispositive portion of which, reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused ROBERT TAGUINOD y AYSON GUILTY of Malicious Mischief penalized under Article 329 of the Revised Penal Code, and sentencing accused to FOUR (4) MONTHS imprisonment.

Accused Robert Taguinod y Ayson is likewise ordered to pay complainant Pedro Ang the amount of P18,191.66, representing complainant's participation in the insurance liability on the Honda CRV, the amount of P50,000.00 as moral damages, and the amount of P25,000.00 as attorney's fees; and to pay the costs.

SO ORDERED.[8]

The case was appealed to the RTC of Makati City, which rendered its Decision dated September 6, 2007, affirming the decision of the MeTC, disposing the appealed case as follows:

WHEREFORE, premises considered, the Decision dated 8 November 2006 is AFFIRMED in all respects.

SO ORDERED.[9]

Undaunted, petitioner filed a petition for review with the CA, praying for the reversal of the decision of the RTC. The CA partly granted the petition in its Decision dated September 8, 2008, ruling that:

WHEREFORE, in view of the foregoing premises, the petition for review filed in this case is hereby PARTLY GRANTED. The assailed decision dated September 6, 2007 of Branch 143 of the Regional Trial Court in Makati City in Criminal Case No. 07-657 is hereby MODIFIED as follows:

- The petitioner is penalized to suffer the penalty of 30 days imprisonment;
- The award of moral damages is reduced to P20,000.00; and
- The award of attorney's fee is reduced to P10,000.00.

SO ORDERED.[10]

Petitioner filed with this Court a petition for review on certiorari dated February 5, 2009. On March 16, 2009, this Court denied[11] the said petition. However, after petitioner filed a motion for reconsideration[12] dated May 14, 2009, this Court reinstated[13] the present petition and required the Office of the Solicitor General to file its Comment.[14]

The grounds relied upon are the following:

A. THE HONORABLE COURT OF APPEALS COMMITTED GRAVE REVERSIBLE ERROR IN UPHOLDING PETITIONER'S CONVICTION.

B. THE HONORABLE COURT OF APPEALS COMMITTED GRAVE REVERSIBLE ERROR IN AWARDING MORAL DAMAGES AND ATTORNEY'S FEES TO PRIVATE COMPLAINANT.[15]

This Court finds the petition partly meritorious.

The first argument of the petitioner centers on the issue of credibility of the witnesses and the weight of the evidence presented. Petitioner insists that between the witness presented by the prosecution and the witnesses presented by the defense, the latter should have been appreciated, because the lone testimony of the witness for the prosecution was self-serving. He also puts into query the admissibility and authenticity of some of the pieces of evidence presented by the prosecution.

Obviously, the first issue raised by petitioner is purely factual in nature. It is well entrenched in this jurisdiction that factual findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal in the absence of any clear showing that it overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that would have affected the result of the case.[16] This doctrine is premised on the undisputed fact that, since the trial court had the best opportunity to observe the demeanor of the witnesses while on the stand, it was in a position to discern whether or not they were telling the truth.[17] Moreover, the testimony of a witness must be considered and calibrated in its entirety and not by truncated portions thereof or isolated passages therein.[18]

It is apparent in this present case that both the RTC and the CA accorded respect to the findings of the MeTC; hence, this Court finds no reason to oppose the other two courts in the absence of any clear and valid circumstance that would merit a review of the MeTC's assessment as to the credibility of the witnesses and their testimonies. Petitioner harps on his contention that the MeTC was wrong in not finding the testimony of his own witness, Mary Susan Lim Taguinod, to be credible enough. However, this Court finds the inconsistencies of said petitioner's witness to be more than minor or trivial; thus, it does not, in any way, cast reasonable doubt. As correctly pointed out by the MeTC:

Defense witness Mary Susan Lim Taguinod is wanting in credibility. Her recollection of the past events is hazy as shown by her testimony on cross-examination. While she stated in her affidavit that the Honda CRV's "left side view mirror hit our right side view mirror, causing our side view mirror to fold" (par. 4, Exhibit "3"), she testified on cross-examination that the right side view mirror of the Vitara did not fold and there was only a slight dent or scratch. She initially testified that she does not recall having submitted her written version of the incident but ultimately admitted having executed an affidavit. Also, while the Affidavit stated that Mary Susan Lim Taguinod personally appeared before the Notary Public, on cross-examination, she admitted that she did not, and what she only did was to sign the Affidavit in Quezon City and give it to her husband. Thus, her inaccurate recollection of the past incident, as shown by her testimony on cross-examination, is in direct contrast with her Affidavit which appears to be precise in its narration of the incident and its details. Such Affidavit, therefore, deserves scant consideration as it was apparently prepared and narrated by another.

Thus, the Court finds that the prosecution has proven its case against the accused by proof beyond reasonable doubt.[19]

What really governs this particular case is that the prosecution was able to prove the guilt of petitioner beyond reasonable doubt. The elements of the crime of malicious mischief under Article 327 of the Revised Penal Code are:

- (1) That the offender deliberately caused damage to the property of another;
- (2) That such act does not constitute arson or other crimes involving destruction;
- (3) That the act of damaging another's property be committed merely for the sake of damaging it.[20]

In finding that all the above elements are present, the MeTC rightly ruled that:

The following were not disputed: that there was a collision between the side view mirrors of the two (2)

vehicles; that immediately thereafter, the wife and the daughter of the complainant alighted from the CRV and confronted the accused; and, the complainant, in view of the hostile attitude of the accused, summoned his wife and daughter to enter the CRV and while they were in the process of doing so, the accused moved and accelerated his Vitara backward as if to hit them.

The incident involving the collision of the two side view mirrors is proof enough to establish the existence of the element of "hate, revenge and other evil motive." Here, the accused entertained hate, revenge and other evil motive because to his mind, he was wronged by the complainant when the CRV overtook his Vitara while proceeding toward the booth to pay their parking fee, as a consequence of which, their side view mirrors collided. On the same occasion, the hood of his Vitara was also pounded, and he was badmouthed by the complainant's wife and daughter when they alighted from the CRV to confront him for the collision of the side view mirrors. These circumstances motivated the accused to push upward the ramp complainant's CRV until it reached the steel railing of the exit ramp. The pushing of the CRV by the Vitara is corroborated by the Incident Report dated May 26, 2002 prepared by SO Robert Cambre, Shift-In-Charge of the Power Plant Mall, as well as the Police Report. x x x[21]

The CA also accurately observed that the elements of the crime of malicious mischief are not wanting in this case, thus:

Contrary to the contention of the petitioner, the evidence for the prosecution had proven beyond reasonable doubt the existence of the foregoing elements. First, the hitting of the back portion of the CRV by the petitioner was clearly deliberate as indicated by the evidence on record. The version of the private complainant that the petitioner chased him and that the Vitara pushed the CRV until it reached the stairway railing was more believable than the petitioner's version that it was private complainant's CRV which moved backward and deliberately hit the Vitara considering the steepness or angle of the elevation of the P2 exit ramp. It would be too risky and dangerous for the private complainant and his family to move the CRV backward when it would be hard for him to see his direction as well as to control his speed in view of the gravitational pull. Second, the act of damaging the rear bumper of the CRV does not constitute arson or other crimes involving destruction. Lastly, when the Vitara bumped the CRV, the petitioner was just giving vent to his anger and hate as a result of a heated encounter between him and the private complainant.

In sum, this Court finds that the evidence on record shows that the prosecution had proven the guilt of the petitioner beyond reasonable doubt of the crime of malicious mischief. This adjudication is but an affirmation of the finding of guilt of the petitioner by both the lower courts, the MeTC and the RTC.[22]

Petitioner likewise raises the issue that the CA was wrong in awarding moral damages and attorney's fees to the private complainant claiming that during the trial, the latter's entitlement to the said monetary reliefs was not substantiated. This Court finds petitioner's claim, with regard to the award of moral damages, unmeritorious.

In *Manuel v. People*,[23] this Court tackled in substance the concept of the award of moral damages, thus:

Moral damages include physical suffering, mental anguish, fright, serious anxiety, besmirched reputation, wounded feelings, moral shock, social humiliation, and similar injury. Though incapable of pecuniary computation, moral damages may be recovered if they are the proximate result of the defendant's wrongful act or omission. An award for moral damages requires the confluence of the following conditions: first, there must be an injury, whether physical, mental or psychological, clearly sustained by the claimant; second, there must be culpable act or omission factually established; third, the wrongful act or omission of the defendant is the proximate cause of the injury sustained by the claimant; and fourth, the award of damages is predicated on any of the cases stated in Article 2219 or Article 2220 of the Civil Code.[24]

It is true that the private complainant is entitled to the award of moral damages under Article 2220[25] of the New Civil Code because the injury contemplated by the law which merits the said award was clearly established.

Private complainant testified that he felt bad[26] and lost sleep.[27] The said testimony is substantial to prove the moral injury suffered by the private complainant for it is only him who can personally approximate the emotional suffering he experienced. For the court to arrive upon a judicious approximation of emotional or moral injury, competent and substantial proof of the suffering experienced must be laid before it.[28] The same also applies with private complainant's claim that his wife felt dizzy after the incident and had to be taken to the hospital.[29]

However, anent the award of attorney's fees, the same was not established. In *German Marine Agencies, Inc. v. NLRC*,[30] this Court held that there must always be a factual basis for the award of attorney's fees. This present case does not contain any valid and factual reason for such award.

WHEREFORE, the petition for review dated February 5, 2009 of petitioner Robert Taguinod is DENIED. The Decision of the Court of Appeals dated September 8, 2008 and its Resolution dated December 19, 2008 are hereby AFFIRMED with the MODIFICATION that the attorney's fees are OMITTED.

SO ORDERED.

Velasco, Jr., (Chairperson), Abad, Mendoza, and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 13-152.

[2] Penned by Associate Justice Isaias Dicdican, with Associate Justices Juan Q. Enriquez, Jr. and Marlene Gonzales-Sison, concurring; id. at 35-44.

[3] Id. at 46-47.

[4] Id. at 91-98.

[5] Id. at 61-67.

[6] CA Decision, p. 8, rollo, p. 37.

[7] Art. 327. Who are liable for malicious mischief. – Any person who shall deliberately cause to the property of another any damage not falling within the terms of the next preceding chapter shall be guilty of malicious mischief.

[8] Rollo, p. 67.

[9] Id. at 98.

[10] Id. at 44.

[11] Id. at 154-155.

[12] Id. at 156-164.

[13] Id. at 164.

[14] Dated November 9, 2009, id. at 194-210.

[15] Id. at 19.

[16] *People v. De Leon*, G.R. No. 180762, March 4, 2009, 580 SCRA 617, 624, citing *People v. Clidoro*, 449 Phil. 142, 149 (2003).

[17] *People v. De Leon*, 428 Phil. 556, 572 (2002), citing *People v. Baltazar*, 405 Phil. 340 (2001); *People v.*

Barrameda, 396 Phil. 728 (2000).

[18] *People v. Roma*, G.R. No. 147996, September 30, 2005, 471 SCRA 413, 420, citing *People v. San Gabriel*, G.R. No. 107735, February 1, 1996, 253 SCRA 84, 93.

[19] MeTC Decision, p. 6; rollo, p. 66

[20] Reyes, *The Revised Penal Code*, Vol. II, p. 326.

[21] MeTC Decision, p. 5, rollo, p. 65. (Emphasis supplied.)

[22] CA Decision, pp. 7-8, id. at 41-42. (Emphasis supplied.)

[23] G.R. No. 165842, November 29, 2005, 476 SCRA 461.

[24] Id. at 489, citing *Francisco v. Ferrer, Jr.*, G.R. No. 142029, February 28, 2001, 353 SCRA 261, 266 (Emphasis supplied.)

[25] Art. 2220. Willful injury to property may be legal ground for awarding moral damages if the court should find that, under the circumstances, such damages are justly due. The same rule applies to breaches of contract where the defendant acted fraudulently or in bad faith. (Emphasis supplied.)

[26] TSN, August 26, 2003, p. 30.

[27] Id.

[28] *Quezon City Government v. Dacara*, G.R. No. 150304, June 15, 2005, 460 SCRA 243, 256.

[29] TSN, August 26, 2003, p. 27.

[30] 403 Phil. 572, 597 (2001). Also see *Concept Placement Resources, Inc. v. Funk*, G.R. No. 137680, February 6, 2004, 422 SCRA 317.

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