

## THIRD DIVISION

[ CA-G.R. CR No. 36175, February 25, 2015 ]

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

### D E C I S I O N

**REYES-CARPIO, A., J.:**

Before Us is a Petition for Review<sup>[1]</sup> 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<sup>[2]</sup> of the Regional Trial Court of Caloocan City Branch 128, and its July 31, 2013 Resolution<sup>[3]</sup> 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<sup>[4]</sup> dated August 10, 2006, Cipriano Pantig<sup>[5]</sup> 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"<sup>[6]</sup> to the charge. After pre-trial, trial on the merits ensued.

Subsequently, the MeTC Branch 49 of Caloocan City rendered a Decision<sup>[7]</sup> 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<sup>[8]</sup> dated January 31, 2013 affirming *in toto* the findings of the MeTC. Pantig then filed a Motion for Reconsideration<sup>[9]</sup> which was denied in a Resolution<sup>[10]</sup> 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, Balasbas 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 come (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

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."<sup>[11]</sup>

### **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.<sup>[13]</sup>

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<sup>[14]</sup> (Margie's common law husband) who actually inflicted physical harm on him as evidenced by the photographs<sup>[15]</sup> showing his bruised face and neck, plus the medico-legal certificate<sup>[16]</sup> 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.