

SECOND DIVISION

[G.R. No. 192150, October 01, 2014]

**FEDERICO SABAY, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

BRION, J.:

We review in this petition for review on *certiorari*^[1] the decision^[2] dated October 23, 2009 and the resolution^[3] dated March 22, 2010 of the Court of Appeals (CA) in CA- G.R. CR No. 31532.

The CA affirmed the April 28, 2008 decision^[4] of the Regional Trial Court (RTC) of Caloocan City, Branch 126, finding petitioner Federico Sabay guilty beyond reasonable doubt for two (2) counts of Slight Physical Injuries. The RTC decision in turn affirmed the Metropolitan Trial Court's (MTC) judgment.

The Antecedent Facts

At around three o'clock to four o'clock in the afternoon of June 12, 2001, while the petitioner and his daughter Erlinda Sabay (*Erlinda*) were busy laying wood and water pipes in the yard of Godofredo Lopez (*Godofredo*), the latter confronted the petitioner about his (the petitioner's) alleged intrusion into Godofredo's property. A verbal altercation ensued between them.

In the course of the verbal exchange, Erlinda hit Godofredo on the head with a hard object. The petitioner joined in by throwing a stone at Godofredo's face, breaking the latter's eyeglasses. Godofredo claimed that as a result, he felt dizzy.^[5] The petitioner and Erlinda then shouted at Godofredo and threatened to kill him.

Immediately thereafter, Jervie Lopez (*Jervie*) came and pacified the three. But in the course his efforts, he was hit in the hand with a bolo.^[6] The neighbors intervened not long after and pacified the parties.

The Medico Legal Certificates^[7] dated June 12, 2001 showed that Godofredo suffered a contusion on the left parietal area of his head and an abrasion in his left cheek, while Jervie sustained a wound in his right palm.

On June 13, 2001, Godofredo and Jervie filed a complaint against the petitioner before the barangay.^[8] The parties agreed to settle the complaint based on the recommendation of the building inspector and reflected their agreement in their Kasunduang Pag-aayos^[9] (*Kasunduan*) dated June 20, 2001. The *Kasunduan*, however, was not implemented because the building inspector failed to make the

promised recommendation to resolve the boundary dispute between the parties.^[10] Thus, the Office of the *Barangay* Captain issued a Certificate to File an Action.

The petitioner was accordingly charged before the MTC with the crime of Physical Injuries under two (2) Informations^[11] that read:

Criminal Case No. 209934

That on or about the 12th day of June 2001, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without justifiable cause, did then and there willfully, unlawfully and feloniously hit with a bolo one JERVIE LOPEZ, thereby inflicting upon the latter physical injuries which required and will require medical attendance for not more than seven (7) days or incapacitated or will incapacitate said victim from performing his habitual work for the same period of time.

CONTRARY TO LAW.

Criminal Case No. 209935

That on or about the 12th day of June 2001, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without justifiable cause, did then and there willfully, unlawfully and feloniously hit with a bolo one GODOFREDO LOPEZ, thereby inflicting upon the latter physical injuries which required and will require medical attendance for not more than seven (7) days or incapacitated or will incapacitate said victim from performing his habitual work for the same period of time.

CONTRARY TO LAW.

The petitioner, together with his daughter Erlinda, was also charged with Light Threats^[12] for allegedly uttering threatening words against the private complainant, Godofredo.

When arraigned, both accused pleaded not guilty to all the charges. Trial on the merits thereafter ensued.

At the trial, the prosecution presented the following eyewitnesses: Rodolfo Lata, Sr. y Dolping (*Rodolfo*) and Dina Perez y Alapaap (*Dina*) (who both testified on the details of the crime); Godofredo; Jervie; and Dr. Melissa Palugod (Godofredo's attending physician). The defense, on the other hand, presented the petitioner, Wilfredo Verdad and Caridad Sabay.

The petitioner denied the charge and claimed that he had simply acted in self-defense. He narrated that on the date of the incident while he was putting a monument on his lot, Godofredo suddenly hit him with an iron bar in his right hand, causing him injuries. Jesus Lopez (*Jessie*), Godofredo's son, went out of their house and with a .38 caliber gun, fired the gun at him. To defend himself, he got a stone

and threw it at Godofredo.

The MTC's and the RTC's Rulings

In its decision, MTC believed the prosecution's version of the incident and found the petitioner guilty beyond reasonable doubt of two (2) counts of slight physical injuries. The MTC, however, dismissed the light threats charged, as this offense is deemed absorbed in the crime of slight physical injuries. Further, it absolved Erlinda for the crime of light threats as there was no allegation that she uttered threatening words against Godofredo.

The MTC rejected the petitioner's claim of self-defense for lack of clear, convincing and satisfactory supporting evidence. The MTC held that the petitioner failed to prove that there had been unlawful aggression by Godofredo; he did not even present the medical certificate of his injury as evidence. The dispositive part of its decision reads:

WHEREFORE, premises considered, accused Federico Sabay y Bactol is found guilty beyond reasonable doubt for two (2) counts of Slight Physical Injuries and is meted a penalty of imprisonment of Eleven (11) Days for each count as there is neither mitigating nor aggravating circumstance.

SO ORDERED.

In due course, the petitioner appealed his judgment to the RTC, which fully affirmed the MTC's decision.

The petitioner sought recourse with the CA, arguing in this appeal that: (1) the MTC has no jurisdiction over the case in view of the prosecution's failure to offer the Certification to File an Action in evidence; and (2) the trial court erred in not sustaining his claim of self-defense.

The CA's Ruling

The CA rejected the petitioner's arguments and affirmed the RTC's decision. The CA held that even if there had been no formal offer of exhibit pursuant to Section 34, Rule 132 of the Rules on Evidence, the Certification to File an Action could still be admitted against the adverse party if, *first*, it has been duly identified by testimony duly recorded and, *second*, it has been incorporated into the records of the case. Noting that the Certification to File an Action was identified by the complainants and is attached to the records of the case, the CA ruled that an exception to Section 34, Rule 132 of the Rules on Evidence could be recognized.

The CA also dismissed the petitioner's plea of self-defense. The CA ruled that self-defense is essentially a factual matter that is best addressed by the trial court; in the absence of any showing that both the MTC and the RTC overlooked weighty and substantial facts or circumstances that could alter their conclusion, the appellate court saw no reason to disturb their factual ruling.

On March 22, 2010, the CA denied the petitioner's motion for reconsideration; hence, the present petition.

The Issues

On the basis of the same arguments raised before the CA, the petitioner questions: (1) the jurisdiction of the MTC over the criminal cases in view of the alleged inadmissibility of the Certification to File Action; and (2) the lower court's finding of guilt, its appreciation of the evidence and its rejection of the claim of self-defense.

The Court's Ruling

We find no reversible error committed by the CA and affirm the petitioner's conviction for two counts of slight physical injuries.

On the first issue, the petitioner contends that the lower courts erred in disregarding the existence of the *Kasunduan* executed by the parties before the *Lupon*. This existing settlement between the parties rendered the Certification to File an Action without factual and legal basis, and is hence null and void. The petitioner also contends that the CA erred in not holding that the MTC has no jurisdiction over the criminal cases in view of the non-compliance (i.e., issuance of the Certification to File an Action despite the existence of an agreement) with conciliation procedures under Presidential Decree No. 1508.

We see no merit in these contentions.

The Office of the Barangay Captain Cannot be Precluded From Issuing a Certification to File an Action Where No Actual Settlement Was Reached; the Certification to File an Action Issued by The Office of The Barangay is Valid.

The present case was indisputably referred to the *Barangay Lupon* for conciliation prior to the institution of the criminal cases before the MTC. The parties in fact admitted that a meeting before the *Lupon* transpired between them, resulting in a *Kasunduan*.

Although they initially agreed to settle their case, the *Kasunduan* that embodied their agreement was never implemented; no actual settlement materialized as the building inspector failed to make his promised recommendation to settle the dispute. The *Barangay* Captain was thus compelled to issue a Certification to File an Action, *indicating that the disputing parties did not reach any settlement*.

The CA correctly observed and considered the situation: the settlement of the case was conditioned on the recommendation of the building inspector; with no recommendation, no resolution of the conflict likewise took place.

Furthermore, the *Barangay* Captain, as a public official, is presumed to act regularly in the performance of official duty.^[13] In the absence of contrary evidence, this presumption prevails; his issuance of the disputed Certification to File an Action was regular and pursuant to law.^[14] Thus, the *Barangay* Captain properly issued the