

## THIRD DIVISION

[ G.R. No. 185833, October 12, 2011 ]

**ROBERT TAGUINOD, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

### DECISION

**PERALTA, J.:**

For this Court's consideration is the petition for review<sup>[1]</sup> dated February 5, 2009 of petitioner Robert Taguinod seeking to reverse the Decision<sup>[2]</sup> of the Court of Appeals (CA) dated September 8, 2008 and its Resolution<sup>[3]</sup> dated December 19, 2008 affirming the Decisions of the Regional Trial Court of Makati City (RTC)<sup>[4]</sup> and the Metropolitan Trial Court of Makati City (MeTC)<sup>[5]</sup> 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<sup>rd</sup> basement parking, while Robert Taguinod (petitioner) was driving his Suzuki Vitara (Vitara) from the 2<sup>nd</sup> 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<sup>[6]</sup> was filed in the MeTC of Makati City against petitioner for the crime of Malicious Mischief as defined in and penalized under Article 327<sup>[7]</sup> of

the Revised Penal Code (RPC). The Information reads as follows:

That on or about the 26<sup>th</sup> 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.<sup>[8]</sup>

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.<sup>[9]</sup>

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:

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

SO ORDERED.<sup>[10]</sup>

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

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.<sup>[15]</sup>

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.<sup>[16]</sup> 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.<sup>[17]</sup> Moreover, the testimony of a witness

must be considered and calibrated in its entirety and not by truncated portions thereof or isolated passages therein.<sup>[18]</sup>

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.<sup>[19]</sup>

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.<sup>[20]</sup>

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