

FIRST DIVISION

[G.R. No. 155850, February 19, 2008]

**EDGARDO POSTANES, Petitioner, vs. PEOPLE OF THE
PHILIPPINES, Respondent.**

DECISION

AZCUNA, J.:

This is a petition for review on *certiorari*^[1] seeking the nullification of the Decision rendered by the Court of Appeals (CA) on June 25, 2002, and its Resolution, dated October 24, 2002, in CA-G.R. CR No. 24568, entitled "*People of the Philippines v. Edgardo Postanes*." The CA affirmed petitioner's conviction for slight physical injuries.^[2]

The facts^[3] are:

Two informations (consisting of charge and countercharge) for slight physical injuries were separately filed in court against Remigio Pasion in Criminal Case No. 96-1301, and against petitioner Edgardo Postanes in Criminal Case No. 96-1433. These two cases were consolidated before the Metropolitan Trial Court, Branch 45, Pasay City.

Trial ensued after petitioner and Pasion pleaded not guilty upon arraignment.

In Criminal Case No. 96-1301, petitioner adduced evidence to show the following:

On April 9, 1996, at around three o'clock in the afternoon, petitioner, who was then employed as Security Coordinator of the First Land Link Asia Development Corporation which owns the Masagana City Mall along Taft Avenue, Pasay City, was doing his daily rounds when Pasion, who was then in the company of Gines Carmen, Ali Plaza and Armand Juarbal, without any provocation, uttered the following words to him: "*Kupal, Tang Na Mo*." Pasion then punched petitioner, hitting him on the jaw, near his left eye and other parts of his body. The two engaged in a brief scuffle but eventually stopped when the mall patrons started panicking.

In view of the injuries sustained by petitioner, he was treated at the Philippine General Hospital in Manila. He likewise reported the matter to the police.

In Criminal Case No. 96-1433, Pasion alleged the following:

On April 9, 1996, at past three o'clock in the afternoon, Pasion and his co-employees, Gines Carmen, Ali Plaza and Armand Juarbal, were walking on the 3rd Floor of the Masagana City Mall when all of a sudden, petitioner appeared and tapped him on the shoulder. When he turned around, petitioner punched him on the face. Pasion fell on the floor, and petitioner kicked him and poked a gun at him.

Immediately, Pasion ran toward the LRT station.

As a result of the attack, Pasion suffered physical injuries which prevented him from working for ten days. He spent P2,000 for his medical expenses. Pasion's testimony was corroborated by Gines Carmen.

On February 29, 2000, the trial court promulgated a Joint Decision.^[4] Pasion was acquitted of the crime of slight physical injuries in Criminal Case No. 96-1301. Petitioner, however, was found guilty of slight physical injuries in Criminal Case No. 96-1433, and the court sentenced him to imprisonment for twenty days.

Petitioner appealed the judgment of conviction to the Regional Trial Court (RTC) of Pasay City.

On August 28, 2000, the RTC of Pasay City, Branch 117, rendered a decision^[5] affirming petitioner's conviction. Petitioner's motion for reconsideration was denied on October 4, 2000, so he filed a petition for review with the CA.

On June 25, 2002, the CA rendered a Decision^[6] dismissing the petition and affirming petitioner's conviction. The pertinent portions of the Decision read:

[T]he RTC and Metro TC found the testimony of Pasion plausible and credible. These two courts found that it was Postanes who had the motive to attack Pasion.

. . .

We have constantly reiterated that conclusions and findings of the facts of the trial court as well as the assessment of the credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal when supported by substantial evidence on record.

In rejecting the medical certificate of Postanes and admitting that of Pasion, the RTC and Metro TC ruled that these two documents cannot be placed on equal footing. Pasion's medical certificate was duly authenticated. Thus, even without the corroborating testimony of the issuing doctor on the nature of the injuries he sustained, the certificate was given probative value.

. . .

On the other hand, the medical certificate of Postanes was not presented to prove its authenticity. Thus, Postanes' medical certificate cannot be given probative value.

. . .

WHEREFORE, the instant petition is **DISMISSED**. The appealed Decision dated August 28, 2000 and the Order dated October 4, 2000 are hereby **AFFIRMED**.