

THIRD DIVISION

[G.R. NO. 165685, March 14, 2007]

**REYNALDO R. PILARES, SR., PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

CHICO-NAZARIO, J.:

In this Petition for Review on *Certiorari* under Rule 45 of the 1997 Rules of Civil Procedure,^[1] petitioner Reynaldo R. Pilares, Sr. prays for the reversal of the Decision of the Court of Appeals dated 28 March 2000 in CA-G.R. CR No. 20275,^[2] affirming with modification the Decision of the Regional Trial Court (RTC), Branch 77, Malolos, Bulacan, in Criminal Case No. 1023-M-94, dated 13 November 1996,^[3] finding petitioner guilty beyond reasonable doubt of the crime of Serious Physical Injuries under Article 263 of the Revised Penal Code.

On 10 March 1994, petitioner and his son, Reynaldo Pilares, Jr. (Reynaldo Jr.) were charged in an Information^[4] for Frustrated Homicide allegedly committed as follows:

That on or about the 16th day of January 1994, in the municipality of Meycauyan, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knives and with intent to kill one Pedro Bantigue, Jr. y Tanjutco, conspiring, confederating together and mutually helping each other, did then and there willfully, unlawfully and feloniously, attack, assault and stab with the said knives they were then provided the said Pedro Bantigue, Jr. y Tanjutco, hitting the latter on the face, thereby inflicting upon him serious physical injuries which required medical attendance for a period of more than 30 days and incapacitated him from performing his customary labor for the same period of time, which ordinarily would have caused the death of the said Pedro Bantigue, Jr. y Tanjutco, thus performing all the acts of execution which should have produced the crime of homicide as a consequence, but nevertheless did not produce it by reason of causes independent of their will, that is, by the timely and able medical assistance rendered to said Pedro Bantigue, Jr. y Tanjutco which prevented his death.

When arraigned on 15 August 1994, petitioner and Reynaldo Jr. pleaded "Not Guilty" to the charge therein. Trial on the merits thereafter ensued.

The prosecution presented its case through the testimonies of its witnesses, namely: Pedro T. Bantigue Jr. (private complainant), Ernesto Mangunay (Mangunay) and Dr. Francisco C. Rodriguez (Dr. Rodriguez).

Their testimonies are summarized as follows:

Private complainant works as a movie stuntman and a driver of an international firm. He is a resident of Brgy. Malhacan, Meycauyan, Bulacan. He testified that on 16 January 1994, at about 12:00 in the morning, he was brought home by his brother-in-law, Mangunay, using the latter's car. After dropping him at his house at around 1:00 in the morning, Mangunay's car broke down due to engine overheat. He advised Mangunay to wait for the engine to cool down before starting it again. Thereafter, he and Mangunay decided to park the car at a nearby chapel. Bored of waiting, they went to a nearby store to buy two bottles of beer. The store is owned by the petitioner. While handing over the two bottles of beer, the petitioner told the private complainant that drinking liquor within and near the former's store is not allowed. Private complainant replied that they will drink at the back of Mangunay's car. At this juncture, private complainant handed to petitioner a twenty-peso bill and stated that the balance will serve as a deposit. Upon noticing that the petitioner was not satisfied, private complainant gave him a one hundred-peso bill and uttered "*O, ano pa?*" Irked, petitioner answered back "*O, ano?*" Thereafter, private complainant and Mangunay proceeded to the latter's car and drank at the back portion thereof.

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After consuming the said bottles of beer, private complainant and Mangunay bought two more bottles from the petitioner but this time no bickering ensued between the private complainant and the petitioner. Still unsatisfied, they went back to the petitioner's store for the third time and bought two more bottles of beer. Again, no argument between the private complainant and petitioner took place. When private complainant and Mangunay returned the last empty bottles of beer to petitioner, the latter asked the private complainant "*O, ano pa?*" In response thereto, the private complainant demanded for his change and exclaimed "*O, ano pa?*" to which the petitioner retorted "*O, ano pa?*" Suddenly, the petitioner took his one-foot bladed weapon and stormed out of his store. The private complainant told Mangunay to stay put. When the petitioner was about to approach the private complainant, Reynaldo Jr., armed with a kitchen knife, emerged and followed the petitioner. The private complainant ran away but the petitioner and Reynaldo Jr. chased him. After running one hundred meters, the private complainant stumbled and fell on the ground. While private complainant was lying with his back on the ground, Reynaldo Jr. approached him. When Reynaldo Jr. was about to stab the private complainant, the latter tried to avoid the same by swerving his head to the right side/direction. The private complainant was hit by the kitchen knife on the right side of his face, particularly, on the right cheekbone. Afterwards, the petitioner appeared and closed in on the private complainant. The private complainant was still lying with his back on the ground when the petitioner tried to stab him. The private complainant parried the same with his left foot and rolled over his body until he reached the side of a fence. Later, the private complainant heard someone shouting "*Tama na yan! Tigilan na yan!*" Thereupon, the petitioner and Reynaldo Jr. left him. [6]

After regaining his strength, private complainant proceeded to his house and upon arriving thereat, Mangunay brought him to the Malhacan Hospital. Subsequently, the private complainant was transferred to the Manila Central University Hospital (MCU Hospital) where he was treated for three days. Private complainant claimed that he spent P9,000.00 for the professional fee of the attending physician and that before the incident, his daily income as stuntman in foreign films was five hundred pesos

and above.^[7]

Mangunay is the private complainant's brother-in-law. He is an employee of Procter and Gamble Phils. and a resident of Sto. Nino, Meycauyan, Bulacan. He narrated that on 16 January 1994, at about 12:00 in the morning, he brought home private complainant in Brgy. Malhacan, Meycauyan, Bulacan, using his own car. When he was about to return to his house at around 1:00 in the morning, the car broke down due to engine overheat. The private complainant advised him to wait for the engine to cool down before starting it again. Thereafter, they parked the car in a nearby chapel. At this stage, the private complainant invited him for some bottles of beer. They went into a nearby store owned by the petitioner which is about six to seven meters away from the car. While buying two bottles of beer, the petitioner informed the private complainant that drinking of liquor within and near the store is prohibited. The private complainant replied that they will drink inside the car. Subsequently, he and private complainant returned to the car and drank the bottles of beer. After consuming the two bottles of beer, the private complainant returned to the store and bought two more bottles.^[8]

Craving for more, the private complainant returned to the store for the third time and bought two more bottles. Thinking that the engine of the car had already cooled down and was now in good condition, they proceeded to the store and returned the bottles. When they were about to leave the store, the petitioner spoke "*O, ano?*" in a confrontational manner. Private complainant answered back angrily "*E, ano rin?*" Reynaldo Jr. was situated at the back of the petitioner and was observing the exchange of words. Suddenly, the petitioner, armed with a knife, went out of his house to confront the private complainant. Private complainant told Mangunay to stay put. Later, Reynaldo Jr., also armed with a knife, followed the petitioner. Mangunay opined that the private complainant did not notice that petitioner and Reynaldo Jr. were armed with knives. Afterwards, the private complainant ran towards the other side of the store prompting the petitioner and Reynaldo Jr. to chase him. Mangunay tried to seek assistance from other people in the neighborhood but to no avail. Hence, he went inside the car and waited for the private complainant.^[9]

Dr. Rodriguez is a physician-surgeon assigned to the Department of Surgery, MCU Hospital. He testified that sometime on 16 or 17 January 1994, he treated the private complainant who was referred to him from the emergency section of the said hospital. The private complainant sustained multiple deep lacerations on his face particularly situated: a) from the cheekbone down to the lower lip measuring fifteen centimeters in length; b) on the lower right lip measuring one centimeter in length and c) near the left side of the upper lip measuring two centimeters in length. He also had an abrasion on his forehead.^[10]

According to Dr. Rodriguez, these injuries could have been caused by a dull-edged instrument like a dull knife or any blunt instrument.^[11] He described the said injuries as serious physical injuries which, if not treated properly, may result in the private complainant having a "squint," "*yung tumatabingi ang mukha*," or "*palaging kumikindat*" since "the facial nerve is near the area and there is a slight injury there." He explained that the lacerations were so deep that "you can almost see the cheekbone" of the private complainant.^[12]

He also pointed out that the injuries suffered by the private complainant could not have been caused by a kitchen knife, otherwise, the resulting wound would be an incised wound which is clean cut in character. He stated that the wound could not have been caused by the private complainant's head or face hitting a metal object or a rough pavement because if such was the case, there would have been more abrasion than laceration on his face. He opined that the private complainant was facing his attacker/s when the latter struck him with an upward thrust.^[13]

On the other hand, the defense relied on the testimonies of the petitioner and Reynaldo Jr. to refute the afore-stated charges. The following are their substantial narrations:

Petitioner is a resident of Brgy. Malhacan, Meycauayan, Bulacan, where he and his family own a two-storey house, the ground floor of which serves as a mini-store. He knows the private complainant because they are neighbors. Although the aunts of private complainant's wife are involved in some court cases against the petitioner and his family, the petitioner and private complainant had no personal quarrels or disagreements prior to the incident in question.^[14]

Petitioner testified that on 15 January 1994, at about 10:00 in the evening, he was tending his store when private complainant and Mangunay came over to the store. The private complainant told petitioner "*Rene, bigyan mo ako ng dalawang boteng beer.*" Petitioner did not immediately accede and instead replied "*bote.*" The private complainant took some money from his pocket, handed it over to the petitioner and voiced out "*O, ano pa? Yan isang daan yan.*" Sensing that the private complainant was hot-headed, the petitioner instead asked his wife to hand over the bottles of beer to the private complainant. The petitioner tried to give the change to the private complainant but the latter refused to accept it.^[15]

At about 11:00 in the evening, the petitioner was resting when the private complainant and Mangunay returned to the store. The private complainant asked the petitioner's wife who was then tending the store "*Nasaan si Rene?*" Petitioner's wife answered "*Namamahinga na iyong Mister ko dahil medyo pagod na maghapon.*" Private complainant demanded "*Sabihin mo sa kanya na siya ang gusto kong magbili.*" The petitioner's wife ignored such request and proceeded to serve the beer to the private complainant. The latter, however, refused to accept the beer and insisted that the petitioner should be the one to serve the beer. Private complainant also remarked "*Nagtatago yan, duwag yan eh.*" Later, the petitioner came out and served the beer to the private complainant.^[16]

At about 1:00 in the morning, the private complainant and Mangunay returned again to the store to buy four more bottles of beer. When the petitioner was about to hand over the bottles of beer to the private complainant, the latter called him a "coward" and dared him to get out for a fight. Insulted, the petitioner went out of his store and chased the private complainant. Unable to catch up with the private complainant, the petitioner returned to the store. While the petitioner was on his way back to the store, the private complainant followed the former and threw stones at him. The petitioner pursued the private complainant for the second time but he failed to catch him. Petitioner returned to the store but the private complainant followed him again and hurled stones at him. For the third time, the petitioner chased the private complainant. Tired of running, the petitioner walked briskly

trailing the private complainant. Upon reaching Floro street, the private complainant stumbled and fell to the ground.^[17]

Thereafter, the petitioner approached the private complainant. He noticed that the right face of the private complainant had a "scratch and a reddish line across the right cheek, and, something was foaming or *bumubula-bula* at the back of his ear." When the private complainant tried to stand up, the petitioner kicked him three times but none of those kicks landed on the private complainant. Petitioner admitted that he punched the private complainant on the left jaw but the same was not that strong or solid. Thus, the petitioner was surprised when the private complainant fell to the ground after the punch.^[18]

Petitioner denied that he was armed with a knife during the chase and confrontation with the private complainant. According to him, he was then merely carrying a "plastic material wrapped in a newspaper around one foot and a half [in size] with a chisel-like edge which he used in picking ice and killing rats."^[19] He admitted that he was holding such object in his right hand when he, using the same hand, punched the private complainant on his left jaw.^[20] He, however, denied that such object had touched, hit or slashed the face of the private complainant since he was holding it "vertically" and thus cannot in any way inflict injury on the private complainant.^[21] Petitioner alleged that his son, Reynaldo Jr., had no participation whatsoever in the verbal tussle in the store and in the subsequent chase and confrontation between him and the private complainant; that Reynaldo Jr. was sleeping at the upper part of the house during the said events; and that he was already on his way home after the confrontation with the private complainant when he met Reynaldo Jr.^[22]

Reynaldo Jr. works as a Field Representative of Universal Sales Corporation. He testified that petitioner is his father. He narrated that he was sleeping at the upper part of their house while his parents and elder sister were downstairs when the incident occurred; that at about 1:00 in the morning, his elder sister, Perlita Pilar Pilares, woke him up and told him to follow the petitioner as the latter and the private complainant were quarreling; that he immediately went out of the house to follow the petitioner; that when he was about one post away from their house, he met the petitioner and asked the latter on what had transpired; that the petitioner told him "Let's go home and nothing of importance had happened"; that when they were already home, the petitioner explained that the private complainant was challenging him to a fight as early as 10:00 in the evening; that late in the morning, the petitioner pointed to him the place of the incident; and that he did not see bloodstains in the area where the private complainant allegedly tripped and fell.^[23]

On 13 November 1996, the RTC rendered its Decision finding petitioner guilty only of the crime of Serious Physical Injuries under Article 263, paragraph 3, of the Revised Penal Code. It, however, acquitted Reynaldo Jr. of any crime. It did not give merit to the testimony of the private complainant that the latter's lacerated wounds in the face were inflicted by Reynaldo Jr. who was then allegedly carrying a kitchen knife. Instead, it sustained the narration of the incident by the petitioner as it was compatible with the findings and testimony of Dr. Rodriguez that the deep lacerated wounds sustained by private complainant were caused by a dull-edged or blunt instrument and not by a kitchen knife. Petitioner admitted that he was carrying a