



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 11 January 2021 which reads as follows:

“G.R. No. 254534 (Rommel Tan and Rommel Romeo Tan v. People of the Philippines). – After a judicious review of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the Decision² dated January 22, 2020 and the Resolution³ dated September 24, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 42679 for failure of petitioners Rommel Tan (Rommel) and Rommel Romeo Tan (Romeo; collectively, petitioners) to sufficiently show that the CA committed any reversible error in finding them guilty beyond reasonable doubt of Slight Physical Injuries and Rommel guilty beyond reasonable doubt of Unjust Vexation. However, the Court deems it proper to delete the award of nominal damages for lack of legal justification.⁴

As correctly ruled by the CA, the prosecution was able to establish all the elements of Slight Physical Injuries⁵ and Unjust Vexation,⁶ since it was proven

¹ *Rollo*, pp. 6-49.

² *Id.* at 52-62. Penned by Associate Justice Priscilla J. Baltazar-Padilla (now retired member of the Court) with Associate Justices Jhosep Y. Lopez and Ruben Reynaldo G. Roxas, concurring.

³ *Id.* at 64-65. Penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Jhosep Y. Lopez and Tita Marilyn B. Payoyo-Villordon, concurring.

⁴ Nominal damages are ‘recoverable where a legal right is technically violated and must be vindicated against an invasion that has produced no actual present loss of any kind or where there has been a breach of contract and no substantial injury or actual damages whatsoever have been or can be shown.’ (*Seven Brothers Shipping Corporation v. DMC-Construction Resources, Inc.*, 748 Phil. 692 (2014). See *Calaoagan v. People*, G.R. No. 222974, March 20, 2019.

⁵ Article 266. *Slight Physical Injuries and Maltreatment.* – The crime of slight physical injuries shall be punished:

1. By *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one (1) day to nine (9) days, or shall require medical attendance during the same period.

2. By *arresto menor* or a fine not exceeding Forty Thousand Pesos (P40,000.00) and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance.

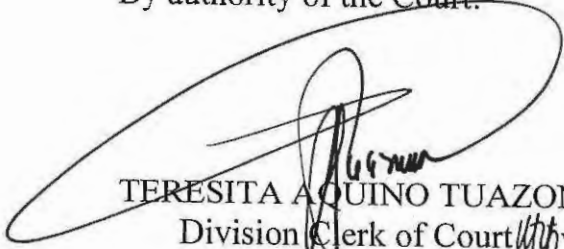
3. By *arresto menor* in its minimum period or a fine not exceeding Five Thousand Pesos (P5,000.00) when the offender shall ill-treat another by deed without causing any injury.

⁶ ‘The second paragraph of this provision is broad enough to include any human conduct that, although not productive of some physical or material harm, could unjustifiably annoy or vex an innocent person. The paramount question to be considered is whether the offender’s act caused annoyance, irritation, torment, distress, or disturbance to the mind of the person to whom it was directed.’ (*People v. Sumingwa*, 618 Phil. 650 (2009).

that: (a) the injuries suffered by the private complainant, Joe Buado (Joe), as described in the medico-legal certificate, were inflicted by petitioners;⁷ and (b) Rommel uttered, '*PUTANG INA MO! PATAYIN KITA,*'⁸ which annoyed and embarrassed Joe. Petitioners faults the CA for disregarding their testimonies and giving more credence to the testimonies of the prosecution's witnesses, which they claimed to be inconsistent. However, it is settled that factual findings of the trial courts, when adopted and affirmed by the CA, are binding and conclusive on this Court, and will generally not be reviewed on appeal, absent any of the recognized exceptions,⁹ as in this case.

SO ORDERED. (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020)."

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
04 FEB 2021 2/4

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 5
Baguio City
(Crim. Cases Nos. 41194 to 96-R)

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Supreme Court, Manila

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Ma. Orosa Street
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CA-G.R. CR No. 42679

*with copy of CA Decision dated 22 January 2020
Please notify the Court of any change in your address.
GR254534. 01/11/2021(322)URES

⁷ See id. at 59-60.

⁸ Id. at 112.

⁹ See *Insular Investment and Trust Corp. v. Capital One Equities Corp.*, 686 Phil. 819 (2012).