



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames

Please take notice that the Court, Third Division, issued a Resolution dated February 6, 2023, which reads as follows:

“G.R. No. 263302 (Eduardo Jariño y Rentosa, *Petitioner* v. People of the Philippines, *Respondent*). — The Court resolves to:

- (1) **GRANT** petitioner’s motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*; and
- (2) **NOTE** the Public Attorney’s Office’s Manifestation dated September 29, 2022, tendering payment of PHP 1,000.00 for the Sheriff’s Trust Fund under O.R. No. 345574 dated September 29, 2022.

Before the Court is a Petition for Review on *Certiorari*¹ assailing the Decision² dated November 18, 2021 and Resolution³ dated August 9, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 43224. The CA affirmed the Decision⁴ dated March 11, 2019 of Branch 93, Regional Trial Court (RTC), Balanga City, Bataan in Criminal Case No. 19198 that found Eduardo Jariño y Rentosa (petitioner) guilty beyond reasonable doubt of Grave Threats, in violation of Article 282, paragraph 2 of the Revised Penal Code (RPC).

In precis, petitioner alleged that the CA erred in affirming his conviction for Grave Threats and argued that the testimonies of the prosecution witnesses are undeserving of belief and contrary to human experience based on the following circumstances: *First*, the prosecution witnesses failed to immediately report the purported

¹ *Rollo*, pp. 25-43.

² *Id.* at 50-64. Penned by Associate Justice Perpetua Susana T. Atal-Paño and concurred in by Associate Justices Edwin D. Sorongon and Bonifacio S. Pascua.

³ *Id.* at 67-70. Penned by Associate Justice Perpetua Susana T. Atal-Paño and concurred in by Associate Justices Edwin D. Sorongon and Bonifacio S. Pascua.

⁴ *Id.* at 50 and 55. Penned by Presiding Judge Philger Noel B. Inovejas.

incident (*i.e.*, that petitioner threatened Mario Manalo with a gun) to the police authorities; and *Second*, the subsequent construction of a nipa hut on the area being contested despite the purported fear from the probability that petitioner may follow through with his threat.⁵

After a careful review of the records, the Court resolves to deny the petition for review for failure of the petitioner to show that the CA committed any reversible error in dismissing petitioner's appeal.

It is well-settled that factual findings of the trial court, especially when affirmed by the CA, must be accorded great weight and respect.⁶ Moreover, the evaluation of witnesses' credibility is "best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial."⁷

In the case, the Municipal Circuit Trial Court (MCTC), the RTC, and the CA unanimously found that petitioner is guilty of the crime charged.⁸ As such, absent any showing that the MCTC, the RTC, and the CA, have overlooked or misinterpreted the witnesses' testimonies, the Court finds no reason to overturn their factual findings.

Besides, as aptly pointed out by the CA: (1) the fact that Mario Manalo and his companion returned to build the nipa hut despite having been threatened does not warrant petitioner's acquittal because the efficacy of the threat is not an element of the crime of Grave Threats,⁹ and (2) there was no delay in reporting the Grave Threats incident, *viz.*:¹⁰

Petitioner's insistence that private complainant and his companions should have reported the incident to the police, and not to the *barangay* authorities, is misplaced. As We have ruled upon the assailed Decision, the *Lupong Tagapamayapa* is charged with the maintenance of public order, protection, and security of life and property, or the maintenance of a desirable and balanced environment. Here, the report to the *barangay* authorities constitutes an attempt to seek redress for the wrongdoing done by petitioner against the private complainant, and ultimately, bring petitioner to justice. Thus, there was no delay on the part of private complainant as he had reported the incident directly to the proper authorities. Moreover, private complainant could not be faulted for reporting the incident directly to the *barangay*, and not the police authorities, since his resort to their authority can be explained by its inherent convenience and viability.

⁵ Id. at 37-38.

⁶ *Villarba v. Court of Appeals*, G.R. No. 227777, June 15, 2020.

⁷ Id. citing *People v. Corpuz*, 812 Phil. 62, 88 (2017).

⁸ *Rollo*, pp. 50-56.

⁹ Id. at 61.

¹⁰ Id. at 68.

Lastly, Article 88a of the RPC, as amended by the Community Service Act,¹¹ provides that the penalty of *arresto mayor* “may” be served by rendering community service in lieu of service in jail, *viz.*:

ART. 88a. Community Service. - The court in the discretion may, in lieu of service in jail, require that the penalties of *arresto menor* and *arresto mayor* may be served by the defendant by rendering community service in the place where the crime was committed, under such terms as the court shall determine, taking into consideration the gravity of offense and the circumstances of the case, which shall be under the supervision of a probation officer: *Provided*, That the court will prepare an order imposing the community service, specifying the number of hours to be worked and the period within which to complete the service. The order is then referred to the assigned probation officer who shall have responsibility of the defendant.

The defendant shall likewise be required to undergo rehabilitative counseling under the social welfare and development office of the city or municipality concerned with the assistance of the Department of Social Welfare and Development (DSWD). In requiring community service, the court shall consider the welfare of the society and the reasonable probability that the person sentenced shall not violate the law while rendering a public service.

Community service shall consist of any actual physical activity which inculcates civic consciousness, and is intended towards the improvement of a public work or promotion of a public service.

If the defendant violates the terms of the community service, the court shall order his/her re-arrest and the defendant shall serve the full term of the penalty, as the case may be, in jail, or in the house of the defendant as provided under Article 88. However, if the defendant has fully complied with the terms of the community service, the court shall order the release of the defendant unless detained for some other offenses.

The privilege of rendering community service in lieu of service in jail shall be availed of only once. (Emphases supplied.)

Accordingly, petitioner may avail the privilege of rendering community service in lieu of service in jail, if eligible.

WHEREFORE, the petition for review on *certiorari* is **DENIED**. Petitioner Eduardo Jariño y Rentosa is **GUILTY** beyond reasonable doubt of the crime of Grave Threats. He is sentenced to suffer the straight penalty of three (3) months of *arresto mayor* and ordered to pay the fine of Five Hundred Pesos (P500.00).

¹¹ Republic Act No. 11362, approved on August 8, 2019.

Petitioner Eduardo Jariño y Rentosa may avail himself of the provisions of Republic Act No. 11362, also known as the Community Service Act, and its guidelines, if eligible.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
JB 5/11/23

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(Crim. Case No. 19198)

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