



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
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Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 14, 2020**, which reads as follows:

**“G.R. No. 234635 (Nathaniel B. Nipal v. People of the Philippines).**  
– After a judicious review of the records herein, this Court resolves to **DENY** the Petition for Review on *Certiorari*<sup>1</sup> for failure to show that the Court of Appeals (CA) committed reversible error in promulgating its June 30, 2017 Decision<sup>2</sup> and October 10, 2017 Resolution<sup>3</sup> in CA-G.R. CR No. 39266 which affirmed petitioner’s conviction by the Regional Trial Court of Burgos, Pangasinan, Branch 70 for the crime of Direct Assault under Article 148 of the Revised Penal Code.

Factual questions are not the proper subject of an appeal by *certiorari*, as it is not this Court’s function to once again analyze or weigh evidence that has already been weighed in the lower courts. Moreover, prevailing jurisprudence uniformly holds that findings of facts of the trial court, particularly when affirmed by the CA, are binding upon this Court. It is only in exceptional cases where this Court may review findings of fact of the CA.<sup>4</sup>

Herein petitioner essentially prays without proper justification, that this Court re-examine the evidence and the credibility of the witnesses which the lower courts have thoroughly evaluated. These matters involve questions of fact as they solicit calibration of the whole evidence considering mostly of the credibility of witnesses, existence and relevance of specific surrounding circumstances, their relation to each other and to the whole, and probabilities of the situation.<sup>5</sup> Hence, the petition should be denied.

<sup>1</sup> Rollo, pp. 3-25.

<sup>2</sup> Id. at 26-39; penned by Associate Justice Franchito N. Diamante with Associate Justices Japar B. Dimaampao and Zenaida T. Galapate-Laguilles, concurring.

<sup>3</sup> Id. at 40-41.

<sup>4</sup> *Mallari v. People*, G.R. No. 224679, February 12, 2020, citing *Sps. Miano v. Manila Electric Company*, 800 Phil. 118, 125 (2010).

<sup>5</sup> *Adlawan v. People*, G.R. No. 197645, April 18, 2018, 861 SCRA 548, 561.

**WHEREFORE**, the Court **DENIES** the petition for lack of merit and **AFFIRMS** the June 30, 2017 Decision and October 10, 2017 Resolution of the Court of Appeals in CA-G.R. CR No. 39266.

**SO ORDERED.”** (Leonen, *J., on leave.*)

By authority of the Court:

*Mis DDC Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
GER  
11/13/20

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COURT OF APPEALS  
CA G.R. CR No. 39266  
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REGIONAL TRIAL COURT  
Branch 70, Burgos  
2410 Pangasinan

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G.R. No. 234635  
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