



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2021** which reads as follows:*

“G.R. No. 254562 (*Lourdes Virginia Vigil y Versoza v. People of the Philippines*). – After a review of the records, this Court resolves to **DENY** the petition for review on *certiorari* for failure to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its June 18, 2020 Decision¹ and November 11, 2020 Resolution² as to warrant the exercise of this Court’s appellate jurisdiction.

As correctly held by the *CA*, all the elements of the crime of Slight Physical Injuries under paragraph 2, Article 266³ of the Revised Penal Code (*RPC*) were proven by the prosecution’s evidence, warranting affirmance of the judgment of the courts *a quo* convicting Lourdes Virginia Vigil y Versoza (*petitioner*).

This Court, however, modifies the penalty meted out to petitioner in accordance with the provisions of the *RPC* and prevailing jurisprudence. Article 27⁴ of the *RPC* states that the penalty of *arresto menor* ranges from one (1) day to thirty (30) days. Since the provisions of the Indeterminate Sentence Law is inapplicable to cases where the maximum imposable penalty

¹ *Rollo*, pp. 32-39; penned by Associate Justice Franchito N. Diamante with Associate Justices Germano Francisco D. Legaspi and Ruben Reynaldo G. Roxas, concurring.

² *Id.* at 41-42.

³ ART. 266. *Slight physical injuries and maltreatment.* – The crime of slight physical injuries shall be punished:

x x x x

2. By *arresto menor* or a fine not exceeding 20 pesos 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.

x x x x

⁴ ART. 27. – x x x x

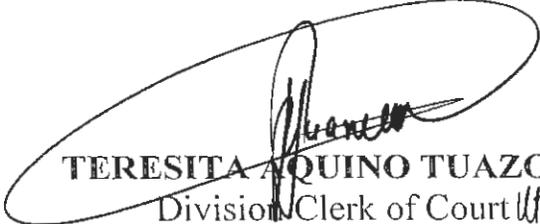
Arresto menor. – The duration of the penalty of *arresto menor* shall be from one day to thirty days.

does not exceed one (1) year,⁵ a straight penalty of *arresto menor* in its medium period should be meted out against petitioner.⁶ In this case, there was no mitigating or aggravating circumstance alleged and proved. Hence, petitioner shall suffer a straight penalty of fifteen (15) days of *arresto menor*.⁷

WHEREFORE, the Court **AFFIRMS** with **MODIFICATION** the June 18, 2020 Decision and November 11, 2020 Resolution of the Court of Appeals in CA-G.R. CR No. 43920, finding petitioner Lourdes Virginia Vigil y Versoza **GUILTY** beyond reasonable doubt of Slight Physical Injuries, defined and penalized under paragraph 2 of Article 266 of the Revised Penal Code, in that petitioner is **SENTENCED** to a straight penalty of fifteen (15) days of *arresto menor*. The award of ₱5,000.00 moral damages, which shall earn six percent (6%) legal interest from the finality of this Resolution until its satisfaction, stands.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *Uth*
 313

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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 220
 1104 Quezon City
 (Crim. Case No. 17-11586)

* LOURDES VIRGINIA V. VIGIL (reg)
 Petitioner
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 Brgy. Kaligayahan, Novaliches
 Quezon City

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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 CA-G.R. CR No. 43920

*with copy of CA Decision dated 18 June 2020
Please notify the Court of any change in your address.
 GR254562. 02/10/2021(26)URES

⁵ *S/Sgt. Paman v. People of the Philippines*, 813 Phil. 139, 148 (2017).

⁶ *Yap v. People of the Philippines*, G.R. No. 234217, November 14, 2018.

⁷ The penalty is covered by Article 88a of the Revised Penal Code on Community Service, A.M. No. 20-06-14-SC.