Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

-versus-

BELEN MEJARES Y VALENCIA,
Accused-appellant.

G.R. No. 225735

Present:

VELASCO, JR., *Chairperson,*
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, *JJ.*

Promulgated:
January 10, 2018

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DECISION

LEONEN, *J.*:

This Court affirms with modification the conviction of accused-appellant Belen Mejares y Valencia (Mejares) for the crime of qualified theft. While this Court finds no reversible error in the ruling that she was guilty beyond reasonable doubt, this Court finds it necessary to modify the penalty initially imposed upon her. In light of the recently enacted Republic Act No. 10951,[1] which adjusted the amounts of property and damage on which penalties are based, applying the Indeterminate Sentence Law, and considering the prosecution's failure to establish the precise values of the stolen items, accused-appellant must be ordered released on time served.

In an Information dated May 24, 2012,[2] Mejares was charged with

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1 An Act Adjusting the Amount or the Value of the Property and Damage on which a Penalty is Based, and the Fines Imposed under the Revised Penal Code, Amending for the Purpose Act No. 3815, otherwise known as "The Revised Penal Code," as Amended, Republic Act No. 10951 (2017).

2 CA *rollo*, p. 10.

qualified theft of cash and jewelry amounting to ₱1,556,308.00. This Information read:

> That on or about the 22nd day of May 2012 in the City of San Juan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then a domestic servant of complainant Jacqueline Suzanne Gavino y Aquino, as such, enjoyed the trust and confidence reposed upon her with intent to gain, without the consent of the owner thereof and with grave abuse of confidence, did then and there willfully, unlawfully and feloniously take, steal and carry away the following items, to wit:
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> | | | |
> |---|---|---|
> | Rolex wrist watch (antique) | - | Php 400,000.00 |
> | Assorted jewelries gold and | - | 1,000,000.00 |
> | Cash money | - | 50,000.00 |
> | Cash money ($2,000.00) | - | 86, 308.00 |
> | Cash assorted foreign money | - | 20,000.00 |
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> with a total amount of Php 1,556,308.00, belonging to said complainant to the damage and prejudice of the latter in the aforementioned amount.
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> CONTRARY TO LAW.[3]

The prosecution presented five (5) witnesses. The first witness, Raquel Torres (Torres), was a household helper for Mark Vincent and Jacqueline Suzanne Gavino (the Spouses Gavino) from August 2011 to July 2012.[4]

According to Torres, she was cleaning the dining area of the condominium unit of the Spouses Gavino at around 1:00 p.m. on May 22, 2012, when she noticed that Mejares' cellphone kept ringing. Mejares answered it, hurrying to the computer room and away from Torres. When Mejares returned, she was "pale, perspiring and panicky."[5] When Torres asked about the identity of the caller, Mejares did not answer. She told her instead that Jacqueline Suzanne Gavino (Jackie) met an accident and instructed her to get something from a drawer in the masters' bedroom. Since it was locked, Mejares was supposedly told to destroy it.[6]

Torres added that when Mejares emerged from the bedroom, she was holding a plastic hamper that contained a black wallet and envelopes and was talking with someone on her cellphone. After a few minutes, Mejares informed her that Jackie did not want other household members to know what happened and that Mejares was instructed to also take a watch and jewelry, since the cash in the drawer was not enough to pay the other driver

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3 *Rollo*, p. 4.
4 CA *rollo*, p. 26.
5 Id.
6 Id.

in the accident who was threatening to sue. Torres narrated that after preparing everything, Mejares left with a green bag.[7]

When Mejares returned at about 3:00 p.m., she asked Torres if there had been an incoming landline call while she was gone. Torres answered in the negative and Mejares stated that she had purposely hung it. At 4:00 p.m., Torres started to receive calls from Jackie, who sounded "loud, normal and animated,"[8] making Torres wonder if Jackie had really encountered an accident. Torres then asked Mejares once again if it was Jackie she had spoken with earlier. According to Torres, Mejares "grew ashen and perspired" before answering that she was certain.[9]

The prosecution's second witness was private complainant, Jackie.

She recalled that when she interviewed Mejares back in May 2011, Mejares then indicated that she was familiar with the operation of the *dugo-dugo* gang. She further narrated that in the early afternoon of May 22, 2012, she was at work. She tried calling but could not access her household landline past 5:00 p.m., so she decided to call Torres' cellular phone to have her instruct the driver to pick her up from the Movie and Television Review and Classification Board's Office. After the phone call was cut, she then received a call from Mejares, informing her about what happened. [10]

According to Jackie, Mejares told her about receiving a call from a certain Nancy, who stated that Jackie wanted to avoid the publicity that may arise from her supposed accident. Jackie continued that Mejares thereafter claimed that she was instructed to break the drawer in the masters' bedroom and to take all its contents. However, Jackie clarified in her account that she had neither a personal secretary nor an aide named Nancy. She also affirmed that she did not figure in any accident.[11]

The third prosecution witness was Bonifacio Baluyot (Baluyot), the stay-in driver of the Spouses Gavino who had been working for Jackie since 1976.[12]

Baluyot claimed that on May 22, 2012, Mejares told him to bring her to Greenhills Shopping Mall, allegedly on Jackie's orders. He complied. He narrated that he saw her carry a green bag. After dropping Mejares at the mall entrance, he returned to the condominium. He added that when the incident was subsequently being investigated, he heard the guards say that

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7 Id. at 26–27.
8 Id. at 27.
9 Id.
10 Id. at 28.
11 Id. at 28–29.
12 Id. at 29.

they tried to stop Mejares from leaving, although she had told him that it was only Torres who was stopped by the guards for not having a gate pass.[13]

The prosecution's fourth witness was Pedro Garcia (Garcia), the condominium security guard who was on duty at the lobby on May 22, 2012.[14]

Garcia narrated that at around 1:30 p.m., he saw Mejares about to leave the premises carrying a green bag. However, he did not allow her to leave in the absence of a gate pass signed by her employer. Despite his insistence that Mejares call her employer, she did not. After a few moments, her cellphone rang. Instead of answering Garcia's query on the caller's identity, Mejares rushed to the elevator. Afterwards, Garcia saw Mejares leave using her employer's car driven by Baluyot. According to him, he still attempted to stop them by warning them that they could be victims of *dugo-dugo* gang, to no avail.[15]

The prosecution's last witness was investigating officer PO3 Clifford Hipolito (PO3 Hipolito).

He testified that during the investigation, he questioned Mejares about what happened. She stated that someone called her and instructed her to destroy her employer's drawer, take the cash and valuables there, and bring everything to Baclaran because Jackie had met an accident. When asked if she was aware of the *dugo-dugo* gang, she answered that she was. PO3 Hipolito was likewise informed that condominium security initially prevented Mejares from leaving but she went back to the unit, refusing to call her employer.[16]

The defense presented Mejares as its lone witness. She denied the charge and claimed that she was a victim of the *dugo-dugo* gang.

According to her, she received a phone call from the condominium unit's landline at 1:00 p.m. on May 22, 2012 from a certain Nancy, who introduced herself as Jackie's assistant and informed her that Jackie had met an accident. Afterwards, she claimed that Jackie herself talked to her and instructed her to get something from a drawer in the master's bedroom and to use a screwdriver to destroy its lock because the other driver in the accident had a 50-50 chance of survival. She further narrated that when the lobby guard did not allow her to leave after she had gathered and packed the contents of the drawer, Jackie called her and told her to return to the unit and

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13 Id. at 29–30.
14 Id. at 30.
15 Id. at 30–31.
16 Id. at 31–32.

to ask the driver to take her to Virra Mall. From there, she took a cab going to Baclaran Church, where she met an unknown woman. Before handing the bag to the unidentified lady, she claimed that she was able to talk again over the phone to Jackie, who told her to give the bag to the woman and return to the unit. She only had second thoughts about what had happened when after arriving at the condominium, Torres stated that she might have been tricked. She also contended that she had never heard of the *dugo-dugo* gang.[17]

After trial, the Regional Trial Court found accused-appellant guilty beyond reasonable doubt of the crime of qualified theft of assets amounting to ₱1,056,308.00. The dispositive portion of its February 6, 2014 Decision[18] read:

> WHEREFORE, the court hereby renders judgment finding accused BELEN MEJARES y VALENCIA GUILTY beyond reasonable doubt of the felony of qualified theft of articles worth P1,056,308.00, thereby sentencing her to *reclusion perpetua*, pursuant to Article 310 vis à vis Article 309 of the Revised Penal Code. Accused is ordered to pay to Jacqueline Aquino Gavino the sum mentioned in actual damages. Cost against accused.
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> SO ORDERED.[19]

On appeal, the Court of Appeals affirmed the Regional Trial Court Decision *in toto* in its July 30, 2015 Decision.[20]

Accused-appellant filed her Notice of Appeal.[21]

In its January 23, 2017 Resolution,[22] this Court noted the parties' manifestations in lieu of supplemental briefs.

For resolution is the sole issue of whether or not accused-appellant Belen Mejares y Valencia is guilty beyond reasonable doubt of the crime of qualified theft.

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17 Id. at 32–33.

18 Id. at 26–35. The Decision, docketed as Crim. Case No. 148240, was penned by Judge Myrna V. Lim-Verano of Branch 160, Regional Trial Court, Pasig City.

19 Id. at 35.

20 *Rollo*, pp. 2–22. The Decision, docketed as CA-G.R. CR HC No. 06778, was penned by Associate Justice Fernanda Lampas Peralta and concurred in by Jane Aurora C. Lantion and Nina G. Antonio-Valenzuela of the Sixth Division, Court of Appeals, Manila.

21 Id. at 23–25.

22 Id. at 42.

I

Theft is consummated when three (3) elements concur: (1) the actual act of taking without the use of violence, intimidation, or force upon persons or things; (2) intent to gain on the part of the taker; and (3) the absence of the owner's consent.[23] Moreover, for qualified theft to be committed, the following elements must concur:

1. Taking of personal property;
2. That the said property belongs to another;
3. That the said taking be done with intent to gain;
4. That it be done without the owner's consent;
5. That it be accomplished without the use of violence or intimidation against persons, nor of force upon things;
6. That it be done with grave abuse of confidence.[24]

Accused-appellant hopes to convince this Court that her actions only reflected the will of her employer, emphasizing that there could be no theft on her part because there was no intent to gain.[25] She insists that she only took instructions from the secretary of private complainant and later on, from private complainant herself.[26] Additionally, she claims that she is as much a victim of the *dugo-dugo* gang as was her employer.[27]

Her contentions are untenable.

This Court has been consistent in holding that "intent to gain or *animus lucrandi* is an internal act that is presumed from the unlawful taking by the offender of the thing subject of asportation. [Thus,] [a]ctual gain is

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[23] REV. PEN. CODE, art. 308:
Article 308. Who are liable for theft. — Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent.
Theft is likewise committed by:
1. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner;
2. Any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or objects of the damage caused by him; and
3. Any person who shall enter an enclosed estate or a field where trespass is forbidden or which belongs to another and without the consent of its owner, shall hunt or fish upon the same or shall gather fruits, cereals, or other forest or farm products.

[24] *People v. Puig*, 585 Phil. 555, 562 (2008) [Per J. Chico-Nazario, Third Division].

[25] CA *rollo*, p. 133.

[26] Id. at 129–130.

[27] Id. at 133.

irrelevant as the important consideration is the intent to gain."[28] In this case, it is clear from the established facts that it was accused-appellant who opened the drawer in the masters' bedroom and took away the cash and valuables it contained. Therefore, the burden is on the defense to prove that intent to gain was absent despite accused-appellant's *actual* taking of her employer's valuables. It is precisely this burden that the defense failed to discharge.

The Court of Appeals is correct in pointing out that the actions of accused-appellant before, during, and after the crime all belie her claim that she did not willfully commit the crime. It correctly underscored the following observations of the Regional Trial Court:

> Why would accused hang the landline phone if not to insure that she was not discovered in the nick of time to have her loot recovered?
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> While accused portrays herself as the victim, prosecution evidence has established that she is the victimizer. This conclusion has the following bases: first, the surreptitious way accused handled the incoming calls; second, her failure to heed the warnings of persons around her, i.e. Raquel and security guard Garcia; third, her inability to make use of the myriad opportunities available to verify the alleged vehicular accident where her mistress figured in.[29]

Normal human experience, as well as the consistency in and confluence of the testimonies of prosecution witnesses lead to no other conclusion than that accused-appellant, taking advantage of her being a domestic helper of private complainant for approximately a year, committed the crime of qualified theft. If she honestly believed that her employer had met an accident and was genuinely worried for her, she could have easily sought the help of any of her co-workers in the household. When warned about the *dugo-dugo* gang, accused-appellant could have paused to re-assess the situation. She failed to do all these security measures with no convincing justification. Indeed, accused-appellant's persistence to leave the condominium with the valuables and her refusal to let the security guard talk to her employer further belie her position.

To make matters worse, accused-appellant was a domestic helper who had been working for the Spouses Gavino for at least one (1) year when she committed the crime. By this fact alone, the offense committed is qualified and warrants graver penalties, pursuant to Article 310 of the Revised Penal Code, as amended:

> Article 310. *Qualified theft.* — The crime of theft shall be punished by the penalties next higher by two degrees than those

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[28] *Matrido v. People*, 610 Phil. 203, 212 (2009) [Per J. Carpio Morales, Second Division].
[29] *Rollo*, p. 16.

> respectively specified in the next preceding article, if committed by a **domestic servant**, or with **grave abuse of confidence**, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of a plantation, fish taken from a fishpond or fishery or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance. (Emphasis supplied.)

This Court has explained that while grave abuse of trust and confidence *per se* does not produce the felony as an effect, it is a "circumstance which aggravates and qualifies the commission of the crime of theft";[30] hence, the imposition of a higher penalty is necessary. It is not difficult to understand why the character of accused-appellant's work as a domestic helper qualifies the offense she committed. As explained in *Corpuz v. People of the Philippines*:[31]

> [T]he rationale for the imposition of a higher penalty against a domestic servant is the fact that in the commission of the crime, the helper will essentially gravely abuse the trust and confidence reposed upon her by her employer. After accepting and allowing the helper to be a member of the household, thus entrusting upon such person the protection and safekeeping of the employer's loved ones and properties, a subsequent betrayal of that trust is so repulsive as to warrant the necessity of imposing a higher penalty to deter the commission of such wrongful acts.[32]

The established facts point to the soundness of the Regional Trial Court's and the Court of Appeals' conclusion: that accused-appellant is guilty beyond reasonable doubt of qualified theft. Thus, her conviction must be upheld.

II

However, this Court modifies the penalty to be imposed upon accused-appellant pursuant to Republic Act No. 10951, in view of the other details of the case, as established during trial.

On August 29, 2017, President Rodrigo Roa Duterte signed into law Republic Act No. 10951 that sought, among others, to help indigent prisoners and individuals accused of committing petty crimes. It also increased the fines for treason and the publication of false news; and likewise increased the baseline amounts and values of property and damage to make them commensurate to the penalties meted on the offenses committed in relation to them.

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30 *People v. Syou Hu*, 65 Phil. 270, 271 (1938) [Per J. Villareal, First Division].
31 734 Phil. 353 (2014) [Per J. Peralta, En Banc].
32 Id. at 409.

Basic wisdom underlies the adjustments made by Republic Act No. 10951. Imperative to maintaining an effective and progressive penal system is the consideration of exigencies borne by the passage of time. This includes the basic economic fact that property values are not constant. To insist on basing penalties on values identified in the 1930s is not only anachronistic and archaic; it is unjust and legally absurd to a moral fault.

In his dissenting opinion in *Corpuz v. People*,[33] Justice Roberto Abad illustrated in the context of qualified theft the cruelty foisted by insistence on the values set by the Revised Penal Code when it was originally adopted:

> The harshness of this antiquated 1930 scheme for punishing criminal offenders is doubly magnified in qualified theft where the offender is a domestic helper or a trusted employee. Qualified theft is a grievous offense since its penalty is automatically raised two degrees higher than that usually imposed on simple theft. Thus, unadjusted for inflation, the domestic helper who steals from his employer would be meted out a maximum of:
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> a) 6 years in prison for a toothbrush worth ₱5;
> b) 12 years in prison for a lipstick worth ₱39;
> c) 14 years and 8 months in prison for a pair of female slippers worth ₱150;
> d) 20 years in prison for a wristwatch worth ₱19,000; or
> e) 30 years in prison for a branded lady's handbag worth ₱125,000.
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> Unless checked, courts will impose 12 years maximum on the housemaid who steals a ₱39 lipstick from her employer. They will also impose on her 30 years maximum for stealing a pricy lady's handbag. This of course is grossly obscene and unjust, even if the handbag is worth ₱125,000.00 since 30 years in prison is already the penalty for treason, for raping and killing an 8-year-old girl, for kidnapping a grade school student, for robbing a house and killing the entire family, and for a ₱50-million plunder.
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> It is not only the incremental penalty that violates the accused's right against cruel, unusual, and degrading punishment. The axe casts its shadow across the board touching all property-related crimes. This injustice and inhumanity will go on as it has gone on for decades unless the Court acts to rein it in.[34] (Citations omitted.)

Given its possibly fairer and more just consequences, Republic Act No. 10951 is a welcome development in our legal system.

Republic Act No. 10951 has since come into effect during the pendency of this case.[35] It likewise specifically stipulates that its provisions

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[33] 734 Phil. 353 (2014) [Per J. Peralta, En Banc].

[34] J. Abad, Dissenting Opinion in *Corpuz v. People*, 734 Phil. 353, 483–484 (2014) [Per J. Peralta, En Banc].

[35] Rep. Act No. 10951, sec. 102 provides:

shall have retroactive effect.[36] Section 100 adds that this retroactivity applies not only to persons accused of crimes but have yet to be meted their final sentence, but also to those already "serving sentence by final judgment."[37] This retroactivity is in keeping with the principle already contained in Article 22 of the Revised Penal Code that "[p]enal laws shall have a retroactive effect in so far as they favor the person guilty of a felony."[38] Given these circumstances, it is proper for this Court to adjust the penalty to be imposed on accused-appellant.

Since the penalty in cases of theft is dependent on the value of stolen personal properties,[39] it is critical to ensure that the penalty is based on the value proven during trial, and not merely on the Information or uncorroborated testimonies presented by the prosecution. Here, a perusal of the records leads to the conclusion that while the Regional Trial Court reduced the value of the stolen jewelry from ₱1,000,000.00[40] to ₱500,000.00 on the basis of the complainant's social standing,[41] such determination is devoid of evidentiary basis.

Citing *People v. Paraiso*[42] and *People v. Marcos*[43] in *Francisco v. People*,[44] this Court explained that "an ordinary witness cannot establish the value of jewelry"[45] and that courts cannot take judicial notice of the value of properties when "[it] is not a matter of public knowledge [or] unquestionable demonstration"; thus:

> The value of jewelry is not a matter of public knowledge nor is it capable of unquestionable demonstration and **in the absence of receipts or any other competent evidence besides the self-serving valuation made by the prosecution, we cannot award the reparation for the stolen jewelry**.[46] (Emphasis supplied.)

The Regional Trial Court did not only err in setting the amount of the stolen jewelry on the basis of nothing but the complainant's social standing, but also in sustaining the values of the other stolen items as they appeared in the Information and asserted by the complainant. These items were valued

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Section 102. Effectivity. — This Act shall take effect within fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

36 Rep. Act No. 10951, sec. 100.

37 Rep. Act No. 10951, sec. 100.

38 Article 22 of the Revised Penal Code spells out an exception to this retroactive effect, that is, when the person found guilty is "a habitual criminal, as this term is defined in rule 5 of article 62 of this Code." *Pardo de Tavera v. Garcia Valdez*, 1 Phil. 468 (1902) [En Banc, Per J. Ladd] has also clarified that there can be no retroactive application when expressly proscribed by the new law "as respects pending actions or existing causes of action."

39 *See Candelaria v. People*, 749 Phil. 517 (2014) [Per J. Perlas-Bernabe, First Division].

40 CA *rollo*, p. 10.

41 Id. at 35.

42 377 Phil. 445 (1999) [Per Curiam, *En Banc*].

43 368 Phil. 143 (1999) [Per Curiam, *En Banc*].

44 478 Phil. 167 (2004) [Per J. Callejo, Sr., Second Division].

45 Id. at 187.

46 Id. at 188.

as follows: the antique Rolex wristwatch at ₱400,000.00, the foreign currencies at ₱86,308.00, and cash at ₱50,000.00. They were valued this way since no other competent evidence such as in the form of watch make, model description, receipts, or exchange rates was presented to satisfactorily prove their value.

Thus, in the absence of factual and legal bases, the amount of ₱1,056,308.00 could *not* be the basis to determine the proper penalty to be imposed on accused-appellant. On the same ground, the complainant is likewise not entitled to reparation.[47] Instead, the rule articulated in *Candelaria v. People*[48] applies:

> **In the absence of independent and reliable corroboration of such estimate, the courts may either apply the minimum penalty under Article 309** or fix the value of the property taken based on the attendant circumstances of the case.[49] (Emphasis supplied, citation omitted.)

Given that the value of the stolen personal properties in this case was not determined by reliable evidence independent of the prosecution's uncorroborated testimonies, this Court is constrained to apply the minimum penalty under Article 309(6) of the Revised Penal Code, as amended by Section 81 of Republic Act No. 10951, which is *arresto mayor*.

However, in view of Article 310 of the Revised Penal Code concerning qualified theft,[50] accused-appellant must be meted a penalty two (2) degrees higher, i.e., *prision correccional* in its medium and maximum periods with a range of two (2) years, four (4) months, and one (1) day to six (6) years.

Also applying the Indeterminate Sentence Law, where there are no modifying circumstances and the minimum of the indeterminate penalty is computed from the full range of *arresto mayor in its maximum period* to *prision correccional in its minimum period* and the maximum of the indeterminate penalty is reckoned from the medium of *prision correccional in its medium and maximum period*, accused-appellant must only suffer a minimum indeterminate penalty of **four (4) months and one (1) day of**

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47 *Viray v. People*, 720 Phil. 841–855 (2013) [Per J. Velasco, Jr., Third Division].

48 749 Phil. 517 (2014) [Per J. Perlas-Bernabe, First Division].

49 Id. at 527.

50 REV. PEN. CODE, art. 310 provides:
Article 310. *Qualified theft.* — The crime of theft shall be punished by the **penalties next higher by two degrees** than those respectively specified in the next preceding article, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of a plantation, fish taken from a fishpond or fishery or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance. (Emphasis supplied)

***arresto mayor* to a maximum of three (3) years, six (6) months, and twenty-one (21) days of *prision correccional*.**

In view of these considerations, this Court finds that accused-appellant is now entitled to *immediate release* for having fully served her sentence. In a Letter from Elsa Aquino-Albado, Officer-in-Charge of the Correctional Institution for Women, dated October 15, 2016,[51] she affirmed that accused-appellant has been confined since **February 10, 2014** until today. Evidently, she has been deprived of her liberty for a period well beyond what the law has required, having already served her time for **almost 4 years**.

WHEREFORE, the Petition for Review on Certiorari is **DENIED**. The assailed Court of Appeals July 30, 2015 Decision in CA-G.R. CR HC No. 06778 is **AFFIRMED WITH MODIFICATION**.

While this Court affirms that accused-appellant Belen Mejares y Valencia is **GUILTY** of the offense of qualified theft, the prosecution failed to discharge the burden of proving the total value of the stolen articles through reliable and independent evidence. Thus, pursuant to Article 309(6) of the Revised Penal Code, as amended by Republic Act No. 10951, and upon application of the Indeterminate Sentence Law, accused-appellant is sentenced to suffer only the minimum penalty of four (4) months and one (1) day of *arresto mayor* to the maximum penalty of three (3) years, six (6) months, and twenty-one (21) days of *prision correccional*. Complainant Jacqueline Gavino is likewise no longer entitled to reparation.

However, given that accused-appellant has been confined for almost four (4) years already since February 10, 2014, she is now considered to have fully served her sentence and **MUST BE IMMEDIATELY RELEASED**, unless she is being detained for a separate charge.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

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[51] *Rollo*, p. 30.

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

LUCAS P. BERSAMIN
Associate Justice

SAMUEL R. MARTIRES
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
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