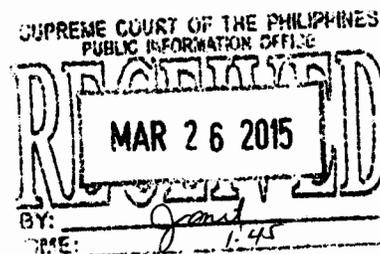




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 14, 2015 which reads as follows:*

**“G.R. No. 214513 - POCHOLO DEVELOS y JABONETE, petitioner – versus – PEOPLE OF THE PHILIPPINES, respondent.-** The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

This is a Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated 16 April 2014 and Resolution<sup>3</sup> dated 12 September 2014 of the Court of Appeals in CA-G.R. CR No. 35371. In the assailed Decision and Resolution, the Court of Appeals affirmed the conviction of herein petitioner Pocholo J. Develos for violation of Presidential Decree (PD) No. 1612 or the Anti-Fencing Law of 1979.

The facts:

On 13 November 2008,<sup>4</sup> the Anti-Carnapping Division of the Philippine National Police (PNP) Southern Police District in Taguig received a tip from an informant that there were persons selling a stolen motorcycle in Las Piñas City. Acting on the tip, the Taguig PNP organized a buy-bust team composed of the following officers:

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<sup>1</sup> Under Rule 45 of the Rules of Court.  
<sup>2</sup> *Rollo*, pp. 33-39.  
<sup>3</sup> *Id.* at 51.  
<sup>4</sup> *Id.* at 35-36.

1. Police Officer 3 Rodolfo Dela Cruz (PO3 Dela Cruz);
2. Senior Police Officer 3 Esmer Cacho; and
3. Police Inspector Bopete

PO3 De la Cruz was designated as the team's poseur buyer. He, thru the help of the informant, was able to arrange a meet-up with the persons suspected selling a stolen motorcycle at Sambayanang Village, Las Piñas City.<sup>5</sup>

The buy-bust team then proceeded to the meeting place. There, two (2) individuals on board a *Honda* motorcycle with plate number TC-7714 arrived. PO3 Dela Cruz approached the two individuals, who turned out to be petitioner and one Rene Areta (Areta), and asked them if they were selling their motorcycle and, if so, for how much. Petitioner replied that he and Areta will be selling the motorcycle for ₱6,000.00. PO3 Dela Cruz then asked whether the motorcycle had papers. This time, Areta was the one who responded explaining that the motorcycle is a "*talahib*" or without any certificate of registration.<sup>6</sup>

After making the inquiries, PO3 Dela Cruz conveyed that he agrees to purchase the motorcycle and thereby handed money to the petitioner. At that juncture, PO3 Dela Cruz also executed a pre-arranged signal that, in turn, alerted the other members of the buy-bust team to make an approach. Upon making their approach, the buy-bust team introduced themselves as police officers and attempted to take both petitioner and Areta into custody. The buy-bust team, however, was only able to arrest petitioner. Areta was able to escape and elude arrest.<sup>7</sup>

Thereafter, the buy-bust team brought petitioner and the *Honda* motorcycle with plate number TC-7714 to the police station.

The PNP conducted an examination of the *Honda* motorcycle confiscated from petitioner. Per its *Physical Identification Report No. PTR-885-2008*, the PNP found that the plate number of the confiscated *Honda* motorcycle had been tampered.<sup>8</sup>

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<sup>5</sup> Id. at 36.  
<sup>6</sup> Id.  
<sup>7</sup> Id.  
<sup>8</sup> Id. at 37.

The PNP also sought the help of the Land Transportation Office (LTO).

On 23 April 2009, the LTO issued a *Final Verification* that attests that the plate number TC-7714 attached to the confiscated Honda motorcycle had been issued, not for such motorcycle, but for a *Hyosung EZ 11* motorcycle that is owned by a certain Javier Espinola, Jr.<sup>9</sup>

As a consequence of the foregoing events, an information charging petitioner with the crime of *fencing* was filed before Regional Trial Court (RTC) in Las Piñas City.

On 29 October 2012, the RTC rendered a Decision<sup>10</sup> finding petitioner guilty beyond reasonable doubt of fencing. Petitioner was sentenced to suffer imprisonment of six (6) years of *prision correccional* as minimum, up to seven (7) years of *prision mayor* as maximum.

Aggrieved by his conviction, petitioner filed an appeal before the Court of Appeals.

On 16 April 2014, the Court of Appeals dismissed petitioner's appeal and affirmed the decision of conviction by the RTC. The Court of Appeals, however, modified the penalty to be suffered by petitioner to imprisonment of six (6) months of *arresto mayor* as minimum up to four (4) years of *prision correccional* as maximum in consonance with Act No. 4103 or *The Indeterminate Sentence Law*.<sup>11</sup>

Petitioner filed a motion for reconsideration, but this too was denied by the appellate court on 12 September 2014.

Hence this appeal.

### OUR RULING

We deny the appeal.

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<sup>9</sup>

Id.

<sup>10</sup>

Id. at 68-70.

<sup>11</sup>

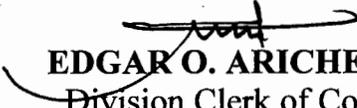
Id. at 33-49.

Sans sufficient justification, we find ourselves heavy-handed to disturb the unanimous conclusion of both the RTC and the Court of Appeals for the conviction of petitioner for the crime of fencing. Unfortunately, the present appeal precisely fails to provide any such justification.

In view whereof, the instant petition is hereby **DENIED**.

**SO ORDERED.”**

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

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Manila  
(CA-G.R. CR No. 35371)

The Solicitor General (x)  
Makati City

The Hon. Presiding Judge  
Regional Trial Court, Br. 201  
Las Piñas City 1740  
(Crim. Case No. 08-0955)

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