



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 June 2020** which reads as follows:*

**“G.R. No. 250814 (*Isagani Santiago y De Leon,*<sup>1</sup> *Jan Jan Estanislao y Fernandez and Mark James Villegas y Santos v. People of the Philippines*). –** For Our review is the Court of Appeals’ Decision dated April 26, 2019 and Resolution dated November 5, 2019 in CA-G.R. CR No. 40795 finding petitioners Isagani Santiago y De Leon, Jan Jan Estanislao y Fernandez, and Mark James Villegas y Santos guilty beyond reasonable doubt of Robbery.

The appellate court affirmed the ruling of the Regional Trial Court (RTC) of Parañaque, Branch 258 which sentenced petitioners to imprisonment of four (4) years, two (2) months and one (1) day to ten (10) years of *prision correccional* in its maximum period to *prision mayor* in its medium period.

Petitioner Isagani Santiago y De Leon (Santiago) opted to withdraw his appeal.

After a careful review of the records of the case, this Court resolves to **DENY** the instant Petition for Review on *Certiorari* for failure of the petitioners to sufficiently show any reversible error in the assailed rulings of the Court of Appeals.

However, a modification of the penalty imposed is in order.

Under Article 294, paragraph 5, the proper penalty to be imposed upon the petitioners is *prision correccional* in its maximum period to *prision mayor* in its medium period. Applying the Indeterminate Sentence Law, the minimum of the indeterminate sentence shall be taken from the penalty next lower in degree to the prescribed penalty, which is *arresto mayor* in its maximum period to *prision correccional* in its medium period, *i.e.*, four (4) months and one (1) day to four (4)

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<sup>1</sup> Subsequently withdrew his appeal.

years and two (2) months. Thus, the minimum of the indeterminate sentence is anywhere within four (4) months and one (1) day to four (4) years and two (2) months. The maximum of the indeterminate sentence, in the absence of any modifying circumstance, as in this case, is within the range of the medium period of the penalty prescribed by law, which is six (6) years, one (1) month and eleven (11) days to eight (8) years and twenty (20) days. Accordingly, the penalty to be imposed should be four (4) years and two (2) months as minimum to eight (8) years and twenty (20) days as maximum.

Notwithstanding the withdrawal of the appeal of petitioner Santiago, his penalty may still be corrected in accordance with our pronouncement herein otherwise his sentence would not be in conformity with the law. This Court has the inherent power to amend his sentence to make it conformable with law.<sup>2</sup>

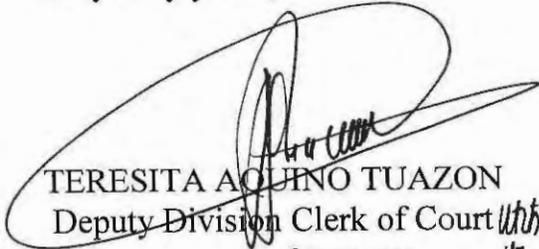
**WHEREFORE**, premises considered, the April 26, 2019 Decision and November 5, 2019 Resolution in CA-G.R. CR No. 40795, are hereby **AFFIRMED WITH MODIFICATION**. Jan Jan Estanislao y Fernandez, Isagani Santiago y De Leon, and Mark James Villegas y Santos are hereby sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional*, as minimum, to eight (8) years and twenty (20) days of *prision mayor*, as maximum.

The Manifestation dated February 20, 2020 of counsel for petitioners that counsel had already paid the amount of ₱1,000 for sheriff's trust fund is **NOTED**.

The Court further resolved to **GRANT** the Motion for Reconsideration of petitioners of the Resolution dated January 15, 2020 which denied their motion for extension to file the petition, and **REINSTATE** the petition insofar as petitioners Jan Jan Estanislao y Fernandez and Mark James Villegas y Santos are concerned.

**SO ORDERED.**" (Inting, *J.*, no part due to prior action in the Court of Appeals; Gesmundo, *J.*, designated as additional Member per raffle dated February 3, 2020.)

Very truly yours,

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *uth*  
07 JAN 2021 17

<sup>2</sup> See *People v. Barro*, 392 Phil. 857 (2000).

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 258  
1700 Parañaque City  
(Crim. Case No. 12-0952)

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\*with copy of CA Decision dated 26 April 2019  
*Please notify the Court of any change in your address.*  
GR250814. 06/22/2020A(135)URES 11/7