



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **11 January 2021** which reads as follows:*

**“G.R. No. 253505 (*Thomas Jefferson Cua y Trinidad v. People of the Philippines*).** – The Court resolves to **GRANT** petitioner’s motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

After a review of the records, however, the Court resolves to **DENY** the petition for failure to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its November 28, 2019 Decision<sup>1</sup> and August 28, 2020 Resolution<sup>2</sup> in CA-G.R. CR No. 41984 as to warrant the exercise of the Court’s appellate jurisdiction.

As correctly held by the *CA*, the prosecution was able to prove all the elements of Robbery. The testimony of private complainant established that petitioner entered the gate of the house of private complainant by breaking its lock. Once inside, petitioner took private complainant’s dog and carried it away. The intent to gain was sufficiently proven by the unlawful taking of private complainant’s dog.<sup>3</sup>

However, the Court deems it necessary to modify the penalties imposed by the *CA*. Article 299 of the Revised Penal Code, as amended by Republic Act No. 10951, is instructive:

*Art. 299. Robbery in an inhabited house or public building or edifice devoted to worship.* – Any armed person who shall commit robbery in an inhabited house or public building or edifice devoted to religious worship, shall be punished by *reclusion temporal*, if the value of the property taken shall exceed Fifty thousand pesos (₱50,000.00), and if —

---

<sup>1</sup> *Rollo*, pp. 31-39; penned by Associate Justice Mario V. Lopez (now a Member of this Court) with Associate Justices Ma. Luisa Quijano Padilla and Ruben Reynaldo G. Roxas, concurring.

<sup>2</sup> *Id.* at 41-42.

<sup>3</sup> *Id.* at 35-36.

(a) The malefactors shall enter the house or building in which the robbery was committed, by any of the following means:

1. Through an opening not intended for entrance or egress.
2. By breaking any wall, roof, or floor or breaking any door or window.
3. By using false keys, picklocks or similar tools.
4. By using any fictitious name or pretending the exercise of public authority.

Or if –

(b) The robbery be committed under any of the following circumstances:

1. By the breaking of doors, wardrobes, chests, or any other kind of locked or sealed furniture or receptacle.
2. By taking such furniture or objects away to be broken or forced open outside the place of the robbery.

When the offenders do not carry arms, and the value of the property taken exceeds Fifty thousand pesos (P50,000.00), the penalty next lower in degree shall be imposed.

The same rule shall be applied when the offenders are armed, but the value of the property taken does not exceed Fifty thousand pesos (P50,000.00).

**When said offenders do not carry arms and the value of the property taken does not exceed Fifty thousand pesos (P50,000.00), they shall suffer the penalty prescribed in the two (2) next preceding paragraphs, in its minimum period.**

x x x x (emphasis supplied)

Here, the proper imposable penalty should be *prision mayor* in its minimum period, since petitioner was found to be unarmed and the value of the property taken does not exceed P50,000.00. Applying the Indeterminate Sentence Law, there being no mitigating and aggravating circumstances, the minimum term of sentence must be within the penalty lower by one degree from that prescribed by law, which is *prision correccional*, or six (6) months and one (1) day to six (6) years,<sup>4</sup> while the maximum term of sentence must be within the medium period of the penalty prescribed by law, which is *prision mayor* in its minimum period, or six (6) years and one (1) day to eight (8)

---

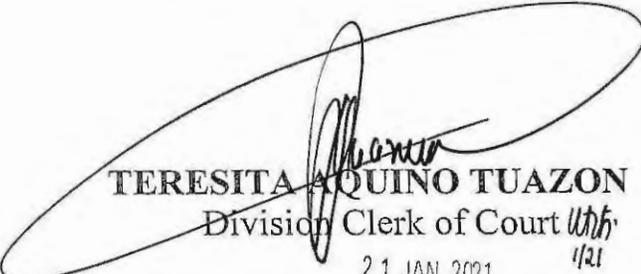
<sup>4</sup> *Bansilan v. People*, G.R. No. 239518, November 3, 2020.

years. As such, petitioner should be sentenced to suffer the penalty of imprisonment for an indeterminate period of three (3) years and two (2) months of *prision correccional*, as minimum, to six (6) years, eight (8) months, and one (1) day of *prision mayor*, as maximum.

**WHEREFORE**, the Court **DENIES** the petition and **AFFIRMS with MODIFICATION** the November 28, 2019 Decision and August 28, 2020 Resolution of the Court of Appeals in CA-G.R. CR No. 41984. The Court hereby sentences petitioner Thomas Jefferson Cua y Trinidad to suffer the indeterminate penalty of three (3) years and two (2) months of *prision correccional*, as minimum, to six (6) years, eight (8) months, and one (1) day of *prision mayor*, as maximum.

**SO ORDERED.** (Hernando, *J.*, designated additional member *vice* Lopez, *J.*, per Raffle dated December 9, 2020; Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020)”

By authority of the Court:

  
**TERESITA AQUINO TUAZON**  
 Division Clerk of Court *Wth*  
 21 JAN 2021 *1/21*

\*PUBLIC ATTORNEY'S OFFICE (reg)  
 Special & Appealed Cases Service  
 Department of Justice  
 PAO-DOJ Agencies Building  
 NIA Road corner East Avenue  
 1104 Diliman, Quezon City

\*OFFICE OF THE SOLICITOR GENERAL (reg)  
 134 Amorsolo Street  
 1229 Legaspi Village  
 Makati City

HON. PRESIDING JUDGE (reg)  
 Regional Trial Court, Branch 122  
 1400 Caloocan City  
 (Crim. Case Nos. C-94158 & C-94159)

JUDGMENT DIVISION (x)  
 Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
 LIBRARY SERVICES (x)  
 [For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
 OFFICE OF THE REPORTER (x)  
 Supreme Court, Manila

COURT OF APPEALS (x)  
 Ma. Orosa Street  
 Ermita, 1000 Manila  
 CA-G.R. CR No. 41984

\*with copy of CA Decision dated 28 November 2019  
 Please notify the Court of any change in your address.  
 GR253505. 01/11/2021(7)URES