

### Title:

Norma Dizon-Pamintuan vs. People of the Philippines

### Facts:

Norma Dizon-Pamintuan was charged with violating the Anti-Fencing Law (P.D. No. 1612) for allegedly buying, possessing, and selling jewelry known to have been derived from a robbery incident against Teodoro and Luzviminda Encarnacion. The robbery took place from February 12 to February 24, 1988, in Manila, with stolen items valued at P105,000. The Manila Regional Trial Court (RTC) and subsequently the Court of Appeals found her guilty but sought further proceedings to accurately assess the jewelry's value for sentencing.

### Issues:

1. Was the conviction for violating the Anti-Fencing Law based on substantial evidence beyond reasonable doubt?
2. Was the presumption of fencing justified based on the possession of stolen goods without direct proof of the petitioner's knowledge of their illicit origin?
3. Was remanding the case to determine the correct penalty appropriate given the circumstances?

### Court's Decision:

The Supreme Court partly granted Pamintuan's petition, affirming her conviction but adjusting the sentencing. The Court upheld the presumption of knowledge based on possession, as delineated in P.D. No. 1612, and found it consonant with Pamintuan's failure to rebut this presumption sufficiently. Contrary to the Court of Appeals' stance on needing further evidence for valuation, the Supreme Court adjudged the total value of the recovered jewelry as P93,000. The ensuing penalty was set within the bounds of prision mayor to reclusion temporal, aligning with the Anti-Fencing Law's stipulations.

### Doctrine:

The Supreme Court reiterated the principle that mere possession of goods derived from robbery or theft prima facie constitutes fencing. It was emphasized that the elements of fencing include the commission of a robbery or theft, possession of items therefrom by someone other than the thief or robber, knowledge or presumptive knowledge of the illicit origin of such items, and intent to gain.

### Class Notes:

- Elements of Fencing under P.D. No. 1612: (1) A crime of robbery or theft has been

committed; (2) The accused not involved in the crime possesses, buys, or sells stolen goods; (3) Knowledge or presumed knowledge that goods were obtained illicitly; (4) Intent to profit.

- Presumption of Knowledge: Possession of stolen goods leads to a prima facie presumption of knowledge of their illicit origin.

- Valuation Impact: The value of stolen goods affects sentencing under the Anti-Fencing Law, establishing the degree of penalty.

- Key Statutory Provision: Section 5 of P.D. No. 1612 articulates the presumption of fencing based on possession of stolen or robbed goods.

### ### Historical Background:

The Anti-Fencing Law (P.D. No. 1612) was enacted against the backdrop of increasing instances of robbery and theft, where ready markets for stolen goods incentivized such crimes. This case exemplifies the law's application and the judicial processes involved in affirming guilt and determining appropriate sentencing based on the valuation of involved properties.