

ROBERTO A. RAMIREZ, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 260164, March 03, 2026

Ponente: LEONEN, SAJ.

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LEONEN, SAJ.:

The primary issue in this case requires the determination of whether a person who operates an aircraft belonging to his former employer without their consent is culpable of theft.

This is a Petition for Review on Certiorari[1] seeking to reverse and set aside the Court of Appeals January 8, 2021 Decision[2] and January 13, 2022 Resolution[3] in CA-G.R. CR No. 01806-MIN. The assailed Decision affirmed the Regional Trial Court Joint Decision[4] in Criminal Case No. 11-2002 convicting Roberto A. Ramirez (Ramirez) of simple theft, as defined and punished under Article 308, in relation to Paragraph 1, Article 309 of the Revised Penal Code.

In two separate Informations, Ramirez was charged with the crimes of grave threats and theft, as follows:

Criminal Case No. 08-2002

The undersigned accused ROBERTO RAMIREZ of the crime of Grave Threats under Article 282, par. 1 of the Revised Penal Code, committed as follows:

That on or about July 16, 2001, in the Municipality of Sto. Tomas, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, willfully, unlawfully and feloniously fly, and take into possession one (1) Ayres Corporation S2R-T Turbo Thrush Commander Aircraft owned by DOLE[5] Philippine[s,] Incorporated and/or Airwolf Aviation Corporation (AWAC), and moved by personal resentment which he entertained against the two (2) above-named corporations by threatening them to ram the above-mentioned aircraft to any of its installation/facilities if his demand for TWO MILLION (P2,000,000.00) PESOS will not be given, with the infliction upon them of a wrong amounting to a crime, that is to damage the property of the above-named corporation[s].

CONTRARY TO LAW.

Criminal Case No. 11-2002

The undersigned accused ROBERTO RAMIREZ of the crime of Theft under Article 308, in relation to Article 309, par. 1 of the Revised Penal Code, committed as follows:

That on or about July 16, 2001, in the Municipality of Sto. Tomas, Province of Davao del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and without knowledge and consent of the owner thereof, did then and there willfully, unlawfully and feloniously take, steal and fly away one (1) Ayres Corporation S2R-T Turbo Thrush Commander aircraft bearing Registration No. RP-R-1768 worth THREE HUNDRED NINETEEN THOUSAND, NINE HUNDRED SIXTY U.S. DOLLARS (\$319,960) equivalent to (at the rate of \$1=P50.00) ONE HUNDRED FIFTY NINE MILLION, NINE HUNDRED EIGHTY THOUSAND PESOS (P159,980,000.00) Philippine Currency, owned by DOLE Philippine[s,] Incorporated and/or Airwolf Aviation Corporation (AWAC), to the damage and prejudice of said

owner in the aforesaid sum.

CONTRARY TO LAW.[6]

Upon arraignment, Ramirez pleaded not guilty to the charges. Trial then ensued.[7]

The prosecution presented the following witnesses: (1) Atty. Reynaldo C. Echavez (Atty. Echavez); (2) Captain Ludovico Y. Raagas (Captain Raagas); and, (3) Romulo A. Tumapon.[8]

According to the prosecution, Ramirez was a former pilot of Airwolf Aviation Corporation before he was dismissed in March 2001 as he was responsible for a plane crash that occurred on July 17, 2000 and had piloted the plane without a proper license.[9]

Thereafter, Ramirez had a chance meeting with Atty. Echavez, then Director of Airwolf Aviation Corporation and Corporate Counsel of Dole-Stanfilco, where he asked the latter to convince the Board of Directors of Airwolf Aviation Corporation to give him money despite his dismissal for cause.[10]

Acting on the request, Atty. Echavez and Captain Raagas went to the Board of Directors. As a result, the Board of Directors of Airwolf Aviation Corporation authorized the release to Ramirez of a gratuity fee of PHP 73,713.71. On March 20, 2001, Ramirez received the amount and signed a Compromise Agreement/Waiver of Claims.[11]

A month later, Ramirez approached Atty. Echavez demanding that Airwolf Aviation Corporation give him an additional PHP 500,000.00, or else he will steal an Airwolf Aviation Corporation spray plane and crash it into one of the Dole-Stanfilco-owned facilities. Atty. Echavez relayed the message to the Board of Directors of Airwolf Aviation Corporation, and the latter ordered the implementation of additional security measures in the airstrips. It was later discovered that Ramirez had made the same threat to other people, including Captain Raagas and Captain Rogelio Delos Reyes (Captain Delos Reyes), another Airwolf Aviation Corporation pilot.[12]

At around noon of July 16, 2001, Ramirez was able to enter the Marsman Estate Plantation in Sto. Tomas, Davao del Norte and take-off aboard an Ayres Turbo Thrush S2R-T aircraft with Registration No. RP-R-1768, which was owned by Dole-Stanfilco and leased to Airwolf Aviation Corporation.[13]

While flying the aircraft, Ramirez called Captain Delos Reyes and asked him to immediately relay to Airwolf Aviation Corporation his demand of PHP 2,000,000.00 in exchange for the aircraft, or else he will crash it into a nearby Dole-Stanfilco Box Factory in Panabo, Davao del Norte.[14]

The matter was reported to Colonel Akmad Mamalinta and Coronel Moreneto of the Philippine National Police Regional Command in Camp Catitipan, Davao City, Davao del Sur and to Carilito Ona, the Acting General Manager of Dole-Stanfilco Box Factory in Panabo, Davao del Norte. Thereafter, the employees of the box factory and the offices in the nearby Belisario Height Subdivision were ordered to vacate.[15]

At 6:30 p.m., Ramirez landed the plane back at the Marsman Estate Plantation in Sto. Tomas, Davao del Norte, where he was immediately arrested by the police.[16]

On his part, Ramirez explained that he was employed by Airwolf Aviation Corporation as a pilot since December 1, 1997. His primary task was to fly Turbo Trust Commander Planes over Dole-Stanfilco Philippines banana plantation to spray chemicals and pesticides. He was also required to observe strict flying hours, as monitored and supervised by Captain Raagas.[17]

Ramirez asserted that, pursuant to long-established protocol, Airwolf Aviation Corporation would automatically process the renewal of his license to fly upon the completion of the monthly quota and the observation of all existing Air Transportation Office rules and regulations. Except for the months nearing the 2001 incident,

Ramirez stated that there were no problems with his license renewal.[18]

Ramirez explained that due to the July 17, 2000 incident, he was instructed by the Air Transportation Office-Manila to pay a fine of PHP 5,000.00 and to undergo an equipment qualification course as penalty. While Ramirez passed the written exam of the course, he was surprised to discover that he had failed the oral examination administered by Captain Raagas. Thereafter, Ramirez received from Captain Raagas a notice of one-month suspension starting January 22, 2001 for failing the oral examination.[19]

Determined to pass the oral examination prior to the lapse of the suspension, Ramirez requested Captain Juridine of the Air Transportation Office to conduct the oral examination in the presence of Captain Dela Zalde. Ramirez passed the February 16, 2001 examination. Since he had completed both examinations of the equipment qualification course, Ramirez was assured that his license would be renewed, and his grounded status would be lifted.[20]

However, on February 12, 2001, before the lapse of his deadline and his passing of the equipment qualification course, Ramirez received a Notice of Termination from Airwolf Aviation Corporation signed by Captain Raagas. The reason for the termination was that Ramirez had no license to fly.[21] He was even belatedly furnished with a March 13, 2001 Certification of his completion of the equipment qualification course, which was also prepared and signed by Captain Raagas. Thus, contrary to Captain Raagas's assertion, the Airwolf Aviation Corporation management did not process Ramirez's license despite its knowledge that he passed the equipment qualification course.[22]

Ramirez aired his grievances to the Airwolf Aviation Corporation management, to no avail. He was afforded due process, but summarily dismissed. Hence, a labor issue ensued.[23]

On July 16, 2001, Ramirez went to the Marsman Estate Plantation at Sto. Tomas, Davao del Norte with the intention of talking to and visiting some old friends and co-employees. At noon, he boarded the aircraft and flew around. By 5:00 p.m., he returned and parked the aircraft at the place where he had taken off. Ramirez was then escorted by the police and brought to the police outpost of Sto. Tomas, Davao del Norte.[24]

Ramirez fervently denied that he had demanded PHP 2,000,000.00 from the Airwolf Aviation Corporation management and asserted that he had no intention of stealing the aircraft.[25]

In an October 13, 2015 Joint Decision,[26] the Regional Trial Court dismissed the charge of grave threats, but found Ramirez guilty beyond reasonable doubt of simple theft. The dispositive portion reads:

WHEREFORE, from the foregoing disquisitions, judgment is hereby rendered:

- Dismissing Criminal Case No. 08-2002 for lack of jurisdiction;
- Convicting the accused under Criminal Case No. 10-2002 for Simple Theft and sentencing him to suffer, applying the Indeterminate Sentence Law, an imprisonment of ten (10) years of prision mayor medium as minimum to twenty (20) years of reclusion temporal as maximum.

As the plane was returned in good condition and without any damage, the accused is no longer imposed any amount in civil indemnity.

SO ORDERED.[27]

The Regional Trial Court held that the prosecution established all the elements for the crime of simple theft. Ramirez admitted and acknowledged that he had taken an aircraft which belonged to another, without the latter's

consent and without the use of violence against or intimidation of persons or force upon things. The element of "gain" was present as Ramirez had complete possession and control over the aircraft for several hours and even convinced Airwolf Aviation Corporation to listen and raise PHP 200,000.00 to meet his demands. The Regional Trial Court disagreed that his taking of the aircraft to get Airwolf Aviation Corporation's attention for his grievances constituted either a justifying or exempting circumstance.[28]

Ramirez moved for reconsideration, which was denied by the Regional Trial Court in an October 5, 2018 Resolution.[29] However, the penalty imposed was modified as the prosecution only proved that the aircraft was valued at USD 255,000.00, or PHP 10,578,877.38. As such, Ramirez was sentenced to 10 years of prision mayor, as minimum, to 18 years of reclusion temporal, as maximum, pursuant to the enactment of Republic Act No. 10951.[30]

On appeal, the Court of Appeals affirmed the Regional Trial Court's ruling. The dispositive portion of its January 8, 2021 Decision[31] reads:

The appeal is DENIED. The Joint Decision dated 13 October 2015 of the Regional Trial Court, Branch 4, 11[th] Judicial Region, Panabo City in Criminal Case No. 11-2002, finding appellant guilty beyond reasonable doubt for the crime of "Simple Theft" punishable under Article 308 of the RPC is hereby AFFIRMED.

Accordingly, the bail bond, in the amount of P40,000.00, posted by appellant on 22 November 2019 under Official Receipt No. 30002350 is hereby CANCELLED and let the Regional Trial Court, Branch 4, Panabo City ISSUE a WARRANT OF ARREST against the accused-appellant Roberto Ramirez.

SO ORDERED.[32]

The Court of Appeals agreed with the Regional Trial Court that all the elements of the crime of theft were duly established beyond reasonable doubt by the prosecution.[33]

The Court of Appeals rejected Ramirez's contention that his extreme depression and frustration bordering on temporary insanity due to his dismissal was proof against criminal intent or lack of "intent to gain." Instead, the Court of Appeals asserted that Ramirez's act of taking and flying the plane owned by Dole-Stanfilco without its consent satisfied the element of "gain." [34]

As regards Ramirez's defense that he was allowed to enter the compound and returned the plane in good condition, the Court of Appeals ruled that it cannot be said that Ramirez was allowed to enter the compound as the Airwolf Aviation Corporation employee had no knowledge of Ramirez's termination and prohibition from entering the premises.[35]

The Court of Appeals gave no credence to Ramirez's insistence on the presence of the mitigating circumstance of voluntary surrender. It observed that the prosecution witnesses and even Ramirez narrated that the police authorities were already at the gate of the Marsman Estate Plantation airstrip by the time Ramirez landed the aircraft. The police's presence at the airstrip was facilitated by Atty. Echavez for Ramirez's arrest, and not because the latter had voluntarily surrendered.[36]

Ramirez filed a Motion for Reconsideration, which was denied on January 13, 2022.[37]

Dissatisfied with the decision, Ramirez filed a Petition for Review on Certiorari[38] before this Court.

First, petitioner disagrees that the prosecution proved all the elements of the crime of theft. He argues that there was no felonious taking as the prosecution's witness admitted that he was allowed and permitted to enter the compound since he was still a pilot of the company.[39] He had no criminal intent since he returned the aircraft to the place where he had taken off, with nothing missing or damaged.[40] Similarly, there was no intent to gain as

he did not take the aircraft to assume ownership over it.[41]

Second, petitioner points out that there are multiple discrepancies between the identity of the aircraft described in the Information and the one presented by the prosecution as the aircraft flown by him—a material discrepancy that merits the reversal of his conviction. First, the Information alleges that petitioner flew one Ayres Corporation S2R-T Turbo Thrush Commander aircraft bearing Registration No. RP-R-1768. However, during trial, the prosecution alleged that the aircraft bore the details S/N 2375-R. Second, the Certificate of Registration of the aircraft indicates serial number 2375R, but during trial, the prosecution described the aircraft as possessing serial number N8479V. Third, the gross weight of the aircraft in the Certificate of Registration is 2,727.27 kilograms, while the gross weight as indicated in the Import Entry & Internal Revenue Declaration is 4,536 kilograms.[42]

Third, petitioner raises the fact that the prosecution failed to amend the Information to reflect the change in valuation of the aircraft. While the Information indicates that the aircraft is valued at USD 319,960.00, equivalent to PHP 159,980,000.00, Captain Raagas executed a Supplemental Affidavit stating that the amount should be PHP 15,980,000.00. Considering the foregoing, he asserts that the failure to amend the Information violated his right to be informed of the nature and cause of the accusation against him.[43] Further, the prosecution only proved that the aircraft was valued at USD 255,000.00.[44]

Finally, petitioner alleges that, assuming this Court affirms his conviction, the penalty imposed should be modified as it was erroneously based on the aircraft valuation of PHP 159,980,000.00. He argues that the basis should be the value proven by the prosecution of USD 255,000.00, which is equivalent to PHP 10,364,475.00.[45] He asserts that the mitigating circumstance of voluntary surrender should be appreciated in this favor.[46]

In its Comment,[47] the Office of the Solicitor General asserts that the Court of Appeals appropriately upheld the Regional Trial Court's Decision in convicting petitioner of simple theft.[48] Respondent reiterates that the arguments offered by petitioner have already been submitted and that no new and significant issues were to be considered.[49] Furthermore, respondent claims that the prosecution demonstrated with moral certainty that all the elements of simple theft were present in the case.[50] The respondent disagrees with petitioner's assertion that the mitigating circumstance of voluntary surrender should be appreciated[51] as there was no voluntary surrender since the police themselves went to the Marsman compound to arrest petitioner.[52]

The only issue in the present petition is whether the Court of Appeals committed reversible error in affirming petitioner Roberto Ramirez's conviction for simple theft.

The petition is denied.

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.[53] As defined and penalized, the elements of the crime are:

- (1) there was taking of personal property; (2) the property belongs to another; (3) the taking was done with intent to gain; (4) the taking was without the consent of the owner; and (5) the taking was accomplished without the use of violence against, or intimidation of persons or force, upon things.[54] (Citation omitted)

Petitioner argues that the third element of "intent to gain" is absent, as he had no intention of acquiring ownership over the aircraft and he was allowed and permitted to enter the Marsman Estate Plantation compound.[55] Such argumentation, however, is erroneous.

This Court is 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. Actual gain is irrelevant as the important

consideration is the intent to gain.[56] The term "gain" is not merely limited to pecuniary benefit but also includes the benefit which in any other sense may be derived or expected from the act which is performed. The mere use of the thing which was taken without the owner's consent constitutes gain.[57]

Considering the foregoing, petitioner's act of taking an aircraft belonging to Airwolf Aviation Corporation without the latter's consent constitutes the element of "intent to gain." Further, the facts reveal that petitioner took the aircraft to get the attention of his former employer, a gain which was derived from his taking.[58]

Thus, as correctly affirmed by the Court of Appeals, the prosecution successfully established all the elements of theft. Petitioner took and flew the aircraft without the consent of the owner, Airwolf Aviation Corporation. The taking was with the intent to gain, as petitioner flew the aircraft so that his demands would be heard. Finally, the petitioner neither employed violence nor intimidation against a person or thing to take the aircraft.

The petitioner's assertion that the prosecution failed to establish the corpus delicti of the crime due to the alleged discrepancies between the identity of the aircraft described in the Information and the one presented by the prosecution is untenable.

The petitioner alleges that the Information describes an aircraft with Registration No. RP-R-1768, while the prosecution alleged that the aircraft bore the details S/N 2375-R.[59] However, a scrutiny of the aircraft's Certificate of Registration shows that the aircraft bears nationality and registration mark RP-R1768, while the serial number is 2375R.[60] As such, there is no discrepancy in the details of the aircraft in the Information and as presented by the prosecution.

There is likewise no merit in petitioner's assertion that, during trial, the prosecution described the aircraft as possessing serial number N8479V, instead of the serial number 2375R as indicated in the Certificate of Registration.[61] The Commercial Invoice, which is petitioner's basis for his observation, describes the aircraft as possessing the details "SER# N8479V" and "AIRCRAFT S/N 2375R." [62] Clearly, the aircraft with serial number N8479V is one and the same as the aircraft with serial number 2375R.

Anent the discrepancy in the gross weight of the aircraft in the Certificate of Registration and the Import Entry & Internal Revenue Declaration, such matter has no bearing in determining whether petitioner committed the act of theft or in establishing which aircraft was stolen.[63]

The petitioner mistakenly argues that the failure to amend the Information to reflect the change in the aircraft's valuation violates his right to be informed of the nature and cause of the accusation against him.[64]

The value of the item stolen is not among the elements of theft. As such, an exact valuation of the item will not impact the right of the accused to be informed of the nature and cause of the accusation against him. The value only gains significance in determining the proper penalty to be imposed on the accused, which must be based on the value proven during trial, and not merely on the Information or uncorroborated testimonies presented by the prosecution.[65]

The petitioner is mistaken in asserting that the penalty imposed upon him was based on the aircraft valuation of PHP 159,980,000.00. In an October 5, 2018 Resolution[66] the Regional Trial Court modified his penalty to 10 years of prision mayor, as minimum, to 18 years of reclusion temporal, as maximum, based on the aircraft valuation of USD 255,000.00, or PHP 10,578,877.38.[67] It is likewise observed that there is no dispute regarding the valuation of the aircraft, as petitioner admits that "the value of the aircraft proven during trial is \$255,000.00",[68] which is consistent with the findings of the Regional Trial Court.[69]

Finally, there is no basis in petitioner's assertion that the mitigating circumstance of voluntary surrender should be

appreciated in his favor. As found by the Regional Trial Court, the police were already waiting for petitioner and immediately apprehended him when he landed the aircraft at the Marsman Estate Plantation.[70]

Petitioner's conduct was appropriately classified as simple theft and prosecuted under Article 308 of the Revised Penal Code.

Considering the foregoing, the Court of Appeals correctly affirmed petitioner's conviction for simple theft. Nonetheless, while the Regional Trial Court correctly modified the penalty to 10 years of prision mayor, as minimum, to 18 years of reclusion temporal, as maximum, such penalty did not include the application of the Indeterminate Sentence Law.

The Indeterminate Sentence Law is clear that the minimum of the indeterminate sentence shall be "within the range of the penalty next lower to that prescribed by the Code for the offense." [71] The penalty prescribed by the law for theft is prision mayor in its minimum and medium period, [72] making the penalty next lower than that prescribed anywhere from two years, four months and one day to six years. The maximum term, on the other hand, shall be "that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code." [73] As correctly computed by the Regional Trial Court, the maximum term is 18 years of reclusion temporal, taking into account the incremental penalty.

As such, after applying the Indeterminate Sentence Law, petitioner is instead sentenced to suffer an indeterminate penalty of imprisonment of six years of prision correccional, as minimum to 18 years of reclusion temporal, as maximum.

As a final note, it is worthy to emphasize that aircraft theft has potential consequences that are far graver than simple theft.

The unauthorized use of an aircraft may result in not just safety hazards but national security concerns as well as potential violations of international airspace regulations. Nevertheless, there are no laws in this jurisdiction which specifically address aircraft theft. The theft of an aircraft is not covered in the stricter Anti-Carnapping Act of 2016 or Republic Act No. 10883, which governs the unique legislation for the theft of a motor vehicle. The Anti-Carnapping Act defines "carnapping" as the illegal taking, with intent to gain, of a motor vehicle, which is explicitly defined as "any vehicle propelled by any power other than muscular power using the public highways, except railway rolling stock." This law's definition of a motor vehicle does not include an aircraft.

Until further specific legislation governing aviation vehicles are enacted by the legislature, the theft of an airplane, despite its higher worth and risk than the theft of an automobile, will merely be classified as simple theft or qualified theft if aggravating circumstances exist, and will be prosecuted accordingly. This current legal framework does not adequately address the unique challenges and hazards associated with stealing an aircraft. With that, lawmakers must address this gap in the law to ensure that theft of aviation vehicles is deterred, and if committed, is appropriately punished.

ACCORDINGLY, the appeal is DISMISSED for raising no reversible error. Petitioner Roberto Ramirez is found guilty beyond reasonable doubt for the crime of simple theft punishable under Article 308 of the Revised Penal Code.

Petitioner Roberto A. Ramirez is sentenced to suffer an indeterminate penalty of imprisonment of six years of prision correccional, as minimum, to 18 years of reclusion temporal, as maximum pursuant to the enactment of Republic Act No. 10951. [74]

Let a copy of this decision be furnished to the House of Representatives and the Senate for their guidance and

consideration on the creation of legislation that would penalize theft of an aircraft.

SO ORDERED.

J. Lopez, Kho, Jr., and Villanueva, JJ., concur.
Lazaro-Javier,[*] J., on official business.

[*] On official business.

[1] Rollo, pp. 53-85.

[2] Id. at 11-32, 87-108. The January 8, 2021 Decision in CA-G.R. CR No. 01806-MIN was penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Lily V. Biton and Richard D. Mordeno of the Special Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

[3] Id. at 34-36, 110-112. The January 13, 2022 Resolution in CA-G.R. CR No. 01806-MIN was penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Lily V. Biton and Richard D. Mordeno of the Former Special Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

[4] Id. at 168-179, 180-188. The October 13, 2015 Joint Decision in Crim. Case No. 08-2002 and Crim. Case No. 11-2002 was penned by Judge Dorothy P. Montejo-Gonzaga of Branch 4, Regional Trial Court, Panabo City, Davao del Norte.

[5] "Dole" capitalized in the rollo.

[6] Rollo, pp. 12-13.

[7] Id. at 14.

[8] Id.

[9] Id. at 15.

[10] Id.

[11] Id.

[12] Id. at 16.

[13] Id.

[14] Id.

[15] Id. at 16-17.

[16] Id. at 17.

[17] Id.

[18] Id. at 17-18.

[19] Id. at 18.

[20] Id. at 18-19.

[21] Id. at 19.

[22] Id.

[23] Id.

[24] Id. at 20.

[25] Id.

[26] Id. at 168-179, 180-191. The October 13, 2015 Joint Decision in Crim. Case No. 08-2002 and Crim. Case No. 11-2002 was penned by Judge Dorothy P. Montejo-Gonzaga of Branch 4, Regional Trial Court, Panabo City, Davao del Norte.

[27] Id. at 178-179.

[28] Id. at 173-175.

[29] Id. at 189-192. The October 5, 2018 Resolution in Crim. Case Nos. 08-2002, and 11-2002 was penned by Judge Carmel Gil Grado of Branch 4, Regional Trial Court, Panabo City, Davao del Norte.

[30] Id. at 194-195.

[31] Id. at 11-32.

[32] Id. at 31.

[33] Id. at 24-25.

[34] Id. at 25-27.

[35] Id. at 27.

[36] Id. at 28-29.

[37] Id. at 110-112.

[38] Id. at 57-85.

[39] Id. at 72-73.

[40] Id. at 76.

[41] Id. at 77.

[42] Id. at 66-67.

[43] Id. at 70-71.

[44] Id. at 68-69.

[45] Id. at 77-79.

[46] Id. at 79-80.

[47] Id. at 362-379.

[48] Id. at 369.

[49] Id. at 372.

[50] Id. at 373.

[51] Id. at 374.

[52] Id. at 375.

[53] REV. PEN. CODE, art. 308.

[54] *Medina v. People*, 760 Phil. 729, 735 (2015) [Per J. Peralta, Third Division].

[55] *Rollo*, pp. 72-77.

[56] *People v. Mejares*, 823 Phil. 459, 469 (2018) [Per J. Leonen, Third Division].

[57] *People v. Donio*, 806 Phil. 578, 593 (2017) [Per J. Peralta, Second Division].

[58] *Rollo*, p. 27.

[59] Id. at 67.

[60] Id. at 210.

[61] Id. at 67.

[62] Id. at 212.

[63] Id. at 66.

[64] Id. at 70-71.

[65] See *People v. Mejares*, 823 Phil. 459, 473 (2018) [Per J. Leonen, Third Division].

[66] *Rollo*, pp. 192-195.

[67] Id. at 194-195.

[68] Id. at 69.

[69] Id. at 192.

[70] Id. at 193.

[71] *Vasquez v. People*, 566 Phil. 509, 513 (2008) [Per J. Tinga, Second Division]. See also Acts No. 4103 (1933), sec. 1.

[72] REV. PEN. CODE, as amended by Republic Act No. 10951, art. 309.

[73] Indeterminate Sentence Law, sec. 1.

[74] Id. at 194-195.

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