

PEDRO PAGARIGAN Y MARAVE, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 275924, August 18, 2025

Ponente: LOPEZ, J., J.

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LOPEZ, J., J.:

This Court resolves a Petition for Review on Certiorari[1] assailing the Decision[2] and Resolution[3] of the Court of Appeals (CA) which ruled that Pedro Pagarigan y Marave (Pagarigan) is guilty beyond reasonable doubt of violating Section 77 (previously Section 68) of Presidential Decree (P.D.) No. 705, as amended, or the Forestry Reform Code of the Philippines.

Antecedents

An Information was filed against Pagarigan charging him with violation of P.D. No. 705.[4] Its accusatory portion reads:

That on or about the 6[th] day of August 2019, at about 2:45 AM, in Barangay Lucapon South, Municipality of Sta. Cruz, Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously; having in his possession and/or control while transporting fifty (50) pieces of illegally sawn lumber/forest products, to wit:

Quantity/Unit

Description

Volume

Estimated
Value

10 pcs

2x5x15
(Apitong)

125 bd. ft.

Php6,000.00

2 pcs

2x5x12
(Apitong)

20 bd. ft.

960.00

2 pcs

2x6x20

(Palosapis)

40 bd. ft.

1,920.00

36 pcs

2x3x14

(Palosapis)

252 bd. ft.

12,096.00

with a total volume of 437 board feet having an estimated market value of TWENTY THOUSAND NINE HUNDRED SEVENTY-SIX PESOS ([PHP] 20,976.00) Philippine currency, which were boarded on a Mitsubishi Canter (Drop Side) bearing plate number UHF 362, without authority and without obtaining from the proper government authorities the necessary permit/license and other legal documents as required under existing forest laws and regulations.

CONTRARY TO LAW.[5]

During his arraignment, Pagarigan pleaded not guilty to the charge.[6] After pre-trial,[7] trial ensued.

The prosecution presented the following witnesses: (1) Police Staff Sergeant Ricky D. Tagulao (PSSg Tagulao); (2) Police Corporal Reynante Sison (PCpl Sison); and (3) Ardian R. Domincil (Domincil).

On August 6, 2019, at around 2:15 a.m., PSSg Tagulao received a tip from a confidential informant that an Elf truck transporting illegally sawn lumber will pass through Barangay Lucapon South, Sta. Cruz, Zambales.[8] PSSg Tagulao and PCpl Sison were then directed by their superior to verify the information.[9] At around 2:45 a.m. on the same day, PSSg Tagulao, PCpl Sison, and other police officers went to the place mentioned by the informant and spotted a Mitsubishi Canter with plate number UHF 362 with timber protruding from its rear.[10]

PSSg Tagulao and PCpl Sison flagged down the vehicle and asked its driver, Pagarigan, if he had a permit to possess and transport the timber loaded on the vehicle he was driving.[11] Pagarigan was unable to present any permit or license and was arrested by PCpl Sison.[12] Pagarigan and the pieces of lumber that he transported were then brought to the police station.[13]

Personnel from the City Environment and Natural Resources Office (CENRO) arrived at the police station to assist in the investigation. Domincil, a forest ranger assigned to the CENRO, prepared the apprehension report and tally sheet, which stated the quantity, description, and estimated value of the confiscated timber.[14] Domincil claimed that the valuation of the seized timber was based on the highest price of the same type of wood sold in Sta. Cruz, Zambales.[15]

For its part, the defense presented the following witnesses: (1) Police Master Sergeant Froilan M. Corpuz (PMSg Corpuz); (2) Dominador Pagarigan (Dominador); (3) Pagarigan; and (4) PSSg Tagulao.

Pagarigan admitted that he was driving the truck loaded with the confiscated timber but claimed that he did not know that they were illegally sourced.[16] He averred that a certain Peter Merced (Merced) rented the truck from his brother, Dominador. Pagarigan also clarified that he was arrested by the police officers in Barangay Bayto,

Sta. Cruz, Zambales and not in Barangay Lucapon South.[17]

Dominador testified that the truck carrying the seized lumber was owned by his wife.[18] He narrated that on August 6, 2019, at around 11:00 a.m., Merced went to his house in Infanta, Pangasinan and rented his wife's truck.[19] Dominador asserted that Merced told him that he will use the truck to transport second-hand building materials.[20] He then instructed Pagarigan to drive the truck from Lucapon, Sta. Cruz, Zambales to Bayto, Sta. Cruz, Zambales.[21] Dominador likewise claimed that PSSg Tagulao previously rented the same truck from him.[22]

PMSg Corpuz testified that he was the investigator assigned to Pagarigan's case and that he was the one who prepared all the documents necessary for the filing of the Information against him.[23] He narrated that during the course of his investigation, he learned that the owner of the seized timber was a certain "Prudencio Merced" and that a separate case was filed against him.[24]

PSSg Tagulao confirmed that he knew Pagarigan prior to the latter's arrest but denied that he previously rented Dominador's truck.[25]

On March 12, 2020, the RTC rendered its Decision,[26] the dispositive portion of which states:

WHEREFORE, accused Pedro Pagarigan y Marave is found GUILTY beyond reasonable doubt of the crime of Violation of Section 78 of P.D. [No.] 705, as amended, and he is hereby sentenced to suffer the indeterminate penalty of four (4) months and one (1) day of arresto mayor, as minimum, to three (3) years, six (6) months[,] and twenty-one (21) days of prision correccional, as maximum.

The fifty (50) pieces of lumber with combined volume of 437 board feet is hereby ordered confiscated in favor of the government.

SO ORDERED.[27]

The RTC ruled that the prosecution was able to prove all the elements of the crime charged against Pagarigan and gave no credence to his defense of non-ownership of the seized timber since the law punishes mere possession of timber and forest goods without a permit.[28] The RTC likewise held that the prosecution was able to prove the identity and preserve the evidentiary integrity of the timber seized from Pagarigan.[29]

Pagarigan appealed to the CA.[30] In its Decision,[31] the CA denied Pagarigan's appeal:

WHEREFORE, the appeal is hereby DENIED. The Decision dated March 12, 2020 of the Regional Trial Court (RTC), Iba, Zambales, Branch 69 in Criminal Case No. RTC-12783-2019-I is hereby AFFIRMED in full. Accused-appellant is hereby found GUILTY beyond reasonable doubt of violation of SECTION [77] of P.[.]D.[.] [No.] 705, as amended.

SO ORDERED.[32]

The CA ruled that the RTC did not err when it convicted Pagarigan of illegal possession of timber and forest products under Section 77 of P.D. No. 705, as amended.[33] It held that contrary to Pagarigan's claim, ownership is not an element of the crime charged against him and the law punishes mere possession of timber and forest products without the necessary permits and licenses.[34]

Pagarigan moved for reconsideration of the assailed Decision[35] but was denied by the CA in the assailed Resolution.[36]

Hence, Pagarigan filed the present Petition.

Pagarigan argues that the CA erred when it denied his appeal and raised the following arguments: (1) there are

discrepancies in the testimony of the prosecution's witnesses regarding the time and place where he was arrested;[37] (2) he is not the owner of the timber that he was transporting;[38] (3) there was no proof that the timber that he was transporting was prohibited;[39] (4) the prosecution failed to present proof that the owner of the timber had no permit to transport the timber;[40] (5) he was not apprised of his constitutional rights when he was arrested;[41] and (6) the pieces of lumber confiscated from him was not admissible as evidence considering that it was not scaled, measured, and inventoried in his presence.[42]

On February 12, 2025, this Court issued a Resolution[43] directing the Office of the Solicitor General (OSG) to file its comment to the Petition.

On May 16, 2025, the OSG filed its Comment[44] which prayed for the denial of the Petition.[45] The OSG argues that the Petition should be denied outright since it raises factual issues which are outside the ambit of an appeal by certiorari.[46] It likewise asserts that the CA did not err when it denied Pagarigan's appeal since his guilt was proven beyond reasonable doubt.[47] The OSG pointed out that the law punishes mere possession of timber and forest products without the required permits.[48] Thus, it was irrelevant that Pagarigan was not the owner as it was proven that the seized timber was in his possession without a permit when he was arrested.[49] The OSG likewise asserts that the seized timber was relevant and competent and therefore admissible as evidence.[50]

Issue

Whether petitioner Pedro Pagarigan y Marave is guilty beyond reasonable doubt of violation of Section 77 of P.D. No. 705.

This Court's Ruling

The Petition is denied.

The Petition is fatally defective and should be denied outright

Rule 45, Sections 1 and 4 enumerate some of the basic procedural requirements for the filing of an appeal by certiorari:

Section 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

....

Section 4. Contents of petition. — The petition shall be filed in eighteen (18) copies, with the original copy intended for the court being indicated as such by the petitioner and shall (a) state the full name of the appealing party as the petitioner and the adverse party as respondent, without impleading the lower courts or judges thereof either as petitioners or respondents; (b) indicate the material dates showing when notice of the judgment or final order or resolution subject thereof was received, when a motion for new trial or reconsideration, if any, was filed and when notice of the denial thereof was received; (c) set forth concisely a statement of the matters involved, and the reasons or arguments relied on for the allowance of the petition; (d) be accompanied by a clearly legible duplicate original, or a certified true copy of the judgment or final order or resolution certified by the clerk of court of the court a quo and the requisite number of plain copies thereof, and such material portions of the record as would support the petition; and (e) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42

Notably, Rule 45, Section 5 provides that failure to comply with the foregoing requirements can result in the

outright denial of a Rule 45 petition:

Section 5. Dismissal or denial of petition. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof.

The Supreme Court may on its own initiative deny the petition on the ground that the appeal is without merit, or is prosecuted manifestly for delay, or that the questions raised therein are too unsubstantial to require consideration.

In addition, Rule 46, Section 5 of the Rules of Court provides additional grounds for dismissal of Rule 45 petitions:

Section 5. Grounds for dismissal of appeal. — The appeal may be dismissed motu proprio or on motion of the respondent on the following grounds:

- (a) Failure to take the appeal within the reglementary period;
- (b) Lack of merit in the petition;
- (c) Failure to pay the requisite docket fee and other lawful fees or to make a deposit for costs;
- (d) Failure to comply with the requirements regarding proof of service and contents of and the documents which should accompany the petition;
- (e) Failure to comply with any circular, directive or order of the Supreme Court without justifiable cause;
- (f) Error in the choice or mode of appeal; and
- (g) The fact that the case is not appealable to the Supreme Court.

Here, a perusal of the Petition shows that it failed to comply with the aforesaid requirements.

First, the Petition was filed outside of the reglementary period. Rule 45, Section 2 of the Rules of Court provides that a Rule 45 petition must be filed within 15 days from receipt of the assailed judgment. For justifiable reasons, this Court may extend the period for filing of the petition for an additional 30 days.[51] Here, petitioner claims that he received a copy of the assailed Resolution on September 19, 2024.[52] Thus, he had 15 days or until October 4, 2024 to file his Petition for Review on Certiorari.

On October 2, 2024, petitioner filed a Motion for Extension of Time[53] requesting for an additional 30 days or until November 3, 2024 to file his Petition for Review on Certiorari. On October 30, 2024, this Court issued a Resolution[54] which granted petitioner's motion with a warning that no further extension of time will be given to him. Despite the leniency exhibited by this Court to petitioner, he only filed the Petition on November 14, 2024 or 11 days after it was due.

Second, petitioner failed to attach an original or certified true copy of the assailed Resolution to his Petition or even belatedly submit a copy of it to this Court.

Third, a Rule 45 petition may be denied outright if material portions of the record are not attached to it.[55] In *Air Philippines Corporation v. Zamora*,[56] this Court laid down the principles governing this rule:

First, not all pleadings and parts of case records are required to be attached to the petition. Only those which are relevant and pertinent must accompany it. The test of relevancy is whether the document in question will support the material allegations in the petition, whether said document will make out a prima facie case of

grave abuse of discretion [or error] as to convince the court to give due course to the petition.

Second, even if a document is relevant and pertinent to the petition, it need not be appended if it is shown that the contents thereof can also found in another document already attached to the petition. Thus, if the material allegations in a position paper are summarized in a questioned judgment, it will suffice that only a certified true copy of the judgment is attached.

Third, a petition lacking an essential pleading or part of the case record may still be given due course or reinstated (if earlier dismissed) upon showing that petitioner later submitted the documents required, or that it will serve the higher interest of justice that the case be decided on the merits.[57] (Citations omitted)

Here, petitioner made repeated reference to the testimonies of the prosecution's witnesses and the RTC Decision and proffered arguments to debunk both.[58] However, petitioner failed to attach a copy of the RTC Decision, the transcript of stenographic notes of the hearing, or the affidavits of the prosecution's witnesses to the Petition. While the assailed judgment summarized the testimonies of the prosecution's witnesses,[59] as well as the RTC's ruling,[60] it is silent on the matters raised by petitioner. Thus, We have no basis to determine whether petitioner is correctly quoting or misquoting the testimonies of the witnesses during trial, as well as the RTC Decision and whether the conclusions reached by the RTC is supported by evidence.

Fourth, petitioner failed to include in the Petition a recital of material dates. Specifically, the Petition lacked any detail as to when petitioner: (1) received a copy of the assailed Decision; and (2) moved for its reconsideration. Without these pieces of information, this Court is unable to determine if petitioner was able to timely move for reconsideration of the assailed Decision or if he was unable to do so, which meant that CA ruling had already attained finality.

Fifth, the affidavit of service,[61] verification, and certification of non-forum shopping[62] appended to the Petition were not properly notarized. A cursory review of these documents shows that their jurats do not state that the affiant exhibited before the notary public at least one of their current identification documents issued by an official agency bearing the photographs and signature of the affiant as required under Rule II, Sections 6 and 12 of A.M. No. 02-8-13-SC, or the 2004 Rules on Notarial Practice, as amended.

Considering that the Petition is riddled with procedural errors, its outright dismissal is in order. In any event, even if the Petition is evaluated on its merits, it must still be denied.

No error was committed by the CA when it denied petitioner's appeal

Petitioner was charged with violation of Section 68 (now Section 77) of P.D. No. 705, as amended, which states:

Section 68. Cutting, Gathering and/or collecting Timber or Other Forest Products Without License. — Any person who shall cut, gather, collect, remove timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The Court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed, as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

In *Idanan v. People*,[63] We ruled that the foregoing provision punishes three distinct acts: (1) the cutting,

gathering, collecting, or removing of timber or other forest products from any forest land without any authority; (2) the cutting, gathering, collecting, or removing of timber from alienable or disposable public land, or from private land without any authority; and (3) the possession of timber or other forest products without the legal documents as required under existing forest laws and regulations.[64]

Here, petitioner is charged under the third category, i.e., the possession of timber or other forest products without the legal documents, since he was found in possession of 50 pieces of Apitong and Palosapis lumber without the required permits under existing forest laws and regulations.[65]

In *Villarin v. People*,[66] We clarified the kind of "possession" punished under Section 77 of P.D. No. 705, as amended.

As a special law, the nature of the offense is *malum prohibitum* and as such, criminal intent is not an essential element. "However, the prosecution must prove that petitioners had the intent to possess (*animus possidendi*)" the timber. "Possession, under the law, includes not only actual possession, but also constructive possession. Actual possession exists when the [object of the crime] is in the immediate physical control of the accused. On the other hand, constructive possession exists when the [object of the crime] is under the dominion and control of the accused or when he has the right to exercise dominion and control over the place where it is found."

There is no dispute that petitioners were in constructive possession of the timber without the requisite legal documents. Villarin and Latayada were personally involved in its procurement, delivery and storage without any license or permit issued by any competent authority. Given these and considering that the offense is *malum prohibitum*, petitioners' contention that the possession of the illegally cut timber was not for personal gain but for the repair of said bridge is, therefore, inconsequential.[67] (Citations omitted)

Illegal possession of timber is a crime covered by special law and is *malum prohibitum*. [68] Hence, intent is not an essential element of the crime.[69] However, the prosecution still has the burden to prove that the accused intended to perpetrate the prohibited act under the special law. In *Valenzona v. People*,[70] We differentiated between "intent to commit the crime" and "intent to perpetrate the act" thusly:

That said, dispensing with proof of criminal intent for crimes *mala prohibita* does not, in any way, discharge the prosecution of its burden to show that the prohibited act was done intentionally by the accused. On this note, it is important to distinguish between intent to commit the crime and intent to perpetrate the act - while a person may not have consciously intended to commit a crime regarded as *malum prohibitum*, he or she may still be held liable if he or she did intend to commit an act that is, by the very nature of things, the crime itself. Thus, for acts that are *mala prohibita*, the intent to perpetrate the prohibited act under the special law must nevertheless be shown.

In contrast to crimes *mala in se*, which presuppose that the person who did the felonious act had criminal intent in doing so, crimes *mala prohibita* do not require such knowledge or criminal intent; rather, what is crucial is volition or the intent to commit the act. While volition or voluntariness refers to knowledge of the act being done (as opposed to knowledge of the nature of the act), criminal intent is the state of mind that goes beyond voluntariness, and it is this intent which is punished by crimes *mala in se*. To hold an offender liable for an offense that is *malum prohibitum*, it is sufficient that there is a conscious intent to perpetrate the act prohibited by the special law, for the essence of *mala prohibita* is voluntariness in the commission of the act constitutive of the crime.

Succinctly put, for crimes *mala in se*, there must be proof of criminal intent, while for crimes *mala prohibita*, it is sufficient that the prohibited act is done freely and consciously. As applied here, even if a violation of P.D. 957 is *malum prohibitum*, it must still be established that the accused had the volition or intent to commit the prohibited act, which is the non-registration of the subject contracts.[71] (Citations omitted)

A review of the records of the case shows that the prosecution was able to prove that petitioner had possession and intended to possess the lumber subject of the case. During trial, PSSg Tagulao and PCpl Sison testified that petitioner was the driver of the vehicle carrying the pieces of timber subject of the case.[72] More, petitioner himself admitted that he was transporting lumber when he was arrested.[73]

Petitioner, however, argues that his acquittal is warranted considering that: (1) there are discrepancies in the testimony of the prosecution's witnesses regarding the time and place where he was arrested;[74] (2) he is not the owner of the timber that he was transporting;[75] (3) there was no proof that the timber that he was transporting was prohibited;[76] (4) the prosecution failed to present proof that the owner of the timber had no permit to transport the timber;[77] (5) he was not apprised of his constitutional rights when he was arrested;[78] and (6) the pieces of lumber confiscated from him is not admissible as evidence considering that it was not scaled, measured and inventoried in his presence.[79]

We disagree.

One, the alleged discrepancies in the prosecution witnesses' testimony,[80] assuming to be true, pertain to minor details that do not affect their credibility. To emphasize, PSSg Tagulao and PCpl Sison's assertion that they arrested petitioner transporting forest products without a license remain undisputed.[81] Petitioner himself admitted to this fact.[82] More, petitioner likewise admitted in the Petition that "the time and place of apprehension are immaterial in the determination of [his] guilt[.]"[83]

Two, ownership is not an element of the crime of illegal possession of timber. In *Nieto v. People*, [84] We ruled that "possession of timber or other forest products without the proper legal documents, even absent malice or criminal intent, is illegal" and that "[t]he fact that the person in possession thereof is not the owner is irrelevant." [85] Notably, We convicted the accused in *Idanan* even though they are not the owners of the seized forest goods but only transported it.[86] Likewise in *Nieto*, We convicted truck drivers who transported timber without any license.[87] Verily, ownership is immaterial as mere possession of timber or other forest products is sufficient to consummate the crime.

Three, Section 77 of P.D. No. 705 prohibits the possession of "timber or other forest products without the legal documents as required under existing forest laws and regulations." Thus, mere possession of timber and forest products sans any of the required permit or license is punished under the provision.

Four, it is of no moment that the confiscated timber was owned by another person. To emphasize, the mere possession of timber or other forest products without the proper legal documents is illegal.[88] What is not disputed is that when petitioner was asked by the arresting officers whether he had a permit to possess or transport the forest products loaded on the vehicle that he was driving, he was unable to present any.[89]

Five, it is presumed that an official duty has been regularly performed.[90] While such presumption is disputable, clear and convincing evidence of irregularity or failure to perform a duty must be presented to overcome it.[91] Here, petitioner failed to adduce any evidence that his arrest was attended by any irregularity or that PSSg Tagulao and PCpl Sison were impelled by malice or bad faith in the performance of their duties. More, PCpl Sison testified that petitioner was informed of his constitutional rights when he was arrested.[92]

Six, evidence is admissible if it is relevant and competent, i.e., not excluded by law.[93] Here, the seized timber is undeniably relevant to the crime charged against petitioner. More, there is no law requiring that an accused should be present during the inventory of the timber or forest goods seized under Section 77 of P.D. No. 705 for it to be admissible as evidence against them. The RTC likewise found that the arresting officers immediately brought the timber that it seized from petitioner to the police station and was able to preserve its evidentiary integrity.[94]

Thus, there is no basis to exclude the seized timber as evidence in this case.

Verily, petitioner's contentions have no merit. The CA did not err when it denied petitioner's appeal considering that the prosecution was able to establish all the elements of the crime charged to the point of moral certainty.

The imposable penalty

Violation of Section 77 of P.D. No. 705, as amended, is punishable as qualified theft under Article 310, in relation to Articles 308 and 309 of the Revised Penal Code (RPC), as amended, to wit:

Article 308. Who are liable for theft. — 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.

Theft is likewise committed by:

1. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner;
2. Any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or object of the damage caused by him; and
3. Any person who shall enter an inclosed estate or a field where trespass is forbidden or which belongs to another and without the consent of its owner, shall hunt or fish upon the same or shall gather fruits, cereals, or other forest or farm products.

Art. 309. Penalties. — Any person guilty of theft shall be punished by:

1. The penalty of prisión mayor in its minimum and medium periods, if the value of the thing stolen is more than One million two hundred thousand pesos ([PHP] 1,200,000) but does not exceed Two million two hundred thousand pesos ([PHP] 2,200,000); but if the value of the thing stolen exceeds the latter amount, the penalty shall be the maximum period of the one prescribed in this paragraph, and one (1) year for each additional One million pesos ([PHP] 1,000,000), but the total of the penalty which may be imposed shall not exceed twenty (20) years. In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed prisión mayor or reclusion temporal, as the case may be.
2. The penalty of prisión correccional in its medium and maximum periods, if the value of the thing stolen is more than Six hundred thousand pesos ([PHP] 600,000) but does not exceed One million two hundred thousand pesos ([PHP] 1,200,000).
3. The penalty of prisión correccional in its minimum and medium periods, if the value of the property stolen is more than Twenty thousand pesos ([PHP] 20,000) but does not exceed Six hundred thousand pesos ([PHP] 600,000).
4. Arresto mayor in its medium period to prisión correccional in its minimum period, if the value of the properly stolen is over Five thousand pesos ([PHP] 5,000) but does not exceed Twenty thousand pesos ([PHP] 20,000).
5. Arresto mayor to its full extent, if such value is over Five hundred pesos ([PHP] 500) but does not exceed Five thousand pesos ([PHP] 5,000).
6. Arresto mayor in its minimum and medium periods, if such value does not exceed Five hundred pesos ([PHP] 500).
7. Arresto menor or a fine not exceeding Twenty thousand pesos ([PHP] 20,000), if the theft is committed

under the circumstances enumerated in paragraph 3 of the next preceding article and the value of the thing stolen does not exceed Five hundred pesos ([PHP] 500). If such value exceeds said amount, the provisions of any of the five preceding subdivisions shall be made applicable.

8. Arresto menor in its minimum period or a fine of not exceeding Five thousand pesos ([PHP] 5,000), when the value of the thing stolen is not over Five hundred pesos ([PHP] 500), and the offender shall have acted under the impulse of hunger, poverty, or the difficulty of earning a livelihood for the support of himself or his family.

Article 310. Qualified theft. — The crime of theft shall be punished by the penalties next higher in degree than those respectively specified in the next preceding article, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is large cattle or consists of coconuts, or fish taken from a fishpond or fishery.

Thus, the value of the timber taken from petitioner is essential to determine the penalty to be imposed against him. In the Information, the prosecution pegged the value of the timber taken from petitioner at PHP 20,976.00.[95] During trial, however, the prosecution failed to present sufficient evidence to prove its valuation. In *Crescencio v. People*,[96] this Court imposed the penalty two degrees higher than that provided in Article 309(6) of the RPC, as amended, or prision correccional in its medium and maximum periods, considering that the accused in the case is likewise guilty of qualified theft and the prosecution was unable to sufficiently establish the value of the goods taken.[97]

In cases where the penalties prescribed by law contain three periods and there are no mitigating or aggravating circumstance proven, courts shall impose the penalty prescribed by law in its medium period.[98] Applying the indeterminate sentence law, the maximum term of imprisonments shall thus be taken from the medium period of prision correccional medium to maximum, which has a range of three years, six months, and 21 days to four years, nine months, and 10 days. The minimum term shall be taken one degree lower, within the range of arresto mayor maximum to prision correccional minimum, which has a range of four months and one day to two years and four months.[99] Hence, the CA did not err when it imposed an indeterminate sentence of four months and one day or arresto mayor, as minimum, to three years, six months, and 21 days of prision correccional, as maximum, considering that no aggravating or mitigating circumstance was alleged in the Information and/or proven during trial.[100]

Finally, considering the circumstances surrounding petitioner's commission of the crime and the penalty imposed on him, We recommend that he be granted executive clemency pursuant to Article 5 of the RPC.[101]

ACCORDINGLY, the Petition for Review on Certiorari is DENIED. The August 7, 2024 Decision of the Court of Appeals in CA-G.R. CR No. 45353 is AFFIRMED. Petitioner Pedro Pagarigan y Marave is GUILTY beyond reasonable doubt of violation of Section 77 of Presidential Decree No. 705, as amended. He is SENTENCED to suffer the penalty of four months and one day or arresto mayor, as minimum, to three years, six months, and 21 days of prision correccional, as maximum.

Pursuant to Article 5 of the Revised Penal Code, this Court shall TRANSMIT the case to the Chief Executive, through the Department of Justice, and RECOMMENDS the grant of executive clemency to petitioner Pedro Pagarigan y Marave.

SO ORDERED."

Leonen, SAJ., Lazaro-Javier, Kho, Jr., and Villanueva, JJ., concur.

[1] Rollo, pp. 8-27.

[2] Id. at 64-74. The August 7, 2024 Decision in CA-G.R. CR No. 45353 was penned by Associate Justice Alfonso C. Ruiz II and concurred in by Associate Justices Germano Francisco D. Legaspi and Rex Bernardo L. Pascual of the Special Seventeenth Division, Court of Appeals, Manila.

[3] Id. at 3. Not attached to the rollo.

[4] Id. at 65.

[5] Id.

[6] Id.

[7] Id.

[8] Id. at 66.

[9] Id.

[10] Id.

[11] Id.

[12] Id.

[13] Id.

[14] Id.

[15] Id. at 67.

[16] Id.

[17] Id.

[18] Id.

[19] Id.

[20] Id.

[21] Id.

[22] Id.

[23] Id.

[24] Id.

[25] Id. at 68.

[26] Id.

[27] Id.

[28] Id.

[29] Id.

- [30] Id. at 64.
- [31] Id. at 64-74.
- [32] Id. at 73.
- [33] Id. at 68-69.
- [34] Id. at 70-72.
- [35] Id. at 3.
- [36] Id.
- [37] Id. at 18-21.
- [38] Id. at 14-15.
- [39] Id. at 15.
- [40] Id.
- [41] Id. at 16-17.
- [42] Id. at 23-24.
- [43] Id. at 78.
- [44] Id. at 89-108.
- [45] Id. at 104.
- [46] Id. at 94-99.
- [47] Id. at 94.
- [48] Id. at 100-101.
- [49] Id. at 101-103.
- [50] Id. at 103.
- [51] RULES OF COURT, Rule 45, sec. 2.
- [52] Rollo, p. 45.
- [53] Id. at 3-5.
- [54] Id. at 6. Resolution (Notice) dated October 30, 2024.
- [55] *Cabug-os v. Espina*, 927 Phil. 314, 320 (2022) [Per S.A.J. Leonen, Second Division].
- [56] 529 Phil. 718 (2006) [Per J. Austria-Martiraez, First Division].
- [57] Id. at 728.
- [58] Id. at 16-21, 23-24.
- [59] Id. at 66-68.
- [60] Id. at 68.

- [61] Id. at 27.
- [62] Id. at 25-26.
- [63] 783 Phil. 429 (2016) [Per J. Perez, Third Division].
- [64] Id. at 437.
- [65] Rollo, p. 32.
- [66] 672 Phil. 155 (2011) [Per J. Del Castillo, First Division].
- [67] Id. at 174.
- [68] Idanan v. People, 783 Phil. 429, 437 (2016) [Per J. Perez, Third Division].
- [69] People v. Ramoy, 920 Phil. 656, 673 (2022) [Per J. Gaerlan, First Division].
- [70] 946 Phil. 629 (2023) [Per J. Caguioa, Third Division].
- [71] Id. at 640-641.
- [72] Rollo, p. 66.
- [73] Id. at 67.
- [74] Id. at 18-21.
- [75] Id. at 14-15.
- [76] Id. at 15.
- [77] Id.
- [78] Id. at 16-17.
- [79] Id. at 23-24.
- [80] Id. at 18-21.
- [81] Id. at 66.
- [82] Id. at 67.
- [83] Id. at 19.
- [84] 913 Phil. 484 (2021) [Per J. Zalameda, Third Division].
- [85] Id. at 493.
- [86] 783 Phil. 429, 438 (2016) [Per J. Perez, Third Division].
- [87] 913 Phil. 484, 493-494 (2021) [Per J. Zalameda, Third Division].
- [88] Nieto v. People, 913 Phil. 484, 493 (2021) [Per J. Zalameda, Third Division].
- [89] Rollo, p. 66.
- [90] RULES OF COURT, Rule 131, sec. 3(m).
- [91] Survivors of Agrichemicals in Gensan, Inc. v. Standard Fruit Company, 940 Phil. 18, 41 (2023) [Per J.

Leonen, Second Division]. (Citation omitted)

[92] Rollo, p. 20.

[93] Gumabon v. Philippine National Bank, 791 Phil. 101 (2016) [Per J. Brion, Second Division].

[94] Rollo, p. 68.

[95] Id. at 65.

[96] 747 Phil. 577 (2014) [Per J. Reyes, Third Division].

[97] Id. at 589.

[98] REVISED PENAL CODE, art. 64.

[99] Acts No. 4103 (1933), sec. 1, as amended.

[100] REVISED PENAL CODE, art. 5.

[101] ART. 5. Duty of the court in connection with acts which should be repressed but which are not covered by the law, and in cases of excessive penalties. — . . . In the same way the court shall submit to the Chief Executive, through the Department of Justice, such statement as may be deemed proper, without suspending the execution of the sentence, when a strict enforcement of the provisions of this Code would result in the imposition of a clearly excessive penalty, taking into consideration the degree of malice and the injury caused by the offense.

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