Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ARTURO PERALTA *y* VILLANUEVA,	**G.R. No. 259877**
Petitioner,	LEONEN, *J.*, *Chairperson*,
-versus-	LAZARO-JAVIER,
	LOPEZ, M.
	LOPEZ, J., and
PEOPLE OF THE PHILIPPINES,	KHO, JR., *JJ.*
Respondent.	
	Promulgated:
	NOV 13 2023

x----------x

D E C I S I O N

KHO, JR., *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court assailing the Decision[2] dated May 31, 2021 and the Resolution[3] dated March 23, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 41567, which affirmed the Decision[4] dated February 24, 2017 of Branch 212, Regional Trial Court, Mandaluyong City (RTC) in Criminal Case No. MC02-5637, finding petitioner Arturo Peralta *y* Villanueva (Peralta) and his co-accused, Larry C. De Guzman (De Guzman) guilty beyond reasonable

---

1 *Rollo*, pp. 16–37.

2 *Id.* at 39–61. Penned by Associate Justice Perpetua Susana T. Atal-Paño and concurred in by Associate Justices Edwin D. Sorongon and Raymond Reynold R. Lauigan of the Eleventh Division, Court of Appeals, Manila.

3 *Id.* at 10–13. Penned by Associate Justice Perpetua Susana T. Atal-Paño and concurred in by Associate Justices Edwin D. Sorongon and Raymond Reynold R. Lauigan of the Former Eleventh Division, Court of Appeals, Manila.

4 *Id.* at 67–77. Penned by Judge Rizalina T. Capco-Umali of Branch 212, Regional Trial Court, Mandaluyong City.

doubt of the crime of **robbery extortion**, as defined and penalized under Article 293 in relation to Article 294(5) of the Revised Penal Code[5] (RPC).

The Facts

This case originated from an Information[6] dated July 26, 2002, charging Peralta and De Guzman with **robbery (extortion)**, the accusatory portion of which reads:

> That on or about the 24th day of July 2002, in the City of Mandaluyong, Philippines, and within the jurisdiction of this Honorable Court, above-named accused Arturo Peralta *y* Villanueva, a sheriff, Branch 31, Metropolitan Trial Court, Quezon City, and accused Larry De Guzman *y* Cruz, Clerk of Court III, same Branch, conspiring, confederating together and mutually helping one another, accused Peralta in the performance of his duties as such, and accused De Guzman were caught in an entrapment operation conducted by operatives of the National Capital Judicial Region, National Bureau of Investigation, where accused Peralta in the execution of a court's order in favor of private complainant PO3 Hernani Aga *y* Nepomuceno, with intent of gain, by means of intimidation, did then and there willfully, unlawfully[,] and feloniously demand, take, divest[,] and receive from PO3 Hernani Aga *y* Nepomuceno, five (5) pieces of marked [PHP] 100.00 bills with serial nos. WD410059, YZ836991, BR481445, EL455647 and AT767893, appropriated in equal sharing between both accused in consideration of the implementation of the court order aforesaid, to the damage and prejudice of complainant.
>
> CONTRARY TO LAW.[7]

As stated in the Information, Peralta and De Guzman were employees of Branch 31, Metropolitan Trial Court of Quezon City, (MeTC).[8] Peralta was then appointed as Special Sheriff of Branch 215, RTC, Quezon City (RTC Branch 215), in a replevin case involving Police Officer III Hernani N. Aga (PO3 Aga).[9]

Records show that because of the said replevin case, PO3 Aga's car—a Mitsubishi Gallant sedan with plate number TKA-325—was repossessed by one Christy Violeta Gonzales (Gonzales). After posting a counter-bond and

---

5 An Act Revising The Penal Code And Other Penal Laws, approved on December 8, 1930.

6 *Rollo*, p. 23.

7 *Id.*

8 *Id.* at 17, 42. Note that per Peralta, De Guzman was Clerk of Court of Branch 215 (*see id.* at 18). However, findings for this case show that De Guzman was in fact Clerk of Court of Branch 31, as admitted and stipulated during the pretrial conference (*see id.* at 41). That De Guzman was the Clerk of Court of Branch 31 has also been established in *Re: Criminal Case No. MC-02-5637 against Arturo V. Peralta and Larry C. De Guzman*, A.M. No. 02-8-198-MeTC, June 8, 2005 [*Per Curiam, En Banc*].

9 *Id.* at 17, 68–89. As related in A.M. No. 02-8-198-MeTC, PO3 Aga and his wife were the defendants in the case for replevin filed by Christy Gonzales (*see infra*, note 10). Aga's wife purchased a vehicle which, as it turned out, was not owned by the seller Christopher Hernandez, but by the plaintiff Gonzales. After the filing of the replevin case, a writ of replevin was issued against PO3 Aga and his wife. Peralta was the one who served the writ and took possession of the car.

securing a directive from the presiding judge of RTC Branch 215 for the return of his vehicle, PO3 Aga went to Peralta and asked that the car be returned to him. Peralta and De Guzman told PO3 Aga that they could get the car for him, but he would have to shoulder PHP 5,000.00 in expenses, allegedly as a "professional fee." When PO3 Aga asked Peralta and De Guzman when they can recover his car, he was told to meet them at the Jollibee outlet at Shaw Boulevard corner Acacia Lane, Mandaluyong City on July 24, 2002 in the afternoon.[10]

PO3 Aga, Peralta, and De Guzman met as planned. They then proceeded to Gonzales' place of residence, but they asked PO3 Aga to stay behind at a nearby store. After 30 minutes, Peralta and De Guzman returned and informed PO3 Aga that they were not able to meet Gonzales. They instead promised to get PO3 Aga's vehicle for him provided he gives them the money, telling him: "*pare, ganito na lang, kami na ang bahala diyan, ibibigay namin sa yo* [sic] *ang sasakyan gagawa kami ng way para mabalik sayo yan, ibigay mo na lang sa amin yong pera.*"[11]

As Peralta and De Guzman were placing their share of the money in their pockets, agents from the National Bureau of Investigation (NBI)—who devised an entrapment operation using marked money after PO3 Aga filed a complaint with the agency before the meeting—moved in and arrested them. At the NBI office, De Guzman tested positive for the presence of fluorescent powder, while Peralta tested negative.[12]

In defense, Peralta pleaded not guilty[13] and denied the charges against him.[14] He counter-alleged that PO3 Aga had an axe to grind against him for implementing the writ of replevin and for taking away PO3 Aga's vehicle. He denied asking PO3 Aga for money when the latter asked for the return of his car, or that he received money from PO3 Aga.[15] Peralta asserted that after failing to meet with Gonzales, he simply suggested to PO3 Aga to have Gonzales cited for contempt; after which, he and De Guzman walked to the street corner and waited for a taxi to go back to their office. PO3 Aga then approached them, according to Peralta, and offered them money for taxi fare and *merienda*, to which they refused. PO3 Aga purportedly persisted, and thrust into De Guzman's hands some money. Peralta, meanwhile, averred that he firmly refused, raised his hands, and even said "*trabaho naman namin ito.*" At that point, Peralta was surprised as armed men suddenly encircled them and arrested him and De Guzman. He further claims that after their arrest, PO3 Aga exclaimed: "*nakaganti rin ako sa inyo!*"[16]

---

[10] *Id.* at 17–18, 42, 68, & 89–90. Christy Violeta Gonzales is also identified on record as Christy **Gonzalez** (*see id.* at 89).
[11] *Id.* at 18, 42–44, 51, 68–69, & 90.
[12] *Id.* at 19, 42–43, 68–70, & 90–93.
[13] *Id.* at 20, 40.
[14] *Id.* at 45, 76.
[15] *Id.* at 44–45 & 72–74.
[16] *Id.* at 19, 45, & 73.

The RTC Ruling

In a Decision[17] dated February 24, 2017, the RTC found Peralta and De Guzman **guilty** beyond reasonable doubt of the crime of **robbery (extortion)** aggravated by taking advantage of their public position, and thus, sentenced them to suffer the penalty of imprisonment for an indeterminate period of two years, 10 months, and 21 days of *prision correccional*, as minimum, to eight years and 21 days of *prision mayor*, as maximum.[18] The *fallo* of the Decision reads:

> **WHEREFORE, CONSIDERING ALL THE FOREGOING,** judgment is hereby rendered finding the accused **ARTURO PERALTA *y* VILLANUEVA** and **LARRY DE GUZMAN *y* CRUZ GUILTY** beyond reasonable doubt of the crime of Robbery Extortion, defined under Article 293, and penalized under paragraph 5, Article 294 both of the Revised Penal Code, and there being an aggravating circumstance of taking advantage of their public position, both accused are hereby sentenced to the indeterminate penalty of [t]wo (2) [y]ears, [t]en (10) [m]onths and [t]wenty-[o]ne (21) [d]ays of *prision correccional*, as minimum, to [e]ight (8) [y]ears and [t]wenty-[o]ne (21) [d]ays of *prision mayor*, as maximum.
>
> Meantime, let an alias warrant of arrest be issued against accused Larry De Guzman *y* Cruz.
>
> **SO ORDERED.**[19]

The RTC ruled that the evidence of the prosecution satisfactorily established the elements of the crime, giving credence to the testimonies of the witnesses against Peralta. It further found that Peralta and De Guzman had a unity of purpose or design as they already had an understanding of what action to take prior to meeting PO3 Aga on July 24, 2002, noting thereto that as Clerk of Court of MeTC Branch 31, it was not the duty of De Guzman to assist Peralta in implementing the directive of the presiding judge of RTC Branch 215. The RTC also rejected Peralta's claims of frame-up and that what happened was instigation and not entrapment, as it found no strong or convincing evidence that PO3 Aga and the other witnesses fabricated their testimonies or evidence that would overturn the presumption of regularity in the performance of duty. Finally, the RTC acknowledged that Peralta and De Guzman used their public positions to perpetrate the offense and so appreciated in this case the aggravating circumstance of abuse of public position under Article 14(1) of the RPC.[20]

Undeterred, Peralta filed an appeal[21] with the CA. De Guzman, however, did not.

---

[17] *Id.* at 67–77.
[18] *Id.* at 77.
[19] *Id.*
[20] *Id.* at 74–76.
[21] Not attached to the *rollo*.

The CA Ruling

In a Decision[22] dated May 31, 2021, the CA affirmed the conviction of Peralta for **robbery (extortion)**. The decretal portion of the CA Decision reads:

> **WHEREFORE**, the appeal is **DENIED** for lack of merit. The February 24, 2017 Decision of the Regional Trial Court, National Capital Judicial Region, Branch 212, Mandaluyong City, in Criminal Case No. MC02-5637 finding accused-appellant Arturo Peralta and his co-accused Larry De Guzman guilty beyond reasonable doubt of Robbery Extortion as defined under Article 293, and penalized under Article 294, paragraph 5 of the Revised Penal Code is hereby **AFFIRMED**.
>
> **SO ORDERED.**[23]

In so ruling, the CA held that: *First*, all the elements of the offense charged were duly established by the prosecution, finding that Peralta and De Guzman unlawfully took and received money from PO3 Aga so that the latter can repossess his vehicle that was taken by reason of a replevin suit and that the said unlawful taking was with an intent to gain through intimidation. *Second*, the CA rejected the contention of Peralta that he did not employ violence or intimidation against PO3 Aga for him to be liable for robbery,[24] ruling that extortion is a form of intimidation as stated in the rulings in *People v. Alfeche, Jr.*[25] and *Sazon v. Sandiganbayan.*[26] *Third*, the CA also rejected Peralta's claim that the presentation of the marked money was essential to his conviction, stressing that it was not vital to the prosecution's case as it was not necessary to establish the elements of robbery.[27] *Fourth*, the CA held that the testimonies of the witnesses should prevail over Peralta's negative result for the presence of fluorescent powder, as the result was not indispensable to prove receipt of the marked money.[28] *Fifth*, the CA also agreed that a conspiracy existed between Peralta and De Guzman[29] and that what happened was an entrapment, not instigation.[30] *Last*, the CA upheld the appreciation of the aggravating circumstance of taking advantage of public position, as this was not only sufficiently alleged in the Information, but also that Peralta and De Guzman would not have been able to extort money from PO3 Aga were it not for the positions they held.[31]

---

[22] *Rollo*, pp. 39–61.
[23] *Id.* at 60–61.
[24] *Id.* at 47–52.
[25] 286 Phil. 936 (1992) [Per J. Davide, Jr., Third Division].
[26] 598 Phil. 35 (2009) [Per J. Nachura, Third Division].
[27] *Rollo*, p. 58.
[28] *Id.* at 54–55.
[29] *Id.* at 55–57.
[30] *Id.* at 57–58.
[31] *Id.* at 58–60.

The CA thereafter denied reconsideration in its Resolution[32] dated March 23, 2022. Hence, this Petition.[33]

The Issue Before the Court

The core issue for the Court's resolution is whether the CA erred in affirming Peralta's conviction for **simple robbery**, as defined and penalized under Article 293, in relation to Article 294(5) of the RPC.

Peralta submits that the CA decided the case in a manner contrary to law and jurisprudence, reiterating once more that the evidence on record failed to establish his guilt beyond reasonable doubt.[34] He maintains that the element of taking is absent because it was not proven how many pieces of the marked bills were each recovered from him and De Guzman.[35] Peralta also contends that his hands were raised during the entrapment, and thus, he was not receiving anything from PO3 Aga or anyone at that time.[36] He also insists that there was no conspiracy, as he was only following the instructions of De Guzman, his superior, who wanted to tag along with him in implementing the directive for the return of PO3 Aga's vehicle, and that he never participated in any alleged robbery extortion.[37] Peralta pleads once again that he was a victim of instigation and that the NBI entrapment was illegal. As the foregoing supposedly casts doubt as to whether he was guilty of the crime charged, Peralta opines that the doubt should be resolved in his favor.[38]

In its Comment,[39] respondent People of the Philippines, through the Office of the Solicitor General (OSG), counter-argues that the CA correctly affirmed the RTC ruling.[40] It submits, preliminarily, that the findings of fact of the RTC are now binding and conclusive on the Court, as it was affirmed by the CA,[41] and since the case does not fall under any of the exceptions as to when the Court may undertake a factual review, then the petition deserves to be dismissed outright.[42] The OSG rejects Peralta's claim that there was a misapprehension of facts, emphasizing that all elements of the offense of robbery had been proven by the prosecution. It further asserts that conspiracy was proven, because there was sufficient evidence that Peralta and De Guzman acted in unison in demanding money from PO3 Aga. Finally, the OSG avers that the NBI entrapment was a legitimate operation, denying that

---

[32] *Id.* at 10–13, 63–66.
[33] *Id.* at 16–37.
[34] *Id.* at 23.
[35] *Id.* at 25–26.
[36] *Id.* at 28–29.
[37] *Id.* at 28.
[38] *Id.* at 30–33.
[39] *Id.* at 85–103.
[40] *Id.* at 93.
[41] *Id.* at 93–95.
[42] *Id.* at 95–96.

Peralta is a victim of instigation because he was not induced to commit a crime.[43]

The Court's Ruling

There is no merit to the Petition.

At the outset, note should be taken that the correct designation of the offense defined and penalized in Article 293,[44] in relation to Article 294(5)[45] of the RPC is **simple robbery**,[46] not robbery (extortion). Emphasis is thus made that the crime committed by both Peralta and De Guzman in this case was **simple robbery**.

To sustain a conviction for simple robbery, the prosecution must establish the following elements: **(1)** that there is personal property belonging to another; **(2)** that there is an unlawful taking of that property; **(3)** that the taking is with intent to gain or with *animus lucrandi*; and **(4)** that there is violence against or intimidation of persons, or force upon things, in the taking of the property.[47]

In this case, as correctly ruled by the courts *a quo*, all the elements of simple robbery were clearly established.

First, the unlawful taking of personal property belonging to another was established when Peralta and De Guzman received and took possession of the marked money, which was a personal property of PO3 Aga, in consideration for the recovery and turnover of his car from De Guzman. The taking in this instance is unlawful as there was no basis for Peralta or De Guzman to demand the payment of money to implement the directive of the presiding judge.

Second, there was intent to gain on the part of Peralta and De Guzman as the share of the PHP 5,000.00 that each of them took was for their personal benefit. To reiterate, there was no basis for them to demand or receive money from PO3 Aga, and it has not been shown that there was another lawful transaction among them involving money. There was thus, no other reason for

---

[43] *Id.* at 97–100.

[44] The provision states:

Article 293. *Who are guilty of robbery.* – Any person who, with intent to gain, shall take any personal property belonging to another, by means of violence against or intimidation of any person, or using force upon anything, shall be guilty of robbery.

[45] The provision reads:

Article 294. *Robbery with violence against or intimidation of persons; Penalties.* – Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer: . . . .

5. The penalty of *prision correccional* to *prision mayor* in its medium period in other cases.

[46] *See Remolano v. People*, G.R. No. 248682, October 6, 2021 [Per J. Lazaro–Javier, First Division], *citing Sazon*, 598 Phil. 35, 45 (2009) [Per J. Nachura, Third Division]

[47] *Id.*

the demand of money, other than for Peralta's and De Guzman's personal gain. It should be pointed out that for this element of the offense, the important consideration is the *intent* to gain, *actual* gain being irrelevant. Additionally, the Court has previously held that intent to gain is presumed from the unlawful taking of things.[48]

Third, the unlawful taking was done **through extortion**, which, according to the CA[49] and jurisprudence,[50] is **one of the modes of committing robbery**. As correctly pointed out by the CA, the presence of the element of intimidation of persons is apparent in this case since PO3 Aga was made to believe that the payment of the "professional fee" demanded by Peralta and De Guzman was necessary and hence, he was forced to part with his money or run the risk of not being able to reacquire his vehicle.[51]

Peralta's contention that there was no fear or intimidation to speak of in this case[52] is unavailing. As held in *Sazon*, "[i]ntimidation is defined ... as unlawful coercion; extortion; duress; putting in fear," and "[i]n robbery with intimidation of persons, the intimidation consists in causing or creating" not only "fear in the mind of a person," but also "**a sense of mental distress in view of a risk or evil that may be impending, real or imagined.**"[53] *Sazon* further ruled that "[s]uch fear of **injury to person or property must continue to operate in the mind of the victim at the time of the delivery of the money.**"[54] Additionally, Black's Law Dictionary provides that to "extort" is to gain by wrongful methods or to obtain in an unlawful manner, and "extortion" is an offense committed by public officials "**who illegally obtain property under the color of office.**"[55] In parallel with *Sazon*, the Court, through Justice Alexander G. Gesmundo, held in *Flores v. People of the Philippines*,[56] that "**material violence is not indispensable for there to be intimidation, intense fear produced in the mind of the victim which restricts or hinders the exercise of the will is sufficient.**"[57]

Peralta's protestations against the finding of conspiracy should likewise be rejected.[58] As correctly observed by the courts *a quo*, Peralta's actions relative to the implementation of the court order are telling of the intention to conspire with De Guzman to extort money from PO3 Aga.[59] Both of them asked for the "professional fee" of PHP 5,000.00, and both received money

---

48 *Sazon*, *id.* at 46.
49 *Rollo*, p. 48.
50 *Court Administrator v. Hon. Hermoso*, A.M. No. R-97-RTJ & A.C. No. 2656, May 28, 1987 [*Per Curiam*, *En Banc*].
51 *Rollo*, p. 52.
52 *Id.* at 32.
53 *Sazon*, *id.* at 47, citation omitted.
54 *Id.*, citation omitted.
55 Black's Law Dictionary, 9th edition.
56 830 Phil. 635 (2018) [Third Division].
57 *Id.* at 647, *citing Alfeche*, 286 Phil. 936, 948–949 (1992) [Per J. Davide, Jr., Third Division], further *citing United States v. Osorio*, 21 Phil. 237 (1912) [Per J. Torres, *En Banc*].
58 *Rollo*, pp. 27–30.
59 *Id.* at 56.

from PO3 Aga after failing to implement the court order. Assuming *arguendo* that it was only De Guzman who received the money from PO3 Aga, the CA correctly pointed out that Peralta did nothing to prevent the extortion.[60] Further, as the RTC highlighted, there was no reason for De Guzman to even be present in any of the incidents leading to their entrapment as he was the Clerk of Court of Branch 31, and thus, without authority to supervise, control, or even just assist Peralta, who was at the time acting as Special Sheriff for Branch 215.[61] Additionally thereto, the Court has already acknowledged in *Re: Criminal Case No. MC-02-5637 Against Arturo V. Peralta and Larry C. De Guzman*[62] that indeed, Peralta and De Guzman had a unity of purpose or design in the commission of robbery by extorting money from PO3 Aga.[63]

The appreciation of the aggravating circumstance of taking advantage of public position under Article 14(1) of the RPC is likewise well-taken. Both courts *a quo* are correct that Peralta's and De Guzman's position as Sheriff and as Clerk of Court, respectively, placed them in a situation to perpetrate the offense. Verily, it was on account of their authority that PO3 Aga believed they could facilitate the expedient recovery of his vehicle unless they were given the "professional fee." The RTC thus correctly imposed the penalty in its maximum periods, pursuant to Article 64(3) of the RPC.[64]

All the other issues raised by Peralta deserve scant consideration. The issues pertaining to the non-presentation of the marked money,[65] the alleged lack of evidence showing that Peralta actually received the marked money, or how he was a victim of instigation,[66] had already been considered and judiciously passed upon by the CA, the findings of which the Court agrees with. Anent the issue regarding how the marked money was divided between Peralta and De Guzman upon receipt,[67] suffice it to state that this is not an

---

60 *Id.* at 57.

61 *Id.* at 76.

62 498 Phil. 318 (2005) [*Per Curiam, En Banc*].

63 Per the Court in its *Per Curiam* Decision: "[A]s to respondent sheriff Peralta, we cannot sustain the finding of the Investigating Judge, adopted by the Court Administrator, that the evidence presented against him is insufficient to prove the charges. Being the special sheriff to implement the trial court's Resolution, there is a strong probability that indeed, he was the one who demanded money from PO3 Aga. Even assuming that he was found negative for fluorescent powder, still he cannot evade liability. The records show that he and De Guzman were together in implementing the trial court's Resolution. ***This shows that prior thereto, they already had an understanding or agreement on what action to take. In other words, they had a unity of purpose or design. Obviously, the liability of one is the liability of both. It bears emphasis that as a special sheriff, Peralta is the central figure in the operation involved. Verily, he had a hand in the extortion which, according to the Investigating Judge, constitutes serious misconduct and dishonesty***." (Emphasis supplied)

64 The provision states:

Article 64. *Rules for the application of penalties which contain three periods.* – In cases in which the penalties prescribed by law contain three periods, whether it be a single divisible penalty or composed of three different penalties, each one of which forms a period in accordance with the provisions of Articles 76 and 77, the court shall observe for the application of the penalty the following rules, according to whether there are or are not mitigating or aggravating circumstances: . . . .

3. When an aggravating circumstance is present in the commission of the act, they shall impose the penalty in its maximum period.

65 *Rollo*, p. 26.

66 *Id.* at 25–27, 30–33.

67 *Id.* at 24–27.

element of simple robbery and the alleged discrepancy in the division of the marked money will not exculpate Peralta from criminal liability, there being credible testimony that he received money from PO3 Aga and there being conspiracy in the commission of the crime, as explained above.

Given the foregoing, the Court finds no reason to deviate from the findings of the RTC, as affirmed by the CA, as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case—in fact, as the Court has invariably and consistently held, the RTC was in the best position to assess and determine the credibility of the witnesses presented by both parties, and hence, due deference should be accorded to the same.[68]

The penalty imposed on Peralta by the RTC, as affirmed by the CA,[69] is likewise appropriate. The prescribed penalty for robbery contemplated under Article 294(5) of the RPC is *prision correccional* in its maximum period, to *prision mayor* in its medium period, i.e., four years, two months, and one day, to 10 years. There being one aggravating circumstance attending the commission of the crime, the penalty imposable should thus be in its maximum period, pursuant to Article 64(3) of the RPC, which is from eight years and 21 days to 10 years. Applying the Indeterminate Sentence Law,[70] the minimum period should be that within the range of *arresto mayor* in its maximum period, to *prision correccional* in its medium period (i.e., four months and one day, to four years and two months). Hence, the penalty of imprisonment imposed by the RTC, for the indeterminate period of two years, 10 months, and 21 days of *prision correccional*, as minimum, to eight years and 21 days of *prision mayor*, as maximum, is within the range of the foregoing prescribed penalties.

ACCORDINGLY, the Petition is **DENIED** for lack of merit. The Decision dated May 31, 2021 and the Resolution dated March 23, 2022 of the Court of Appeals in CA-G.R. CR No. 41567 are **AFFIRMED with MODIFICATION**. Petitioner Arturo Peralta *y* Villanueva is found **GUILTY** beyond reasonable doubt of the crime of simple robbery under Article 293, in relation to Article 294(5) of the Revised Penal Code. He is correctly sentenced to serve imprisonment for the indeterminate period of two years, 10 months, and 21 days of *prision correccional*, as minimum, to eight years and 21 days of *prision mayor*, as maximum.

---

[68] *Cahulogan v. People*, 828 Phil. 742, 749 (2018) [Per J. Perlas-Bernabe, Second Division], *citing Peralta v. People*, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division].

[69] *Rollo*, p. 60.

[70] "An Act To Provide For An Indeterminate Sentence And Parole For All Persons Convicted Of Certain Crimes By The Courts Of The Philippine Islands; To Create A Board Of Indeterminate Sentence And To Provide Funds Therefor; And For Other Purposes," approved on December 5, 1933.

SO ORDERED.

ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

AMY C. LAZARO-JAVIER
Associate Justice

MARIO VICTOR F. LOPEZ
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice