



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 September 2020** which reads as follows:*

“**G.R. No. 233818 (Rolando Navea v. People of the Philippines)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM with MODIFICATION** the January 13, 2017 Decision² and the August 1, 2017 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 38446 for failure of petitioner Rolando Navea (petitioner) to sufficiently show that the CA committed any reversible error in finding him **GUILTY** beyond reasonable doubt of the crimes of Grave Threats and Grave Coercion, defined and penalized under Articles 282 and 286 of the Revised Penal Code, respectively. However, the penalties imposed are modified as follows: (a) for the crime of Grave Threats, petitioner is sentenced to suffer the penalty of imprisonment of two (2) months and one (1) day of *arresto mayor*, and to pay a fine of ₱500.00; and (b) for the crime of Grave Coercion, petitioner is sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) months of *arresto mayor*, as minimum, to three (3) years and six (6) months of *prision correccional*, as maximum, and to pay a fine of ₱5,000.00.⁴

As correctly ruled by the CA, the prosecution sufficiently established all the elements⁵ of the crime of Grave Threats, considering that petitioner threatened to kill private complainant Honorato Navea (Navea) while holding a knife, and the threat was not subject to a condition. Likewise, all the elements⁶ of the crime of

¹ *Rollo*, pp. 11-33.

² *Id.* at 40-49. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan (now a member of this Court), concurring.

³ *Id.* at 51-55.

⁴ See *Consulta v. People*, 598 Phil. 464-473 (2009).

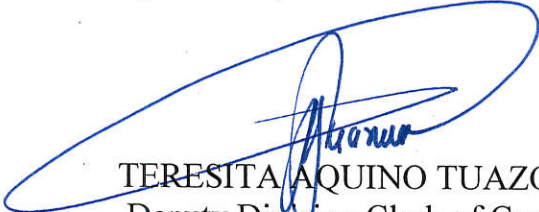
⁵ The elements of Grave Threats are as follows: (1) that the offender threatens another person with the infliction upon the latter’s person, honor or property, or upon that of the latter’s family, of any wrong; (2) that such wrong amounts to a crime; and (3) that the threat was not subject to a condition. This felony is consummated as soon as the threats come to the knowledge of the person threatened (See *rollo*, p. 46. See also *Paera v. People*, 664 Phil. 630-641 [2011]).

⁶ The elements of Grave Coercion are as follows: (1) that a person is prevented by another from doing something not prohibited by law, or compelled to do something against his will, be it right or wrong; (2) that the prevention or compulsion is effected by violence, threats, or intimidation; and (3) that the person who restrains the will and liberty of another has no right to do so, or in other words, that the

Grave Coercion had been established, in light of petitioner's act of preventing Navea from entering the latter's own *bodega*, while also holding a fan knife. Settled is the rule that factual findings of the trial court, its assessment of the credibility of witnesses and probative weight of their testimonies, and the conclusions based on these factual findings, are to be given the highest respect,⁷ as in this case.

SO ORDERED. (Baltazar-Padilla, *J.*, on leave.)”

By authority of the Court:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utth*
28 SEP 2020 *9/25*

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 25
Biñan, Laguna
(Crim. Case Nos. 29400-B and
29401-B)

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CA-G.R. CR No. 38446

*with copy of CA Decision dated 13 Jan. 2017
and Resolution dated 1 August 2017
Please notify the Court of any change in your address.
GR233818. 09/02/2020A(137)URES

⁷ restraint is not made under authority of law or in the exercise of any lawful right. (*Navarra v. Office of the Ombudsman*, 622 Phil. 376-387 [2009]).
Jamaca v. People, 764 Phil. 683, 694 (2015).