

## **FIRST DIVISION**

**[ G.R. No. 125857, March 20, 2002 ]**

**GUILLERMO ARCE, PETITIONER, VS. THE PEOPLE OF THE  
PHILIPPINES AND THE HON. COURT OF APPEALS,  
RESPONDENTS.**

### **D E C I S I O N**

**YNARES-SANTIAGO, J.:**

Petitioner was charged before the Regional Trial Court of Cavite City, Branch 17, with the crime of Robbery, committed as follows:

That on or about September 1, 1990, in the City of Cavite, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with 20 others whose identities have not been established, with intent to gain, conspiring, confederating together and mutually helping each other, there, willfully, unlawfully and feloniously rob, take and carry away 153,338 lineal meters of rattan poles valued at P597,650.10 belonging to the Princesa Rattan Gatherers Cooperative, Inc. which have been impounded by the government for having been shipped without the legal documents required under existing forest laws and regulations, without the consent of the latter and to its damage and prejudice in the total amount of P597,650.10, Philippine currency.

Contrary to law.<sup>[1]</sup>

Petitioner was arraigned on October 29, 1991. The other accused who remained unidentified were at large; hence, trial proceeded against petitioner only.

It appears that on July 27, 1990, the Coast Guard apprehended the motor launch M/L Blessed at Cañacao Bay and found rattan poles on board. While the vessel was docked, foresters of the Department of Environment and Natural Resources arrived and saw the rattan poles being unloaded on the shore and loaded on a truck. Petitioner, who is the owner of the M/L Blessed and the truck on which the rattan poles were being loaded, was present with his wife, so with Mrs. Velasco, the owner of the Princesa Rattan Gatherers Cooperative, Inc. The foresters conducted an inventory of the rattan poles and discovered that there was an excess of the allowable volume of rattan poles that may be shipped. Hence, the DENR officials issued a temporary seizure order against the shipment.

The rattan poles remained at Cañacao Bay, under the watch of DENR personnel and employees of petitioner. On August 31, 1990, the DENR foresters decided that it was dangerous to stay in the premises overnight because a heavy storm was approaching. They looked for a volunteer to watch over the rattan poles. Olimpio Apileña, a nearby resident, offered to help.

The following day, the DENR foresters were unable to return to Cañacao Bay due to the floods. When they returned to the place on September 2, 1990, they found that the rattan poles were gone. According to Apileña, men arrived at midnight of August 31, 1990 and forcibly took the rattan poles.

In the course of the police investigation, it was found that on September 1, 1990, petitioner's Pajero entered the Nazareno Rattan Furniture. Deliveries of rattan poles were made on said date. This was purportedly evidenced by the logbook of the said company. However, the prosecution was unable to present portions of the logbook because the guard of Nazareno refused to furnish them copies thereof.

Further, forest protection officers found petitioner's truck, bearing license plate PFV-540, parked at the Blessed Rattan Sales Compound owned by petitioner, located in Sangandaan, Novaliches. The said truck was allegedly the same truck on which rattan poles were loaded at Cañacao Bay.

Based on these circumstances, petitioner was implicated in the loss of the rattan poles. After the prosecution rested its case against petitioner, he filed a demurrer to evidence which was denied in an Order dated October 30, 1992. Petitioner refused to present evidence, maintaining that the evidence presented by the prosecution against him was insufficient to prove his guilt.

On February 26, 1993, the trial court rendered judgment as follows:

WHEREFORE, in view of the foregoing, the Court finds the accused Guillermo Arce guilty beyond reasonable doubt of robbery in an uninhabited place as defined and penalized under paragraph 5, Art. 294 in relation to Art. 295 and he is hereby sentenced to undergo imprisonment of from Six (6) months of arresto mayor, as minimum to Eight (8) years of prision mayor, as maximum, to indemnify the National Government in the amount of P597,650.10 corresponding to the rattan poles taken and to pay the costs.

SO ORDERED.<sup>[2]</sup>

Petitioner appealed to the Court of Appeals, where the same was docketed as CA-G.R. CR Case No. 15233. On February 29, 1996, the Court of Appeals rendered the assailed decision affirming the judgment of conviction, the dispositive portion of which reads:

WHEREFORE, the Decision of the lower court convicting accused-appellant Guillermo Arce of the crime of Robbery is hereby AFFIRMED, with the modification that the minimum penalty, applying the Indeterminate Sentence Law, shall be six (6) months and one (1) day of *prision correccional* minimum, and the maximum penalty remains at eight (8) years of *prision mayor* minimum as maximum. The rest of the appealed Decision stands. Costs de officio.

SO ORDERED.<sup>[3]</sup>

Hence, the instant petition for review.

We find merit in the petition.