



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 10, 2022 which reads as follows:

“G.R. No. 231387 (*People of the Philippines v. Arnold Terado*). —Before the Court is an appeal¹ of the June 17, 2016 Decision² of the Court of Appeals (CA) in CA-G.R. CR HC No. 06959 affirming Arnold Terado’s (Terado) conviction for Simple and Qualified Theft.

The Antecedents:

Terado was indicted for two counts of Qualified Theft before the Regional Trial Court (RTC), Branch 198 of Las Piñas City.³

The first Information,⁴ docketed as Criminal Case No. 11-0844 (first charge), charged Terado with Qualified Theft in conspiracy with Glen Castillo (Castillo):

That sometime or during the period of January to September 2007 in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused who were then employed as Officer-in-Charge and Kitchen Supervisor, respectively, of Metroasia Chef Group Co., Inc., assigned at Chef D’Angelo Restaurant, SM Southmall Branch, represented herein by Rosalyn A. Perez, and as such enjoying the trust and confidence reposed upon them by complainant Metroasia Chef Group Co., Inc., conspiring and confederating together and both of them mutually helping and aiding one another, with grave

- over – fifteen (15) pages ...

74

¹ *Rollo*, pp. 17-19.

² *Id.* at 2-16. Penned by Associate Justice Renato C. Francisco and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Danton Q. Bueser.

³ *Id.* at 2.

⁴ Filed August 18, 2011, records, Criminal Case No. 11-0844, Vol. 1, p. 1.

abuse of confidence, with intent to gain and without the knowledge and consent of the complainant, did then and there willfully, unlawfully and feloniously take, steal and carry away cash money amounting to Php 690,725.74 by deleting sales transactions in the Point of Sale System and pocketed the payments thereof to the damage and prejudice of the complainant in the amount of Php 690,725.74.

CONTRARY TO LAW.⁵

The second Information for Qualified Theft, docketed as Criminal Case No. 11-0845 (second charge), has Terado as the sole accused therein:

That sometime or during the period of August to December 2006 in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused who were then employed as kitchen supervisor, of Metroasia Chef Group Co., Inc., assigned at Chef D'Angelo Restaurant, SM Southmall Branch, represented herein by Rosalyn A. Perez, and as such enjoying the trust and confidence reposed upon him by complainant Metroasia Chef Group Co., Inc., with grave abuse of confidence, with intent to gain and without the knowledge and consent of the complainant, did then and there willfully, unlawfully and feloniously take, steal and carry away cash money amounting to Php 256,432.65 by deleting sales transactions in the Point of Sale System and pocketed the payments thereof to the damage and prejudice of the complainant in the amount of Php 256,432.65.

CONTRARY TO LAW.⁶

Terado pleaded not guilty to the charges.⁷ Castillo, on the other hand, remained at large.⁸ Trial ensued.

The witnesses for the prosecution are officers and employees of complainant company Metroasia Chef Group Co., Inc. (Metroasia): Henry Ang (Ang), Managing Director and owner; Rosalyn A. Perez (Perez), Group Manager; Randy Mendoza (Mendoza), Information Technology Specialist; and Jenelyn Nabong (Nabong), Accounting Manager.⁹

Terado alone testified for himself.

- over -
74

⁵ Id.

⁶ Filed August 18, 2011, records, Criminal Case No. 11-0845, Vol. 1, p. 1.

⁷ *Rollo*, p. 4.

⁸ Id.

⁹ Id.

Version of the Prosecution

Terado worked in Chef D'Angelo, a restaurant business owned by Metroasia. He started as a crew member and was eventually promoted as Kitchen Supervisor.¹⁰

From August to December 2006, Terado was made Officer-in-Charge (OIC) of the SM Southmall branch of Chef D'Angelo. As OIC, Terado was entrusted with the password used for point-of-sale (POS) transactions. Terado also became responsible for store operations, which included the correction and reporting of food sales and costs.¹¹

In January 2007, Castillo replaced Terado in the OIC position, and Terado resumed his post as Kitchen Supervisor. Castillo, as OIC, was also given the password for the POS transactions. It was then that a spot audit was conducted and account record discrepancies were discovered – someone used the password, deleted a number of POS transactions, and took the cash corresponding to the missing POS transactions. Only four persons knew of the password used in the acts complained of: Ang, Terado, Castillo, and another former store manager of Chef D' Angelo who was reassigned to another Metroasia company.¹²

In October 2007, Terado admitted before the panel of Metroasia officials that he and Castillo connived with each other in erasing records and taking the cash from Chef D' Angelo's sales. Terado reduced his confession in writing. In a letter,¹³ he admitted that he made the unauthorized deletions and pocketed the customers' money, and asked for Metroasia's forgiveness and understanding. Metroasia also presented their Minutes of the entire meeting¹⁴ that confirmed the contents of Terado's handwritten letter.¹⁵

Version of the Defense

Terado denied having been given access or authority to alter sales records of Chef D' Angelo Southmall branch. He stated that he did not have the password to do manual alterations in the POS

- over -

74

¹⁰ Id.

¹¹ Id.

¹² TSN, April 26, 2012, pp. 13-14, 32-33.

¹³ Records, Criminal Case No. 11-0845, Vol. 1, pp. 109-112.

¹⁴ Id. at 104-108.

¹⁵ *Rollo*, p. 7.

records. After he left Chef D' Angelo in September 2007, he was offered back his job and was told to report in Metroasia's head office October of the same year. Upon arrival at the office, a panel of Metroasia officials were waiting for him and forced him to cooperate. Terado claimed that he was made to copy and sign a letter admitting to the offense. He was uncounseled during the ordeal and unaware that charges would be filed against him because of the letter that he was compelled to write. Terado also disputed the Minutes of the said meeting as presented by Metroasia against him, saying that the same was quoted and transcribed in English when, in fact, his conversation with Metroasia's lawyer was conducted in Filipino.¹⁶

Ruling of the Regional Trial Court

The trial court convicted Terado for one count of Simple Theft in the first charge and one count of Qualified Theft in the second charge.¹⁷

In the first charge, the trial court determined that Terado's position as Kitchen Supervisor did not entail a high degree of confidence from Metroasia. His access to the POS transactions was because of his former position as OIC, and not as Kitchen Supervisor when he committed the unauthorized deletions. He was held accountable for the aggregate value of missing transactions from January to September 2007 amounting to ₱90,725.00, as proven by the prosecution.¹⁸

In the second charge, all elements of Qualified Theft were found present and Terado was held guilty beyond reasonable doubt therefor. He was ordered liable for the aggregate value of missing transactions from August to September 2006 amounting to ₱256,432.00, as proven by the prosecution.¹⁹

The trial court held as follows in its July 25, 2014 Joint Decision:

WHEREFORE, premises considered, the court hereby finds
[Terado]:

- over -
74

¹⁶ Id. at 6-7.

¹⁷ Id. at 7.

¹⁸ CA rollo, pp. 35-38.

¹⁹ Id.

1) In *Criminal Case No. 11-0844*: guilty beyond reasonable doubt of the offense of simple Theft and he is hereby sentenced to suffer the indeterminate penalty of four (4) years nine (9) months and eleven (11) days, as minimum to six (6) years of *prision correccional*, as maximum. He is also ordered to pay the private complainant by way of restitution, the amount of *Ninety Thousand Seven Hundred Twenty Five Pesos (Php90,725.00)*.

2) In *Criminal Case No. 11-0845*: guilty beyond a (sic) reasonable doubt for the offense of Qualified Theft and he is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is also ordered to pay the private complainant by way of restitution, the amount of *Two Hundred Fifty-Six Thousand Four Hundred Thirty-Two Pesos (Php256,432.00)*.

SO ORDERED.²⁰

Terado appealed before the CA.²¹

Ruling of the Court of Appeals

The CA affirmed the trial court but modified the penalties imposed in his conviction for Simple Theft. It found error in the trial court's disposition of the first charge, in that the amount actually taken from January to September 2007 to be returned by Terado to Metroasia was ₱556,503.00 and not ₱90,725.00.²²

The CA modified the trial court's Joint Decision as follows:

WHEREFORE, premises considered, the appealed Joint Decision dated July 25, 2014, of the Regional Trial Court of Las Piñas City in Criminal Case Nos. 11-0844 and 11-0845, finding [Terado] guilty beyond reasonable doubt of the crimes of Simple Theft and Qualified Theft respectively, is AFFIRMED with MODIFICATION, to wit:

- over -

74

²⁰ *Rollo*, p. 46.

²¹ *CA rollo*, p. 21.

²² *Id.* at 13; the CA explained in its assailed Decision, footnote 68:

Exh. Y, Records, Vol. 1, Crim. Case No. 11-0844, p. 536. The amount of Php 347,158.39 stated in the decision of the trial court in page 37 of the rollo is actually based on a typographical error in page 6 of the transcript of stenographic records [(TSN)] in the testimony of Accounting Manager Rosalyn Nabong, dated September 24, 2013. The actual amount stated by the prosecution before presenting Ms. Nabong as a witness was Php 947,158.39, found on page 5 of the same [TSN]. Of this amount, the Court deducted the share of accused Glen Castillo, Php 134,222.74, based on the summaries made by Ms. Nabong x x x. The resulting amount is Php 812,935.65. This amount represents the amount stolen by appellant from August 2006 to December 2006 (Php 256,432.65) and from January 2007 to September 2007 (Php 556,503.00). Since Criminal Case no. 11-0844 only covers the period of January 2007 to September 2007, the amount of Php 556,503.00 is the actual amount stolen by appellant. Hence, this is now the basis of the penalty imposable upon appellant for the crime of Simple Theft.

As to Crim. Case No. 11-0844, [Terado] shall suffer the penalty of 8 years and 1 day of *prision mayor* medium as the *minimum period*, to 17 years, 4 months of *reclusion temporal* medium as the *maximum period*. In addition, [Terado] shall pay the private complainant by way of restitution, the amount of *Five Hundred Fifty Six Thousand Five Hundred and Three Pesos (Php 556,503.00)*.

As to Crim. Case No. 11-0845, [Terado] shall suffer the penalty of 40 years imprisonment of *reclusion perpetua* without eligibility for parole, to conform with prevailing law and jurisprudence. [Terado] is also ordered to pay the private complainant by way of restitution, the amount of *Two Hundred Fifty-Six Thousand Four Hundred Thirty-Two Pesos (Php 256,432.00)*.

All the above-mentioned amounts awarded as restitution shall be computed with an interest rate of 6% per annum, in accordance with jurisprudence, from the date of finality of this decision until full payment thereof.

SO ORDERED.²³

Terado now seeks to reverse his sentence before this Court.

Issue

Terado assails the lower courts' appreciation of his extrajudicial admission of liability, and of the evidence presented by the prosecution against him, asserting that these did not prove his guilt beyond reasonable doubt.

Our Ruling

The Court affirms Terado's conviction, with modifications as to the penalties imposed by the courts *a quo*.

Clear showing of coercion, which may debunk confessions of guilt, does not obtain in this case

The Rules of Court on Evidence, as amended, states:

- over -

74

²³ Id. at 15-16.

Section 34. Confession. — The declaration of an accused acknowledging his [or her] guilt of the offense charged, or of any offense necessarily included therein, may be given in evidence against him [her].

There is also the disputable presumption that a person intends the ordinary consequences of his or her voluntary act.²⁴ A clear conscience would resist an admission to a crime. To react otherwise is not in accord with normal course of things or the usual human nature.

This is not to say that one can never be compelled to admit to an offense that one has never committed. Any form of coercion, whether physical, mental, or emotional, in extracting confessions, stamps a confession with the taint of inadmissibility.²⁵ Such coercion, as with any other allegations of vitiation of consent, must be proven with clear and convincing evidence.

Terado claims that he was made to copy a letter displayed to him from the laptop, believing Metroasia's pretense that they would allow him to return to his work. These circumstances alleged by Terado do not show that he was forced to own up to the crime. He could have kept his silence, continued to deny the accusations, or refused to bend to Metroasia's alleged conditions. He did not. Mere suspicion that his written confession was made involuntarily will not render void the incriminatory document that he personally handwrote and signed.

It also cannot be correctly said that he did not understand the import of the letter he penned. All four pages of it was written in Filipino, and he laid out in extensive detail his admission of the theft. "A confession constitutes evidence of high order since it is supported by the strong presumption that no person of normal mind would deliberately and knowingly confess to a crime unless prompted by truth and his conscience."²⁶

In all, there was no convincing proof that Metroasia employed intimidation, undue influence, or other forms of coercion that vitiated Terado's free will in confessing to the theft.

Even if the letter of confession is to be discounted, Terado's conviction for Simple Theft and Qualified Theft stands.

- over -

74

²⁴ Rules of Court, Rule 131, Section 1, Rules of Evidence.

²⁵ *People v. Montiero*, 316 Phil. 950, 956 (1995). Citation omitted.

²⁶ *People v. Mantung*, 369 Phil. 1084, 1099-1100 (1999), citing *People v. Montiero*, id.

The prosecution demonstrated Terado's culpability for Simple Theft and Qualified Theft beyond reasonable doubt

The Court defers to the trial court's appreciation of the facts and credibility of witnesses. Trial courts have the first and actual hand in the examination of evidence, documentary or testimonial. They are in a better position to make factual determinations, having heard the witnesses in person and observed their deportment and manner of testifying during trial.²⁷ The findings of fact by the trial courts, especially when affirmed by the appellate courts, are generally conclusive upon this Court in the absence of any showing of grave abuse of discretion.²⁸

Furthermore, Simple Theft and Qualified Theft were adequately established against Terado.

Article 308 of the Revised Penal Code (RPC) is the penal provision for Simple Theft:

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.

x x x x

Article 310 of the RPC describes the crime of Qualified Theft:

Article 310. *Qualified theft.* - The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding article, if committed x x x with grave abuse of confidence x x x .

Simple Theft is committed when the following elements concur: (1) taking of personal property; (2) that the said property belongs to another; (3) that the said taking be done with intent to gain; (4) that it be done without the owner's consent; (5) that it be accomplished without the use of violence or intimidation against

- over -

74

²⁷ *People v. Santos*, G.R. No. 237982, October 14, 2020.

²⁸ *Id.*

persons, nor of force upon things; and (6) that it be done with grave abuse of confidence.²⁹ Simple Theft becomes Qualified Theft if it was committed with grave abuse of confidence, among other qualifying circumstances enumerated in Article 310.³⁰

It is incumbent upon the prosecution to prove the guilt of the accused. The trial court and the CA found that the prosecution successfully discharged this evidentiary burden, and the Court agrees. For the months of August to December 2006 that Terado was OIC, it was established that he was entrusted with the password to edit the POS transactions of Chef D' Angelo, SM Southmall branch. Record printouts showed that the same password entrusted to him was used to delete completed POS transactions, which corresponded to the missing but documented sales proceeds. The scheme continued even after he was relegated back to Kitchen Supervisor from January 2007 until September of the same year when the discrepancies were discovered by Metroasia. Confronted with the evidence against him, Terado can only proffer denials, which the Court finds unreliable. It has been ruled that –

Denial, essentially a negation of a fact, does not prevail over an affirmative assertion of the fact. Thus, courts – both trial and appellate – have generally viewed the defense of denial in criminal cases with considerable caution, if not with outright rejection. Such judicial attitude comes from the recognition that denial is inherently weak and unreliable by virtue of its being an excuse too easy and too convenient for the guilty to make. To be worthy of consideration at all, denial should be substantiated by clear and convincing evidence. The accused cannot solely rely on [their] negative and self-serving negations, for denial carries no weight in law and has no greater evidentiary value than the testimony of credible witnesses who testify on affirmative matters.³¹

Proper penalties to be imposed under the amended law

- over -

74

²⁹ Id.

³⁰ Article 310 of the RPC states in full:

Article 310. *Qualified theft.* - The crime of theft shall be punished by the penalties next higher by two degrees 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 motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of the plantation or fish taken from a fishpond or fishery, or if property is taken on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance.

³¹ *Medina v. People*, 760 Phil. 729, 739-740 (2015).

The penalties to be suffered by Terado, however, requires updating. For academic purposes, the Court takes the time to illustrate the computation of the penalties to be imposed upon Terado for Simple Theft and Qualified Theft.

In 2017, Republic Act No. 10951³² (RA 10951) made the necessary adjustments to the amounts and values of property and damage on which a criminal penalty is based under the RPC.

Penalty for Simple Theft

Terado was found to have unlawfully taken from Metroasia the amount of ₱556,503.00. His commission of Simple Theft is now penalized as follows:

ART. 309. Penalties. – Any person found guilty of theft shall be punished by:

x x x x

3. The penalty of *prision correccional* in its minimum and medium periods, if the value of the property stolen is more than Twenty thousand pesos (P20,000.00) but does not exceed Six hundred thousand pesos (P600,000.00).

The Simple Theft of things valued more than ₱20,000.00 but not exceeding ₱600,000.00 is now punishable by *prision correccional* in its minimum and medium periods, which has a prison term of six months and one day to four years and two months.³³ If the imposable penalty is not composed of three periods, Article 65 of the RPC directs its division into three equal portions of time included in the prescribed penalty, and these three portions shall each form one period.³⁴ The resultant minimum, medium, and maximum periods of the prescribed penalty for Simple Theft are:

- over -

74

³² Entitled “AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS ‘THE REVISED PENAL CODE,’ AS AMENDED.” Approved on August 29, 2017.

³³ REVISED PENAL CODE, Article 76.

³⁴ Article 65 of the RPC states:

Article 65. *Rule in cases in which the penalty is not composed of three periods.* – In cases in which the penalty prescribed by law is not composed of three periods, the courts shall apply the rules contained in the foregoing articles, dividing into three equal portions of time included in the penalty prescribed, and forming one period of each of the three portions.

Minimum	6 months and 1 day to 1 year, 8 months, and 20 days
Medium	1 year, 8 months, and 21 days to 2 years, 11 months, and 10 days
Maximum	2 years, 11 months, and 11 days to 4 years and 2 months ³⁵

Sans any modifying circumstances, Terado's imposable penalty for Simple Theft is now *prision correccional* in its minimum and medium periods,³⁶ medium, the range of which is one year, eight months, and 21 days to two years, 11 months, and 10 days.

As the penalty exceeds one year, and Terado not being otherwise disqualified,³⁷ the Indeterminate Sentence Law (ISL) shall apply. The ISL instructs that the imposable penalty shall serve as the

- over -
74

³⁵ The numbers were derived as follows:

<i>Prision correccional</i> medium period	<i>Prision correccional</i> maximum period
6 months and 1 day to 2 years and 4 months	2 years, 4 months, and 1 day to 4 years and 2 months

The period to be divided into three is 6 months and 1 day, or 181 days, to 4 years and 2 months, or 1500 days. The succeeding computations shall also be done in terms of days.

The interval between periods shall be the difference between the maximum of the higher penalty (4 years and 2 months or 1500 days) and the minimum of the lesser penalty (6 months and 1 day, or 181 days), divided by three. This yields 439 days, which is added cumulatively to 181 days, or the minimum of the lesser penalty until the number arrives at 1500 days, or the maximum of the higher penalty. 1 day is added to the minimum of the next period, which is the maximum of the next preceding period.

Thus:

Periods	In Months and Day	In Years, Months, and Day
Minimum	181 days to 620 days	6 months and 1 day to 1 year, 8 months, and 20 days
Medium	621 days to 1060 days	1 year, 8 months, and 21 days to 2 years, 11 months, and 10 days
Maximum	1061 days to 1500 days	2 years, 11 months, and 11 days to 4 years and 2 months

³⁶ Article 64 of the RPC 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:

1. When there are neither aggravating nor mitigating circumstances, they shall impose the penalty prescribed by law in its medium period.

x x x x

³⁷ Section 2 of the ISL states:

Sec. 2. This Act shall not apply to persons convicted of offenses punished with death penalty or life-imprisonment; to those convicted of treason, conspiracy or proposal to commit treason; to those convicted of misprision of treason, rebellion, sedition or espionage; to those convicted of piracy; to those who are habitual delinquents; to those who have escaped from confinement or evaded sentence; to those who having been granted conditional pardon by the Chief Executive shall have violated the terms thereof; **to those whose maximum term of imprisonment does not exceed one year**, not to those already sentenced by final judgment at the time of approval of this Act, except as provided in Section 5 hereof. (Emphasis supplied.)

range of the maximum term of the imposable penalty³⁸ upon Terado for Simple Theft.

Still following the ISL, the minimum term shall be within the range of the penalty next lower to that prescribed by the RPC for the offense.³⁹ Thus, the corresponding range of the minimum term shall be anywhere between *arresto mayor* in its medium and maximum periods, which is two months and one day to six months.⁴⁰

After RA 10951 and ISL, and considering their application in analogous precedent jurisprudence on Simple Theft,⁴¹ Terado is to suffer imprisonment of four months and 20 days of *arresto mayor*, as minimum, to two years, 11 months, and 10 days of *prision correccional*, as maximum.

Penalty for Qualified Theft

The penalty for Qualified Theft shall be computed in a similar manner.

RA 10951 left the penalty for Qualified Theft under Article 310 unchanged:

Article 310. *Qualified theft.* - The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding article x x x .

Those found guilty of Qualified Theft shall suffer imprisonment two degrees higher than those prescribed under Article 309 for Simple Theft, again depending on the value of the property illegally taken. The amount stolen by Terado upon abuse of Metroasia's trust and confidence is ₱256,432.65. To reiterate, the penalty imposed under Article 309 (3) of the RPC, as amended, for the Simple Theft of property valued more than ₱20,000.00 but not exceeding ₱600,000.00 is *prision correccional* in its minimum and medium periods.

- over -

74

³⁸ Section 1 of the ISL states:

Section 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

³⁹ *Id.*

⁴⁰ REVISED PENAL CODE, Article 76.

⁴¹ *Tejolan v. People*, G.R. No. 218972, June 30, 2021 (Notice); *Libunao v. People*, G.R. No. 194359, September 2, 2020 (Notice).

Thus, Qualified Theft of articles of the same amount is now punishable by *prision mayor* in its medium and maximum periods, which has a prison term of eight years and one day to 12 years.⁴² Again, the imposible penalty is not composed of three periods. Per Article 65 of the RPC, it shall be divided into three equal portions of time, which shall each form one period. The resultant minimum, medium, and maximum periods of the prescribed penalty for Qualified Theft are:

Minimum	8 years and 1 day to 9 years and 4 months
Medium	9 years, 4 months, and 1 day to 10 years and 8 months
Maximum	10 years, 8 months, and 1 day to 12 years ⁴³

Absent any modifying circumstances, Terado's imposible penalty for Qualified Theft is now *prision mayor* in the medium and maximum of its medium period, or nine years, four months, and one day to 10 years and eight months. The ISL still applies. This imposible penalty for Qualified Theft shall serve as the range of the maximum prison term of Terado for Qualified Theft.

Continuing with the ISL, the minimum term shall be within the range of the penalty next lower to that prescribed by the RPC for the offense. Thus, the corresponding range of the minimum term shall be anywhere between *prision correccional* in its maximum period to *prision mayor* in its minimum period, which has a range of four years, two months, and one day to eight years.

- over -

74

⁴² REVISED PENAL CODE, Article 76.

⁴³ The numbers were derived as follows:

<i>Prision mayor</i> medium period	<i>Prision mayor</i> maximum period
8 years and 1 day to 10 years	10 years and 1 day to 12 years

The period to be divided into three is 8 years and 1 day to 12 years, or 96 months and 1 day to 144 months. The succeeding computations shall also be done in terms of months and days.

The interval between periods shall be the difference between the maximum of the higher penalty (12 years or 144 months) and the minimum of the lesser penalty (8 years or 96 months; the day is excluded), divided by three. This yields 16 months, which is added cumulatively to 96 months, or the minimum of the lesser penalty, until the number arrives at 144 months, or the maximum of the higher penalty. 1 day is added to the minimum of the next period, which is the maximum of the next preceding period.

Thus:

Periods	In Months and Day	In Years, Months, and Day
Minimum	96 months and 1 day to 112 months	8 years and 1 day to 9 years and 4 months
Medium	112 months and 1 day to 128 months	9 years, 4 months, and 1 day to 10 years and 8 months
Maximum	128 months and 1 day to 144 months	10 years, 8 months, and 1 day to 12 years

After RA 10951 and ISL, and considering their application in analogous precedent jurisprudence on Qualified Theft,⁴⁴ Terado is to suffer imprisonment of five years, five months, and 11 days of *prision correccional*, as minimum, to nine years, four months, and one day of *prision mayor*, as maximum.

The penalties now imposable against Terado are:

1. For Simple Theft: four months and 20 days of *arresto mayor*, as minimum, to two years, eleven months, and 10 days of *prision correccional*, as maximum; and

2. For Qualified Theft: five years, five months, and 11 days of *prision correccional*, as minimum, to nine years, four months, and one day of *prision mayor*, as maximum.

His maximum prison time shall be for the cumulated period of 12 years, three months, and 11 days, to be served successively and according to the order of their severity.⁴⁵

It bears considering that, for purposes of computing his total prison time, Terado has been detained for the criminal charges since December 2, 2011.⁴⁶ Following *Inmates of the New Bilibid Prison, Muntinlupa City v. De Lima*,⁴⁷ the entire period of his preventive imprisonment shall be deducted from the total term of imprisonment imposed, with credits for good conduct time allowances, should he be qualified.

WHEREFORE, the appeal is **DISMISSED**. The assailed June 17, 2016 Decision of the Court of Appeals in CA-G.R. CR HC No. 06959 convicting Arnold Terado for one count of Simple Theft and one count of Qualified Theft is **AFFIRMED with the following MODIFICATIONS** as to penalties:

1. For the Simple Theft of the amount of ₱556,503.00, Arnold Terado is sentenced to imprisonment of four months and 20 days of *arresto mayor*, as minimum, to two years, 11 months, and 10 days of *prision correccional*, as maximum.

- over -

74

⁴⁴ *People v. Dag-Uman*, G.R. No. 247656, December 6, 2021 (Notice); *People v. Santos*, G.R. No. 237982, October 14, 2020.

⁴⁵ Article 70 of the RPC.

⁴⁶ Records, Criminal Case No. 11-0844, Vol. 1, p. 710.

⁴⁷ G.R. No. 212719, June 25, 2019.

2. For the Qualified Theft of the amount of ₱256,432.65, Arnold Terado is sentenced to imprisonment of five years, five months, and 11 days of *prision correccional*, as minimum, to nine years, four months, and one day of *prision mayor*, as maximum.

Arnold Terado is still **ORDERED** to return to complainant company Metroasia Chef Group Co., Inc. the total amount of ₱812,935.65, if still unpaid. The said total amount shall earn interest at the rate of six percent (6%) per *annum* from the date of finality of this Resolution until fully paid.

The Bureau of Corrections is **DIRECTED** to compute the time served of Arnold Terado.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

74

The Solicitor General
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Court of Appeals (x)
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(CA-G.R. CR-HC No. 06959)

The Director General
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The Hon. Presiding Judge
Regional Trial Court, Branch 198
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(Crim. Case Nos. 11-0844 & 11-0845)

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