



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 19, 2022**, which reads as follows:*

“G.R. No. 260974 (Rannel Aguilar alias “Kulot” v. People of the Philippines). — The Court resolves to **DENY** the instant Petition for Review on *Certiorari*¹ and **AFFIRM** the September 2, 2021 Decision² and the May 16, 2022 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 167013 for failure of petitioner Rannel Aguilar (petitioner) to sufficiently show that the CA committed any reversible error in finding him **GUILTY** beyond reasonable doubt of the crime of Grave Threats, defined and penalized under Article 282 of the Revised Penal Code (RPC).

However, there is a need to modify the indeterminate sentence of two months and one day to four months of *arresto mayor* imposed by the Municipal Trial Court and affirmed by the Regional Trial Court and the CA. Section 2 of Act 4103 or the Indeterminate Sentence Law specifically provides that the Act shall not apply where the maximum term of imprisonment does not exceed one year. Since the penalty for Grave Threats under par. 2, Art. 282 of the RPC is *arresto mayor*, which does not exceed one year, no indeterminate penalty is called for. Otherwise stated, the penalty cannot be indeterminate because the Indeterminate Sentence Law does not apply to convicts whose maximum term of imprisonment does not exceed one year. Hence, the Court deems it proper to modify the penalty of imprisonment to two months and one day.⁴

¹ *Rollo*, pp. 12-30.

² *Id.* at 35-45; penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Perpetua Susana T. Atal-Paño and Carlito B. Calpatura.

³ *Id.* at 47-48; penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Perpetua Susana T. Atal-Paño and Carlito B. Calpatura.

⁴ *People v. Azurin*, G.R. No. 249322, September 14, 2021.


Moreover, the fine of ₱10,000.00 imposed by the Municipal Trial Court as affirmed by the Court of Appeals is reduced to ₱500.00 in accordance with Art. 282 (2)⁵ of the RPC.

As correctly ruled by the CA, the prosecution sufficiently established all the elements⁶ of the crime of Grave Threats, considering that petitioner threatened to kill private complainant Andalicia Wabingga (Andalicia) while holding a knife, and the threat was not subject to a condition. The felony of Grave Threats was consummated the moment Andalicia heard petitioner utter his threatening remarks.⁷ 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,⁸ as in this case.

WHEREFORE, the petition is **DENIED**. The September 2, 2021 Decision and the May 16, 2022 Resolution of the Court of Appeals in CA-G.R. SP No. 167013 are **AFFIRMED** with **MODIFICATION** in that petitioner Rannel Aguilar *alias* “Kulot” is sentenced to suffer the penalty of two months and one day of *arresto mayor* and to pay a fine of ₱500.00.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *lib*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁵ Art. 282. Grave threats. — Any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime, shall suffer:

x x x x

2. The penalty of *arresto mayor* and a fine not exceeding 500 pesos, if the threat shall not have been made subject to a condition. (Emphasis ours)

⁶ The elements of Grave Threats are as follows: “(1) the offender threatened another person with the infliction upon his person of a wrong; (2) such wrong amounted to a crime; and (3) the threat was not subject to a condition. This felony is consummated ‘x x x as soon as the threats come to the knowledge of the person threatened.’” (*People v. Azurin*, G.R. No. 249322, September 14, 2021).

⁷ *People v. Bueza*, G.R. No. 242513, November 18, 2020; *People v. Azurin*, supra.

⁸ *Jamaca v. People*, 764 Phil. 683, 694 (2015).

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Manila
(CA-G.R. SP No. 167013)

The Solicitor General
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The Hon. Presiding Judge
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(Crim. Case No. 2020-889)

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