Supreme Court of the Philippines
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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

EMILIO GUINTO *y* MAGALLON,
Petitioner,

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. E-00159

Present:

GESMUNDO, *C.J., Chairperson*,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, *JJ.*

Promulgated:
OCT 14 2026

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DECISION

ROSARIO, *J.*:

This is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court filed by petitioner Emilio Guinto *y* Magallon (Guinto), assailing the Decision[2] and the Resolution[3] of the Court of Appeals (CA), which affirmed his conviction for robbery under Article 294(5) of the Revised Penal Code (extortion) and denied his Motion for Reconsideration.[4]

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1 Petition for Review on *Certiorari*, pp. 1–17.

2 CA Decision, pp. 1–22. The October 31, 2024 Decision in CA-G.R. CR No. 46718 was penned by Associate Justice Pablito A. Perez and concurred in by Associate Justices Lorenza R. Bordios and Mary Josephine D.P. Lazaro of the Thirteenth Division, Court of Appeals, Manila.

3 CA Resolution, pp. 1–3. The June 11, 2025 Resolution in CA-G.R. CR No. 46718 was penned by Associate Justice Pablito A. Perez and concurred in by Associate Justices Lorenza R. Bordios and Mary Josephine D.P. Lazaro of the Former Thirteenth Division, Court of Appeals, Manila.

4 Annex F to the Petition, pp. 1–6.

Antecedents

On October 23, 2018, an Information was filed before Branch 118 of the Regional Trial Court (RTC) of Pasay City charging Guinto, then a Metropolitan Manila Development Authority (MMDA) traffic enforcer, with robbery (extortion) under Article 294(5) of the Revised Penal Code. The Information alleged that, on October 20, 2018, Guinto, with intent to gain and by means of intimidation and threat, extorted PHP 5,000.00 from Herbert Barry Natividad (Natividad) and Van Lester Dimanlig (Dimanlig) so that the vehicle driven by Dimanlig would not be impounded for an imputed traffic violation. The accusatory portion of the Information reads:

> That on or about [October 20, 2018], in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, [Guinto], ***an MMDA traffic enforcer***, with intent to gain, did then and there willfully, unlawfully[,] and feloniously ***by means of intimidation and threat, extort money*** in the amount of [PHP] 5,000.00 from private complainants [Natividad] and [Dimanlig][,] so that the vehicle driven by [Dimanlig] will not be impounded for an imputed traffic violation.[5] (Emphasis in the original)

Guinto was arrested on October 20, 2018, following an entrapment operation and was later released on bail. He pleaded not guilty upon arraignment on December 5, 2018. After the prosecution rested its case, the defense filed a Demurrer to Evidence with leave of court, which the RTC denied.[6]

Evidence for the prosecution

The prosecution presented Dimanlig, Natividad, and Police Officer III Benjie Villarin (PO3 Villarin). The parties dispensed with the testimony of Police Chief Inspector Dexter Oliver Vivas after stipulating on the existence and due execution of Physical Identification Report No. PI-136-2018-UV, which contained the ultraviolet powder test results for two PHP 500.00 bills.[7]

According to the prosecution, at around 8:20 a.m. on October 18, 2018, Dimanlig was driving a Toyota Commuter van with conduction sticker number A7K 193 to transport New Oriental Club employees to their apartment in Pasay City when Guinto flagged him down beneath the Roxas Boulevard flyover. Guinto demanded the vehicle registration documents and asserted that the van was being operated as a "*colorum*" vehicle. Dimanlig explained that it was a private company vehicle used to shuttle employees, but Guinto

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5 CA Decision, p. 2.
6 *Id.*
7 *Id.* at 2–3.

remained unsatisfied.[8]

Dimanlig called his team leader, Natividad, and handed his cellular phone to Guinto. Natividad testified that Guinto agreed to accept PHP 5,000.00, euphemistically referred to as "*pang merienda*," in exchange for disregarding the supposed violation; otherwise, the van would be impounded. Natividad said that he would consult his superior, and Dimanlig was allowed to leave. Natividad did not deliver the amount that day.[9]

On October 19, 2018, Guinto again flagged down Dimanlig and stated that Natividad had failed to comply with their agreement. Dimanlig called Natividad, who apologized and said that he still had to consult his superior. Guinto obtained Natividad's cellular phone number and allowed Dimanlig to leave.[10]

At about 9:00 p.m. that day, Dimanlig and Natividad reported the alleged extortion to the Philippine National Police Counter-Intelligence Task Force. An entrapment operation was arranged for the following morning at Mang Inasal in Malibay, EDSA, Pasay City. PO3 Villarin and PO3 Alexander Truita (PO3 Truita) were designated as arresting officers, while Natividad was to deliver marked money consisting of two PHP 500.00 bills inserted into boodle money totaling PHP 5,000.00.[11]

At around 8:45 a.m. on October 20, 2018, Guinto arrived at Mang Inasal and spoke briefly with Natividad, who handed him the money. Guinto left and entered the adjacent Mercury Drug Store. When the police officers approached, Guinto threw the marked money toward the cashier. PO3 Villarin arrested Guinto, while PO3 Truita recovered the money.[12] The ultraviolet examination later yielded positive results for the presence of fluorescent powder on Guinto's right palm and on the two PHP 500.00 bills.[13]

Evidence for the defense

Guinto denied the accusation. He testified that on October 18, 2018, he was assigned to direct traffic near the Roxas Boulevard flyover and flagged down Dimanlig only because the latter had crossed during a red light. According to Guinto, Dimanlig became hysterical and insisted that the traffic light was yellow, prompting Guinto to pacify him and let him proceed.[14]

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8 *Id.* at 3.
9 *Id.* at 3–4.
10 *Id.* at 4.
11 *Id.*
12 *Id.* at 4–5.
13 *Id.*
14 *Id.* at 5–6.

Guinto further testified that, on October 20, 2018, he accompanied his 7-year-old son to a school scouting activity. While there, he received a telephone call from a certain "Ian," whom he had previously assisted, inviting him to eat at Mang Inasal. At the restaurant, an unknown person claiming to be Ian's companion allegedly forced PHP 500.00 into Guinto's hand. When several unidentified men rushed toward him, Guinto ran to Mercury Drug Store, where the men seized him and identified themselves as police officers.[15]

Guinto claimed that the arresting officers rubbed the marked money on the back of his hands and dropped the money on the pharmacy counter. At the police station, he allegedly heard Dimanlig and a certain Ionne Escallona shout, "*Yan ang mga perwisyong MMDA na nanghuhuli ng van namin.*" Guinto surmised that the complainants were protectors or fixers of 17 vans previously impounded by the MMDA, but he produced no supporting document.[16]

Decision of the RTC

In its Decision,[17] the RTC found that the prosecution proved all the elements of simple robbery. It held that the discrepancy concerning whether the marked money included a PHP 1,000.00 bill did not negate the established use of two marked PHP 500.00 bills inserted in boodle money totaling PHP 5,000.00 because the amount taken was not an element of robbery. It further held that taking was consummated when Guinto obtained possession of the money; intent to gain was presumed from the unlawful taking; and intimidation was established by Guinto's position as an MMDA traffic officer and his threat to impound the company van and apprehend its driver.[18]

The RTC rejected Guinto's denial and alibi, observing that he admitted being at the place and time of the offense, fled when the officers approached, and failed to substantiate his accusation that the complainants were protectors or fixers.[19]

The dispositive portion of the RTC Decision reads:

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15 *Id.* at 6.
16 *Id.* at 6, 18.
17 RTC Decision, pp. 1–17. The May 10, 2021 Decision in Criminal Case No. R-PSY-18-00444-CR was penned by Presiding Judge Rowena Nieves Tan of Branch 118, Regional Trial Court, Pasay City.
18 *Id.* at 13–14.
19 *Id.* at 15.

> WHEREFORE, all the foregoing considered, the Court finds the accused, EMILIO GUINTO [*y*] MAGALLON, guilty beyond reasonable doubt for violation of [Article 294(5)] of the Revised Penal Code and is hereby sentenced to suffer the indeterminate penalty of imprisonment of [four] years and [two] months of *prision* [*correccional*], as minimum, to [six] years and [one] day of *prision mayor*, as maximum. Costs against the accused.
>
> The surety bond posted by the accused for his provisional liberty is hereby cancelled.
>
> SO ORDERED.[20]

Guinto appealed to the CA. He argued that: (1) the prosecution failed to prove the elements of robbery beyond reasonable doubt; (2) the prosecution witnesses gave dubious, incredible, and inconsistent testimony; and (3) the RTC erred in disregarding his defense of denial.[21]

Decision of the CA

In its Decision, the CA rejected Guinto's challenges to the taking. It held that the discrepancy regarding the denomination of the marked money was immaterial because the two PHP 500.00 bills and their serial numbers were documented, identified, and found positive for fluorescent powder, while the amount taken is not an element of robbery. It also held that the non-presentation of the drugstore cashier, van passengers, photographs, and video recordings did not create reasonable doubt because the evidence already presented was sufficient and the prosecution has discretion in selecting its witnesses.[22]

The CA ruled that intimidation was established by Guinto's threat, in an intimidating tone, to impound the company van if Natividad did not provide PHP 5,000.00. It explained that an MMDA traffic enforcer is an agent of a person in authority and that the complainants' fear of future apprehension restricted the free exercise of their will.[23]

The CA found the inconsistencies concerning the time Natividad received Dimanlig's call and when Guinto obtained Natividad's number to be minor matters that did not affect the central account of the demand and entrapment. It likewise rejected Guinto's denial and frame-up theory as uncorroborated and implausible, and found no cogent reason to disturb the RTC's factual findings.[24]

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20 *Id.* at 17.
21 Annex C to the Petition, p. 3.
22 CA Decision, pp. 8–11.
23 *Id.* at 12–15.
24 *Id.* at 15–19.

The dispositive portion of the CA Decision reads:

> **ACCORDINGLY**, the appeal is **DENIED**. The assailed Decision dated May 10, 2021 of the Regional Trial Court (RTC), Branch 118, Pasay City in Criminal Case No. R-PSY-18-00444-CR is **AFFIRMED**.
>
> **SO ORDERED**.[25] (Emphasis in the original)

On December 11, 2024, Guinto moved for reconsideration. In its assailed Resolution, the CA ruled that Guinto merely reiterated matters already resolved, including the denomination of the marked money, the documentation of the entrapment, the non-presentation of the cashier and van passengers, and the existence of intimidation.[26]

The dispositive portion of the CA Resolution reads:

> **ACCORDINGLY**, the Motion for Reconsideration is **DENIED**. This court's Decision dated October 31, 2024 **STANDS**.
>
> **SO ORDERED**.[27] (Emphasis in the original)

Hence, the instant Petition[28] filed by petitioner.

The instant Petition

Petitioner asserts that the CA gravely erred in affirming his conviction despite the supposed inconsistencies in the prosecution witnesses' testimony. He asks the Court to review the factual findings because, in his view, the lower courts ignored or misconstrued circumstances that would alter the outcome.[29]

Petitioner argues that PO3 Villarin gave inconsistent accounts of the marked money—PHP 2,000.00 consisting of one PHP 1,000.00 bill and two PHP 500.00 bills in his testimony, but only two PHP 500.00 bills in the Joint Affidavit of Arrest—while Natividad referred to PHP 5,000.00 without specifying the denominations. He further claims that the prosecution presented no chain-of-custody form, photograph, or closed-circuit television footage, and did not call the drugstore cashier.[30]

Petitioner also maintains that the prosecution did not prove violence or intimidation and failed to present any of the 14 passengers who allegedly

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25 *Id.* at 21.
26 CA Resolution, pp. 1–3.
27 *Id.* at 3.
28 Petition, pp. 1–17.
29 *Id.* at 7.
30 *Id.* at 9–10.

witnessed the initial apprehension.[31] Finally, he points to inconsistencies as to whether Dimanlig called Natividad at 7:40 a.m. or was flagged down only at 8:20 a.m. on October 18, 2018, and whether petitioner obtained Natividad's telephone number on October 18 or October 19, 2018.[32]

Issue

Whether or not the CA erred in affirming petitioner's conviction for robbery despite the alleged inconsistencies in the prosecution witnesses' testimony and the asserted failure of the prosecution to prove all the elements of the offense beyond reasonable doubt.[33]

Ruling of the Court

The Petition is denied. The CA correctly affirmed petitioner's conviction.

At the outset, note should be taken that the correct designation of the offense defined and penalized in Article 293,[34] in relation to Article 294(5)[35] of the Revised Penal Code is simple robbery, not robbery (extortion). So, for accuracy, the crime committed by petitioner in this case was simple robbery.[36]

The elements of simple robbery are as follows: (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.[37]

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 petitioner received and took possession of the marked money, which was the personal property of Natividad, which petitioner

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31 *Id.* at 10–12.

32 Annex C to the Petition, pp. 11–13.

33 *Id.* at 8.

34 ART. 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.

35 ART. 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.

36 *Remolano v. People*, 912 Phil. 931, 941 (2021) [Per J. Lazaro-Javier, First Division].

37 *People v. Avancena*, 810 Phil. 672, 690 (2017) [Per J. Leonen, Second Division].

euphemistically referred to as "*pang merienda*," in exchange for disregarding the supposed violation of Dimanlig and imminent impounding of their van. The taking in this instance is unlawful as there was no basis for petitioner to demand the payment of PHP 5,000.00.

Second, there was intent to gain on the part of petitioner as the PHP 5,000.00 was for his personal benefit. There was no basis for petitioner to demand or receive money from Natividad, and it has not been shown that there was another lawful transaction between them involving money. There was thus, no other reason for the demand of money, other than for petitioner's personal gain. 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.[38]

Third, the unlawful taking was done through extortion, which, according to the CA and jurisprudence, 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 Natividad and Dimanlig were made to believe that the payment of "*pang merienda*" demanded by petitioner was necessary to avoid having their van impounded.[39]

The questioned denomination of the marked money does not negate the taking. The evidence consistently identified two PHP 500.00 bills, whose serial numbers were recorded and which tested positive for fluorescent powder, as the marked bills inserted in boodle money representing the PHP 5,000.00 demanded. Both lower courts found that petitioner accepted the money and threw it toward the drugstore cashier only when the arresting officers approached.[40] Because the amount taken is not an element of robbery, the variance regarding the additional non-photocopied PHP 1,000.00 bill does not create reasonable doubt as to the taking.

It is noted that the Petition repeats factual matters that the RTC and the CA separately considered and already resolved. The concurrent factual findings of the trial and appellate courts are generally binding in a Rule 45 review, and the Petition does not demonstrate that the lower courts overlooked or misconstrued material facts sufficient to justify departure from that rule.

Thus, in *People v. XXX*,[41] We reiterated the basic rule that the factual findings of the RTC, especially when affirmed by the CA, are binding on this Court, to wit:

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38 *People v. Sabado*, 813 Phil. 221 (2017) [Per J. Tijam, Third Division].
39 *Peralta v. People*, 949 Phil. 207 (2023) [Per J. Kho, Second Division].
40 CA Decision, p. 11.
41 G.R. No. 274549, April 6, 2026 [Per C.J. Gesmundo, First Division].

> To reiterate, it is elementary that the assessment of a trial court in matters pertaining to the credibility of witnesses, especially when affirmed by an appellate court, just like in this case, are accorded great respect — if not binding significance — on further appeal to this Court. The rationale of this rule is the recognition of the unique and distinctive position of the trial court to examine real evidence and to observe the demeanor, conduct, and attitude of the witnesses whose credibility have been put in issue, and can therefore discern if they are telling the truth or not. In the case at bench, the Court rules that the RTC did not overlook any material and relevant matter and hence, finds no necessity to review, must less, overturn or disturb its factual findings.[42] (Citations omitted)

The absence of a chain-of-custody form does not defeat the prosecution because the statutory chain-of-custody requirements for seized dangerous drugs are not elements of robbery. The testimony of Natividad and PO3 Villarin, together with the marked bills and ultraviolet-test results, directly established the demand, delivery, recovery, and identification of the money.

Neither the cashier nor the van passengers were indispensable witnesses. The cashier's testimony would have related to events after petitioner had already taken possession of the money, while the passengers' testimony would have concerned the initial flagging down of the van rather than the subsequent demand communicated to Natividad and the entrapment witnessed by the arresting officers. The prosecution was not required to present every person who might have observed some portion of the events, where the witnesses presented sufficiently established the offense.

Intimidation was likewise proved. Petitioner, acting as an MMDA traffic enforcer, threatened to impound the company vehicle and repeatedly stopped its driver after demanding "*pang merienda*" from Natividad. The threat, viewed together with petitioner's official authority over traffic enforcement, was sufficient to engender fear and restrict the complainants' free exercise of will even without physical violence.

Finally, the discrepancies concerning the precise time of the first telephone call and the date when petitioner obtained Natividad's number are collateral to the material facts: Petitioner demanded PHP 5,000.00 to refrain from impounding the van, arranged to receive it, accepted the money during the entrapment, and fled as the officers approached. These matters do not undermine the witnesses' consistent account of the essential elements of robbery.

As to the penalty, Article 294(5) prescribes *prision correccional* in its maximum period to *prision mayor* in its medium period, or four years, two months, and one day to 10 years. In the absence of any modifying circumstance, Article 64(1) of the Revised Penal Code requires the penalty to

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42 *Id.* at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

be imposed in its medium period, or six years, one month, and 11 days to eight years and 20 days. Under the Indeterminate Sentence Law, the minimum term may be taken from the penalty next lower in degree—*arresto mayor* in its maximum period to *prision correccional* in its medium period, or four months and one day to four years and two months—while the maximum term must fall within the proper medium period of the penalty prescribed by law. Accordingly, the maximum term of six years and one day imposed by the RTC and affirmed by the CA must be corrected to six years, one month, and 11 days of *prision mayor*.

With respect to civil liability, every person criminally liable for a felony is also civilly liable, and such civil liability includes restitution of the thing itself whenever possible, under Articles 100 and 104 of the Revised Penal Code. Here, however, the two genuine marked PHP 500.00 bills were recovered immediately after the entrapment. Thus, no separate award of civil indemnity corresponding to the recovered amount is necessary. The recovered marked bills shall be returned to Natividad, if this has not yet been done.

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED.** The October 31, 2024 Decision and the June 11, 2025 Resolution of the Court of Appeals in CA-G.R. CR No. 46718 are **AFFIRMED.** Petitioner Emilio Guinto *y* Magallon is found guilty beyond reasonable doubt of violation of Article 294(5) of the Revised Penal Code and is hereby sentenced to suffer the indeterminate penalty of imprisonment of four years and two months of *prision correccional*, as minimum, to six years, one month, and 11 days of *prision mayor*, as maximum. The recovered marked bills shall be returned to Natividad, if this has not yet been done.

SO ORDERED.

RICARDO R. ROSARIO
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

RAMON PAUL L. HERNANDO
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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