



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 13 January 2021 which reads as follows:*

**“G.R. No. 252706 (PO1 Michael Gragasin y Rolle a.k.a. “Mike” v. People of the Philippines).** — Before this Court is a petition for review on *certiorari* assailing the Decision<sup>1</sup> dated August 14, 2019 and Resolution<sup>2</sup> dated June 17, 2020 of the Court of Appeals (CA) in CA – G.R. CR No. 41974 which affirmed the conviction of PO1 Michael Gragasin y Rolle a.k.a “Mike” (petitioner) for Simple Robbery (extortion) and subsequently, denied his motion for reconsideration.

At the outset, we **GRANT** the First Motion for Extension of Time to File Appeal by *Certiorari*<sup>3</sup> filed by petitioner, asking for a 30-day period within which to file his petition.

Anent the petition, considering the allegations, issues, and arguments raised, as well as the pleadings filed with the CA and Regional Trial Court (RTC), this Court finds no cogent reason to deviate from the ruling of the courts below finding petitioner guilty beyond reasonable doubt of robbery, and resolves to deny the petition. However, it is necessary to modify the penalty imposed.

Under Article 294 (5) of the Revised Penal Code, the penalty prescribed for robbery is *prision correccional*, in its maximum period, to *prision mayor*, in its medium period, which ranges from four (4) years, two (2) months and one (1) day to ten (10) years. In the absence of mitigating or aggravating circumstances, the maximum term of the indeterminate sentence shall be within the medium period of the prescribed penalty, *i.e.*, six (6) years, one (1) month and eleven (11) days, to eight (8) years and twenty (20) days. Thus, the maximum term of six (6) years and one (1) day imposed by the trial court is erroneous. In accordance with these applicable laws, we

---

<sup>1</sup> *Rollo*, pp. 79-98; penned by Associate Justice Zenaida T. Galapate-Laguilles, with the concurrence of Associate Justices Ricardo R. Rosario (now a Member of this Court) and Walter S. Ong.

<sup>2</sup> *Id.* at 105-106.

<sup>3</sup> *Id.* at 3-6.

11

adjusted the maximum term of petitioner's indeterminate sentence to six (6) years, one (1) month and eleven (11) days. On the other hand, the trial court correctly imposed a minimum term of four (4) years considering that the penalty next lower than that prescribed is *arresto mayor*, in its maximum period, to *prision correccional*, in its medium period, ranging from four (4) months and one (1) day, to four (4) years, and two (2) months.

**WHEREFORE**, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated August 14, 2019 and Resolution dated June 17, 2020 of the Court of Appeals in CA-G.R. CR No. 41974 are **AFFIRMED** with **MODIFICATION** in that Michael Gragasin y Rolle is sentenced to an indeterminate sentence of four (4) years, as minimum, to six (6) years, one (1) month and eleven (11) days, as maximum.

**SO ORDERED.** (Rosario, J., no part due to prior action in the Court of Appeals; Carandang, J., designated additional Member per Special Order No. 2797-M dated November 26, 2020.)"

By authority of the Court:

TERESITA AQUINO TUAZON  
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA  
Deputy Division Clerk of Court

11 MAY 2021

\*KARAAN AND KARAAN LAW OFFICE (reg)  
(ATTY. OSCAR L. KARAAN)  
Counsel for Petitioner  
500 Karaan Street, Seminary Road  
Bagbag, Novaliches, 1116 Quezon City

\*OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

\*PO1 MICHAEL GRAGASIN y ROLLE a.k.a. "MIKE" (reg)  
Petitioner  
No. 15 Aries Street  
Kaligayahan, Novaliches  
Quezon City

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 100  
Quezon City  
(Crim. Case No. R-QZN-16-09082-CR)

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR No. 41974

JUDGMENT DIVISION (x)  
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)  
LIBRARY SERVICES (x)  
[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
PHILIPPINE JUDICIAL ACADEMY (x)  
Supreme Court, Manila

\*w/copy of CA decision dated August 14, 2019.  
*Please notify the Court of any change in your address.*  
GR252706. 01/13/21 (204)URES

