



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **17 February 2021** which reads as follows:*

“G.R. No. 253806 (*Reginald Earl Go v. People of the Philippines*)
— The petition must fail.

A conviction for grave coercion requires the following elements: a) a person is prevented by another from doing something not prohibited by law, or compelled to do something against his will, be it right or wrong; b) the prevention or compulsion is effected by violence, threats or intimidation; and c) the person who restrains the will and liberty of another has no right to do so, or in other words, that the restraint is not made under authority of law or in the exercise of any lawful right.¹

As correctly found by all the three (3) courts below, the prosecution sufficiently proved the elements of the offense charged. Reginald Earl Go (petitioner), together with his men, threatened and intimidated the couple, Mary Jean Cuyos (Mary Jean) and Felipe Cuyos (Felipe), into signing a check list indicating that they were voluntarily surrendering the car to Prime Consortium Finance Corp. (Prime Consortium), including the car key which they were also threatened and forced to turn over to petitioner against their will.² Petitioner had no authority whatsoever to do what he did to them.

Regarding the alleged inconsistencies in the testimonies of the couple *vis-a-vis* their respective judicial affidavits pertaining to the exact time when Mary Jean saw her husband being surrounded by petitioner and his men and whether the security guards of the company drove away Felipe or invited him to lunch before the incident happened — all refer to collateral matters

¹ *Alejandro, v. Atty. Bernas*, 672 Phil. 698, 708 (2011).

² *Rollo*, p. 52.

and have no bearing at all on petitioner's culpability.³ The fact remains that both Mary Jean and Felipe were threatened with bodily harm if they will not sign the check list and surrender the car to petitioner's custody.⁴

Penalties

Article 286 of the Revised Penal Code, as amended by Republic Act No. 7890, penalizes Grave Coercion with *prision correccional* and a fine not exceeding ₱6,000.00, viz.:

ARTICLE 286. *Grave Coercions.* The penalty of *prision correccional* and a fine not exceeding Six thousand pesos shall be imposed upon any person who, without any authority of law, shall, by means of violence, threats or intimidation, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.

If the coercion be committed in violation of the exercise of the right of suffrage, or for the purpose of compelling another to perform any religious act, to prevent him from exercising such right or from so doing such act, the penalty next higher in degree shall be imposed.

Verily, the three (3) courts below erred when they sentenced petitioner to a straight penalty of six (6) months.

The imposable penalty here corresponds to the medium term of *prision correccional*, there being no aggravating or mitigating circumstance. Applying the indeterminate sentence law, petitioner should be sentenced to four (4) months of *arresto mayor*, as minimum, to two (2) years, four (4) months and one (1) day of *prision correccional*, as maximum; and a fine of ₱6,000.00.⁵

For the award of damages, it is undisputed that petitioner forcibly and unlawfully took away the car belonging to Mary Jean, thus, causing the latter to suffer pecuniary loss. In the absence of proof of actual damages, the trial court correctly pegged the amount of temperate damages equivalent to the outstanding balance of Mary Jean's account with Prime Consortium amounting to ₱260,000.00.

WHEREFORE, the petition is **DENIED**. The Court of Appeals' Decision dated January 7, 2020 and Resolution dated October 6, 2020 in CA-G.R. CR No. 42471 are **AFFIRMED** with **MODIFICATION**.

Petitioner Reginald Earl Go is found **GUILTY** of **GRAVE COERCION** and sentenced to an indeterminate penalty of four (4) months of *arresto mayor*, as minimum, to two (2) years, four (4) months and one (1)

³ See *People v. Mamaruncas*, 680 Phil. 192, 206 (2012).

⁴ *Rollo*, p. 52.

⁵ See *Consulta v. People*, 598 Phil. 464, 473 (2009).

day of *prision correccional*, as maximum.

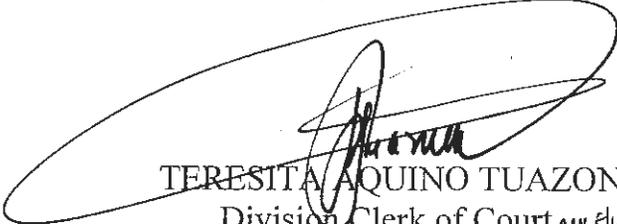
He is further **ORDERED** to pay Mary Jean Cuyos the following amounts:

- a) ₱260,000.00 as temperate damages;
- b) ₱50,000.00 as moral damages; and
- c) ₱20,000.00 as attorney's fees.

These amounts shall earn six percent (6%) interest *per annum* from finality of this resolution until fully paid.⁶

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
06 MAY 2021

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 93
Quezon City
(Crim. Case No. R-QZN-18-01862-CR)

HON. PRESIDING JUDGE (reg)
Metropolitan Trial Court, Branch 43
Quezon City
(Crim. Case No. 12-160065)

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CA-G.R. CR No. 42471

*with copy of CA Decision dated 7 Jan. 2020
Please notify the Court of any change in your address.
GR253806. | 02/17/2021(155)URES

⁶ *People v. Jugueta*, 783 Phil. 806, 846 (2016).