



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **June 22, 2022** which reads as follows:*

“UDK-17507 (John Michael Narsico y Cortez v. People of the Philippines). – The Court resolves to **GRANT** petitioner John Michael Narsico y Cortez’s (petitioner) motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

This is a Petition for Review on *Certiorari*¹ assailing the Decision² dated September 30, 2021 of the Court of Appeals (CA) in CA-G.R. CR No. 03526, which affirmed the Decision³ dated May 7, 2019 of the Regional Trial Court of Cebu City, Branch 17 (RTC) in Criminal Case No. CBU-108836 finding the petitioner guilty of violation of Republic Act (RA) No. 10591,⁴ otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act.”

After review of the records, the Court further resolves to **DENY** the petition for failure to sufficiently show that the CA committed any reversible error as to warrant the exercise of the Court’s appellate jurisdiction. As correctly ruled by the CA, all the elements of Illegal Possession of Firearms under Section 28 (a) of RA No. 10591 were proven by the prosecution, warranting the affirmance of judgment of the RTC convicting petitioner.⁵

¹ *Rollo*, pp. 12--54.

² *Id.* at 115–129. Penned by Associate Justice Marilyn B. Lagura-Yap, with the concurrence of Associate Justices Roberto P. Quiroz and Nancy C. Rivas-Palmones.

³ *Id.* at 91–97. Penned by Presiding Judge Anacleto G. Debalucos.

⁴ Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,” approved on May 29, 2013.

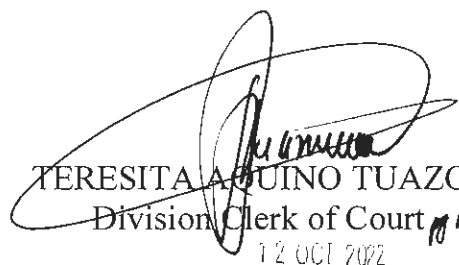
⁵ *Rollo*, pp. 125–128.

However, the Court finds it proper to modify the penalty. Section 28 (a) of RA No. 10591 provides that the penalty of *prision mayor* in its medium period shall be imposed upon any person who shall unlawfully acquire or possess a small arm. Absent any modifying circumstance, the maximum term of the indeterminate penalty must be within the medium period of the prescribed penalty which has a range of eight (8) years, eight (8) months, and one (1) day to nine (9) years and four (4) months. On the other hand, the CA and the RTC correctly imposed the minimum term of the indeterminate sentence, which must be within the penalty next lower in degree than that prescribed, or *prision mayor* in its minimum period ranging from six (6) years and one (1) day to eight (8) years.

FOR THESE REASONS, the petition is **DENIED**. Petitioner John Michael Narsico y Cortez is found **GUILTY** of violation of Section 28 (a) of Republic Act No. 10591 and is sentenced to suffer an indeterminate penalty of six (6) years and one (1) day of *prision mayor*, as minimum, to eight (8) years, eight (8) months, and one (1) day of *prision mayor*, as maximum.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court
12 OCT 2022

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 17
Cebu City
(Crim. Case No. CBU-108836)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR No. 03526

Please notify the Court of any change in your address.
UDK17507. 6/22/2022(191)URES