



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 20, 2022**, which reads as follows:*

“G.R. No. 243777 (*Junie Sandoval y Baroca v. People of the Philippines*). — The crux of the instant Petition for Review on *Certiorari*¹ is whether or not the prosecution was able to prove beyond reasonable doubt the charge of illegal possession of firearm and ammunition under Section 28, paragraphs (a) and (e) of Republic Act (R.A.) No. 10591² against petitioner Junie Sandoval y Baroca (petitioner).

This Court emphatically answers in the affirmative.

Prefatorily, it bears noting that petitioner invokes an exception to the general rule that only questions of law may be raised before this Court on a Rule 45 petition by claiming that the Court of Appeals (CA) misapprehended the factual milieu of this case.³

Indeed, a petition for review on *certiorari* under Rule 45, Section 1 of the Rules of Court shall raise only questions of law. While there are jurisprudential exceptions to this rule, it must be stressed that a party praying that this Court review the factual findings of the appellate court should demonstrate and prove that the case clearly falls under such exceptions. He or she has the burden of proving to this Court that a review of the factual findings is necessary. Mere assertion and claim that the case falls under the exceptions do not suffice.⁴

Here, petitioner failed to corroborate his claim that the CA misconstrued essential facts which would inevitably result in his acquittal. Tellingly, the issues proffered by petitioner are identical to those he raised before and have been passed upon by the CA. Thus, the factual findings of the CA are binding and conclusive on the parties and upon this Court and will not

¹ *Rollo*, pp. 10-28.

² Entitled, “The Comprehensive Firearms and Ammunition Regulation Act.” Approved on 29 May 2013.

³ *Rollo*, pp. 15-16.

⁴ See *KLM Royal Dutch Airlines v. Tiongco*, G.R. No. 212136, 4 October 2021.

be reviewed or disturbed on appeal.⁵

Still and all, this Court holds that the CA committed no reversible error when it sustained the conviction of petitioner for illegal possession of firearm and ammunition under Section 28, paragraphs (a) and (e) of R.A. No. 10591.

The successful prosecution of an accused for illegal possession of firearm necessitates the concurrence of the following elements: (a) the existence of the subject firearm, and (b) the fact that the accused who possessed or owned the same does not have the corresponding license for it.⁶ The *corpus delicti* herein is the accused's lack of license or permit to possess or carry the firearm, as possession itself is not prohibited by law.⁷

In the case at bench, PO3 Mario Palic (PO3 Palic) categorically identified the *paltik* and ammunition marked as "3-23-15 JBS-MP" and "3-23-15 JBS-MP-1," respectively, as the very same items he confiscated from petitioner.⁸ To recall, while PO3 Palic and PO2 Rufino Caranto (PO2 Caranto) were conducting surveillance in Barangay Culiati, Quezon City, they spotted petitioner committing an offense, *i.e.*, illegal possession of a bladed weapon (fan knife) under Presidential Decree No. 9, as amended.⁹ Having been caught *in flagrante delicto*, the arrest of petitioner was lawful, making the search incidental thereto valid.¹⁰ Upon this score, it must be considered that not only did petitioner admit undergoing inquest,¹¹ but he also actively participated in the proceedings before the trial court. Therefore, it cannot be gainsaid that the *paltik* and ammunition are admissible in evidence against petitioner, because they are the fruits of his legitimate warrantless arrest.

Moreover, the Certification¹² dated 20 October 2015 issued by the Firearms and Explosives Office (FEO) of the Philippine National Police (PNP) indicated that petitioner "is not a licensed/registered firearm holder of any kind or caliber per verification from records of this office as of this date." Upon this point, Office of the Court Administrator (OCA) Circular No. 11-2011¹³ dated 18 January 2011, citing *Del Rosario v. People*,¹⁴ provides that certifications issued by the FEO Records Section are sufficient proof of the fact of possession or non-possession of a valid license to own or possess firearms or explosives in cases concerning the offense of Illegal Possession of Firearms. Ergo, FEO-issued certifications are sufficient evidence, and thus,

⁵ See *Nissan Car Lease Phils., Inc. v. Lica Management, Inc.* 778 Phil. 146, 159 (2016).

⁶ See *People v. Olarte*, G.R. No. 233209, 11 March 2019.

⁷ See *id.*; citing *Capangpangan v. People*, 563 Phil. 590, 598 (2007).

⁸ TSN, 11 August 2015, pp. 5-9, and 12-16.

⁹ Records, pp. 4-6. See also TSN, 11 August 2015, pp. 3-5; and TSN, 30 September 2015, pp. 3-7.

¹⁰ See *Pinga v. People*, G.R. No. 245368, 21 June 2021.

¹¹ Records, p. 54.

¹² *Id.* at 36.

¹³ Amendment of OCA Circular 1-98 on the Issuance of Court Processes Relative to Records on Firearms and Explosives.

¹⁴ 410 Phil. 642 (2001).

should be accepted by the courts in determining the presence or absence of a valid license or permit to own or possess firearms.¹⁵

Discernibly, Department of Justice (DOJ) Circular No. 067, which delineated the post-seizure procedure for firearms and mandated the submission of the negative certification from the FEO to the prosecutor before the arraignment of the accused, was issued for the purpose of expediency and efficiency in the filing and prosecution of cases for violation of the firearms law. It does not have any effect on the admissibility of evidence.¹⁶ Elsewise stated, DOJ Circular No. 067 was simply intended to set guidelines for the efficient disposition of cases involving violations of R.A. No. 10591; noncompliance therewith will not automatically exculpate an accused from liability.¹⁷ In actual fact, petitioner did not interpose any comment or objection to the formal offer of evidence made by the prosecution, including the Certification from the FEO.¹⁸

In the same breath, the PNP Revised Criminal Investigation Manual is designed to adapt to the current trends in modern investigations. It does not declare or imply that noncompliance with said guidelines would impair the admissibility of evidence recovered against the accused.¹⁹

It is not amiss to emphasize that while this Court has applied the “chain of custody” rule as a mode of authenticating illegal drug substances in order to determine its admissibility,²⁰ such rule has not yet been extended to other substances or objects for it is only a variation of the principle that real evidence must be authenticated prior to its admission into evidence.²¹ So long as the proffered evidence is unique, readily identifiable, and relatively resistant to change, the foundation thereof need only consist of testimony by a witness with knowledge that the evidence is what the proponent claims; otherwise, the chain of custody rule has to be resorted to and complied with by the proponent to satisfy the evidentiary requirement of relevancy.²²

Here, the homemade gun and the bullet found inside it are unique and structured objects. Hence, the testimony of PO3 Palic to the effect that the *paltik* and ammunition marked as “3-23-15 JBS-MP” and “3-23-15 JBS-MP-1,” respectively, came from petitioner would ineludibly be sufficient to authenticate the said items. Nonetheless, to allay all doubts surrounding their integrity and evidentiary value, this Court echoes with approbation the following explication of the CA:

¹⁵ See *Maulana v. Judge Noel, Jr.* A.M. No. RTJ-21-006 (Formerly OCA IPI-18-4802-RTJ), 15 March 2021.

¹⁶ See *Magarang v. People*, G.R. No. 241606, 16 September 2019.

¹⁷ See *People v. Guinto*, G.R. No. 243591, 16 September 2020.

¹⁸ Records, p. 42.

¹⁹ See *supra* note 16.

²⁰ See *People v. Olarte*, *supra* note 6; citing *People v. Moner*, 827 Phil. 42 (2018).

²¹ See *id.*; citing *People v. Lim*, G.R. No. 232898, 4 September 2018.

²² See *id.*; citing 29A Am. Jur. 2d, *Evidence* § 945 (1994), p. 364.

xxx It was clear from the testimonies of the prosecution witnesses that after PO3 Palic seized the handgun, he held on to it until they reached the station where he turned it over to the investigator, SPO1 Agudo. It was during the investigation when they discovered that the handgun contained one (1) live ammunition. Thereafter, the handgun was returned to PO3 Palic who maintained custody thereof until its presentation in court. xxx²³

Contrary to the tangible evidence adduced by the prosecution, petitioner only tendered his unsubstantiated denial. It is hornbook doctrine that the defense of denial is inherently weak because it can easily be fabricated.²⁴ Denials, as negative and self-serving evidence, do not deserve as much weight in law as positive and affirmative testimonies.²⁵

In *précis*, the Court discerns no persuasive reason to overturn the conviction of petitioner for illegal possession of firearm and ammunition under Section 28, paragraphs (a) and (e) of R.A. No. 10591.

A final note. In obeisance to the Indeterminate Sentence Law, this Court deems it judicious to modify the sentence of petitioner.

Under Section 28, paragraph (a) of R.A. No. 10591, illegal possession of a small arm is punishable by *prision mayor* in its medium period, ranging from eight (8) years and one (1) day to ten (10) years. If the small arm is loaded with ammunition, as in this case, Section 28, paragraph (e) of the same law dictates that the penalty of one (1) degree higher shall be imposed, *i.e.*, *prision mayor* in its maximum period, with a duration of ten (10) years and one (1) day to twelve (12) years.²⁶

Applying the Indeterminate Sentence Law, and there being no aggravating or mitigating circumstances, the *maximum* term of the impossible penalty should be taken from the medium period of *prision mayor* maximum, ranging from ten (10) years, eight (8) months, and one (1) day to eleven (11) years and four (4) months. Upon the other hand, the *minimum* term should be taken from the penalty next lower in degree to *prision mayor* maximum, *i.e.*, *prision mayor* medium, the duration of which is eight (8) years and one (1) day to ten (10) years.²⁷

Given the foregoing discourse, it is beyond cavil that the apposite sentence against petitioner is eight (8) years and one (1) day of *prision mayor*, as minimum, to ten (10) years, eight (8) months, and one (1) day of *prision mayor*, as maximum.

²³ CA rollo, p. 86.

²⁴ See *Sullano v. People*, G.R. No. 232147, 8 June 2020.

²⁵ Id.; citing *People v. Vallejo*, 461 Phil. 672, 694 (2003).

²⁶ See *Pintucan, Jr. v. People*, G.R. No. 252398, 16 September 2020.

²⁷ See id.

WHEREFORE, the Petition for Review on *Certiorari* is hereby **DENIED**. The *Decision* dated 17 August 2018 of the Court of Appeals in CA-G.R. CR No. 39127 is **AFFIRMED with MODIFICATION**. Petitioner Junie Sandoval y Baroca is found **GUILTY** beyond reasonable doubt of the crime of illegal possession of firearm and ammunition under Section 28, paragraphs (a) and (e) of Republic Act No. 10591. He is thereby **SENTENCED** to suffer the penalty of eight (8) years and one (1) day of *prision mayor*, as minimum, to ten (10) years, eight (8) months and one (1) day of *prision mayor*, as maximum.

SO ORDERED.”

By authority of the Court:

~~Mis-DCBatt~~
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *JB 9/12/22*

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