



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 20, 2023 which reads as follows:*

“G.R. No. 254600 (*Carlos Lastimosa y Sulog v. People of the Philippines*). – Petitioner’s Motion for Extension of thirty (30) days within which to file a petition for review on *certiorari*<sup>1</sup> is **GRANTED**, counted from the expiration of the reglementary period.

Considering the allegations, issues, and arguments adduced in the Petition for Review on *Certiorari*<sup>2</sup> assailing the Decision<sup>3</sup> dated January 10, 2020 and the Resolution<sup>4</sup> dated November 26, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 42795, the Court resolves to **DENY** the Petition for failure to sufficiently show any reversible error in the assailed decision and resolution.

However, to conform to current applicable law and jurisprudence, the Court modifies the penalty imposed by the Regional Trial Court (RTC) of Quezon City, Branch 222. The dispositive portion of the November 5, 2018 Decision<sup>5</sup> of the RTC, as affirmed by the CA, provides:

WHEREFORE, premises considered, the accused is [sic] Carlos S. Lastimosa is hereby found guilty beyond reasonable doubt of [the] crime of Illegal Possession of a loaded small arm and he is hereby sentenced to suffer an indeterminate penalty of TEN (10) years and one (1) day of PRISION MAYOR as MINIMUM to FOURTEEN (14) YEARS OF RECLUSION TEMPORAL as MAXIMUM.

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<sup>1</sup> *Rollo*, pp. 3-9.

<sup>2</sup> *Id.* at 12-30.

<sup>3</sup> *Id.* at 32-48. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Manuel M. Barrios and Geraldine C. Fiel-Macaraig.

<sup>4</sup> *Id.* at 50-52. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Manuel M. Barrios and Geraldine C. Fiel-Macaraig.

<sup>5</sup> *Id.* at 67-70. Penned by Judge Edgar Dalmacio Santos.

SO ORDERED.<sup>6</sup>

Pursuant to Section 28(a) in relation to Sec. 28(e)(1) of Republic Act (RA) No. 10591,<sup>7</sup> also known as the “Comprehensive Firearms and Ammunition Regulation Act,” the penalty to be imposed is as follows:

Sec. 28. *Unlawful Acquisition, or Possession of Firearms and Ammunition.*  
— The unlawful acquisition, possession of firearms and ammunition shall be penalized as follows:

- (a) the **penalty of *prision mayor* in its medium period** shall be imposed upon any person who shall unlawfully acquire or possess a small arm;

x x x x

- (e) The **penalty of one (1) degree higher** than that provided in paragraphs (a) to (c) in this section shall be imposed upon any person who shall unlawfully possess any firearm under any or combination of the following conditions:

- (1) Loaded with ammunition or inserted with a loaded magazine; (Emphases supplied)

In *Castil v. People*,<sup>8</sup> the Court explained:

Section 28 of RA 10591 imposes the penalty of *prision mayor* in its medium period for illegal possession of a small arm. The penalty is increased to a higher degree—*prision mayor* in its maximum period in this instance—if the subject firearm is loaded with ammunition or inserted with a loaded magazine. As Section 28 adopts the nomenclature of the penalties under the Revised Penal Code (RPC), “the ascertainment of the indeterminate sentence will be based on the rules applied for those crimes punishable under the RPC.”

In this case, it is undisputed that the subject firearm is loaded with five ammunition, thereby necessitating the aggravation of penalty.

The proper penalty therefore is eight (8) years, eight (8) months, and one (1) day of *prision mayor* in its medium period, as minimum, and ten (10) years, eight (8) months, and one (1) day of *prision mayor* in its maximum period, as maximum.<sup>9</sup>

The modification of the penalty imposed on Carlos Lastimosa y Sulog is therefore in order.

<sup>6</sup> Id. at 69-70.

<sup>7</sup> Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.” Approved: May 29, 2013.


<sup>8</sup> G.R. No. 253930, July 13, 2022.

<sup>9</sup> Id.

**WHEREFORE**, the Petition is **DENIED**. The Decision dated January 10, 2020 and the Resolution dated November 26, 2020 of the Court of Appeals in CA-G.R. CR No. 42795 finding petitioner Carlos Lastimosa y Sulog **GUILTY** beyond reasonable doubt of violation of Section 28(a) in relation to Section 28 (e)(1) of Republic Act No. 10591, or the Comprehensive Firearms and Ammunition Regulation Act, are **AFFIRMED** with **MODIFICATION**. Petitioner is sentenced to suffer the indeterminate penalty of imprisonment for a period of eight (8) years, eight (8) months, and one (1) day of *prision mayor* in its medium period, as minimum, to ten (10) years, eight (8) months and one (1) day of *prision mayor* in its maximum period, as maximum.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *ASIB*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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Manila  
(CA-G.R. CR No. 42795)

The Solicitor General  
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The Hon. Presiding Judge  
Regional Trial Court, Branch 222  
1100 Quezon City  
(Crim. Case No. R-QZN-15-04992-**CR**)

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