



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **September 7, 2022** which reads as follows:*

“G.R. No. 261326 (TROY SANCHEZ *y* MERCURIO, Petitioner *v.* PEOPLE OF THE PHILIPPINES, Respondent). – This is a Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> dated May 25, 2021 and the Resolution<sup>3</sup> dated March 31, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 43277, which affirmed the Decision<sup>4</sup> dated January 18, 2019 of the Regional Trial Court of Olongapo City, Branch 75 (RTC) in Criminal Case No. 2017-392, finding the petitioner Troy Sanchez *y* Mercurio (petitioner) guilty of violation of Section 28(e)(1) of Republic Act (RA) No. 10591,<sup>5</sup> otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act.”

After review of the records, the Court 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 the CA and the RTC correctly ruled, the prosecution established all the elements of illegal possession of firearms.<sup>6</sup> However, the Court deems it proper to modify the nomenclature of the offense absent any evidence that the gun confiscated from petitioner was loaded. Here, the prosecution witnesses did not testify that the magazine with live ammunitions was loaded into the caliber .45 pistol. Thus, petitioner should be held liable only of Section 28(c) of RA No. 10591 without reference to Section 28(e)(1) of the law. In any event, the CA and the RTC

<sup>1</sup> *Rollo*, pp. 3–10.

<sup>2</sup> *Id.* at 17–24. Penned by Associate Justice Louis P. Acosta, with the concurrence of Associate Justices Myra V. Garcia-Fernandez and Bonifacio S. Pascua.

<sup>3</sup> *Id.* at 13–15.

<sup>4</sup> Not attached to the *rollo*.

<sup>5</sup> Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,” approved on May 29, 2013.

<sup>6</sup> *Rollo*, pp. 21–24.

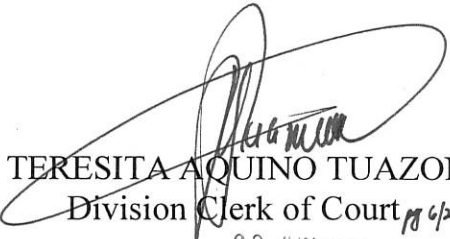
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correctly imposed the indeterminate penalty of eight (8) years, eight (8) months, and one (1) day of *prision mayor*, as minimum, to eleven (11) years and four (4) months of *prision mayor*, as maximum.

**FOR THESE REASONS**, the petition is **DENIED**. The Decision dated May 25, 2021 and the Resolution dated March 31, 2022 of the Court of Appeals in CA-G.R. CR No. 43277 are **AFFIRMED** with **MODIFICATION** as to the nomenclature of the offense in that petitioner Troy Sanchez y Mercurio is found guilty of violation of Section 28(c) of Republic Act No. 10591 and is sentenced to suffer an indeterminate penalty of eight (8) years, eight (8) months, and one (1) day of *prision mayor*, as minimum, to eleven (11) years and four (4) months of *prision mayor*, as maximum.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court *pg 6/23*  
23 JUN 2023

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 75  
Olongapo City  
(Crim. Case No. 2017-392)

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Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR No. 43277

\*with copy of CA Decision dated May 25, 2021  
*Please notify the Court of any change in your address.*  
GR261326. 09/07/2022A(12)URES