



Republic of the Philippines  
**Supreme Court**  
 Manila

**SECOND DIVISION**

**IGNACIO BALICANTA III y G.R. No. 246081**  
**CUARTO,**

Petitioner,

Present:

LEONEN, *Acting Chief Justice,*  
 LAZARO-JAVIER, *Working Chairperson*  
 LOPEZ, M.,  
 LOPEZ, J., and  
 KHO, JR., *JJ.*

-versus-

**PEOPLE OF THE PHILIPPINES,**  
 Respondent.

Promulgated:  
**JUN 26 2023**

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**DECISION**

**LEONEN, J.:**

A search incidental to a lawful arrest is different from a stop and frisk search. A search incidental to a lawful arrest “require[s] that a crime be committed *in flagrante delicto*” while a stop and frisk search is “conducted to prevent the occurrence of a crime.”<sup>1</sup> Items confiscated from an invalid stop and frisk search is inadmissible in evidence and it cannot be cured by arguing that it was due to a search incidental to a lawful arrest.

This Court resolves a Petition for Review on *Certiorari*<sup>2</sup> assailing the Court of Appeals Decision<sup>3</sup> and Resolution<sup>4</sup> which affirmed with modification

<sup>1</sup> *People v. Cogued*, 740 Phil. 212, 228-229 (2014) [Per J. Leonen, Third Division].

<sup>2</sup> *Rollo*, pp. 11-36.

<sup>3</sup> *Id.* at 40-52a. The October 23, 2018 Decision in CA-G.R. CR No. 40681 was penned by Associate Justice Ramon R. Garcia, with the concurrence of Associate Justices Eduardo B. Peralta, Jr. and Geraldine C. Fiel-Macarag of the Eleventh Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 54-55. The March 6, 2019 Resolution in CA-G.R. CR No. 40681 was penned by Associate Justice Ramon R. Garcia, with the concurrence of Associate Justices Eduardo B. Peralta, Jr. and Geraldine C.

the trial court's Decision<sup>5</sup> convicting Ignacio Balicanta III (Balicanta) of illegal possession of firearms.

An Information<sup>6</sup> was filed against Balicanta, charging him with violation of Section 28(a) in relation to Section 28(e) of Republic Act No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act:

That on or about the 16<sup>th</sup> day of November 2013, in Quezon City, Philippines, the above-named accused, without any authority of law, did, then and there, willfully, unlawfully and knowingly have in his possession and under his custody and control one (1) Firestorm caliber [.45] with Serial No. M01130 inserted with one (1) single slide caliber [.45] magazine loaded with eight (8) pieces [of] caliber [.45] live [ammunition], without first having secured the necessary license/permit issued by the proper authorities, in violation of law.

CONTRARY TO LAW.<sup>7</sup>

On arraignment, Balicanta pleaded not guilty to the crime charged. Thereafter, trial on the merits ensued.<sup>8</sup>

The evidence for the prosecution disclosed that on November 16, 2013, at about 10:00 a.m., Police Officer III Romualdo Dimla (PO3 Dimla), PO3 Danilo Zapatero (PO3 Zapatero), PO1 Leonard Valiente (PO1 Valiente), and PO1 George De Leon (PO1 De Leon) of the Quezon City Police District were patrolling along Mapagbigay Street corner Matapang Street, Barangay Pinyahan, Quezon City when they chanced upon Balicanta driving a motorcycle without a helmet.<sup>9</sup>

The police officers flagged Balicanta and asked him to alight from his motorcycle. When asked to produce his driver's license, Balicanta presented an expired one.<sup>10</sup>

Balicanta then introduced himself as a police intelligence operative, offering an identification card signed by a certain Superintendent Bernabe Mendoza as proof. Knowing that a certain Superintendent Bauto<sup>11</sup> was the incumbent district intelligence division chief then, PO3 Dimla and PO3 Zapatero were alarmed and asked Balicanta to open his belt bag.<sup>12</sup> When the bag was opened, the police officers found one Firestorm .45 caliber pistol with

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Fiel-Macaraig of the Former Eleventh Division, Court of Appeals, Manila.

<sup>5</sup> *Id.* at 82–88. The August 30, 2017 Decision in Criminal Case No. R-QZN-13-05178-CR was penned by Presiding Judge Aurora A. Hernandez-Calledo of Branch 87, Regional Trial Court, Quezon City.

<sup>6</sup> *Id.* at 41.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 42.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* The RTC records and CA *rollo* do not show the first name of Supt. Bauto.

<sup>12</sup> *Id.*

Serial No. M01130, one single slide .45 caliber magazine, eight pieces of .45 caliber live ammunition, and a fan knife.<sup>13</sup>

The police officers asked Balicanta if he had the pertinent papers for the firearm.<sup>14</sup> Balicanta presented a firearm license belonging to a certain Mardito Baesa Garcia. Upon inspection, it was discovered that the serial number in the license did not match the serial number of the seized firearm.<sup>15</sup>

Thereafter, the police officers arrested Balicanta and brought him to the police station. Upon reaching the station, Balicanta and the confiscated items were turned over to desk officer Senior Police Officer III George Villanueva who, in turn, gave the same to PO2 Wilmore M. Bataanon (PO2 Bataanon) for investigation.<sup>16</sup>

Subsequently, the confiscated items were photographed and marked in the presence of Balicanta.<sup>17</sup>

Later, PO2 Bataanon and PO2 Andrew B. Hega executed a Joint Affidavit of Arrest. A referral to the inquest prosecutor was likewise prepared for the filing of Informations against Balicanta for driving without a helmet and with an expired driver's license, usurpation of authority, and illegal possession of firearms.<sup>18</sup>

After the inquest proceedings, the confiscated items were returned to PO3 Dimla. He was not able to give it to the custodial officer who was then undergoing mandatory police schooling. In the meantime, PO3 Dimla kept the items in his locker until he was subpoenaed to present them during the hearing.<sup>19</sup>

Balicanta denied the accusations against him. He claimed that he was just drinking soft drinks along Mapagbigay Street when he was suddenly arrested by police officers for his alleged membership in a riding-in-tandem group.<sup>20</sup>

Thereafter, he was brought to the police station where the police officers demanded PHP 80,000.00 from him. He was given three days to produce the money, otherwise, a case would be filed against him.<sup>21</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 85.

<sup>15</sup> *Id.* at 42.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 42-43.

<sup>20</sup> *Id.* at 43.

<sup>21</sup> *Id.*

After trial, the Regional Trial Court rendered a Decision<sup>22</sup> convicting Balicanta of violating Section 28(a) of Republic Act No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act. The trial court ruled that the prosecution proved that Balicanta had no license to carry or possess the confiscated firearm.<sup>23</sup>

It stressed that while Balicanta was arrested without a warrant, the arresting officers complied with Rule 113, Section 5 of the Rules of Court. The arresting officers had sufficient probable cause to believe that Balicanta was in illegal possession of a firearm.<sup>24</sup>

The dispositive portion of the trial court's Decision states:

WHEREFORE, viewed in the light of the foregoing, the prosecution having established the guilt of accused Ignacio Balicanta III y Cuarto beyond reasonable doubt of [v]iolation of Section 28(a) of RA 10591, he is hereby sentenced to suffer an indeterminate penalty of three (3) years of *pris[i]on correccional* as minimum to eight (8) years and one (1) day of *prision mayor* as maximum.

The Branch Clerk of Court is hereby directed to turn over the subject firearm and ammunitions to the PNP Firearms and Explosives Office in accordance with the Supreme Court Circular No. 47-98.

SO ORDERED.<sup>25</sup>

The Court of Appeals subsequently affirmed the trial court's Decision convicting Balicanta.<sup>26</sup> It ruled that Balicanta's case involved a warrantless search and seizure incidental to a lawful arrest.<sup>27</sup>

The Court of Appeals decreed that Balicanta was arrested without a warrant because he was violating the Motorcycle Helmet Act of 2009, the Land Transportation and Traffic Code, and Article 177 of the Revised Penal Code or usurpation of authority.<sup>28</sup>

The dispositive portion of the Court of Appeals' Decision states:

WHEREFORE, premises considered, the instant appeal is hereby DENIED. The Decision dated August 30, 2017 of the Regional Trial Court (RTC) Branch 87, Quezon City is **AFFIRMED WITH MODIFICATION**

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<sup>22</sup> *Id.* at 82-88.

<sup>23</sup> *Id.* at 88.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 88.

<sup>26</sup> *Id.* at 40-52.

<sup>27</sup> *Id.* at 50.

<sup>28</sup> *Id.* at 50-51.

in that accused-appellant Ignacio Balicanta III y Cuarto is ordered to suffer the indeterminate sentence of eight (8) years of *prision mayor* in its minimum degree, as minimum, to nine (9) years and four (4) months of *prision mayor* in its medium degree, as maximum.

SO ORDERED.<sup>29</sup> (Emphasis in the original)

Balicanta moved for reconsideration, but this was denied on March 6, 2019.<sup>30</sup>

Aggrieved, Balicanta filed a Petition for Review on *Certiorari*<sup>31</sup> before this Court, insisting that the prosecution failed to prove his guilt beyond reasonable doubt.<sup>32</sup>

In a July 10, 2019 Resolution,<sup>33</sup> this Court required the Office of the Solicitor General, on behalf of respondent People, to comment on the Petition.

Respondent filed two motions for extension of time, which were both granted in a January 8, 2020 Resolution.<sup>34</sup> In the same Resolution, this Court noted respondent's Comment and required petitioner to file its reply.<sup>35</sup>

Petitioner filed a Manifestation in Lieu of Reply,<sup>36</sup> which this Court noted in a September 30, 2020 Resolution.<sup>37</sup>

In an August 4, 2021 Resolution,<sup>38</sup> the Court required the parties to file their respective memoranda. In a January 16, 2023 Resolution,<sup>39</sup> the Court noted the respective Memoranda of both parties.<sup>40</sup>

Petitioner argues that the trial court erred in giving credence to the testimonies of the arresting officers despite glaring inconsistencies.<sup>41</sup> First, PO3 Zapatero testified that petitioner "introduced himself as an intelligence officer"<sup>42</sup> but the other witnesses did not corroborate this. In addition, no person would present a fake police identification card to actual police

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<sup>29</sup> *Id.* at 52.

<sup>30</sup> *Id.* at 54–55. The March 6, 2019 Resolution was penned by Associate Justice Ramon R. Garcia with the concurrence of Associate Justices Eduardo B. Peralta, Jr. and Geraldine C. Fiel-Macaraig of the Former Eleventh Division, Court of Appeals, Manila.

<sup>31</sup> *Id.* at 11–36.

<sup>32</sup> *Id.* at 19.

<sup>33</sup> *Id.* at 122.

<sup>34</sup> *Id.* at 150–151.

<sup>35</sup> *Id.* at 150.

<sup>36</sup> *Id.* at 152–154.

<sup>37</sup> *Id.* at 157.

<sup>38</sup> *Id.* at 159–160.

<sup>39</sup> *Id.* at 229.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 219.

<sup>42</sup> *Id.*

officers.<sup>43</sup> Second, PO3 Dimla testified that the subject firearm and a fan knife were confiscated from petitioner, and that petitioner had no license to possess firearms. However, the other witnesses testified that petitioner did present a license, only it was in the name of another person.<sup>44</sup> Third, police officers themselves “admitted that no inventory of the allegedly recovered firearm and ammunition was made”;<sup>45</sup>

The dearth of the prosecution’s evidence leads to no other conclusion but that the confiscated pieces of evidence were not properly documented, checked, and accounted, casting serious doubt on the integrity of the firearm and ammunition and, more importantly, on the petitioner’s culpability.<sup>46</sup>

Although the confiscated firearms and ammunition were eventually marked, this was done belatedly.<sup>47</sup>

Fourth, petitioner likewise contends that the police officers had no authority to arrest him. He insists that under the Motorcycle Helmet Act and Land Transportation and Traffic Code, his traffic violations were only punishable by a fine.<sup>48</sup>

Fifth, petitioner claims that there was no lawful arrest.<sup>49</sup> While the police officers claimed that they were conducting a patrol operation, no evidence was produced to prove the existence of such an operation. Hence, the confiscated items are all inadmissible.<sup>50</sup>

Sixth, during trial, the prosecution did not formally offer in evidence the “alleged identification card of the petitioner to prove that he committed a crime of usurpation of authority,”<sup>51</sup> the alleged expired driver’s license, and the alleged traffic citation ticket. In essence, there was no evidence to support the allegation that there was a valid warrantless arrest.<sup>52</sup>

Lastly, petitioner did not waive his right against unreasonable searches and seizures.<sup>53</sup> Citing *People v. Cogaed*,<sup>54</sup> petitioner argues that he could not voice his objection because of the “coercive environment brought about by the police officer’s excessive intrusion into his private space.”<sup>55</sup>

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 221.

<sup>47</sup> *Id.* at 221–222.

<sup>48</sup> *Id.* at 25.

<sup>49</sup> *Id.* at 215.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 217.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 217–218.

<sup>54</sup> 740 Phil. 212 (2014) [Per J. Leonen, Third Division].

<sup>55</sup> *Rollo*, p. 218.

On the other hand, respondent argues that the Petition should be denied because it raises questions of law which is not allowed in petitions filed under Rule 45.<sup>56</sup> It asserts that factual findings of the lower court, when affirmed by the Court of Appeals, are generally binding on the Supreme Court.<sup>57</sup>

Respondent also claims that the inconsistent testimonies of the witnesses are minor, and even “serve to strengthen rather than diminish the prosecution’s case.”<sup>58</sup>

Respondent insists that petitioner was validly arrested, not only because he violated traffic laws, but also because he introduced himself as an intelligence operative. It added that the warrantless arrest was valid because petitioner was caught *in flagrante delicto*.<sup>59</sup> Respondent also asserts that the search subsequently conducted upon petitioner was a search incidental to a lawful arrest.<sup>60</sup>

Respondent claims that all the elements of illegal possession of a firearm were proven, namely, that: (1) a firearm existed, and (2) petitioner did not have any license to possess the firearm.<sup>61</sup>

As to petitioner’s argument that the certification from the Philippine National Police Firearms and Explosives Office was only an afterthought of the prosecution, respondent argues that petitioner should have moved to quash the Information from the start. In any case, the questioned certification was admitted in evidence by the trial court.<sup>62</sup>

The issues for this Court’s resolution are:

First, whether petitioner Ignacio Balicanta III’s arrest was valid, and

Second, whether the Court of Appeals correctly upheld petitioner’s conviction for violation of Section 28(a) of Republic Act No. 10591.

This Court grants the Petition.

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<sup>56</sup> *Id.* at 184–185.

<sup>57</sup> *Id.* at 186–187.

<sup>58</sup> *Id.* at 188.

<sup>59</sup> *Id.* at 189.

<sup>60</sup> *Id.* at 190.

<sup>61</sup> *Id.* at 190–191.

<sup>62</sup> *Id.* at 191.

## I

First, although respondent alleged that petitioner's arrest was supposedly for a traffic violation, it did not produce or offer evidence to support this claim.<sup>63</sup>

Second, PO3 Zapatero testified that he was on preventive patrol, together with four other police officers.<sup>64</sup> However, his testimony is not supported by any record, which is required under the Revised Philippine National Police Operational Procedures, specifically:

## RULE 9. PATROL PROCEDURES

....

## 9.2 Duties of Patrol Supervisors

- a. In any operation, careful planning is a must in order to avoid waste of time, effort and resources. Make a patrol plan with the following details:
  - (1) Area Coverage: safe haven, ambush areas and crime-prone areas;
  - (2) Organizational Detail of Personnel;
  - (3) Duration;
  - (4) Stand-by points; and
  - (5) Route plan.
- b. Designate and select the members of the patrol team/s;
- c. Inspect the members of the patrol for completeness of uniforms, operational readiness and all government-issued equipment (firearms, mobile car, radio, etc.) to ensure that these are well-maintained and properly used by the Patrol Officer;
- d. Conduct briefing prior to dispatch by disseminating any orders, directives or instructions from the Chief of Police or higher authorities and new policy or guidelines being implemented by the PNP Organization;
- e. Remind the patrol team about the strict observance of the PNP Operational Procedures;
- f. Strictly observe "Buddy System" during the patrol operations;
- g. *Render hourly report* of location and situation through radio/telephone/cellphone to Police Community Precinct (PCP)/Station Headquarters Tactical Operation Center (TOC);
- h. *Render after-patrol report fully signed by detailed personnel. PCP Commanders shall collate and submit significant details to the Station Patrol Supervisor, who in turn, will submit the same to the Provincial/District Patrol Supervisor;* and
- i. Conduct debriefing after the patrol to assess its conduct and make necessary corrective measures on defects noted.<sup>65</sup> (Emphasis supplied)

<sup>63</sup> *Id.* at 217.

<sup>64</sup> *Id.* at 47.

<sup>65</sup> Revised Philippine National Police Operational Procedures (2013) pp. 9-10, *available at* <https://www.pro4a.pnp.gov.ph/index.php/downloads/pnp-manuals> (last accessed April 13, 2023).



Third, apart from the traffic violation, petitioner was allegedly caught *in flagrante delicto* for usurpation of authority. However, the alleged fake identification card petitioner presented was also not formally offered in evidence.<sup>66</sup>

Assuming there was a valid warrantless arrest and a valid search incidental to a lawful arrest, the search violated his right against unreasonable searches and seizures. Except for his alleged lack of motorcycle helmet, petitioner was not doing any other act that would justify the request to open his bag.

Respondents argue that the items were confiscated because of a search incidental to a lawful arrest. This is a mistaken notion. A search incidental to a lawful arrest is different from a stop and frisk search, as clearly defined and delineated in *Cogaed*:

Searches incidental to a lawful arrest require that a crime be committed *in flagrante delicto*, and the search conducted within the vicinity and within reach by the person arrested is done to ensure that there are no weapons, as well as to preserve the evidence.

On the other hand, “stop and frisk” searches are conducted to prevent the occurrence of a crime. For instance, the search in *Posadas v. Court of Appeals* was similar “to a ‘stop and frisk’ situation whose object is either to determine the identity of a suspicious individual or to maintain the *status quo* momentarily while the police officer seeks to obtain more information.” This court stated that the “stop and frisk” search should be used “[w]hen dealing with a rapidly unfolding and potentially criminal situation in the city streets where unarguably there is no time to secure [ . . . ] a search warrant.”<sup>67</sup> (Citations omitted)

The allegation that petitioner presented a fake identification card was not sufficiently proven. As we held in *People v. Manibog*,<sup>68</sup> “the arresting officer should have personally observed two (2) or more suspicious circumstances, the totality of which would then create a reasonable inference of criminal activity to compel the arresting officer to investigate further.”<sup>69</sup>

It also cannot be assumed that petitioner’s act of opening his bag is equivalent to consenting to the search. *Cogaed* discussed that accused’s silence is not equivalent to a waiver of one’s constitutional right against unreasonable searches and seizures:

Cogaed’s silence or lack of aggressive objection was a natural reaction to a coercive environment brought about by the police officer’s

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<sup>66</sup> *Rollo*, p. 217.

<sup>67</sup> 740 Phil. 212, 228–229 (2014) [Per J. Leonen, Third Division].

<sup>68</sup> 850 Phil. 103 (2019) [Per J. Leonen, Third Division].

<sup>69</sup> *Id.* at 118.

excessive intrusion into his private space. The prosecution and the police carry the burden of showing that the waiver of a constitutional right is one which is knowing, intelligent, and free from any coercion. In all cases, such waivers are not to be presumed.

....

For a valid waiver by the accused of his or her constitutional right, it is not sufficient that the police officer introduce himself or herself, or be known as a police officer. The police officer must also inform the person to be searched that any inaction on his or her part will amount to a waiver of any of his or her objections that the circumstances do not amount to a reasonable search. The police officer must communicate this clearly and in a language known to the person who is about to waive his or her constitutional rights. There must be an assurance given to the police officer that the accused fully understands his or her rights. The fundamental nature of a person's constitutional right to privacy requires no less.<sup>70</sup>

## II

Even if we rule that there was a valid search, petitioner would still be acquitted for failure of the apprehending team to preserve the integrity of the confiscated items. The inventory was done belatedly, and the evidence was kept in a locker, not with the evidence custodian.

As found by the Court of Appeals:

At the police station, [petitioner] and the confiscated items were turned over to desk officer SPO3 George Villanueva who, in turn gave the same to PO2 Wilmore M. Bataanon for investigation. In the presence of [petitioner], the items were photographed and marked as follows: one (1) Firestorm .45 caliber pistol with Serial No. M01130 marked "RD/IBC-A/11/16/13"; one (1) single slide .45 caliber magazine marked "RD/IBC-B/11/16/13"; eight (8) pieces of .45 caliber live ammunition marked as "IBC-1" to "IBC-8" and a fan knife marked as "RD/IBC-D/11/16/13". A Joint Affidavit of Arrest was then executed by PO2 Bataanon and PO2 Andrew B. Hega. Thereafter, a referral to the Inquest Prosecutor was prepared for the filing of Driving Without Helmet and with Expired Driver's License; Usurpation of Authority; and Illegal Possession of Firearms against [petitioner]. After the inquest proceedings, the seized items were returned to PO3 Dimla who, however, was not able to turn over the same to the custodial officer because at that time, the latter was undergoing mandatory police schooling. In the meantime, the pieces of evidence were kept at his locker for safekeeping. PO3 Dimla only retrieved them from his locker after having been issued by the court with a subpoena to present the same during the hearing of the case.<sup>71</sup>

Moreover, the inventory was not done immediately at the place where the evidence was confiscated. When the inventory was done belatedly, there

<sup>70</sup> *People v. Cogaed*, 740 Phil. 212, 239–241 (2014) [Per J. Leonen, Third Division].

<sup>71</sup> *Rollo*, pp. 42–43.

were no other witnesses present. At this point, petitioner himself might not even be able to ascertain whether the items marked were the same items confiscated from him.

Also, it appears that PO3 Dimla never transferred the safekeeping of the confiscated items to the proper officer. The reason that the custodian attended mandatory police schooling may initially justify why the items were kept in PO3 Dimla's locker. However, no evidence was presented to prove the custodian's attendance at the said mandatory police schooling.

*People v. Cristobal*<sup>72</sup> and *Polangcos v. People*<sup>73</sup> both involved a search incidental to apprehensions for traffic violations. In both cases, the police officers decided to frisk the accused and found methamphetamine hydrochloride. Thus, they were charged with violating Republic Act No. 9165. This Court acquitted the accused in both cases, ruling that there was no search incidental to a lawful arrest and that the stop and frisk search was also unjustified. The Court also reasoned that the traffic violations committed by the accused were punishable by fine, not by imprisonment. Hence, there was no need to deprive the accused of their liberty.

*Luz v. People*<sup>74</sup> is another case that involved a search incidental to an apprehension for a traffic violation. It was made clear in *Luz* that:

Even if one were to work under the assumption that petitioner was deemed "arrested" upon being flagged down for a traffic violation and while awaiting the issuance of his ticket, then the requirements for a valid arrest were not complied with.

This Court has held that at the time a person is arrested, it shall be the duty of the arresting officer to inform the latter of the reason for the arrest and must show that person the warrant of arrest, if any. Persons shall be informed of their constitutional rights to remain silent and to counsel, and that any statement they might make could be used against them.<sup>75</sup>  
(Citations omitted)

In this case, it appears that petitioner was not informed of his rights. It can then be inferred that either the police officers knew that an apprehension for a traffic violation is not the same as an arrest, or they forgot the constitutional requirement of informing a person arrested of his rights as an accused.

There is one allegation in this case that appears to have been brushed aside by the lower courts. Respondent never denied petitioner's claim that the

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<sup>72</sup> 853 Phil. 352 (2019) [Per J. Caguioa, Second Division].

<sup>73</sup> 862 Phil. 764 (2019) [Per J. Caguioa, Second Division].

<sup>74</sup> 683 Phil. 399 (2012) [Per J. Sereno, Second Division].

<sup>75</sup> *Id.* at 410.



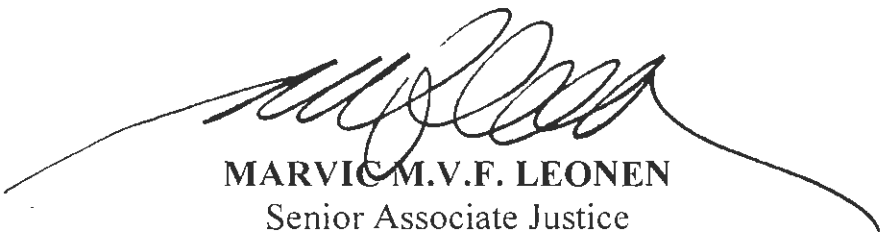
police officers attempted to extort money from him so that the case would not be filed. Claims of extortion should never be taken lightly and in fact, must be investigated. Extortion, committed by law enforcers, “undermines the government efforts to establish the rule of law in general[.]”<sup>76</sup>

**ACCORDINGLY**, the Petition is **GRANTED**. The October 23, 2018 Decision and March 6, 2019 Resolution of the Court of Appeals in CA-G.R. CR No. 40681 are **REVERSED** and **SET ASIDE**. Petitioner Ignacio Balicanta III y Cuarto is **ACQUITTED** of unlawful possession of firearms and ammunitions.

For their information, copies shall also be furnished to the Chief of the Philippine National Police. The confiscated firearm and ammunition shall be turned over to the Philippine National Police-Firearms and Explosives Office for proper disposal.

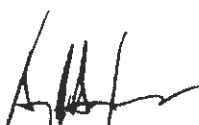
Let entry of judgment be issued immediately.

**SO ORDERED.**

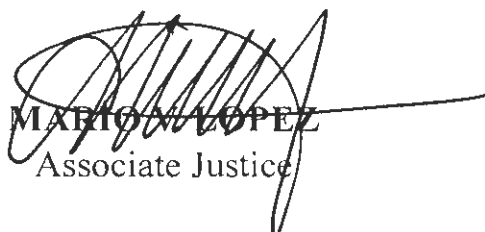


**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

WE CONCUR:



**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO LOPEZ**  
Associate Justice



**JHOSEP Y. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

<sup>76</sup> *People v. PO3 Borja*, 815 Phil. 327, 329 (2017) [Per J. Leonen, Second Division].

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

A handwritten signature in black ink, appearing to read 'M. Leonen', with a long horizontal stroke extending to the right.

**MARVIC M.V.F. LEONEN**

Acting Chief Justice

Per S.O No. 2989 dated June 24, 2023