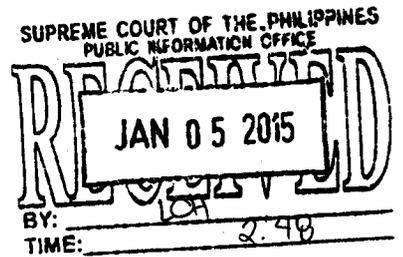




Republic of the Philippines  
Supreme Court  
Manila



FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated November 26, 2014 which reads as follows:*

**“G.R. No. 212260 (*Victor P. Castro v. People of the Philippines*). -** The entry of appearance of Atty. John Joshua A. Atienza of Borje Atienza and Partners, Unit 208, BPI Condominium, Plaza Cervantes, Binondo, Manila, as counsel for petitioner, with conformity, requesting to be furnished with copies of notices, orders and other processes relative to this case; and the letter dated November 5, 2014 of the Judicial Records Division, Court of Appeals, Manila, transmitting the Court of Appeals rollo consisting of 169 pages, one (1) folder of the original records, and one (1) folder of the original transcript of stenographic notes and two (2) folders of the duplicate copies thereof, are **NOTED**.

The petitioner’s counsel is hereby **DIRECTED** to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed entry of appearance pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

We resolve the Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court, seeking to reverse the Court of Appeals (CA) Decision<sup>1</sup> dated 30 July 2013 and its Resolution<sup>2</sup> on the Motion for Reconsideration dated 16 April 2104 in CA-G.R. CR No. 35031. The assailed Decision and Resolution of the CA affirmed the Decision of the Regional Trial Court, Branch 214, Mandaluyong City (RTC) convicting petitioner for violation of Presidential Decree No. 1866 (PD 1866), as amended by RA 8294, or for illegal possession of firearms.

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<sup>1</sup> *Rollo*, p. 21; penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Amy C. Lazaro-Javier and Zenaida T. Galapate-Laguilles, concurring.

<sup>2</sup> *Id.* at 31.

**THE RTC RULING**

Petitioner Victor P. Castro (Castro) was convicted by the RTC for illegal possession of firearms along with his co-accused Antonio B. Lucion (Lucion). However, only petitioner appealed his conviction. The case sprung from a complaint filed with the National Bureau of Investigation (NBI) by Joselito Liberato (Liberato) and Greconso Valera (Valera), alleging that they got duped by group called Presidential Regional Assistant Monitoring Services (PRAMS). Supposedly created by the Office of the President (OP) to assist in implementing the laws of the land, PRAMS enlisted the services of Liberato and Valera as intelligence agents and promised them salaries of ₱30,000 to ₱35,000 a month.

However, Liberato and Valera were never paid. Thus, they sought the help of the NBI. The NBI then sent agents to investigate PRAMS for possible usurpation of authority, as the OP itself had issued a memorandum order M.O. No. 29, series of 1986 saying that PRAMS is a non-existent agency. Before proceeding to PRAMS's office in Mandaluyong City, they even secured a search warrant for investigation purposes. The NBI agents, along with Liberato and Valera, set a meeting with petitioner Castro. The NBI agents posed as lawyers who were supposed to assist PRAMS in the release of their budget.

During the conducted search, the NBI agents seized a Colt .45 caliber pistol which was tucked in a holster and placed on the right side of petitioner's waist. The agents likewise confiscated a firearm from petitioner's co-accused Lucion. Since Castro and Lucion failed to produce proper documentation for their firearms, a case for violation of PD 1866 was filed against them for possession of firearm without the required license to possess.

In their defense, the accused argued that since the subject firearms were not described in the search warrant, said pieces of evidence were inadmissible as being the fruit of the poisonous tree. Moreover, to bolster their contentions, they alleged that said firearms were not confiscated in plain view and were the product of a thorough search.

The RTC gave more credence to the prosecution's evidence that the investigation was conducted pursuant to protocol and thus the NBI agents had the benefit of presumption of regularity in their questioned actions. In applying the plain view doctrine, which was the bone of contention, the RTC ruled that: (a) the NBI agents searching for evidence had prior justification for being at PRAMS's office (pursuant to Liberato and Valero's complaint); (b) the NBI agents discovered the evidence inadvertently as they saw the firearm tucked in a holster under Castro's right waist; and (c) the NBI agents rightfully surmised that said firearm might be evidence of a crime or is contraband owing to PRAMS's dubious character based on the OP's memorandum order declaring it as "non-existent."

The dispositive portion<sup>3</sup> of the RTC's ruling states:

WHEREFORE, premises considered, the Court finds both accused GUILTY in the above-entitled cases, and hereby respectively sentences them thus:

1. In Criminal Case No. MC-06-10193, accused ANTONIO B. LUCION is hereby sentenced to a penalty of six (6) years, eight (8) months and one (1) day to seven (7) years and four (4) months. Considering that a Colt .45 pistol is a high-powered firearm under Sec. 1 of R.A. No. 8294, a fine of ₱30,000.00 is likewise imposed.
2. In Criminal Case No. MC-06-10194, accused VICTOR P. CASTRO is hereby sentenced to a penalty of six (6) years, eight (8) months and one (1) day to seven (7) years and four (4) months. Considering that a Colt .45 pistol is a high-powered firearm under Sec. 1 of R.A. No. 8294, a fine of ₱30,000.00 is likewise imposed.

### THE CA RULING

Upon appeal, the CA fully affirmed the RTC's ruling of conviction. In affirming the RTC's conviction, the CA highlighted the application of the plain view doctrine, on which the charge of illegal possession of firearms is hinged upon.

The dispositive portion<sup>4</sup> of the CA's Decision reads:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The Joint Decision of the Regional Trial Court of Mandaluyong City, Branch 214 dated 8 May 2012 finding accused-appellant Victor P. Castro guilty beyond reasonable doubt of violation of P.D. No. 1866, as amended by R.A. No. 8294 is AFFIRMED.

We now rule on the final review of the case.

### OUR RULING

We affirm the petitioner's conviction for the crime of illegal possession of firearms.

This Court sees no reason to overturn the identical findings of the RTC and the CA, given their very detailed discussion of the law and the facts. As a general rule, findings of fact are beyond the scope of a Petition for Review under Rule 45. Unless this Court sees the case as an exception for which it shall re-examine the factual findings of the lower courts, the jurisdiction of this Court in cases brought before it from the Court of Appeals is limited to reviewing or revising errors of law. The findings of

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<sup>3</sup> Id. at 21-22.

<sup>4</sup> Id. at 30.

facts of the latter are conclusive for it is not the function of this Court to analyze and weigh such evidence all over again,<sup>5</sup> most especially in this case where the CA and RTC's findings jive on all points.

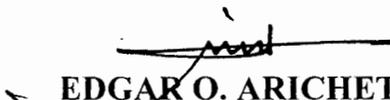
In affirming both courts' decisions, this Court under the "plain view doctrine," unlawful objects within the "plain view" of an officer who has the right to be in the position to have that view are subject to seizure and may be presented in evidence.<sup>6</sup>

In this case, the seizure of the firearm was in plain view as the NBI agents saw it in petitioner's holster tucked under his right waist. The seizure also complied with the following elements: (a) a prior valid intrusion where the arresting agents are legally present in the pursuit of their official duties; (b) the evidence was inadvertently discovered by the arresting agents who had the right to be where they are; (c) the evidence must be immediately apparent; and (d) "plain view" justified mere seizure of evidence without further search.<sup>7</sup> All such elements are present in this case.

**WHEREFORE**, the Court of Appeals Decision dated 30 July 2013 and its Resolution on the Motion for Reconsideration dated 16 April 2104 in CA-G.R. CR No. 35031 are hereby **AFFIRMED**.

**SO ORDERED.** **PERLAS-BERNABE, J.**, on leave;  
**VILLARAMA, JR., J.**, acting member per S.O. No. 1885 dated November 24, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court

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Court of Appeals (x)  
Manila  
(CA-G.R. CR No. 35031)

The Solicitor General (x)  
Makati City

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Supreme Court  
(For uploading pursuant to A.M.  
No. 12-1-7-SC)

The Hon. Presiding Judge  
Regional Trial Court, Br. 214  
1550 Mandaluyong City  
(Crim. Case No. MC-10193 & 10194)

Judgment Division (x)  
Supreme Court

SR

<sup>5</sup> *Republic v. Regional Trial Court, Br. 18, Roxas, Capiz*, G.R. No. 172931.

<sup>6</sup> *People v. Miranda y Gonzales*, G.R. No. 200959, 29 January 2014.

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

*file*