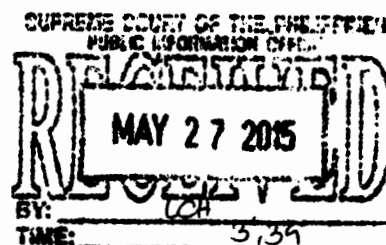




Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 20, 2015 which reads as follows:

“G.R. No. 216045 (Wilfredo Ching y Bunsoy v. People of the Philippines). - The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the May 30, 2014 Decision¹ and December 18, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 35382 for failure of Wilfredo Ching y Bunsoy (petitioner) to show that the CA committed any reversible error in affirming his conviction for Illegal Possession of Drug Paraphernalia and Illegal Possession of Dangerous Drugs defined and penalized under Sections 12 and 11, respectively, of Article II of Republic Act No. (RA) 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

As correctly held by the CA, all the elements in the prosecution for illegal possession of drug paraphernalia and illegal possession of dangerous drugs were established, as in fact, petitioner was caught in possession of the said objects without any legal authority. It is settled that the crime for violation of Section 12 is already consummated the moment petitioner is found in possession of the said articles without the necessary license or

- over - two (2) pages

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¹ *Rollo*, pp. 85-104. Penned by Associate Justice Vicente S.E. Veloso with Associate Justices Jane Aurora Lantion and Nina G. Antonio-Valenzuela, concurring.

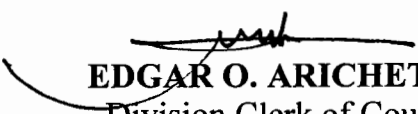
² *Id.* at 117.

April 20, 2015

prescription.³ Neither was the arrest *in flagrante delicto* unlawful, since the offense was committed in the presence of the arresting officer, thus, dispensing with the need for a warrant.⁴ Lastly, it is settled that when the integrity and evidentiary value of the drugs seized were shown to have been duly preserved, as in this case, the failure to strictly follow the directives of Section 21 of RA 9165 is not fatal and will not render the evidence inadmissible.⁵

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
 Division Clerk of Court

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Court of Appeals (x)
 Manila
 (CA-G.R. CR No. 35382)

The Solicitor General (x)
 Makati City

The Hon. Presiding Judge
 Regional Trial Court, Br. 259
 1700 Parañaque City
 (Crim. Case Nos. 11-0063 and
 11-0064)

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 Supreme Court

SR

³ *People v. Villahermosa*, G.R. No. 186465, June 1, 2011, 650 SCRA 256, 274.

⁴ *Rebellion v. People*, G.R. No. 175700, July 5, 2010, 623 SCRA 343, 349-350.

⁵ *Marquez v. People*, G.R. No. 197207, March 13, 2013, 693 SCRA 468, 474.