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JAN 07 2020
BY: YSA
TIME: 9:36 AM

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **11 December 2019** which reads as follows:

G.R. No. 247680 (Victorino Mondala y Nones v. People of the Philippines)

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the January 22, 2019 Decision² and the May 30, 2019 Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 38966 for failure of petitioner Victorino Mondala y Nones (petitioner) to sufficiently show that the CA committed any reversible error in affirming the July 7, 2016 Joint Decision⁴ of the Regional Trial Court of Lingayen, Pangasinan, Branch 69 (RTC) finding him guilty beyond reasonable doubt of the crime of Illegal Possession of Firearms, defined and penalized under Section 28, paragraph (a) of Republic Act No. 10591,⁵ otherwise known as the "Comprehensive Firearms and Ammunition Regulation Act."

As correctly ruled by the CA, the elements⁶ of the crime of Illegal Possession of Firearm were sufficiently established by the prosecution.⁷ There is no merit in petitioner's argument that the fact of possession was not established since the prosecution witness, Senior Police Officer 2 Leif D. Soriano (SPO2 Soriano), gave a positive and categorical testimony as to how the firearm was recovered from petitioner's kitchen.⁸ This clear and straightforward testimony of SPO2 Soriano holds greater weight than petitioner's defenses of denial and frame up which he failed to substantiate.⁹ Absent any substantial proof to the contrary, the CA was correct in upholding the trial court's finding that the elements of the crime charged had been sufficiently established by the prosecution.

¹ Rollo, pp. 14-30.

² Id. at 36-63. Penned by Associate Justice Amy C. Lazaro-Javier (now a member of this Court) with Associate Justices Remedios A. Salazar-Fernando and Marie Christine Azcarraga-Jacob, concurring.

³ Id. at 66-68. Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Ramon A. Cruz and Marie Christine Azcarraga-Jacob, concurring.

⁴ Id. at 87-93. Penned by Presiding Judge Loreto S. Alog Jr..

⁵ Entitled "AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF," approved on May 29, 2013.

⁶ The elements of Illegal Possession of Firearms are as follows: (a) the existence of the subject firearm; and (b) the fact that the accused who owned or possessed it does not have the license or permit to possess the same. The essence of the crime of illegal possession is the possession, whether actual or constructive, of the subject firearm, without which there can be no conviction for illegal possession. (*People v. Agcanas*, 674 Phil. 626, 635 [2011].)

⁷ See rollo, pp. 53-56.

⁸ See id. at 53-54.

⁹ *Imbo v. People*, 758 Phil. 430, 437 (2015).