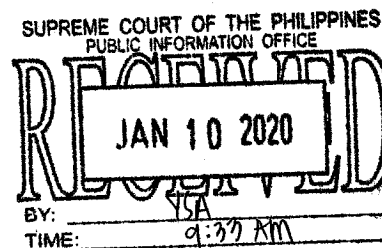




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila



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. 249405 – FRANKIE MAGANA y DE LUNA v. PEOPLE OF THE PHILIPPINES

X ----- X

Before us is a petition for review under Rule 45 of the Rules of Court, assailing the April 10, 2019 Decision and the September 13, 2019 Resolution of the Court of Appeals (CA) in CA-G.R. No. 39977, finding petitioner Frankie Magana y De Luna guilty beyond reasonable doubt of Violation of Section 11, Article II of Republic Act (R.A.) No. 9165.

Acting on the Motion for Extension, the same is hereby **GRANTED**.

After a judicious review, the Court resolves to **DENY** the petition for failure of the petitioner to sufficiently show any reversible error in the assailed Decision and Resolution of the Court of Appeals.

The Court, however, finds it proper to modify the range of penalty imposed.

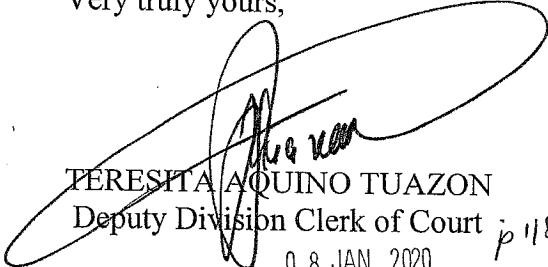
The penalty for illegal possession of 0.02 gram of *shabu* under Section 11, Article II of R.A. No. 9165 is imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of *shabu*. This Court deems it proper to modify the penalty by broadening the range to twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum.

WHEREFORE, premises considered, the April 10, 2019 Decision and the September 13, 2019 Resolution of the Court of Appeals in CA-G.R. CR No. 39977 are **AFFIRMED with MODIFICATION**. Petitioner Frankie Magana y De Luna is sentenced to suffer the indeterminate penalty of twelve (12) years and one (1) day, as minimum, to fourteen (14) years, as maximum, and to pay the fine of P400,000.00.

old

SO ORDERED.”

Very truly yours,


 TERESITA AQUINO TUAZON
 Deputy Division Clerk of Court
 08 JAN 2020 p 118

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*FRANKIE D. MAGANA (reg)
 Petitioner
 c/o The Director
 Bureau of Corrections
 1770 Muntinlupa City

THE DIRECTOR (reg)
 Bureau of Corrections
 1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 41
 Dact, Camarines Norte
 (Crim. Case Nos. 14781 & 14782)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

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OFFICE OF THE CHIEF ATTORNEY (x)
 OFFICE OF THE REPORTER (x)
 Supreme Court, Manila

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR No. 39977

*with copy of CA Decision dated 10 April 2019
 and Resolution dated 13 September 2019
Please notify the Court of any change in your address.
 GR249404. 12/11/19A(108)URES

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