



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 September 2020** which reads as follows:*

“**G.R. No. 252597 (John Laurence Salaysay y Mangulabnan and John Paul Dela Cruz y Salaysay v. People of the Philippines)**. – After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM with MODIFICATION** the July 15, 2019 Decision<sup>2</sup> and the June 8, 2020 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 40536 for failure of petitioners John Laurence Salaysay y Mangulabnan (Salaysay) and John Paul Dela Cruz y Salaysay (Dela Cruz; collectively, petitioners) to sufficiently show that the CA committed any reversible error in affirming their guilt beyond reasonable doubt of the crimes charged, as follows: (a) for Salaysay, the crime of violation of Section 28 (e) (1), Article V of Republic Act No. (RA) 10591,<sup>4</sup> otherwise known as the ‘Comprehensive Firearms and Ammunition Regulation Act;’ and (b) for Dela Cruz, the crimes of Illegal Possession of Dangerous Drugs and Paraphernalia, defined and penalized under Sections 11 and 12, Article II of RA 9165, otherwise known as the ‘Comprehensive Dangerous Drugs Act of 2002.’ However, in light of the provisions of Section 28 (a) and (e) of RA 10591, the penalty imposed upon Salaysay must be modified; hence, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of eight (8) years, eight (8) months, and one (1) day of *prision mayor*, as minimum, to ten (10) years, eight (8) months, and one (1) day of *prision mayor*, as maximum.

As correctly ruled by the CA, the prosecution was able to establish all the elements<sup>5</sup> of the crime charged with respect to Salaysay, considering that: (a) the

<sup>1</sup> *Rollo*, pp. 11-36.

<sup>2</sup> *Id.* at 43-56. Penned by Associate Justice Gabriel T. Robeniol with Associate Justices Ramon R. Garcia and Eduardo B. Peralta, Jr., concurring.

<sup>3</sup> *Id.* at 58-59.

<sup>4</sup> Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,” approved on May 29, 2013.

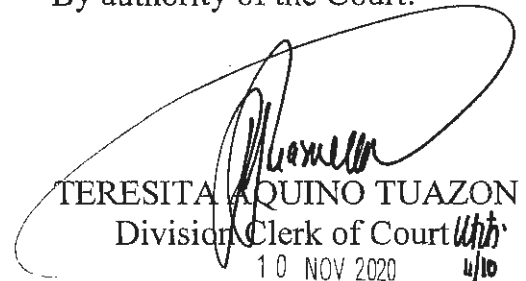
<sup>5</sup> The *corpus delicti* in the crime of Illegal Possession of Firearms is the accused’s lack of license or permit to possess or carry the firearm, as possession itself is not prohibited by law. To establish the *corpus delicti*, the prosecution has the burden of proving that: (a) the firearm exists; and (b) the accused who owned or possessed it does not have the corresponding license or permit to possess or carry the same.

arresting officer, Police Officer 1 Robert Lingad, identified him as the person carrying the loaded caliber 40 S&W, with serial number 876122, as well as an empty magazine; and (b) the certification from the Firearm and Explosives Office in Camp Crame, Quezon City proved that Salaysay was not a licensed/registered firearm holder of any kind and caliber. Moreover, the carrying of firearms and ammunition, without the requisite authorization, is enough basis for the conduct of a valid *in flagrante delicto* warrantless arrest,<sup>6</sup> as in this case.

On the other hand, in order to secure the conviction of an accused charged with Illegal Possession of Dangerous Drugs, the prosecution must prove that: (a) the accused was in possession of an item or object identified as a dangerous drug; (b) such possession was not authorized by law; and (c) the accused freely and consciously possessed the said drug. Similarly, a violation of Illegal Possession of Drug Paraphernalia is deemed consummated the moment the accused is found in possession of said articles without the necessary license or prescription.<sup>7</sup> In Dela Cruz's case, there was a confluence of all the foregoing elements,<sup>8</sup> and thus, the Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the CA, as there is no indication that it overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. In fact, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, and thus, due deference should be accorded to the same.<sup>9</sup>

**SO ORDERED.** (Baltazar-Padilla, *J.*, on leave.)”

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court  
10 NOV 2020 4/10

<sup>6</sup> *People v. Abriol*, 419 Phil. 609-640 (2001).

<sup>7</sup> See *People v. Ching*, G.R. No. 223556, October 9, 2017.

<sup>8</sup> The *corpus delicti* had been established by an unbroken chain of custody and its integrity duly preserved owing to the strict compliance with the procedures set forth under Section 21, Article II of RA 9165.

<sup>9</sup> See *Peralta v. People*, 817 Phil. 554, 563 (2017).

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Brgy. Mangga, Candaba  
2013 Pampanga

**HON. PRESIDING JUDGE (reg)**

Regional Trial Court, Branch 96  
2110 Dinalupihan, Bataan  
(Crim. Case Nos. DH-4220-17,  
DH-4221-17 & DH-4222-17)

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Supreme Court, Manila

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CA-G.R. CR No. 40536

\*with copy of Decision dated 15 July 2019.

*Please notify the Court of any change in your address.*

GR252597. 9/14/2020(230)URES

*luf*