

G. R. No. L-9416

**[ G. R. No. L-9416. August 31, 1956 ]**

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FELICIANO CAVA,  
DEFENDANT-APPELLANT.**

**D E C I S I O N**

**REYES, J.B.L., J.:**

Appellant Feliciano Cava was convicted by the Court of First Instance of Iloilo of the crime of illegal possession of firearms, and sentenced to undergo 5 to 7 years imprisonment and to pay the costs.

Cava has appealed to the Court claiming that while it is a fact that on July 10, 1952 the police of Janiuay found hidden in the eaves of his house a carbine and 30 rounds of ammunition, both unlicensed, the uncontradicted evidence is that in 1951, appellant consulted Juan C. Locsin, then Mayor of Janiuay, as to the steps he (Cava) could take to protect himself and his family from dissidents, who were then active in the region; and that Locsin "encouraged him to buy loose arms," as authorized by the Armed Forces local command, and that appellant then purchased the gun and ammunition acting upon this advice. It is therefore contended that he should be held blameless, having acted in good faith.

We think the defense is untenable. The crime of illegal possession of firearms is committed by the holding or having control of firearms or ammunition, with intent to use the same, without requisite authority. Such control and intent the accused admittedly had. It is not clear whether the advice given by Locsin to appellant was that he should merely help in buying loose firearms (which the Government itself was doing), or whether it was to buy the weapon and keep it for his own protection. In the latter case, the advice necessarily implied that the accused should obtain proper authorization to keep the firearms.

That defendant was aware of the illegality of his unlicensed possession is shown by his

concealment of the weapon and initial denial that he had it. But even if he had acted in good faith it would not be a good defense, as correctly held by the Court below, for the statutory offense being *malum prohibitum*, punishable under special law, good faith and absence of criminal intent are not valid defenses (Peo. vs. Bayona, 61 Phil. 181; U.S. vs. Go Chico, 14 Phil. 128).

The judgment appealed from is affirmed. Costs against appellant.

So ordered.

*Paras, C.J., Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia , and Felix, JJ., concur.*

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