

Title:

People of the Philippines vs. Rolando de Gracia (Illegal Possession of Ammunition and Explosives in Furtherance of Rebellion)

Facts:

This case emanated during the tumultuous period of a coup d'état in December 1989 by ultra-rightist elements against the Philippine Government. Various strategic locations in Metro Manila were seized by these elements, causing massive disorder. Amidst this backdrop, Rolando de Gracia was implicated in two criminal cases, namely illegal possession of ammunition and explosives in furtherance of rebellion (Criminal Case No. Q-90-11755) and attempted homicide (Criminal Case No. Q-90-11756), both adjudicated by the Regional Trial Court of Quezon City, Branch 103. De Gracia, alongside Chito Henson and others, faced charges for unlawfully having in possession explosives, ammunition, and Molotov bombs, with the declared aim of overthrowing the Government.

Following intelligence reports of the Eurocar Sales Office being utilized by rebel forces as a communication command post, a surveillance operation was conducted, leading to an encounter where Sgt. Crispin Sagario was wounded. Subsequent to this, a raid executed without a search warrant due to the prevailing emergency resulted in the seizure of substantial amounts of ammunition and explosives and the arrest of De Gracia and others.

De Gracia contested these allegations, claiming he was elsewhere during the incident and was a mere employee of Col. Matillano, under whose instructions he was acting. He denied knowledge and intentional possession of the confiscated items.

Issues:

1. Whether intent to possess is an essential element of the crime of illegal possession of firearms and ammunition under Presidential Decree No. 1866, and if so, whether De Gracia had such intent.
2. The legality of the warrantless search and seizure conducted at the Eurocar Sales Office.
3. Whether De Gracia's possession of firearms and ammunition was in furtherance of rebellion.

Court's Decision:

1. ****Intent to Possess****: The Supreme Court emphasized that while ownership is not a

requisite for the crime under Presidential Decree No. 1866, intent to possess, even without criminal intent, is essential. It was found that De Gracia had the necessary animus possidendi, evidenced by his actions and the circumstance under which the firearms and explosives were found.

2. **Warrantless Search and Seizure**: Considering the exigent circumstances, including the ongoing rebellion, the Court ruled that the warrantless search fell within the exceptions to the requirement of a search warrant, given the probable cause and the impracticality of securing a warrant under the circumstances.

3. **Furtherance of Rebellion**: The Court affirmed the finding that De Gracia's possession of the firearms and explosives was indeed in furtherance of rebellion, concomitant with the objectives of the coup plotters.

Doctrine:

The Supreme Court reiterated the principle that intent to possess, distinct from criminal intent, is crucial for the offense of illegal possession of firearms and ammunition under Presidential Decree No. 1866. Moreover, it elucidated the doctrinal allowances for warrantless searches under exigent circumstances and recognized the compounded offense of illegal possession in furtherance of rebellion.

Class Notes:

- **Illegal Possession of Firearms and Ammunition (Presidential Decree No. 1866)**: Ownership is not essential; what is required is possession with intent (animus possidendi), irrespective of criminal intent.
- **Warrantless Search**: Justifiable under exigent circumstances and based on probable cause, particularly during instances of public emergency and when securing a warrant is impractical.
- **Rebellion and Possession of Firearms/Ammunition**: Possession of arms and explosives can be deemed in furtherance of rebellion if there is a discernible objective to overthrow government authorities.

Historical Background:

The case occurred against the chaotic backdrop of the 1989 coup attempt against the Government, highlighting the legal challenges and considerations amidst civil unrest. It

underscored the judiciary's approach to unlawfully possessed weapons during periods of political instability and its implications on public safety and order.