

### Title:

**\*\*Celino v. Court of Appeals & People of the Philippines: A Case of Multiple Charges under the Firearms and Election Laws\*\***

### Facts:

This case concerns Angel Celino, Sr., who was charged with two separate offenses before the Regional Trial Court (RTC) of Roxas City. The charges filed were for violation of Section 2(a) of COMELEC Resolution No. 6446 (gun ban) under Criminal Case No. C-137-04 and Section 1, Paragraph 2 of Republic Act No. (R.A.) 8294 (illegal possession of firearm) under Criminal Case No. C-138-04. The charges stemmed from Celino being found carrying an armalite rifle outside of his residence during the election period without proper authority from the Commission on Elections, and simultaneously without a proper license for the firearm.

Celino pleaded not guilty to the gun ban violation charge in C-137-04. Before his arraignment for the illegal possession of firearms charge in C-138-04, he filed a Motion to Quash, arguing that he could not be prosecuted for both charges based on the same set of facts. The RTC denied his Motion to Quash, drawing from previous Supreme Court affirmations in similar cases that illegal possession of firearms could be a standalone charge unless involved in other specific crimes under R.A. 8294.

Dissatisfied, Celino moved for reconsideration, which the trial court denied. He then escalated the matter to the Court of Appeals through a Petition for Certiorari. On April 18, 2005, the appellate court affirmed the trial court's decision, and after Celino's Motion for Reconsideration was denied on September 26, 2005, he filed a petition with the Supreme Court.

### Issues:

1. Whether Celino's Motion to Quash should have been granted on the basis that he could not be charged with illegal possession of a firearm given the simultaneous charge for violating the COMELEC gun ban.
2. Whether the doctrine of liberality in the Rules of Court should apply, allowing Celino's certiorari petition despite being filed beyond the reglementary period.

### Court's Decision:

The Supreme Court dismissed Celino's petition. The Court clarified that the legal relief of certiorari under Rule 65 was improperly invoked as it cannot substitute for a lost appeal,

noting that Celino should have pursued a petition for review on certiorari under Rule 45 within the prescribed period.

On the substantive issue, the Court maintained the distinction under R.A. 8294 between the mere possession of an unlicensed firearm and possession used in committing another crime. It emphasized the statute's stipulation that a charge for illegal possession of firearms stands unless the firearm is used in committing specific crimes listed under said law, which did not include the violation of the COMELEC gun ban.

### ### Doctrine:

This case reiterates the doctrine that illegal possession of a firearm is a standalone offense unless the firearm is used in the commission of specific crimes under R.A. 8294. Moreover, it affirms that certiorari under Rule 65 of the Rules of Court is not a remedy for bypassing the procedure for appeal under Rule 45.

### ### Class Notes:

- **Illegal Possession of Firearms (R.A. 8294):** To be prosecuted separately unless used in the commission of specific offenses enumerated in the act.
- **COMELEC Gun Ban Violation:** Not listed under R.A. 8294 as an offense that would absorb or merge the charge of illegal possession of firearms.
- **Certiorari vs. Appeal:** Certiorari under Rule 65 cannot be a substitute for a missed appeal under Rule 45.
- **Doctrine of Liberality:** Not applicable when no justification is provided for the failure to comply with procedural rules.

### ### Historical Background:

This case highlights the intersection of firearm regulation and election laws in the Philippines, underscoring the legal system's nuance in handling cases of illegal possession amidst distinct but coinciding prohibitory statutes. Through this, it sheds light on the judicial prerogative to interpret and reconcile statutes in specific contexts, notably within the election period marked by heightened regulation of firearms to ensure public safety and electoral integrity.