

Title:

****People of the Philippines vs. Leo Lian y Verano: A Reevaluation of Penalties for Illegal Possession of Firearms****

Facts:

This case commenced when Second Assistant Provincial Prosecutor Rogelio C. Hipol filed an Information accusing Leo Lian y Verano of illegal possession of a firearm and ammunition, a violation of Section 1 of Presidential Decree No. 1866, as amended. The incident that led to the accusation occurred on June 27, 1990, in Pugo, La Union, Philippines, where Verano was found with a .45 caliber pistol without the necessary license or permit.

During his trial, the prosecution presented witnesses including the apprehending officer, Sgt. Orlandino Lales, and Abelardo Macaraeg, a barangay tanod who reported the sighting of Verano with a handgun. Verano, representing himself, claimed his possession was incidental with an intention to surrender the firearm found in a bag on a bus.

The Regional Trial Court of Agoo, La Union, found Verano guilty and sentenced him to reclusion temporal in its maximum period to reclusion perpetua, ordering the seized items turned over to the PNP Director General. Verano appealed, challenging the sufficiency of evidence regarding his intent to possess the firearm and ammunition.

Issues:

1. Whether the accused had the animus possidendi or the intent to possess the firearm and ammunition, considering his claim of incidental possession with intent to surrender.
2. The appropriateness of the penalty imposed for the crime of illegal possession of firearm under Presidential Decree No. 1866, as amended.

Court's Decision:

The Supreme Court meticulously addressed the issues presented. On the matter of animus possidendi, the Court found that the evidence clearly established Verano's possession and control over the firearm and ammunition without the requisite authority or license. The Court dismissed Verano's narrative of intending to surrender the firearm as not credible, emphasizing inconsistencies and lack of corroboration.

Regarding the penalty, the Court embarked on a comprehensive analysis, differentiating between divisible and indivisible penalties under the Revised Penal Code and the peculiar penalty structure under Presidential Decree No. 1866, as amended. It concluded that the penalty provided constituted a complex and divisible penalty covering three periods, which

should be applied in accordance with the principles of the Revised Penal Code. Thus, Verano was sentenced to an indeterminate penalty ranging from ten (10) years and one (1) day of prision mayor to eighteen (18) years, eight (8) months, and one (1) day of reclusion temporal.

Doctrine:

The Supreme Court established or reiterated the following key doctrines:

- Actual intent to possess (animus possidendi) is crucial for the offense of illegal possession of firearms and ammunition under Presidential Decree No. 1866, as amended. Incidental possession with immediate intent to surrender the firearm does not suffice to absolve an accused unless convincingly demonstrated.
- The penalties under Presidential Decree No. 1866, as amended, should be graduated according to the tiered system used in the Revised Penal Code, thereby allowing for an indeterminate sentence even under a special law, provided that the punitive directives of the decree are congruent with the Code's penalty structure.

Class Notes:

- ****Animus Possidendi****: The intention to possess, which is a key determinant in cases of illegal possession of firearms. This intent must be clear and discernible to establish guilt under Presidential Decree No. 1866, as amended.
- ****Presidential Decree No. 1866, as amended****: Outlines penalties for illegal possession of firearms and ammunition. Ownership is not an issue; rather, control and possession without authority or license constitute the offense.
- ****Indeterminate Sentence Law****: Application thereof in cases under special laws where penalties mirror those in the Revised Penal Code, thereby allowing the courts to impose an indeterminate sentence that aligns with the principles of justice and rehabilitation.

Historical Background:

The case underscores the judiciary's role in interpreting legislative mandates related to criminal penalties, especially in balancing the text of special laws with principles inherent in the Revised Penal Code. The reevaluation of penalties for illegal possession of firearms reflects the judicial system's adaptability and its commitment to ensuring proportional penalties within the framework of Philippine law.