

Title: Rene Botona v. Court of Appeals and People of the Philippines

Facts:

On February 20, 1991, at around 9:00 PM in Barobo, Surigao del Sur, Rene Botona allegedly threatened Rito Bautista and others with a .38 cal. paltik revolver. After a struggle, Bautista disarmed Botona, who then fetched an M-16 rifle and shot at Bautista's residence. Botona was charged with Illegal Possession of Firearms under P.D. No. 1866 for both the paltik revolver and the M-16 rifle. The Regional Trial Court acquitted him for the M-16 charge but found him guilty for the revolver, sentencing him to reclusion temporal. Botona appealed to the Court of Appeals, which affirmed the trial court's decision. Unsatisfied, Botona filed a petition for certiorari, prohibition, and injunction with the Supreme Court, claiming the appellate court's decision was marred by grave abuse of discretion.

Issues:

1. Whether the Court of Appeals erred in affirming the conviction without considering that the prosecution failed to prove that the paltik revolver was unlicensed.
2. Whether the Court of Appeals improperly placed the burden of proving the firearm was licensed on the accused.

Court's Decision:

The Supreme Court granted Botona's petition, reversing the appellate and trial court's decisions. The Court concluded that the prosecution failed to prove beyond reasonable doubt that the paltik revolver was unlicensed. The Court stressed the prosecution's duty to prove every element of the crime, including the fact that the accused does not have a license for the firearm in question. It found fault with the lower courts' assumption that possession of a paltik, a homemade firearm, is illegal per se without the necessary proof that it was unlicensed. The Supreme Court determined this constituted grave abuse of discretion justifying the issuance of the writ of certiorari.

Doctrine:

The Supreme Court reiterated the doctrine that in cases of illegal possession of firearms, the prosecution must prove both the existence of the firearm and that the accused did not have the legal authority or license to possess the same. Mere possession of an unregistered firearm, without proof of lack of license or permit issued by competent authority, does not suffice to convict an individual for illegal possession of firearms.

Class Notes:

- **Illegal Possession of Firearms:** To secure a conviction, the prosecution must establish (a) the existence or possession of the firearm, and (b) the absence of a license or permit for such firearm.
- **Burden of Proof:** The burden rests on the prosecution to prove the negative fact that the accused does not have a license for the firearm. A certification or testimony from the Firearms and Explosives Unit (FEU) of the PNP could satisfy this requirement.
- **Homemade Firearms (Paltik):** Even though commonly unregistered, the prosecution still must prove the absence of a permit or license for such firearms to convict for illegal possession.

Historical Background:

The case highlights the strict requirements for prosecuting illegal possession of firearms under Philippine law, especially concerning homemade or unregistered firearms. It underscores the judiciary's role in ensuring that convictions are based only upon meeting the strict evidentiary standards required by law, safeguarding against wrongful convictions based on presumptions or insufficient evidence.