

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF – APPELLEE, VS. RAFAEL LICERA, DEFENDANT – APPELLANT.

G.R. No. L-39990. July 22, 1975

Ponente: CASTRO, J.

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CASTRO, J.:

This is an appeal, on a question of law, by Rafael Licera from the judgment dated August 14, 1968 of the Court of First Instance of Occidental Mindoro convicting him of the crime of illegal possession of firearm and sentencing him to imprisonment of five (5) years. We reverse the judgment of conviction, for the reasons hereunder stated.

On December 3, 1965 the Chief of Police of Abra de Ilog, Occidental Mindoro, filed a complaint, subscribed and sworn to by him, with the municipal court of the said municipality, charging Rafael Licera with illegal possession of a Winchester rifle, Model 55, Caliber .30. On August 13, 1966 the municipal court rendered judgment finding Licera guilty of the crime charged, sentencing him to suffer an indeterminate penalty ranging from five years and one day to six years and eight months of imprisonment. Licera appealed to the Court of First Instance of Occidental Mindoro.

In the Court of First Instance, the parties agreed to the joint trial of the case for illegal possession of firearm and another case, likewise filed against Licera with the municipal court but already forwarded to the said Court of First Instance, for assault upon an agent of a person in authority, the two offenses having arisen from the same occasion: apprehension of Licera by the Chief of Police and a patrolman of Abra de Ilog on December 2, 1965 for possession of the Winchester rifle without the requisite license or permit therefor.

On August 14, 1968 the court a quo rendered judgment acquitting Licera of the charge of assault upon an agent of a person in authority, but convicting him of illegal possession of firearm, sentencing him to suffer five years of imprisonment, and ordering the forfeiture of the Winchester rifle in favor of the Government.

Licera's appeal to the Court of Appeals was certified on October 16, 1974 to this Court as involving only one question of law.

Licera invokes as his legal justification for his possession of the Winchester rifle his appointment as secret agent on December 11, 1961 by Governor Feliciano Leviste of Batangas. He claims that as secret agent, he was a "peace officer" and, thus, pursuant to *People vs. Macarandang*,^[1] was exempt from the requirements relating to the issuance of license to possess firearms. He alleges that the court a quo erred in relying on the later case of *People vs. Mapa*^[2] which held that section 879 of the Revised Administrative Code provides no exemption for persons appointed as secret agents by provincial governors from the requirements relating to firearm licenses.

The principal question thus posed calls for a determination of the rule that should be applied to the case at bar — that enunciated in *Macarandang* or that in *Mapa*.

The appointment given to Licera by Governor Leviste which bears the date "December 11, 1961" includes a grant of authority to Licera to possess the Winchester rifle in these terms: "In accordance with the decision of the

Supreme Court in G.R. No. L-12088 dated December 23, 1959, you will have the right to bear a firearm.... for use in connection with the performance of your duties." Under the rule then prevailing, enunciated in Macarandang,[3] the appointment of a civilian as a "secret agent to assist in the maintenance of peace and order campaigns and detection of crimes sufficiently put[s] him within the category of a 'peace officer' equivalent even to a member of the municipal police" whom section 879 of the Revised Administrative Code exempts from the requirements relating to firearm licenses.

Article 8 of the Civil Code of the Philippines decrees that judicial decisions applying or interpreting the laws or the Constitution form part of this jurisdiction's legal system. These decisions, although in themselves not laws, constitute evidence of what the laws mean. The application or interpretation placed by the Court upon a law is part of the law as of the date of the enactment of the said law since the Court's application or interpretation merely establishes the contemporaneous legislative intent that the, construed law purports to carry into effect.[4]

At the time of Licera's designation as secret agent in 1961 and at the time of his apprehension for possession of the Winchester rifle without the requisite license or permit therefor in 1965, the Macarandang rule — the Court's interpretation of section 879 of the Revised Administrative Code — formed part of our jurisprudence and, hence, of this jurisdiction's legal system. Mapa revoked the Macarandang precedent only in 1967. Certainly, where a new doctrine abrogates an old rule, the new doctrine should operate prospectively only and should not adversely affect those favored by the old rule, especially those who relied thereon and acted on the faith thereof. This holds more especially true in the application or interpretation of statutes in the field of penal law, for, in this area, more than in any other, it is imperative that the punishability of an act be reasonably foreseen for the guidance of society.[5]

Pursuant to the Macarandang rule obtaining not only at the time of Licera's appointment as secret agent, which appointment included a grant of authority to possess the Winchester rifle, but as well at the time as of his apprehension, Licera incurred no criminal liability for possession of the said rifle, notwithstanding his non-compliance with the legal requirements relating to firearm licenses.

ACCORDINGLY, the judgment a quo is reversed, and Rafael Licera is hereby acquitted. Costs de oficio.

Makasiar, Esguerra, Muñoz Palma, and Martin, JJ., concur.

Teehankee, J., is on leave.

[1] L-12088, December 23, 1959, 106 Phil. 713.

[2] L-22301, August 30, 1967, 20 SCRA 1164.

[3] Vide *People vs. Lucero*, L-10845, April 28, 1958, 103 Phil. 500.

[4] *People vs. Jabinal*, L-30061, February 27, 1974, 55 SCRA 607. Vide *Senarillos vs. Hermosisima*, L-10662, December 14, 1956, 100 Phil. 501.

[5] *People vs. Jabinal*, *ibid.*

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