

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MORO SUMAGUINA MACARANDANG, DEFENDANT AND APPELLANT.

G. R. No. L-12088. December 23, 1959

Ponente: PARAS, C.J.

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PARAS, C.J.:

Moro Sumaguina Macarandang was accused and, after trial, convicted of the crime of illegal possession of firearms in the Court of First Instance of Lanao under the following information:

"That on or about June 8, 1954, in the Municipality of Marantao, Province of Lanao, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there, willfully, unlawfully and feloniously keep and have in his custody and control one Riot Gun, Winchester, 12 GA. SN-942131 and (8) rounds of ammunitions, without first having obtained the proper license or permit therefor from competent authority."

In the present appeal the accused, admitting the ownership and possession of the firearm and ammunitions in question, invokes as his legal excuse or authority therefor, the appointment issued him by Governor Dimakuta as secret agent on October 1, 1953, which reads as follows:

"To Whom it May Concern:

"For having shown good faith by previously surrendering to this Office a firearm, Datu Sumaguina Macarandang of Kamalig, Marantao, Lanao, has been appointed SECRET AGENT of this Office without compensation, to assist in the maintenance of peace and order campaigns and detection of crimes. Accordingly, he is hereby authorized to hold and carry in his possession one (1) Riot Winchester Shotgun, 12 GA. Serial No. 942131 with twenty (20) rounds of ammunitions for the successful execution of his hazardous missions.

"Datu Sumaguina Macarandang shall personally report to me from time to time all activities and whereabouts of lawless and wanted elements roaming in the Municipal District of Marantao, as well as all matters affecting tranquility therein existing."

It may be true that, as held by the trial court, the Governor has no authority to issue any firearm license or permit, but section 879 of the Revised Administrative Code provides, as shown at least by the subject matter thereof, that "peace officers" are exempted from the requirements relating to the issuance of license to possess firearms. The appointment of the accused as secret agent to assist in the maintenance of peace and order campaigns and detection of crimes, sufficiently put him within the category of a "peace officer" equivalent even to a member of the municipal police expressly covered by section 879.

Wherefore, the decision appealed from is reversed and the accused acquitted, with costs de oficio. So ordered.

Bengzon, Padilla, Montemayor, Bautista Angelo, Labrador, and Gutierrez David, JJ., concur.

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