

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V. RODERICK OANIA Y GUERRERO, ACCUSED-APPELLANT.**

Ponente: ELBINIAS, J.

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**ELBINIAS, J.:**

Subject of this Appeal[1] is the Decision[2] dated September 15, 2011 of the Regional Trial Court, Branch 52, Pangasinan (“trial court” for brevity) in Criminal Case No. T-4897 for violation of Presidential Decree No. 1866[3] (“P.D. No. 1866” for brevity), otherwise known as the “Act Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunition or Explosives or Instruments used in the Manufacture of Firearms, Ammunition or Explosives”, as amended by Republic Act No. 8294.

The conviction of the accused-appellant Roderick Oania (“accused-appellant Oania” for brevity) stemmed from a Criminal Complaint[4] dated March 16, 2010, which read as follows:

“That on or about 5:00 o'clock PM of March 15, 2010 in Brgy. Maseil-seil, Municipality of Umingan, Province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not authorized by law, did then and there, willfully, unlawfully and feloniously have in his possession, control and custody, one (1) fragmentation grenade without the necessary permit to possess the same which he used and intended to be used in committing an offense.

Contrary to Law[.]”[5]

The prosecution presented the testimonies of PO3 Manuel Silvania (“PO3 Silvania” for brevity), and PO1 Cesario Defuntorum (“PO1 Defuntorum” for brevity), in order to prove the following: According to PO3 Silvania, he was the investigator in the Murder case involving a victim by the name of Meynardo Osquiza (“victim Osquiza” for brevity), which crime happened on March 5, 2010 in Brgy. Flores, Umingan, Pangasinan.[6] A cartographic sketch of the unidentified suspect in the murder case, later known as accused-appellant Oania, was prepared through the help of the victim Osquiza's daughter, Jessa.[7]

At around 5:00 in the afternoon of March 15, 2010, the Chief of Police of the Philippine National Police (“PNP” for brevity) of Umingan, Pangasinan ordered the policemen to join the members of the PNP Pangasinan Public Safety Management Company (“PPSMC” for brevity) in conducting a joint police operation (“joint operation” for brevity).[8] The joint operation was conducted to confirm the report of the Intelligence Cooperative of the PPSMC that the murder suspect, accused-appellant Oania, was hiding in Brgy. Maseil-seil, Umingan, Pangasinan (“area of operation” for brevity). The operation was also done to verify whether the person in the cartographic sketch and the one hiding in Brgy. Maseil-seil was the same person.[9]

The team then proceeded to the area of operation.[10] There, the team saw accused-appellant Oania bring out a fragmentation grenade from his pocket. PO1 Defuntorum immediately grabbed the grenade from accused-appellant Oania.[11]

Accused-appellant Oania was brought by the arresting team to the Umingan Police Station for investigation.[12]

PO1 Defuntorum made and pasted the markings, “CAD-1 Roderick Oania, suspect, Umingan Police Station, March 15, 2010”, around the seized hand grenade.[13] PO1 Defuntorum then gave the hand grenade to PO3 Silvanian.[14]

Accused-appellant Oania was later brought by the policemen to the PPSMC Headquarters in Tayug, Pangasinan for tactical interrogation.[15] After the interrogation, the policemen brought accused-appellant Oania to BJMP in Tayug, Pangasinan where he was detained.[16]

The defense, on the other hand, presented the testimonies of accused-appellant Oania, and Liza Balmes (“Balmes” for brevity), in order to prove the following:

At around 5:00 in the afternoon of March 15, 2010, accused-appellant Oania was at Balmes' house in Brgy. Maseil-seil, Umingan, Pangasinan.[17]

While Balmes was at the comfort room, four (4) men entered the house.[18] Three (3) of the four (4) men sat in front of accused-appellant Oania, while one (1) man sat beside him on his left side.[19]

When Balmes left the comfort room, the three (3) men restrained accused-appellant Oania.[20]

Accused-appellant Oania and Balmes asked the men why they were doing that to accused-appellant Oania.[21] The men made accused-appellant Oania sit again.[22]

Afterwards, the policemen arrived.[23] The policemen dragged accused-appellant Oania to their vehicle.[24] The four (4) men punched accused-appellant Oania's stomach.[25] Accused-appellant Oania was brought by the policemen to the camp in Tayug.[26]

The policemen accused accused-appellant Oania of killing the victim Osquiza.[27] Accused-appellant Oania claimed that the thing taken from him was a coin purse, which resembled a hand grenade.[28]

Two Criminal Complaints[29] both dated March 16, 2010, for violation of P.D. No. 1866 (Illegal Possession of Explosives), as amended, and for violation of Comelec Resolution No. 8714[30], were then filed against accused-appellant Oania.

Accused-appellant Oania pleaded “NOT GUILTY”.[31]

Eventually, the trial court rendered the Decision[32] appealed from, convicting accused-appellant Oania for violation of P.D. No. 1866 (Illegal Possession of Explosives), while acquitting accused-appellant Oania for violation of Comelec Resolution No. 8714. The dispositive portion of the Decision disclosed the following:

“WHEREFORE, the Court finds the accused GUILTY as charged in Criminal Case No. 4897 and sentences him to a prison term of 6 years and 1 day of prison mayor, as minimum to 14 years, 8 months and 1 day of reclusion temporal, as maximum. Accused is likewise ordered to pay a fine of Php50,000.00.

Accused is ACQUITTED in Criminal Case No. T-5051.

The hand grenade subject of this case is forfeited in favor of the government.

Let said hand grenade be turned over to PPPSMC, Tayug, Pangasinan for safekeeping.

SO ORDERED”[33] (Emphasis were made in the original)

In appealing from the Decision, accused-appellant Oania prayed that “the Decision dated September 15, 2011, and Order dated November 3, 2011, both rendered and issued by the Regional Trial Court, Branch 52, Tayug, Pangasinan be reversed and set aside by issuing a new Decision acquitting him of the crime charged”.[34]

Accused-appellant Oania raised the following assignment of errors:

“II. ASSIGNMENT OF ERRORS:

1. THE REGIONAL TRIAL COURT, BRANCH 52, TAYUG, PANGASINAN (TRIAL COURT) ERRED IN CONVICTING THE ACCUSED-APPELLANT BY REASON OF MISTAKEN IDENTITY IN VIOLATION OF HIS RIGHT TO DUE PROCESS;
2. THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED IN VIOLATION OF HIS CONSTITUTIONAL RIGHT TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION AGAINST HIM;
3. THE TRIAL COURT ERRED IN NOT CONSIDERING THE INCRIMINATING/ILL-MOTIVE OF THE ARRESTING OFFICERS WHEN THEY APPREHENDED THE ACCUSED WHOM THEY CONSIDER A SUSPECT IN A MURDER CAS[E], WHICH SHOULD GRAVELY CASTS DOUBTS AS TO THE VERACITY OF THE ACCUSATION AGAINST HIM;”[35] (Emphasis was made in the original)

In the prosecution for violation of P.D. No. 1866 (Illegal Possession of Explosives), as amended, the following elements must be proven: a) the existence of the subject firearm or explosive, which may be proved by the presentation of the subject firearm or explosive or by the testimony of witnesses who saw accused in possession of such objects, and; b) the negative fact that the accused had no license or permit to own or possess the firearm or explosive, which fact may be established by the testimony or certification of a representative of the PNP Firearms and Explosives Unit that the accused had no license or permit to possess the subject firearm or explosive.[36]

Here, prosecution witness PO1 Defuntorum positively identified accused-appellant Oania as the one who was in possession of the seized hand grenade.[37] This was corroborated by the testimony of PO3 Silvania who testified that PO1 Defuntorum was the one who arrested accused-appellant Oania for having in possession of a hand grenade.[38]

The positive identification of the accused-appellant Oania by the prosecution's witnesses, PO1 Defuntorum and PO3 Silvania triumphs over accused-appellant Oania's defense of denial in that there is no truth as to the allegation that he was found in possession of a hand grenade and that the thing seized from him was a coin purse that resembles a hand grenade[39]. Such defense of denial is negative and is self-serving evidence undeserving of weight in law.[40]

The testimonies of the prosecution witnesses, PO1 Defuntorum and PO3 Silvania were also credible, considering likewise that no ill-motive was shown to have existed on their part to testify against accused-appellant Oania, contrary to accused-appellant Oania's argument in his assignment of error 3.[41] As a matter of fact, accused-appellant Oania even admitted that he did not have any misunderstanding with the policemen prior to his arrest.[42]

No ill-motive having been shown to have existed on the part of the police officers who arrested accused-appellant Oania was as also found by the trial court, to wit:

“The public officers' testimonies are straightforward and categorical, and there is no reason to doubt their sincerity, especially in the absence of evidence that they had ill motive in implicating the accused in a serious offense. x x x

The defense raised by the accused is hard to believe, and even ridiculous, and cannot overthrow the evidence adduced by the prosecution.”[43] (Emphasis supplied)

In seeking for his acquittal, accused-appellant Oania had further argued that:

“There was a mistaken identity of RODERICK OANIA in the Certification issued by the Firearm and Explosives Office, Camp Crame, Quezon City, marked as Exhibit C for the prosecution dated September 21, 2010, which is supposed to be (accused-appellant) RODERICK OANIA y GUERRERO or RODERICK GUERRERO OANIA;

xxx

The defense made its comment xxx on the offer of Exhibit C to the effect that in the Certification (Exh. C) the identity of the person described therein pertains to Roderick Oania, but the identity of the accused as written in the CRIMINAL COMPLAINT and admitted during the arraignment, and Pre-Trial was Roderick Guerrero Oania. The Certification could not prove that herein accused-appellant Roderick Guerrero Oania is the same person as Roderick Oania.”[44](Emphasis supplied)

Overcoming accused-appellant Oania's contentions however, is that there is no difference between the names “RODERICK OANIA”, “RODERICK OANIA y GUERRERO”, or “RODERICK GUERRERO OANIA” that would affect the identification of accused-appellant Oania as the one who was in possession of a hand grenade without any permit or license, contrary to his assignment of error 1. The prosecution presented a Certification[45] issued by the Firearms and Explosives Division of the PNP, which showed that “RODERICK OANIA @ ERIC” was not issued any permit or license to possess hand grenade.

Accused-appellant could not also properly argue in his assignment of error 2 that “the prosecution miserably failed through an expert witness to inform him beyond reasonable doubt that indeed the subject hand grenade is true, authentic, and the subject for which the law prohibits possession/custody without the necessary permit”.[46] This is so, considering that the subject hand grenade was even presented and submitted in court. The existence of the hand grenade was also proven by the testimonies of prosecution witnesses PO1 Defuntorum and PO3 Silvania who also properly identified the hand grenade.[47]

Indeed, the trial court's appreciation of facts and evaluation of testimonies and credibility of the witnesses, as is the deeply entrenched rule, deserves much weight and respect, and should not be disturbed.[48] This is because the trial court had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of the witnesses and to observe their conduct and demeanor on the stand.[49]

Consequently, the prosecution was able to establish the guilt of accused-appellant Oania beyond reasonable doubt.

Given all these, no compelling or cogent reason was therefore shown so as to justify deviation from the following findings of the trial court, which findings were based on the facts and the law:

“The police officers went to the place of accused to verify the information that the suspect in the murder case was in that place. When said police officers saw the accused, the latter drew a hand grenade from his pocket. This prompted the officers to rush to the accused and seized the hand grenade.

At the time of the seizure of the hand grenade, the same was under the plain view of the police officers, and therefore considered lawful. This is one of the exceptions to the general rule that search and seizure must be covered by a search warrant.

The prosecution has proved that accused is not licensed to possess a hand grenade as shown by the Certification issued by the Firearms and Explosives Division xxx.”[50] (Emphasis Ours)

As a result of all these, the trial court properly meted out to accused-appellant Oania the indeterminate penalty of six (6) years and one (1) day of Prison Mayor as minimum, to fourteen (14) years, eight (8) months and one (1) day of Reclusion Temporal as maximum and a fine of Php 50,000.00 for Illegal Possession of Explosives. This is because Section 2 of R.A. No. 8294, which amended Section 3 of P.D. No. 1866, provides as follows:

“Sec. 2. Sec. 3 of Presidential Decree No. 1866, as amended, is hereby further amended to read as follows:

Sec. 3. Unlawful manufacture, sale, acquisition, disposition or possession of explosives. — The penalty of prision mayor in its maximum period to reclusion temporal and a fine of not less than Fifty thousand pesos (P50,000) shall be imposed upon any person who shall unlawfully manufacture, assemble, deal in, acquire, dispose or possess hand grenade(s), rifle grenade(s), and other explosives, including but not limited to 'pillbox,' 'molotov cocktail bombs,' 'fire bombs,' or other incendiary devices capable of producing destructive effect on contiguous objects or causing injury or death to any person.” (Emphasis supplied)

Applying the Indeterminate Sentence Law here, the maximum term of the penalty shall be taken from Reclusion Temporal, in any of its periods, or from twelve (12) years and one (1) day to 20 years. The minimum term of the penalty shall be taken from the penalty next lower in degree, which is Prision Correccional maximum to Prision Mayor medium, or from four (4) years, two (2) months and one (1) day to ten (10) years.

After careful consideration of all the facts, arguments, and issues appearing on the records, as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be proper under the circumstances, the following disposition is therefore made on these matters.

GIVEN ALL OF THESE, the Decision of the trial court is AFFIRMED.

**SO ORDERED.**

Dicdican (Chairperson) and Paredes, JJ., concur.

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[1] Rollo, pp. 55 - 64

[2] Records, pp. 146-153

[3] Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunition or Explosives or Instruments used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations thereof and for Relevant Purposes

[4] Records, p. 1

[5] Records, p. 1

[6] TSN, June 1, 2010, pp. 5 - 6

[7] TSN, June 1, 2010, pp. 4 - 7

[8] TSN, June 1, 2010, pp. 3 - 4

[9] TSN, June 1, 2010, pp. 4, 7 [10 TSN, June 1, 2010, p. 7

[11] TSN, August 9, 2010, pp. 4 - 5

[12] TSN, July 20, 2010, p. 8; TSN, August 9, 2010, p. 9

[13] TSN, August 9, 2010, p. 6

[14] TSN, August 9, 2010, p. 6; TSN, June 1, 2010, p. 9

[15] TSN, July 20, 2010, p. 8

[16] TSN, July 20, 2010, p. 8

- [17] TSN, October 5, 2010, p. 3
- [18] TSN, October 5, 2010, p. 3
- [19] TSN, October 5, 2010, pp. 3 - 4
- [20] TSN, October 5, 2010, p. 4
- [21] TSN, October 5, 2010, p. 4
- [22] TSN, October 5, 2010, p. 4
- [23] TSN, October 5, 2010, p. 4
- [24] TSN, October 5, 2010, p. 5
- [25] TSN, October 5, 2010, p. 5
- [26] TSN, October 5, 2010, p. 5; TSN, December 8, 2010, p. 5
- [27] TSN, October 5, 2010, p. 6
- [28] TSN, October 5, 2010, pp. 9 - 10
- [29] Records, p. 1
- [30] Rules and Regulations on the: (1) bearing, carrying or transporting of firearms or other deadly weapons; and (2) employment, availment or engagement of the services of security personnel or bodyguards, during the election period for the May 10, 2010 National and Local Elections
- [31] Records, p. 18-A
- [32] Records, pp.146 - 153
- [33] Records, pp. 152 - 153
- [34] Rollo, p. 64
- [35] Rollo, p. 57
- [36] People of the Philippines vs. Bernie Cortez y Natanio, Ricardo Callos y Pulgo and Rogelio Betonio y Lupo, G.R. Nos. 131619-20, February 1, 2000
- [37] TSN, August 9, 2010, pp. 5 - 6
- [38] TSN, June 1, 2010, p. 8
- [39] TSN, October 5, 2010, pp. 6, 9 - 10
- [40] People of the Philippines vs. Antonio Baldomar y Liscano, G.R. No. 197043, February 29, 2012
- [41] People of the Philippines vs. Paul Tagana, et al., G.R. No. 133027, March 4, 2004
- [42] TSN, November 10, 2010, pp. 6 - 7
- [43] Records, p. 151
- [44] Rollo, p. 60
- [45] Records, p. 58

[46] Rollo, p. 62

[47] TSN, August 9, 2010, pp. 5 – 6; TSN, July 20, 2010, pp. 10 – 11, Records, p. 62

[48] People of the Philippines vs. Reynaldo Albalate, Jr., G.R. No. 174480, December 18, 2009

[49] People of the Philippines vs. Sammy Ramos, G.R. No. 172470, April 8, 2008

[50] Records, p. 152

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