

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT VS. GODOFREDO RIVERA Y AVILA, DEFENDANT AND APPELLEE.*G. R. No. L-3337. January 09, 1951*

Ponente: PARAS, J.

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On July 15, 1949, the defendant was charged in the Court of First Instance of Manila with having willfully, unlawfully and feloniously held in his possession and under his control a carbine with twelve rounds of ammunitions, without first having secured the necessary license, in violation of sections 878 and 2692 of the Revised Administrative Code, as amended by Commonwealth Act No. 56 and Republic Act No. 4. The defendant filed a motion to quash on the ground that the information does not state facts sufficient to constitute a cause of action, which motion was sustained in the order of the Court of First Instance of Manila dated September 17, 1949. From this order the Government has appealed.

Section 1 of Republic Act No. 4 outlaws, among others, the possession of firearms without license. Section 2 provides, however, that any person in possession of any unlicensed firearm may, without incurring any criminal liability, surrender the same to such officer and within such period of time as the President shall by proclamation designate and fix, but that said provision shall not be interpreted to mean as in any way exempting from such liability any person, without the requisite license, found, within the aforementioned period of time, making use of said firearm except in self-defense, or carrying it on his person except for the purpose of surrendering it as required in said Act. Accordingly, the President issued Proclamation No. 1, dated July 20, 1946, fixing August 31, 1946, as the last day for surrendering all unlicensed firearms without incurring any criminal liability.

The lower court, sustaining the contention of the defendant, relied upon the ruling in *People vs. Santos Lopez y Jacinto*, 45 O. G. 2089 [*], to the effect that the information was insufficient in that it failed to specify the circumstances under which the accused possessed the firearm in question. The citation is clearly not applicable, for the conspicuous reason that the possession involved therein took place on August 21, 1946, or within the period fixed by Proclamation No. 1. Upon the other hand, the illegal possession of which the defendant is accused in the present case was allegedly committed on July 14, 1949, or long after August 31, 1946, the last day fixed by Proclamation No. 1 for surrendering unlicensed firearms without incurring criminal liability.

Counsel for appellee, however, contends that although the period for the surrender of unlicensed firearms without incurring criminal liability expired on August 31, 1946, Proclamation No. 1 did not limit the period for possessing firearms without license, for purposes of self-defense. This construction is clearly untenable and absurd. Under section 2 of Republic Act No. 4, an unlicensed holder of firearm is exempt from criminal liability if found making use thereof in self-defense "within the aforementioned period," or only on or before August 31, 1946. The plain intention of the law was to legalize the possession of unlicensed firearms within a limited period, merely to the end that they may be surrendered within said period without incurring criminal liability. After the expiration of the period for surrender, it would be illogical to suppose that unlicensed firearms may still be legally kept for purposes of self-defense, because, if said firearms cannot even be surrendered without incurring criminal liability,

it is evidently in view of the fact that unlicensed possession is, in the first place, outlawed and penalized.

Wherefore, the appealed order is reversed and the case remanded to the lower court for further proceedings. So ordered, without costs.

Moran, C. J., Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes and Jugo, JJ., concur.

[1] 79 Phil., 658.

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