

PEOPLE OF THE PHILIPPINES, PETITIONER-APPELLANT, VS. HON. ANGEL P. BACANI, ET AL., RESPONDENTS-APPELLEES.

G.R. No. L-35960. January 31, 1983

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Appellant-Petitioner People of the Philippines appeals from the order of the respondent Judge dated September 12, 1972, dismissing Criminal Case No. U-0281, entitled "People of the Philippines vs. Artemio Saldivar and Manuel Esperanza" for a violation of Section 68, Republic Act No. 6388 and from his order dated October 10, 1972, denying its motion for reconsideration of the said dismissal order.

The law makes it unlawful for any person, although possessing firearm licenses or special permits, to carry any firearm outside his residence or place of business during the period beginning ninety days before election and ending thirty days thereafter, except upon prior written approval of the Commission on Elections. Private respondents-appellees Artemio Saldivar and Manuel Esperanza were caught carrying unlicensed firearms during the period covered by the prohibition. They moved to quash the information on the ground that the law does not include the carrying of unlicensed firearms. Respondent Judge granted the motion and denied petitioner-appellant's motion for reconsideration. Hence, this appeal.

Considering that the phrase in Section 68 of Republic Act No. 6388, 'although possessing firearm licenses or special permits' serves to emphasize that unlicensed firearms are included in the ban; that the holder of unlicensed firearms is liable for prosecution for illegal possession of firearms under Section 2692 of the Revised Administrative Code and may, likewise, be prosecuted under Section 68 of Republic Act No. 6388 without placing him in double jeopardy, since the violations are distinct offenses punishable by different laws, although arising from the same act, the Court Resolved: (a) to REVERSE and SET ASIDE the appealed orders, and (b) to REMAND this case to the Court a quo for further proceedings.

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