

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. DIONISIO FELICIANO, DEFENDANT AND APPELLANT.

G.R. No. L-5847. February 17, 1953

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal by the defendant, Dionisio Feliciano, from the judgment of the Court of First Instance of Cagayan, finding him guilty of illegal possession of a firearm and ammunition and sentencing him to undergo imprisonment for an indeterminate period of not less than one year and one day and not more than three years, with costs, the firearm and ammunition being declared confiscated in favor of the Government.

In the early morning of June 10, 1950, Constabulary Sergeant Roman Arao conducted a search in the house of Francisco Mamba located in the poblacion of Tuao, Cagayan, in the course of which he found under the pillow of the appellant a revolver, caliber .45, with three rounds of ammunition. It is not necessary to take up appellant's argument that there is absolutely no proof that he had no permit or license to possess the articles in question, because the other contention that the appellant is not liable in view of Republic Act No. 482, is correct. This Act, in section 1, provides that an unlicensed holder or possessor of any firearm or ammunition may, without incurring criminal liability, surrender the same within the period of one year from the date the Act took effect (June 10, 1950), but that such unlicensed holder or possessor is not exempted if found within said period making use of the firearm and ammunition or carrying them on his person except for purposes of surrender. The statute, in effect legalizing mere unlicensed possession for a limited period, punishes only (1) using a firearm or ammunition or (2) carrying the same on the person except to give them up. The appellant was not charged with any of these two acts.

Wherefore, and following the recommendation of the Solicitor General, the appealed judgment is reversed and the defendant-appellant acquitted with costs de officio. So ordered.

Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angela and Labrador, JJ., concur.

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