

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS. JESUS MATUGAS AND ANTONIO GICA, DEFENDANTS-APPELLEES.

G.R. No. L-4395. April 25, 1952

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c83dc8c0dd96/>

PARAS, C.J.:

On October 25, 1950, after Jesus Matugas and Antonio Gica had waived their right to a preliminary investigation, they were accused in the Court of First Instance of Cebu of the crime of illegal possession of firearm and ammunitions under the following information filed by the Provincial Fiscal:

"The undersigned, Provincial Fiscal of Cebu, accuses Jesus Matugas and Antonio Gica of a violation of section 878, in connection with sec. 2692 of Act No. 2711, as amended by Commonwealth Act No. 56 and Republic Acts Nos. 4 and 482, committed as follows:

"That on or about the 21st day of September, 1950, in the municipality of Danao, Province of Cebu. Philippines, and within the jurisdiction of this court, the above-named accused, conspiring and confederating together, with deliberate intent, did then and there, wilfully, unlawfully and feloniously have in their possession and control and carried on their persons, not for the purpose of surrendering, one Remington rifle without butt, volt and spring; a carbine magazine with 11 rounds of ammunitions; and another 3 rounds of ammunitions, without having first obtained the necessary permit from the proper authorities."

On November 20, 1950, Jesus Matugas filed a motion for dismissal on the ground that the alleged firearm and ammunitions were not taken from his actual possession; that while the same were found in his house, there is no showing that Matugas intended to possess them; and that under Republic Act No. 482, the accused could still surrender them to the authorities. On November 25, 1950, the Court of First Instance of Cebu dismissed the case in an order which reads as follow:

"In view of the grounds stated in the motion presented by the attorney for the defense, asking for the dismissal of this case in accordance with the provisions of Republic Act No. 482, the court taking into consideration the Philosophy and motive which prompted the Legislature in enacting this law, and in view, further, of the fact that there is no evidence on record that the gun was used for violence or criminal purposes, although it was found in the house of the accused, the court hereby orders the dismissal of this case with costs de oficio.

"The court further orders the confiscation of the arm and bullets."

From this order the provincial fiscal appealed, contending that the only possessor of firearm or ammunition without permit or license, exempted from criminal liability by Republic Act No. 482, is one who is found carrying the firearm or ammunition for the purpose of surrendering It to the authorities, and that said Act has completely done away with the other exemption provided in section 2 of Republic Act No. 4 in favor of a possessor who uses an unlicensed firearm for self-defense.

Section 2 of Republic Act No. 4, approved on July 19, 1946, provided as follows:

"SEC. 2. The provisions of the foregoing section to the contrary notwithstanding, any person in possession of any of the prohibited articles therein mentioned, 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 immediately upon the approval of this Act Provided, however, That this section shall not be interpreted to mean as in any way exempting from such liability any person, without requisite license, found, within the aforementioned period of time, making use of any of said article, except in self-defense, or carrying them on his person except for the purpose of surrendering them as herein required."

Upon the other hand, section 1 of Republic Act No. 482, approved on June 10, 1950, reads as follows:

"SECTION 1. Any person who holds or possesses any firearm and/or ammunition without permit or license may, without incurring any criminal liability, surrender the same within a period of one year from the date this Act shall take effect: Provided, however, That this section shall not be interpreted to mean as in any way exempting from such liability any person, without the requisite permit or license, found within the aforementioned period of time, making use of said firearm and ammunition or carrying them on his person except for the purpose of surrendering them as herein required: Provided, further, That this section shall not in any way affect any case pending in court, on the date of the passage of this Act, for violation of existing laws on firearms and ammunition."

Under section 2 of Republic Act No. 4, a possessor of unlicensed firearm or ammunition was not exempted from criminal liability when found, within the period for surrender, making use thereof except in self-defense or carrying it on his person except for the purpose of surrendering it to the authorities. Under section 1 of Republic Act No. 482, a possessor of unlicensed firearm or ammunition is not exempt from criminal liability when found, within one year from June 10, 1950, making use of said firearm or ammunition or carrying it on his person except for the purpose of surrendering it to the proper authorities. The only difference between the two provisions is that phrase, "except in self-defense", appearing in section 2 of Republic Act No. 482, has been eliminated in section 1 of Republic Act No. 482 with reference to a possessor of an unlicensed firearm found, within the period for surrender, making use thereof.

For the purpose of this case, the difference is immaterial, since under section 1 of Republic Act No. 482 in order that the possessor of an unlicensed firearm may not be exempt from criminal liability, it is necessary that he be found within one year from June 10, 1950, (1) making use of said firearm or (2) carrying it on his person except for the purpose of surrendering it. In the instant case, there is no question that the rifle and ammunitions mentioned in the information were found in the house of the accused Jesus Matugas, without any showing, however, that said firearm and ammunitions were being used by the accused or carried on their persons. While said firearm and ammunitions had been in the possession of the accused, said possession was not sufficient to make them criminally liable under section 1 of Republic Act No. 482, since they still had until June 10, 1951, within which to surrender said firearm and ammunitions without incurring any criminal liability. If mere possession was intended to be penalized by said Act, the period of one year fixed therein would be meaningless. Neither can it be assumed that the accused had intended to keep the articles without the necessary permit or license, since the period for surrendering them had not yet expired when they were found in their possession on September 21, 1950.

Wherefore, the appealed order is affirmed, with costs de oficio. So ordered.

Feria, Pablo, Bengzon, Tuason, Montemayor, Reyes, and Bautista Angelo, JJ., concur.

Jugo, J., took no part.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.