

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JOSE JABINAL Y CARMEN, DEFENDANT AND APPELLANT.

G.R. NO. L-30061. February 27, 1974

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d200acfaf8b4/>

ANTONIO, J.:

Appeal from the judgment of the Municipal Court of Batangas (provincial capital), Batangas, in Criminal Case No. 889, finding the accused guilty of the crime of Illegal Possession of Firearm and Ammunition and sentencing him to suffer an indeterminate penalty ranging from one (1) year and one (1) day to two (2) years imprisonment, with the accessories provided by law, which raises in issue the validity of his conviction based on a retroactive application of Our ruling in *People vs. Mapa*.^[1]

The Complaint filed against the accused reads:

"That on or about 9:00 o'clock, p.m., the 5th day of September, 1964, in the poblacion, Municipality of Batangas, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a person not authorized by law, did then and there wilfully, unlawfully and feloniously keep in his possession, custody and direct control a revolver Cal. .22, RG8 German Made with one (1) live ammunition and four (4) empty shells without first securing the necessary permit or license to possess the same."

At the arraignment on September 11, 1964, the accused entered a plea of not guilty, after which trial was accordingly held.

The accused admitted that on September 5, 1964, he was in possession of the revolver and the ammunition described in the complaint, without the requisite license or permit. He, however, claimed to be entitled to exoneration because, although he had no license or permit, he had an appointment as Secret Agent from the Provincial Governor of Batangas and an appointment as Confidential Agent from the PC Provincial Commander, and the said appointments expressly carried with them the authority to possess and carry the firearm in question.

Indeed, the accused had appointments from the abovementioned Officials as claimed by him. His appointment from Governor Feliciano Leviste, dated December 10, 1962, reads:

"Reposing special trust and confidence in your civic spirit, and trusting that you will be an effective agent in the detection of crimes and in the preservation of peace and order in the province of Batangas, especially with respect to the suppression of trafficking in explosives, jueteng, illegal cockfighting, cattle rustling, robbery and the detection of unlicensed firearms, you are hereby appointed a SECRET AGENT of the undersigned, the appointment to take effect immediately, or as soon as you have qualified for the position. As such Secret Agent, your duties shall be those generally of a peace officer and particularly to help in the preservation of peace and order in this province and to make report thereon to me once or twice a month. It should be clearly understood that any abuse of authority on your part shall be considered sufficient ground for the automatic cancellation of your appointment and immediate separation from the service. In accordance with the decision of the Supreme Court in *G.R. No. L-12088* dated December 23, 1959, you will have the right to bear a firearm,

particularly described below, for use in connection with the performance of your duties.

"By virtue hereof, you may qualify and enter upon the performance of your duties by taking your oath of office and filing the original thereof with us.

Very truly yours,

(Sgd.) FELICIANO LEVISTE
Provincial Governor

FIREARM AUTHORIZED TO CARRY:

Kind: — ROHM-Revolver

Make: — German

SN: — 64

Cal: — .22"

On March 15, 1964, the accused was also appointed by the PC Provincial Commander of Batangas as Confidential Agent with duties to furnish information regarding smuggling activities, wanted persons, loose firearms, subversives and other similar subjects that might affect the peace and order condition in Batangas province, and in connection with these duties he was temporarily authorized to possess an ROHM revolver, Cal. .22 RG-8 Sn-64, for his personal protection while in the performance of officials duties.

The accused contended before the court a quo that in view of his above-mentioned appointments as Secret Agent and Confidential Agent, with authority to possess the firearm subject matter of the prosecution, he was entitled to acquittal on the basis of the Supreme Court's decisions in *People vs. Macarandang*[2] and *People vs. Lucero*. [3] The trial court, while conceding that on the basis of the evidence of record the accused had really been appointed Secret Agent and Confidential Agent by the Provincial Governor and the PC Provincial Commander of Batangas, respectively, with authority to possess and carry the firearm described in the complaint, nevertheless held the accused in its decision dated December 27, 1968, criminally liable for illegal possession of a firearm and ammunition on the ground that the rulings of the Supreme Court in the cases of *Macarandang* and *Lucero* were reversed and abandoned in *People vs. Mapa*, supra. The court considered as mitigating circumstances the appointments of the accused as Secret Agent and Confidential Agent.

Let us advert to Our decisions in *People vs. Macarandang*, supra, *People vs. Lucero*, supra, and *People vs. Mapa*, supra. In *Macarandang*, We reversed the trial court's judgment of conviction against the accused because it was shown that at the time he was found to possess a certain firearm and ammunition without license or permit, he had an appointment from the Provincial Governor as Secret Agent to assist in the maintenance of peace and order and in the detection of crimes, with authority to hold and carry the said firearm and ammunition. We there held that while it is true that the Governor has no authority to issue any firearm license or permit, nevertheless, section 879 of the Revised Administrative Code provides that "peace officers" are exempted from the requirements relating to the issuance of license to possess firearms; and *Macarandang's* appointment as Secret Agent to assist in the maintenance of peace and order and detection of crimes, sufficiently placed him in the category of a "peace officer" equivalent even to a member of the municipal police who under section 879 of the Revised Administrative Code are exempted from the requirements relating to the issuance of license to possess firearms. In *Lucero*, We held that under the circumstances of the case, the granting of the temporary use of the firearm to the accused was a necessary means to carry out the lawful purpose of the battalion commander and must be deemed incident to or necessarily included in the duty and power of said military commander to effect the capture of a Huk leader. In *Mapa*, expressly abandoning the doctrine in *Macarandang*, and by implication, that in *Lucero*, We sustained the judgment of conviction on the following ground:

"The law is explicit that except as thereafter specifically allowed, 'it shall be unlawful for any person to x x x possess any firearm, detached parts of firearms or ammunition therefor, or any instrument or implement used or intended to be used in the manufacture of firearms, parts of firearms, or ammunition.' (Sec. 878, as amended by Republic Act No. 4, Revised Administrative Code.) The next section provides that 'firearms and ammunition regularly and lawfully issued to officers, soldiers, sailors, or marines [of the Armed Forces of the Philippines], the Philippine Constabulary, guards in the employment of the Bureau of Prisons, municipal police, provincial governors, lieutenant governors, provincial treasurers, municipal treasurers, municipal mayors, and guards of provincial prisoners and jails,' are not covered 'when such firearms are in possession of such officials and public servants for use in the performance of their official duties.' (Sec. 879, Revised Administrative Code.)

"The law cannot be any clearer. No provision is made for a secret agent. As such he is not exempt. x x x."

It will be noted that when appellant was appointed Secret Agent by the Provincial Governor in 1962, and Confidential Agent by the Provincial Commander in 1964, the prevailing doctrine on the matter was that laid down by Us in *People vs. Macarandang* (1959) and *People vs. Lucero* (1958). Our decision in *People vs. Mapa* reversing the aforesaid doctrine came only in 1967. The sole question in this appeal is: Should appellant be acquitted on the basis of Our rulings in *Macarandang* and *Lucero*, or should his conviction stand in view of the complete reversal of the *Macarandang* and *Lucero* doctrine in *Mapa*? The Solicitor General is of the first view, and he accordingly recommends reversal of the appealed judgment.

Decisions of this Court, although in themselves not laws, are nevertheless evidence of what the laws mean, and this is the reason why under Article 8 of the New Civil Code, "judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system ***." The interpretation upon a law by this Court constitutes, in a way, a part of the law as of the date that law was originally passed, since this Court's construction merely establishes the contemporaneous legislative intent that the law thus construed intends to effectuate. The settled rule supported by numerous authorities is a restatement of the legal maxim "legis interpretatio legis vim obtinet" - the interpretation placed upon the written law by a competent court has the force of law. The doctrine laid down in *Lucero* and *Macarandang* was part of the jurisprudence, hence, of the law, of the land, at the time appellant was found in possession of the firearm in question and when he was arraigned by the trial court. It is true that the doctrine was overruled in the *Mapa* case in 1967, but when a doctrine of this Court is overruled and a different view is adopted, the new doctrine should be applied prospectively, and should not apply to parties who had relied on the old doctrine and acted on the faith thereof. This is especially true in the construction and application of criminal laws, where it is necessary that the punishability of an act be reasonably foreseen for the guidance of society.

It follows, therefore, that considering that appellant was conferred his appointments as Secret Agent and Confidential agent and authorized to possess a firearm pursuant to the prevailing doctrine enunciated in *Macarandang* and *Lucero*, under which no criminal liability would attach to his possession of said firearm in spite of the absence of a license and permit therefor, appellant must be absolved. Certainly, appellant may not be punished for an act which at the time it was done was held not to be punishable.

WHEREFORE, the judgment appealed from is hereby reversed, and appellant is acquitted, with costs de oficio.

Zaldivar, (Chairman), Barredo, Fernandez, and Aquino, JJ., concur.

Fernando, J., took no part.

[1] L-22301, August 30, 1967, 20 SCRA 1164.

[2] 106 Phil. [1959), 713.

[3] 103 Phil. (1958), 500.

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.