

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FELICISIMO NARVASA, JIMMY ORANIA AND MATEO NARVASA,
ACCUSED, FELICISIMO NARVASA AND JIMMY ORANIA APPELLANTS.**

G.R. No. 128618. November 16, 1998

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

What crime or crimes are committed when a killing is perpetrated with the use of unlicensed firearms? In the absence of the firearms themselves, may illegal possession of firearms be proven by parol evidence?

The Case

Appellants Felicisimo Narvasa and Jimmy Orania seek the reversal of the October 11, 1996 Decision[1] of the Regional Trial Court of Alaminos, Pangasinan, in Criminal Case Nos. 2629-A, 2648-A and 2646-A, finding them guilty beyond reasonable doubt of illegal possession of firearms in its aggravated form and sentencing them to reclusion perpetua.

Assistant Provincial Prosecutor Emiliano A. Rabina filed three Informations[2] against the appellants and their co-accused, Mateo Narvasa. In Criminal Case No. 2648-A, the Amended Information filed on November 10, 1993 charged Felicisimo Narvasa (in conspiracy with the other accused) with aggravated illegal possession of firearm allegedly committed as follows:

"That on or about February 6, 1992 at Sitio Bugtong, Barangay Patar, [M]unicipality of Agno, [P]rovince of Pangasinan, New [sic] Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody an M-14 Rifle without first securing the necessary license or permit from the lawful authorities and which firearm in conspiracy with Jimmy Orania and Mateo Narvasa was used in the killing of one SPO3 Primo Camba, victim in Crim. Case No. 2629-A."

In Criminal Case No. 2646-A, Jimmy Orania (in conspiracy with the other accused) was charged with aggravated illegal possession of firearm in the Amended Information which reads:

"That on or about February 6, 1992 at Sitio Bugtong, Barangay Patar, [M]unicipality of Agno, [P]rovince of Pangasinan, New [sic] Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously have in his possession, control and custody a .30 U.S. Carbine without first securing the necessary license /and/or permit from the lawful authorities and which firearm in conspiracy with Mateo Narvasa and Felicisimo Narvasa was used in the killing of SPO3 Primo Camba, victim in Crim. Case No. 2629-A."

In Criminal Case No. 2629-A, Felicisimo Narvasa, Jimmy Orania and Mateo Narvasa were charged with homicide allegedly committed as follows:

"That on or about February 6, 1992, at Sitio Bugtong, [B]arangay Patar, [M]unicipality of Agno, [P]rovince of Pangasinan, New [sic] Republic of the Philippines and within the jurisdiction of this Honorable Court, the

above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, armed with high powered guns, did then and there willfully, unlawfully, and feloniously shoot SPO3 PRIMO CAMBA which caused his instantaneous death as a consequence, to the damage and prejudice of his heirs."

Felicisimo Narvasa and Jimmy Orania were arrested, but Mateo Narvasa remained at large. When arraigned, the two appellants, assisted by their counsel,[3] pleaded not guilty.[4] Trial proceeded in due course. Thereafter, the court a quo rendered the assailed Decision, the dispositive portion of which reads:

"WHEREFORE, in consideration of the foregoing premises and the evidence presented, this Court finds both accused Felicisimo Narvasa in Criminal Case No. 2648-A and Jimmy Orania in Criminal Case No.2646-A [g]uilty beyond reasonable doubt of the crime of [i]llegal [p]ossession of [f]irearms in its aggravated form in these cases and therefore, both accused are sentenced to death penalty but for reasons that the law at that time of the commission of the crime prohibits death sentence penalty, these two accused therefore shall each suffer the sentence of single, indivisible penalty of reclusion perpetua and are ordered to pay jointly and severally the heirs of the victim the amount of P50,000.00 as death indemnity and moral damages of P100,000.00 each, plus cost.

"In Criminal Case No. 2629-A for [h]omicide, this Court has considered this case as [a] necessary component of the crimes of [i]llegal [p]ossession in their aggravated form, as the same is merely an element of the principal offense of [i]llegal [p]ossession of [f]irearms in [its] aggravated form, which is the graver offense.

"With respect to accused Mateo Narvasa, since he has not been arrested and never brought to the jurisdiction of this Court, this case in the meantime, is ordered archived insofar as said accused Mateo Narvasa is concerned.

"Let an Alias Warrant of Arrest issue as against accused Mateo Narvasa.

"The [b]ailbond posted by accused Felicisimo Narvasa is hereby ordered cancelled."

Appellants' counsel then filed a Notice of Appeal to the Court of Appeals.[5] In an Order[6] dated October 24, 1996, the trial court deemed the appeal filed by Felicisimo Narvasa and Jimmy Orania perfected, and effected the transmittal of the case records to the Court of Appeals. Realizing the mistake, the Court of Appeals subsequently forwarded the records to this Court.[7]

The Facts

Evidence for the Prosecution

In his Brief, the solicitor general[8] presented the following narration of facts:

"On February 6, 1992, after lunch time[,] Villamor Laderas and Ernesto Nagal, councilmen of Quinaoayanan, Bani, Pangasinan, acting on a report that there were missing carabaos, pigs and goats, repaired to the far-flung Sitio Bugtong of the town of Bani and to Sitio Patar of the adjoining town of Agno in Pangasinan, which they reached at around 5:30 that afternoon. Then Laderas and Nagal patrolled the area. Along their way, the two chanced upon the gang of appellants[.] [T]hey were five and three of them were armed. Jimmy Orania was holding a caliber .30 U.S. carbine, Mateo Narvasa was armed with [an] M-16 and Felicisimo Narvasa was carrying an M-14.

"The two are familiar with those kind[s] of guns as they have seen similar ones carried by policemen. They said, a carbine is shorter than [an] M-14 and [an] M-16 is longer than [an] M-14 (Tsn., April 21, 1994, pp. 1-35, December 13, 1995, pp. 1-12).

"Laderas and Nagal simply stared at the five and then they proceeded to their way home. Unluckily for the goons, the two councilmen met the two policemen[,] SPO3 Primo Camba and PO2 Simeon Navora who were on patrol and they reported what they saw (Ibid).

"The two policemen were also responding to a report about the missing animals and they suggested that all of

them should track down the armed goons (Ibid).

"After walking some distance, the four responding men saw the house of appellant Felicisimo Narvasa on a hilly portion around 100 meters away from their path. They decided to investigate at the house but before they could negotiate the distance, they were met by a volley of gunfire. The four[,] who were ten meters apart[,] dove and sought cover (Tsn., April, 1994, p. 11). When the firing took a halt, Laderas had the courage to raise his head and [view] xxx the source of the gunfire. Laderas saw Felicisimo Narvasa in a squatting position aiming at the two policemen and Jimmy Orania was seated near him guiding him at his target. Mateo Narvasa was also aiming his gun. There was an exchange of gunfire as the policemen were able to take proper positions. Unfortunately, SPO3 Camba was hit. Navora summoned Laderas and Nagal to get closer to give aid to Camba. Laderas and Nagal carried Camba as they retreated and, Navora followed moving backwards as he kept firing at their enemies (Ibid, tsn., July 20, 1994, pp. 1-8; tsn., August 15, 1994, pp. 2-30).

"In the process of the retreat, Camba [bled] profusely and he died even before he could be brought out from the scene of the crime.

"The body of Camba was left at the scene of the crime while his companions escaped and called for help. Several policemen arrived. Pieces of evidence like empty shells of M-16, M-14 and caliber .30 U.S. carbine bullets were gathered and some policemen were tasked to track down the goons (Exhs. C, C-1 to C-4; tsn., August 16, 1994, pp. 6-10).

"Shortly thereafter, Felicisimo Narvasa, Glicerio Narvasa, Rederio Narvasa and Jimmy Orania were apprehended. Mateo Narvasa was not found. The four were investigated and paraffin tested. Felicisimo Narvasa and Jimmy Orania were found positive of gunpowder burns (Tsn., August 16, 1994, pp. 11-15)." [9]

Evidence for the Defense

Appellants deny the charges against them. Felicisimo Narvasa even claims that his son Arnel was shot by Ernesto Nagal, Villamor Laderas and PO2 Simeon Navora. In their Brief,[10] they state:

"Felicisimo Narvasa testified that he was sleeping at his house on the afternoon of February 6, 1992 when Glicerio Narvasa woke him up and informed him that his son Arnel was shot. He went downstairs and saw his co-accused Jimmy Orania embracing his son. He asked his son who shot him and the latter told his father that it was the group of Councilman Laderas who shot him. He instructed Orania and his wife to bring his son to the hospital but the latter died at the hospital. He further averred that before he slept, Jimmy Orania, Glicerio Narvasa and Rederio Narvasa were in his house drinking two bottles of gin after helping him [fix] the fence in his house. Accused-appellant Narvasa when asked to explain the charge against him denied committing the same. On March 17, 1992 he gave his affidavit naming Ernesto Nagal, Villamor Laderas and Simeon Navora as the assailants of his son. (TSN, August 8, 1999, pp. 3-17)

"Jimmy Orania testified that on February 6, 1992, he was in the house of his co-accused Felicisimo Narvasa because he was invited to work on the fence of Felicisimo. After finishing their work, Jimmy[,] together with Glicerio and Rederio Narvasa[,] drunk two bottles of gin. At about 5:00 o'clock in the afternoon he instructed Arnel Narvasa to get their carabaos grazing around 100 meters north of the house of Felicisimo, when he heard a gunshot coming from that direction. Arnel shouted for help, so he proceeded to the place where Arnel was shot and carried him to the house of Felicisimo. The latter was awakened by Glicerio and when he asked his son who shot him, Arnel answered that it was the group of Laderas.

"Jimmy Orania further averred that he knew nothing and denied participation in the killing of Primo Camba. That on the day after February 6, 1992, they were picked up by the police. (TSN, August 20, 1996, pp. 3-13)." [11]

Ruling of the Trial Court

The trial court accorded credibility to the prosecution witnesses and held that mere denial could not overcome the

prosecution evidence showing that appellants used high-powered firearms to shoot at the prosecution witnesses, thereby resulting in the death of SPO3 Primo Camba. Further supporting said testimonies were the results of the paraffin test conducted on appellants and the recovery of various cartridges and shells matching the firearms purportedly used in the crime. Though these unlicensed firearms were not presented as evidence, the trial court, citing *People v. Ferrera*,^[12] ruled that appellants may still be convicted of illegal possession of firearms.

Finally, the trial court found that appellants acted in conspiracy in the killing of Primo Camba. However, on the basis of *People v. Barros*,^[13] it held that the homicide was merely an element of the illegal possession of firearms in its aggravated form; thus, homicide in the present case was taken into account not as a separate crime but as an aggravating circumstance which increased the penalty for the illegal possession of firearms.

Hence, this appeal.^[14]

Assignment of Errors

In assailing the trial court's Decision, appellants interpose the following errors:

"I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE INCONSISTENT TESTIMONIES OF THE WITNESSES FOR THE PROSECUTION.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANTS DESPITE THE INSUFFICIENCY OF THE PROSECUTION'S EVIDENCE TO WARRANT CONVICTION OF THE ACCUSED-APPELLANTS BEYOND REASONABLE DOUBT OF THE CRIME OF AGGRAVATED ILLEGAL POSSESSION OF FIREARM."^[15]

In the main, the resolution of this case revolves around the credibility of the prosecution witnesses, the sufficiency of the prosecution evidence and the characterization of the crime committed.

The Court's Ruling

The appeal is not meritorious. In light of Republic Act 8294,^[16] however, appellants should be convicted only of homicide, with the special aggravating circumstance of the use of illegally possessed firearms.

First Issue: Credibility of Prosecution Witnesses

Appellants question the credibility of Witnesses Laderas and Nagal because of an alleged inconsistency in their testimonies. Laderas testified that there was an exchange of fire between appellants and PO2 Simeon Navora, while Nagal declared that only the appellants fired. Appellants point out that "conflicting testimonies on a material and relevant point casts doubt [on] the truthfulness or veracity"^[17] of such testimonies.

Appellants' contention is untenable. The circumstances of the instant case explain the seeming inconsistency in the testimonies of the two witnesses. At the time, they were under fire and in fear of losing their lives. Moreover, they did not take cover in the same place that Navora did.

Nonetheless, their uncertainty on whether Navora had fired back is immaterial to the crime charged and too insignificant to impair their credibility. In any event, the Court has ruled that a witness is not expected to remember an occurrence with perfect recollection of minute details.^[18]

Second Issue: Sufficiency of the Evidence

Appellants cite *People v. Lualhati*,^[19] wherein this Court ruled "that in crimes involving illegal possession of firearm, the prosecution has the burden of proving the elements thereof, viz: the existence of the subject firearm and the fact that the accused who owned or possessed the firearm does not have the corresponding license or

permit to possess the same." Appellants contend that the existence of the firearms was not sufficiently proven because the prosecution had not presented the firearms as evidence. It is necessary, they argue, that said "firearms allegedly possessed by the accused-appellants and allegedly used in the killing of Policeman Primo Camba be presented in evidence as those firearms constitute the corpus delicti of the crime with which they are sentenced." [20]

Appellants' argument is not persuasive. In *People v. Lualhati*, this Court merely stated that the existence of the firearm must be established; it did not rule that the firearm itself had to be presented as evidence. Thus, in *People v. Orehuella*, [21] the Court held that the existence of the firearm can be established by testimony, even without the presentation of the said firearm. In the said case, Appellant Orehuella was convicted of qualified illegal possession of a firearm despite the fact that the firearm used was not presented as evidence. The existence of the weapon was deemed amply established by the testimony of an eyewitness that Orehuella was in possession of it and had used it to kill the victim, viz.:

"We consider that the certification was adequate to show that the firearm used by Modesto Orehuella in killing Teoberto Canizares was a firearm which Orehuella was not licensed to possess and to carry outside his residence on the night that Teoberto Canizares was shot to death. That that firearm was a .38 caliber pistol was shown by the testimony and report of NBI Ballistician Bonifacio Ayag. When the above circumstances are taken together with the testimony of the eyewitness that Modesto Orehuella was in fact in possession of a firearm and used the same to kill Teoberto Canizares, we believe that accused Orehuella was properly found guilty of aggravated or qualified illegal possession of firearm and ammunition."

In the present case, the testimonies of several witnesses indubitably demonstrate the existence of the firearms. Villamor Laderas stated that when he went to Barangay Quinaoayanan, Bani, Pangasinan to investigate a report regarding missing carabaos, pigs and goats, he saw the appellants carrying long firearms. We quote hereunder the relevant portion of his testimony:

"Q

And when you saw the two accused together with the three others, what have you noticed in their persons?

A

They were holding long firearms, sir.

Q

Who of the five persons did you see was holding long firearms?

A

Jimmy Orania was holding a carbine; Mateo Narvasa was holding an M-16

Q

About Felicisimo Narvasa, what was he holding?

A

Felicisimo Narvasa was holding [an] M-14." [22]

Ernesto Nagal likewise stated that he saw appellants carrying long firearms, as his testimony indicates:

Q

" What did you notice in the persons of the five persons you met?

A

They were carrying arms, sir.

Q

What kind of firearm were the five persons, or some of them, carrying?

A

Jimmy Orania is carrying a caliber .30.

Q

How about Mateo Narvasa?

A

Mateo Narvasa is carrying [an] M-16.

Q

How about Felicisimo Narvasa?

A

A long firearm was carried by Felicisimo Narvasa, sir, but I don't know the caliber."[23]

That herein appellants were the ones who had shot at the prosecution witnesses was confirmed by Laderas, who testified as follows:

Q

" How did you know that the gunfire came from the west?

A

Because we were facing west.

Q

And while the gunfire was going on, did you know who fired those gunshots?

A

We know sir, because we can see them.

Q

Whom did you see?

A

Felicisimo Narvasa, Jimmy Orania and Mateo Narvasa, sir."[24]

In addition, Primo Camba was hit by a bullet, and empty shells of M-16, M-14 and .30 caliber carbine bullets were later on recovered in the vicinity of the place where the shooting occurred.

The above facts, duly proven and taken together, sufficiently establish the existence of the subject firearms and the fact that appellants possessed and used said firearms in firing at Villamor Laderas, Ernesto Nagal, and Simeon

Navora, as well as Primo Camba who succumbed to the gunshot wound he had sustained.

The present case can be distinguished from *People v. Navarro*[25] wherein the Court held that illegal possession of firearm could not be deemed an aggravating circumstance because the existence of the said firearm was not proven. In said case, a witness testified that he saw appellant shoot the victim with a "short" firearm. No firearm, however, was presented as evidence, although a gun was recovered from the accused when he was arrested. Moreover, no proof was adduced to show that the firearm allegedly seen by the witness was the same one recovered by the authorities from the accused. Thus, the Court held:

"In the case at bar, the Information alleged that on January 5, 1991, the appellant had in his possession an unlicensed firearm which he used in killing Ferdinand Rabadon. This firearm was allegedly recovered on January 5, 1994, when appellant was arrested. However, said firearm was not presented in court or offered as evidence against the appellant. Although Rabago testified that he saw the appellant with a 'short' firearm when the latter shot Rabadon on January 5, 1991 no other proof was presented to show that such gun, allegedly used on January 5, 1991, was the same one recovered on January 5, 1994. The prosecution was not able to establish sufficiently the existence of the subject firearm x x x."

In other words, the evidence on the existence of the firearm was beset with doubt and conflict. Such uncertainty is not found in the present case, for the testimonies of several witnesses indubitably established that the subject firearms were in the possession of the appellants.

As to proof that appellants had no license or permit to possess the firearms in question, we have held in *People v. Villanueva*[26] that the second element of illegal possession of firearms can be proven by the testimony or the certification of a representative of the PNP Firearms and Explosives Unit that the accused was not a licensee of the firearm in question. The Court ruled:

"As we have previously held, the testimony of, or a certification from the PNP Firearms and Explosives Unit that the accused-appellant was not a licensee of the said firearm would have sufficed to prove beyond reasonable doubt the second element of the crime of illegal possession."

The prosecution submitted a certification showing that Appellants Felicisimo Narvasa and Jimmy Orania were not licensed firearm holders,[27] a fact that was attested to by SPO4 Roberto Manuel, a member of the PNP stationed at the provincial headquarters of the Pangasinan Provincial Command as Assistant Firearms and Explosives NCPO, who testified thus:

"Q

And did you bring with you the Master List of the firearm licensed holders in Pangasinan?

A

Yes, sir.

Q

Will you please produce it?

A

(Witness showing a folder, which is the Master List of firearm licensed holders in Pangasinan.)

Q

And with the aid of that voluminous list of firearm holders in Pangasinan, will you please tell his Honor if Felicisimo Narvasa and Jimmy Orania appear therein as licensed firearm holders?

A

Their names do not appear, as manifested by our [Master List as licensed] holders of any caliber, sir." [28]

Appellants did not present any evidence - and neither did they even claim -- that they were in fact licensed firearm holders.

**Appellants Responsible
for Policeman's Death**

Laderas, Nagal and Navora testified that as their group, which included Primo Camba, approached Felicisimo Narvasa's house, they were suddenly fired upon. Camba was hit and it was from that bullet wound that he died. That appellants were responsible for his death is clear from Navora's testimony:

"Q

And on your way following them what happened?

A

When we were about 100 meters North of the House of Ising Narvasa we were met [by] a heavy volume of gunfire.

Q

Now, if you were met according to you with heavy volume of gunfire, what did you xxx and your companion [do]?

A

We dive[d] to the ground for safety, sir.

x x x x x x x x

Q

Upon diving to the ground, what happened to Primo Camba?

A

Primo Camba was hit, sir[.]

Q

How did you come to know that Primo Camba was hit by the first exchange of gunfire?

A

Just after we dived to the ground, xxx Primo Camba told me that he was hit.

Q

And when Primo Camba told you that he was hit, what did you do?

A

I signalled the two (2) councilmen to get near me.

x x x x x x x x

"Q

After giving instruction to the two (2) councilmen, what did you do?

A

They carr[ied] him while we were retreating.

Q

Carried the body of Primo Camba, to what place?

A

We retreated [to the] East direction, until we reach the yard of [a] certain Prudencio.

x x x x x x x x

Q

And when you reach[ed] the premises of Prudencio, what was the condition of Primo Camba?

A

He [was] no longer breathing, sir.[29]

Laderas was able to identify their attackers as Felicisimo Narvasa, Jimmy Orania and Mateo Narvasa. As these three directed and fired their guns at Laderas, Nagal, Navora and Camba, there was unity in action and purpose, and thus, conspiracy was present. Although it was not ascertained who among them actually shot Camba, all of them are liable for his death. In conspiracy, the act of one is the act of all.

Third Issue:

The Crime

The totality of the evidence shows that appellants possessed unlicensed firearms, which they used in killing Primo Camba. In its Decision, the trial court convicted appellants of "[i]llegal [p]ossession of [f]irearms in its aggravated form" and considered homicide "merely an element of the principal offense of [i]llegal [p]ossession of [f]irearms in its aggravated form." Applying *People v. Barros*[30] to the proven facts, the trial court imposed upon appellants the penalty of reclusion perpetua. However, a new law has in the meanwhile been enacted.

Republic Act No. 8294,[31] which imposes a lighter penalty for the crime, provides:

"Section 1. Unlawful Manufacture, Sale, Acquisition, Disposition or Possession of Firearms or Ammunition or Instruments Used or Intended to be Used in the Manufacture of Firearms or Ammunition. -- The penalty of prision correccional in its maximum period and a fine of not less than Fifteen Thousand pesos (P15,000) shall be imposed upon any person who shall unlawfully manufacture, deal in, acquire, dispose, or possess any low powered firearm, such as rimfire handgun, .380 or .32 and other firearm of similar firepower, part of firearm, ammunition, or machinery, tool or instrument used or intended to be used in the manufacture of any firearm or ammunition; Provided, That no other crime was committed.

"The penalty of prision mayor in its minimum period and a fine of Thirty Thousand pesos (P30,000) shall be imposed if the firearm is classified as high powered firearm which includes those with bores bigger in diameter than .38 caliber and 9 millimeter such as caliber .40, .41, .44, .45 and also lesser calibered firearms but considered powerful such as caliber .357 and caliber .22 center-fire magnum and other firearms with firing capability of full automatic and by burst of two or three; Provided, however, That no other crime was committed by the person arrested.

"If homicide or murder is committed with the use of an unlicensed firearm, such use of an unlicensed firearm shall be considered as an aggravating circumstance."

In *People v. Molina*,^[32] this Court en banc explained that RA 8294 considers the use of an unlicensed firearm only an aggravating circumstance in murder or homicide, viz.:

"Under our ruling in *People vs. Quijada*, violation of PD 1866 is an offense distinct from murder; appellants should perforce be culpable for two separate offenses, as ruled by the trial court.

"Fortunately for appellants, however, RA 8294 has now amended the said decree and considers the use of an unlicensed firearm simply as an aggravating circumstance in murder or homicide, and not as a separate offense."

Under RA 8294, appellants can be held liable only for homicide^[33] and penalized with reclusion temporal. Pursuant to Article 22 of the Revised Penal Code,^[34] RA 8294 should be given retroactive effect.

Civil Liability

Consistent with prevailing jurisprudence, appellants are liable to pay, jointly and severally, the heirs of Primo Camba the sum of fifty thousand pesos (P50,000) as indemnity ex delicto for his death.

However, the award of two hundred thousand pesos (P200,000) representing moral damages should be deleted since no evidence of anxiety, moral shock, wounded feelings or similar injury was presented during the trial.

WHEREFORE, the assailed Decision is hereby MODIFIED. For the death of Primo Camba, Appellants Felicisimo Narvasa and Jimmy Orania are found GUILTY of HOMICIDE with the special aggravating circumstance of using unlicensed firearms. Applying the Indeterminate Sentence Law, they are each sentenced to twelve (12) years of prision mayor, as minimum, to twenty (20) years of reclusion temporal, as maximum; and ordered to pay the heirs of Primo Camba P50,000 as death indemnity. However, the award of moral damages is hereby DELETED.

SO ORDERED.

Davide Jr. (Chairman), Bellosillo, Vitug and Quisumbing JJ., concur.

[1] Written by Judge Jules A. Mejia.

[2] Approved by Provincial Prosecutor Jose Antonio Guillermo.

[3] Atty. Romie V. Braga.

[4] Appellants' Brief, p. 3; rollo, p. 73; records of Crim. Case No. 2629-A, pp. 68-69.

[5] Rollo, p. 57.

[6] Ibid., p. 58.

[7] Ibid. p. 2.

[8] The Appellee's Brief was signed by Solicitor General Ricardo P. Galvez, Assistant Solicitor General Cecilio O. Estoesta and Solicitor Reynaldo L. Saldares.

[9] Appellee's Brief, pp. 3-6; rollo, pp. 129-132.

[10] This was signed by Public Attorney III Diosdado Garcia and Public Attorney II Jerry Puday.

[11] Appellants' Brief, pp. 7-8; rollo, pp. 77-78.

[12] 151 SCRA 113, June 18, 1987.

[13] 245 SCRA 312, June 27, 1995.

[14] The case was deemed submitted for resolution on September 4, 1998, upon receipt of the Appellee's Brief by this Court. The filing of a reply brief was deemed waived as none was filed within the reglementary period.

[15] Appellants' Brief, p. 1; rollo, p. 71.

[16] "An Act amending the provisions of Presidential Decree No. 1866, as amended, entitled 'Codifying the laws on illegal possession, manufacture, dealing in, acquisition or disposition of firearms, ammunition, or explosives or instruments used in the manufacture of firearms, ammunition, or explosives, and imposing stiffer penalties for certain violations thereof, and for relevant purposes.'"

[17] Appellants' Brief, p. 11, rollo, p. 81.

[18] Severino Antonio v. CA, GR Nos. 100513 & 10, June 13, 1997.

[19] 234 SCRA 325, 332, July 21, 1994; per Puno, J.

[20] Appellants' Brief, p. 12; rollo, p. 82.

[21] 232 SCRA 82, 96, April 29, 1994; per Feliciano, J.

[22] TSN, April 21, 1994, p. 7.

[23] TSN, December 13, 1995, p. 5.

[24] TSN, April 21, 1994, p. 15.

[25] GR No. 129566, 25, October 7, 1998 per Panganiban J.

[26] 275 SCRA 489, 496, July 15, 1997; per Francisco, J.

[27] Signed by Police Senior Inspector Daniel B. Fabia III and offered as Exhibit "A."

[28] TSN, April 23, 1996, p. 3.

[29] TSN, July 20, 1994, pp. 5-8.

[30] Supra.

[31] Approved on June 6, 1997.

[32] GR No. 115835-36, p. 44, July 22, 1998; per Panganiban, J.

[33] Article 249, Revised Penal Code.

[34] "ART. 22. Retroactive effect of penal laws. -- Penal laws shall have a retroactive effect insofar as they favor the persons guilty of a felony, who is not a habitual criminal, as this term is defined in Rule 5 of Article 62 of this Code, although at the time of the publication of such laws a final sentence has been pronounced and the convict is serving the same."

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