

SECOND DIVISION

[G.R. No. 235749, June 19, 2019]

RAMON PICARDAL Y BALUYOT, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

CAGUIOA, J:

Before the Court is a Petition for Review on *Certiorari*^[1] (Petition) filed by accused-appellant Ramon Picardal y Baluyot (Picardal) assailing the Decision^[2] dated May 31, 2017 and Resolution^[3] dated October 27, 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 38123, which affirmed the Decision^[4] dated September 24, 2015 of the Regional Trial Court of Manila, Branch 21 (RTC) in Criminal Case No. 14-304527, finding Picardal guilty beyond reasonable doubt of the crime of Qualified Illegal Possession of Firearms.

The Facts

An Information^[5] was filed against Picardal for Qualified Illegal Possession of Firearms, the accusatory portion of which reads:

That on or about March 28, 2014, in the City of Manila, Philippines, the said accused did then and there willfully and unlawfully have in his possession and under his control one (1) caliber .38 revolver loaded with five (5) live ammunitions, without first having secured the necessary license or permit therefore (sic) from the proper authorities.

Contrary to law.^[6]

When arraigned, Picardal pleaded not guilty to the charge. Thereafter, pre-trial and trial on the merits ensued.

The prosecution's version, as summarized in its Appellee's Brief,^[7] is as follows:

Police Officer (PO) 1 Mark Anthony Peniano is a regular member of the Philippine National Police (PNP) assigned at Ermita Police Station located at Baseco PNP Compound, Port Area, Manila. On March 27, 2014, at around 8:00 o'clock in the evening, together with his companion PO1 William Cristobal and PO1 Rodrigo Co, while they were on a beat patrol back to the station, they chanced upon a person urinating against the wall. The police officers approached said person who was later identified as accused-appellant Ramon Picardal. The place is well-lighted since it is within the main road. PO1 Peniano told accused-appellant that it is forbidden to urinate in public. In view of said violation, they invited accused-appellant to go with them to the precinct. When PO 1 Peniano is about to handcuff him, accused-appellant attempted to run. His attempt

failed since PO1 Peniano was able to get hold of his hand. Once caught, PO1 Peniano frisked accused-appellant and was able to recover a caliber .38 revolver from his waist. The rusty [pistol] with a handle made of wood contained five (5) live ammunitions. Accused-appellant was brought to the police station, after PO1 Cristobal apprised him of his constitutional rights.

At the police station, PO1 Peniano referred accused-appellant to the officers in-charge for the purpose of medical examination and the recovered items were surrendered to P/Chief Insp. William Santos for safekeeping. The following morning, the items were retrieved back by PO1 Peniano and gave the same to the assigned investigator, PO3 Anthony Navarro, for proper marking.

PO1 Peniano had the confiscated firearm checked with the Firearm and Explosive Division (FED) of the PNP and it was discovered that the same is a loose firearm. The FED was issued a certification stating that accused-appellant is not licensed or registered firearm holder of any kind and caliber.^[8]

On the other hand, the evidence of the defense is based on the lone testimony of Picardal, who testified as follows:

x x x Accused RAMON PICARDAL (Picardal) denied the charges against him. On March 28, 2014, he was buying viand in the wet market of Baseco Compound, Tondo, Manila, when he noticed three (3) armed police officers in uniform within the vicinity. Two (2) of the three (3) police officers called him because of allegedly urinating at the side of the market. Upon denying the said accusation, the police officers got mad, frisked him, took his cellphone, and brought him to the police precinct. He went voluntarily with the police officers to the police precinct and was detained there overnight. Thereafter, he was brought for inquest the following day. He was surprised when he was charged for urinating and illegal possession of firearms. He also denied that said confiscated items were seized from him. He asked the police officers to take his finger print to prove that the subject firearm does not belong to him, but the police officers refused. The case for urinating in public filed against him was dismissed by the Metropolitan Trial Court (MTC) of Manila, Branch 26.^[9]

Ruling of the RTC

After trial on the merits, in its Decision^[10] dated September 24, 2015, the RTC convicted Picardal of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, accused **RAMON PICARDAL y BALUYOT** is hereby declared **GUILTY** beyond reasonable doubt of the crime of Qualified Illegal Possession of Firearms penalized under Section 28(a) in relation to Section 28(e-1) of Republic Act No. 10591 and there being neither aggravating nor mitigating circumstance that has been established, accused is hereby sentenced to suffer an indeterminate imprisonment of 8 years and 1 day of *prision mayor* as minimum to 10 years, 8 months and 1 day of *prision mayor* as maximum.

x x x x

SO ORDERED.^[11]

In finding Picardal guilty, the RTC held that the prosecution was able to prove all the elements of the crime charged, namely: (1) the existence of the subject firearm; and (2) the fact that the accused, who owned or possessed it, does not have the license or permit to possess the same. The RTC also held that Picardal's defense of denial was self-serving and inherently weak.^[12]

Aggrieved, Picardal appealed to the CA.

Ruling of the CA

In the questioned Decision^[13] dated May 31, 2017, the CA affirmed the RTC's conviction of Picardal. Relying on the testimonies of the apprehending officers, in addition to the certification presented in court which said that Picardal was "not a licensed/registered firearm holder of any kind of caliber,"^[14] the CA held that Picardal was indeed guilty of the crime charged.

Hence, the instant Petition.

Issue

Proceeding from the foregoing, for resolution of the Court is the issue of whether the RTC and the CA erred in convicting Picardal.

The Court's Ruling

The Petition is meritorious.

At the outset, it is well to emphasize that the factual findings of the CA, affirming that of the trial court, are generally final and conclusive on the Court.^[15] The foregoing rule, however, is subject to the following exceptions:

- (1) the conclusion is grounded on speculations, surmises or conjectures;
- (2) the inference is manifestly mistaken, absurd or impossible;
- (3) there is grave abuse of discretion;
- (4) the judgment is based on a misapprehension of facts;
- (5) the findings of fact are conflicting;
- (6) there is no citation of specific evidence on which the factual findings are based;
- (7) the findings of absence of fact are contradicted by the presence of evidence on record;