



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 22 April 2015 which reads as follows:

G.R. No. 191255: PEOPLE OF THE PHILIPPINES v. INOCENCIO AÑONUEVO, JR. Y ESQUIVEL

This resolves the appeal of the Decision¹ dated November 14, 2007 of the Court of Appeals Eleventh Division. The Court of Appeals affirmed *in toto* the Decision² of Branch 5 of the Regional Trial Court of Legazpi City, which found accused-appellant Inocencio Añonuevo, Jr. y Esquivel guilty beyond reasonable doubt of violating Article II, Section 5, paragraph 1 of Republic Act No. 9165.³ The trial court sentenced him to life imprisonment and to pay a fine of ₱1,000,000.00 plus costs of suit.⁴

The Court of Appeals treated accused-appellant's handwritten letter⁵ as a Notice of Appeal and gave due course in its Resolution dated September 9, 2009.⁶ It elevated the records of the case to this court on March 3, 2010.⁷ In the Resolution⁸ dated April 7, 2010, this court informed the parties that they may file their respective supplemental briefs.

The Office of the Solicitor General filed its Manifestation⁹ on June 23, 2010 stating that it will no longer file a supplemental brief. On the other hand, accused-appellant did not file a brief despite his requests¹⁰ for extension of time, which were all granted by this court.

¹ Rollo, pp. 2–17. The Decision, docketed as CA-G.R. CR-H.C. No. 01787, was penned by Associate Justice Josefina Guevara-Salonga and concurred in by Associate Justices Vicente Q. Roxas and Ramon R. Garcia.

² CA rollo, pp. 67–70. The Decision, docketed as Crim. Case No. 10435, was penned by Presiding Judge Pedro R. Soriao.

³ Rep. Act No. 9165 (2002), An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, Otherwise Known as the Dangerous Drugs Act of 2002, as Amended, Providing Funds Therefor, and for Other Purposes.

⁴ CA rollo, p. 70.

⁵ Id. at 190. Accused-appellant's Letter dated April 17, 2008 was received by the Court of Appeals on April 29, 2008.

⁶ Id. at 192.

⁷ Rollo, p. 1.

⁸ Id. at 22.

⁹ Id. at 25–27.

¹⁰ Id. at 40–42 and 53–55. Accused-appellant filed two (2) requests: Manifestation with Motion for Extension filed on February 23, 2011 requesting a 10-day extension, or until March 8, 2011, to file Supplemental Brief; and Second Motion for Extension of time posted on March 8, 2011 requesting an additional 15-day extension, or until March 23, 2011, to file Supplemental Brief.

In the Resolution dated October 10, 2011,¹¹ this court required accused-appellant to submit his supplemental brief within 10 days from notice with a warning that his failure to do so shall be deemed a waiver on his part. Notice was received by the Administrative Division of the New Bilibid Prison on November 4, 2011. The filing period expired on November 14, 2011, without a supplemental brief filed by accused-appellant. Hence, he is deemed to have waived his right to file a supplemental brief.

After considering the parties' arguments and the records of this case, this court resolves to adopt the findings of fact and conclusions of law of the Court of Appeals.

However, the fine of ₱1,000,000.00 imposed by Branch 5 of the Regional Trial Court of Legazpi City and affirmed by the Court of Appeals should be reduced to ₱500,000.00 in line with current jurisprudence.¹²

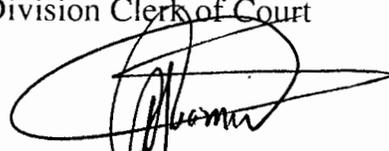
WHEREFORE, the Court of Appeals Decision dated November 14, 2007 in CA-G.R. CR-H.C. No. 01787, which found accused-appellant Inocencio Añonuevo, Jr. y Esquivel guilty beyond reasonable doubt of violating Article II, Section 5, paragraph 1 of Republic Act No. 9165 for illegal sale of 0.064 grams of methamphetamine hydrochloride (*shabu*) is **AFFIRMED**. He is sentenced to suffer the penalty of life imprisonment without eligibility for parole with the **MODIFICATION** that the fine imposed be reduced to ₱500,000.00 plus costs.

SO ORDERED. //

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON,
Deputy Division Clerk of Court *jde 8/6/19*

¹¹ Id. at 62.

¹² *People v. Salvador*, G.R. No. 190621, February 10, 2014, 715 SCRA 617 [Per J. Del Castillo, Second Division]; *People v. Rebotazo*, G.R. No. 192913, June 13, 2013, 698 SCRA 452 [Per C.J. Sereno, First Division]; *People v. Tapere*, G.R. No. 178065, February 20, 2013, 691 SCRA 347 [Per J. Bersamin, First Division]; *People v. Escopete*, G.R. No. 200160, January 9, 2013 <http://elibrary.judiciary.gov.ph/dtSearch/dtisapi6.dll?cmd=getdoc&DocId=135983&Index=*aa1de0751c9cff7439815a4b27e3ab58&HitCount=3&hits=4+d+31+&SearchForm=C%3a\elibrev\elibsearch\dtform> [Signed by Division Clerk of Court Edgar O. Aricheta, First Division].

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CA-G.R. CR H.C. No. 01787

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 5
4500 Legaspi City, Albay
(Crim. Case No. 10435)

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