



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **18 January 2021** which reads as follows:*

**“G.R. No. 253936 (Roderick Roman y Hipolito @ “Rod” v. People of the Philippines).** – After a judicious review of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the Decision<sup>2</sup> dated February 19, 2020 and the Resolution<sup>3</sup> dated October 9, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 43237 for failure of petitioner Roderick Roman y Hipolito @ “Rod” (petitioner) to sufficiently show that the CA committed any reversible error in convicting him of Illegal Possession of Firearms and Ammunition, defined and penalized under Presidential Decree No. (PD) 1866,<sup>4</sup> as amended by Republic Act Nos. 8294<sup>5</sup> and 10591.<sup>6</sup>

As correctly ruled by the CA, the prosecution was able to establish beyond reasonable doubt all the elements of the crime charged,<sup>7</sup> considering that: (a) petitioner was found to be in possession of a .38 caliber firearm loaded with three (3) live ammunition; and (b) he is not licensed/authorized to possess the same, as

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<sup>1</sup> *Rollo*, pp. 13-35.

<sup>2</sup> *Id.* at 37-50. Penned by Associate Justice Priscilla J. Baltazar-Padilla (a retired member of the court) with Associate Justices Maria Filomena D. Singh and Louis P. Acosta, concurring.

<sup>3</sup> *Id.* at 52-53. Penned by Associate Justice Louis P. Acosta with Associate Justices Fernanda Lampas Peralta and Maria Filomena D. Singh, concurring.

<sup>4</sup> Entitled “CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL 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,” approved on June 29, 1983.

<sup>5</sup> Entitled “AN ACT AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED “CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL 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,” approved on June 6, 1997.

<sup>6</sup> Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,” approved on May 29, 2013.

<sup>7</sup> “To sustain convictions for illegal possession of firearms, the prosecution must show two (2) essential elements: (1) that the firearm subject of the offense exists; and (2) that the accused who possessed or owned that firearm had no corresponding license for it.” (*De Guzman v. People*, G.R. No. 240475, July 24, 2019, citing *Evangelista v. People*, 634 Phil. 207, 227 [2010])

evinced by the Certification dated November 22, 2018 issued by the Philippine National Police Firearms and Explosives Office.<sup>8</sup>

**SO ORDERED.** (Rosario, J., designated additional member per Special Order No. 2797 dated November 5, 2020; on official leave).”

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court  
05 FEB 2021

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Department of Justice  
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1104 Diliman, Quezon City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 28  
Manila  
(Crim. Case No. R-MNL-18-12162-R)

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RODERICK ROMAN y HIPOLITO (reg)  
Petitioner  
c/o The Director  
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CA-G.R. CR No. 43237

*Please notify the Court of any change in your address.*  
GR253936. 01/18/2021(224)URES

<sup>\*</sup> Section 28 (a) and (e) (1) of Republic Act No. 10591 reads:

Section 28. *Unlawful Acquisition, or Possession of Firearms and Ammunition.* –  
The unlawful acquisition, possession of firearms and ammunition shall be penalized as follows:

(a) The penalty of *prision mayor* in its medium period shall be imposed upon any person who shall unlawfully acquire or possess a small arm:

x x x x

(e) The penalty of one (1) degree higher than that provided in paragraphs (a) to (c) in this section shall be imposed upon any person who shall unlawfully possess any firearm under any or combination of the following conditions:

(1) Loaded with ammunition or inserted with a loaded magazine;

x x x x