



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 27 July 2020 which reads as follows:*

**“G.R. No. 251893 (Henry Benjamin, Jr. y Perez a.k.a. ‘Niño’ v. People of the Philippines).** – After a judicious study of the case, the Court resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the August 15, 2019 Decision<sup>2</sup> and the February 6, 2020 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 41185 for failure of petitioner Henry Benjamin, Jr. y Perez a.k.a. ‘Niño’ to sufficiently show that the CA committed any reversible error in affirming his guilt beyond reasonable doubt of the crime of violation of Section 28, paragraph (e) (1), Article V of Republic Act No. 10591,<sup>4</sup> otherwise known as the ‘Comprehensive Firearms and Ammunition Regulation Act.’

As correctly ruled by the CA, the prosecution was able to establish all the elements<sup>5</sup> of the crime charged, considering that: (a) the arresting officer, Police Officer 1 Adrian Arandia, identified petitioner as the person carrying the Armscor .38 caliber revolver with two (2) live ammunitions, which were later marked, identified, and offered in evidence at the trial ; and (b) the certification from the Firearm and Explosives Office in Camp Crame, Quezon City proved that petitioner was not a licensed/registered firearm holder of any kind and caliber. Moreover, the carrying of firearms and ammunition, without the requisite authorization, is enough basis for the conduct of a valid *in flagrante delicto* warrantless arrest.<sup>6</sup> Hence, the Court finds no reason to deviate from the factual findings of the trial court, as affirmed by the CA, there being no indication that it

<sup>1</sup> *Rollo*, pp. 12-29.

<sup>2</sup> *Id.* at 35-46. Penned by Associate Justice Ricardo R. Rosario with Associate Justices Zenaida T. Galapate-Laguilles and Walter S. Ong, concurring.

<sup>3</sup> *Id.* at 48.

<sup>4</sup> Entitled “AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF,” approved on May 29, 2013.

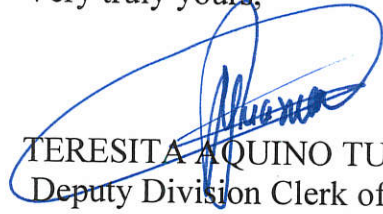
<sup>5</sup> The *corpus delicti* in the crime of illegal possession of firearms is the accused’s lack of license or permit to possess or carry the firearm, as possession itself is not prohibited by law. To establish the *corpus delicti*, the prosecution has the burden of proving that: (a) the firearm exists; and (b) the accused who owned or possessed it does not have the corresponding license or permit to possess or carry the same. (*Peralta v. People*, 817 Phil. 554 [2017].)

<sup>6</sup> See *id.*, citing *People v. Abriol*, 419 Phil. 609-640 (2001).

overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case.<sup>7</sup>

**SO ORDERED.”**

Very truly yours,



TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court

13 AUG 2020

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THE DIRECTOR (reg)  
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HON. PRESIDING JUDGE (reg)  
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<sup>7</sup> See id.