



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES  
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**JESUS TRINIDAD y G.R. No. 239957**  
**BERSAMIN,**

Petitioner, Present:

- versus -

**PEOPLE OF THE**  
**PHILIPPINES,**  
Respondent.

CARPIO, J., Chairperson,  
PERLAS-BERNABE,  
CAGUIOA,  
J. REYES, JR., and  
HERNANDO,\* JJ.

Promulgated:  
18 FEB 2019

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**DECISION**

**PERLAS-BERNABE, J.:**

Before the Court is a petition for review on *certiorari*<sup>1</sup> filed by petitioner Jesus Trinidad y Bersamin (Trinidad) assailing the Decision<sup>2</sup> dated January 25, 2018 and the Resolution<sup>3</sup> dated May 31, 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 39598, which affirmed the Decision<sup>4</sup> dated November 7, 2016 of the Regional Trial Court of Pasig City, Branch 67 (RTC) in Crim. Case Nos. 155678 and 155679 finding him guilty beyond reasonable doubt of the crime of Illegal Possession of Firearms and Ammunition under Section 28 (a) in relation to Section 28 (e) (1), Article V of Republic Act No. (RA) 10591.<sup>5</sup>

\* Designated Additional Member per Special Order Nos. 2629 and 2630 dated December 18, 2018.

<sup>1</sup> *Rollo*, pp. 12-31.

<sup>2</sup> Id. at 35-47. Penned by Associate Justice Josep Y. Lopez with Associate Justices Celia C. Librea-Leagogo and Maria Elisa Sempio Diy, concurring.

<sup>3</sup> Id. at 49-51.

<sup>4</sup> Id. at 87-97. Penned by Acting Presiding Judge Maria Paz R. Reyes-Yson.

<sup>5</sup> Entitled "AN ACT PROVIDING FOR A COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF," otherwise known as the "COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT," approved on May 29, 2013.

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### The Facts

On December 12, 2014, an Information<sup>6</sup> was filed before the RTC charging Trinidad with violation of RA 10591, the pertinent portion of which reads:

On or about November 14, 2014, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, being then a private person, without any lawful authority, did then and there willfully, unlawfully and feloniously have in [his] possession and under [his] custody and control one (1) unit [c]aliber .38 revolver marked Smith & Wesson with serial number 833268 with markings "RJN", a small arm, loaded with six (6) pieces live ammunitions of caliber .38 with markings "1RN, 2RN, 3RN, 4RN, 5RN and 6RN", without first securing the necessary license or permit from the Firearms and Explosives Office of the Philippine National Police, in violation of the above-entitled law.

Contrary to law.<sup>7</sup>

The prosecution alleged that at around 8:30 in the evening of November 14, 2014, members from the Philippine National Police (PNP)-Pasig Police Station conducted a buy-bust operation, with Police Officer (PO) 1 Randy S. Sanoy (PO1 Sanoy) as the poseur buyer and PO1 Rodrigo J. Nidoy, Jr. (PO1 Nidoy) as the back-up arresting officer, to apprehend a certain "Jessie" who, purportedly, was involved in illegal drug activities at Aurelia St., Barangay Bagong Ilog, Pasig City.<sup>8</sup> After the alleged sale had been consummated, PO1 Nidoy arrested Trinidad, frisked him, and recovered from the latter a 0.38 caliber revolver loaded with six (6) live ammunitions tucked at his back, as well as a 0.22 caliber rifle loaded with seven (7) live ammunitions and two (2) magazines (subject firearms and ammunition) which were found beside the gate of his house.<sup>9</sup> When asked if he has any documentation for the same, Trinidad claimed that they were merely pawned to him. After marking the seized items, they proceeded to the nearby barangay hall and conducted inventory and photography thereof, and then went to the police station where the request for ballistic examination was made.<sup>10</sup> Finally, the seized items were brought to the crime laboratory, where, after examination, it was revealed that "the firearms are serviceable and the ammunitions are live and serviceable."<sup>11</sup> During trial, Trinidad's counsel agreed to the stipulation that Trinidad has no license to possess or carry firearms of any caliber at the time of his arrest.<sup>12</sup>

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<sup>6</sup> Dated December 12, 2014; *rollo*, pp. 59-61.

<sup>7</sup> *Id.* at 59-60.

<sup>8</sup> *See id.* at 36-37.

<sup>9</sup> *See id.* at 37-38.

<sup>10</sup> *See id.* at 38.

<sup>11</sup> *Id.*

<sup>12</sup> *See id.*

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For his part, Trinidad denied the accusations against him, claiming, among others, that aside from the present case, he was also charged with the crime of Illegal Sale and Possession of Dangerous Drugs, which arose from the same incident, but was, however, acquitted<sup>13</sup> therein for, *inter alia*, **failure of the prosecution to prove that Trinidad was validly arrested thru a legitimate buy-bust operation**. He then formally offered in evidence the said acquittal ruling, which was objected by the public prosecutor for being immaterial and irrelevant to the present case.<sup>14</sup> The RTC admitted said evidence only as part of Trinidad's testimony.<sup>15</sup>

### The RTC Ruling

In a Decision<sup>16</sup> dated November 7, 2016, the RTC found Trinidad guilty beyond reasonable doubt of two (2) counts of violation of RA 10591, and accordingly, sentenced him to suffer the penalty of imprisonment for an indeterminate period of ten (10) years, eight (8) months, and one (1) day, as minimum, to eleven (11) years and four (4) months of *prision mayor*, as maximum, for each count.<sup>17</sup>

The RTC found that the prosecution was able to prove all the elements of the crime of Illegal Possession of Firearms and Ammunition, considering that: (a) PO1 Nidoy positively identified the firearms presented before the court as the same firearms seized and recovered from Trinidad's possession; and (b) Trinidad admitted that he is not a holder of any license or permit from the PNP Firearms and Explosives Unit. It gave credence to the positive, clear, and categorical testimonies of the prosecution's witnesses rather than Trinidad's defenses of denial and alibi.<sup>18</sup> It likewise held that Trinidad's acquittal in the drugs charges is immaterial to this case, opining that the ground for his acquittal is neither unlawful arrest nor unlawful search and seizure, but the procedural flaw in the chain of custody of the dangerous drugs.<sup>19</sup>

Aggrieved, Trinidad appealed<sup>20</sup> to the CA.

### The CA Ruling

In a Decision<sup>21</sup> dated January 25, 2018, the CA affirmed Trinidad's conviction with modification, sentencing him to suffer the penalty of

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<sup>13</sup> See Joint Decision dated March 1, 2016 of the Regional Trial Court of Pasig City, Branch 154 in Criminal Case Nos. 19814-D-PSG and 19815-D-PSG penned by Presiding Judge Achilles A. A.C. Bulaitan; *id.* at 200-210.

<sup>14</sup> See *id.* at 39.

<sup>15</sup> See *id.* at 92.

<sup>16</sup> *Id.* at 87-97.

<sup>17</sup> *Id.* at 96.

<sup>18</sup> See *id.* at 94.

<sup>19</sup> See *id.* at 95.

<sup>20</sup> See Brief for the Accused-Appellant dated July 24, 2017; *id.* at 66-85.

<sup>21</sup> *Id.* at 35-47.

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imprisonment for an indeterminate period of eight (8) years and one (1) day of *prision mayor*, as minimum, to ten (10) years, eight (8) months, and one (1) day of *prision mayor*, as maximum, for each count.<sup>22</sup> The CA ruled that the evidence for the prosecution convincingly established all the elements of the crime charged as Trinidad: (a) was caught in possession and control of two (2) firearms, consisting of one (1) .38 caliber<sup>23</sup> revolver loaded with six (6) live ammunitions and one (1) .22 caliber rifle loaded with seven (7) live ammunitions, as well as two (2) magazines during the conduct of the buy-bust operation; and (b) failed to show any permit or license to possess the same, simply claiming that the said firearms were pawned to him.<sup>24</sup> It likewise noted that Trinidad's counsel agreed to the stipulation that Trinidad has no license to possess or carry the subject firearms at the time of his arrest.<sup>25</sup> Finally, it agreed with the RTC's opinion that Trinidad's acquittal in the drugs charges was due to the prosecution's failure to prove the chain of custody of the seized dangerous drugs, and not due to his supposed questionable arrest.<sup>26</sup>

Dissatisfied, Trinidad moved for reconsideration,<sup>27</sup> but was denied in a Resolution<sup>28</sup> dated May 31, 2018; hence, this petition.

### **The Issue Before the Court**

The sole issue for the Court's resolution is whether or not the CA correctly upheld Trinidad's conviction for the crime charged.

### **The Court's Ruling**

The petition is meritorious.

"At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law."<sup>29</sup>

"Section 2,<sup>30</sup> Article III of the 1987 Constitution mandates that **a search and seizure must be carried out through or on the strength of a judicial**

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<sup>22</sup> See *id.* at 47.

<sup>23</sup> Erroneously indicated as ".22 caliber revolver" in the CA Decision; *id.* at 42.

<sup>24</sup> See *id.*

<sup>25</sup> See *id.* at 43-44.

<sup>26</sup> See *id.* at 44-45.

<sup>27</sup> See motion for reconsideration dated February 20, 2018; *id.* at 52-58.

<sup>28</sup> *Id.* at 49-51.

<sup>29</sup> *People v. Comboy*, 782 Phil. 187, 196 (2016), citing *Manansala v. People*, 775 Phil. 514, 520 (2015).

<sup>30</sup> Section 2, Article III of the 1987 CONSTITUTION reads:

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warrant predicated upon the existence of probable cause, absent which, such search and seizure becomes 'unreasonable' within the meaning of said constitutional provision. To protect the people from unreasonable searches and seizures, Section 3 (2),<sup>31</sup> Article III of the 1987 Constitution provides that **evidence obtained from unreasonable searches and seizures shall be inadmissible in evidence for any purpose in any proceeding.** In other words, evidence obtained and confiscated on the occasion of such unreasonable searches and seizures are deemed tainted and should be excluded for being the proverbial fruit of a poisonous tree."<sup>32</sup>

“One of the recognized exceptions to the need for a warrant before a search may be affected is a search incidental to a lawful arrest. **In this instance, the law requires that there first be a lawful arrest before a search can be made – the process cannot be reversed.**”<sup>33</sup>

A lawful arrest may be affected with or without a warrant. With respect to the latter, a warrantless arrest may be done when, *inter alia*, the accused is caught *in flagrante delicto*,<sup>34</sup> such as in buy-bust operations in drugs cases.<sup>35</sup> However, if the existence of a valid buy-bust operation cannot be proven, and thus, the validity of the *in flagrante delicto* warrantless arrest cannot be established, the arrest becomes illegal and the consequent search incidental thereto becomes unreasonable.<sup>36</sup> Resultantly, all the evidence seized by reason of the unlawful arrest is inadmissible in evidence for any purpose in any proceeding.<sup>37</sup>

In this case, Trinidad essentially anchors his defense on the following contentions: (a) his arrest stemmed from a purported buy-bust operation where the illegal drugs and the subject firearms and ammunition were allegedly recovered from him; (b) this resulted in the filing of three (3) Informations against him, two (2) of which are for violations of RA 9165<sup>38</sup>

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Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

<sup>31</sup> Section 3 (2), Article III of the 1987 CONSTITUTION reads:

Section 3. x x x.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

<sup>32</sup> *Sindac v. People*, 794 Phil. 421, 428 (2016).

<sup>33</sup> See *id.*

<sup>34</sup> Section 5 (a), Rule 113 of the REVISED RULES OF CRIMINAL PROCEDURE provides:

Section 5. *Arrest without warrant; when lawful.* – x x x.

(a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense[.]

<sup>35</sup> See *People v. Amin*, G.R. No. 215942, January 18, 2017, 814 SCRA 639, 646. See also *People v. Rivera*, 790 Phil. 770, 779-780 (2016).

<sup>36</sup> See *People v. Lim*, 435 Phil. 640, 664 (2002).

<sup>37</sup> See *id.*

<sup>38</sup> Entitled “AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES,” approved on June 7, 2002.

(which were tried jointly), while the other pertains to the instant case; and (c) his acquittal<sup>39</sup> in the drugs cases should necessarily result in his acquittal in this case as well. In finding these contentions untenable, the courts *a quo* opined that the resolution in the drugs cases is immaterial in this case as they involve different crimes<sup>40</sup> and that “the ground for the acquittal x x x is neither unlawful arrest nor unlawful search or seizure, but the procedural flaw in the chain of custody of the dangerous drugs.”<sup>41</sup>

However, a more circumspect review of the decision absolving Trinidad of criminal liability in the drugs cases reveals that he was acquitted therein not only due to unjustified deviations from the chain of custody rule,<sup>42</sup> but also on the ground that **the prosecution failed to prove the existence of a valid buy-bust operation, thereby rendering Trinidad’s *in flagrante delicto* warrantless arrest illegal and the subsequent search on him unreasonable.**<sup>43</sup> Thus, contrary to the courts *a quo*’s opinions, Trinidad’s acquittal in the drugs cases, more particularly on the latter ground, is material to this case because the subject firearms and ammunition were simultaneously recovered from him when he was searched subsequent to his arrest on account of the buy-bust operation.

The Court is aware that the findings on the illegality of Trinidad’s warrantless arrest were made in the drugs cases, which are separate and distinct from the present illegal possession of firearms and ammunition case. Nevertheless, the Court is not precluded from taking judicial notice of such findings as evidence, and apply them altogether for the judicious resolution of the same issue which was duly raised herein. To be sure, the general rule is that the courts are not authorized to take judicial notice of the contents of the records of other cases. However, this rule admits of exceptions, such as when the other case has a close connection with the matter in controversy in the case at hand.<sup>44</sup> In *Bongato v. Spouses Malvar*,<sup>45</sup> the Court held:

[A]s a general rule, courts do not take judicial notice of the evidence presented in other proceedings, even if these have been tried or are pending in the same court or before the same judge. There are exceptions to this rule. Ordinarily, an appellate court cannot refer to the record in another case to ascertain a fact not shown in the record of the case before it, yet, it has been held that it may consult decisions in other proceedings, in order to look for the law that is determinative of or applicable to the case under review. **In some instances, courts have also taken judicial notice of proceedings in other cases that are closely connected to the matter in controversy. These cases “may be so closely interwoven, or so clearly**

<sup>39</sup> See *rollo*, pp. 200-210.

<sup>40</sup> See *id.* at 45.

<sup>41</sup> See *id.* at 95.

<sup>42</sup> See *id.* at 207-209. See also *People v. Paming*, G.R. No. 241091, January 14, 2019; *People v. Bambico*, G.R. No. 238617, November 14, 2018; *People v. Mama*, G.R. No. 237204, October 1, 2018.

<sup>43</sup> See *rollo*, pp. 205-207. See also *Sindac v. People*, *supra* note 32; *People v. Manago*, 793 Phil. 505 (2016); *Comerciante v. People*, 764 Phil. 627 (2015).

<sup>44</sup> See *Degayo v. Magbanua-Dinglasan*, 757 Phil. 376, 390 (2015), citing *Tiburcio v. People’s Homesite & Housing Corporation*, 106 Phil. 477, 483-484 (1959).


<sup>45</sup> 436 Phil. 109 (2002).

**interdependent, as to invoke a rule of judicial notice.**<sup>46</sup> (Emphasis and underscoring supplied)

Here, an examination of the ruling<sup>47</sup> in the drugs cases (which Trinidad offered as evidence and the RTC admitted as part of his testimony<sup>48</sup>) confirms that the drugs cases and this case are so interwoven and interdependent of each other since, as mentioned, the drugs, as well as the subject firearms and ammunition, were illegally seized in a singular instance, *i.e.*, the buy-bust operation. Hence, the Court may take judicial notice of the circumstances attendant to the buy-bust operation as found by the court which resolved the drugs cases. To recall, in the drugs cases, the finding of unreasonableness of search and seizure of the drugs was mainly based on the failure of PO1 Sanoy's testimony to establish the legitimacy of the buy-bust operation against Trinidad as said testimony was found to be highly doubtful and incredible.<sup>49</sup> This circumstance similarly obtains here as in fact, the testimonies of both PO1 Nido<sup>50</sup> and PO1 Sanoy<sup>51</sup> in this case essentially just mirror on all material points the latter's implausible narration in the drugs cases. In view of the foregoing, the Court concludes that the subject firearms and ammunition are also inadmissible in evidence for being recovered from the same unreasonable search and seizure as in the drugs cases. Since the confiscated firearms and ammunition are the very *corpus delicti* of the crime charged in this case, Trinidad's acquittal is in order.

**WHEREFORE**, the Petition is **GRANTED**. The Decision dated January 25, 2018 and the Resolution dated May 31, 2018 of the Court of Appeals in CA-G.R. CR No. 39598 are hereby **REVERSED and SET ASIDE**. Petitioner Jesus Trinidad y Bersamin is **ACQUITTED** of the crime charged. The Director of the Bureau of Corrections is ordered to cause his immediate release, unless he is being lawfully held in custody for any other reason.

**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

<sup>46</sup> Id. at 117-118; citations omitted.

<sup>47</sup> See *rollo*, pp. 200-210.

<sup>48</sup> In *T'Boli Agro-Industrial Development, Inc. v. Solilapsi*, (442 Phil. 499, 513 [2002]), the Court held:

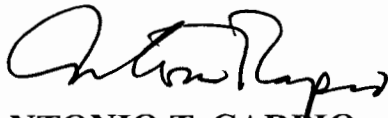
Courts may be required to take judicial notice of the decisions of the appellate courts but not of the decisions of the coordinate trial courts, or even of a decision or the facts involved in another case tried by the same court itself, **unless the parties introduce the same in evidence** or the court, as a matter of convenience, decides to do so. (Emphasis and underscoring supplied)

<sup>49</sup> See *rollo*, pp. 206-207.

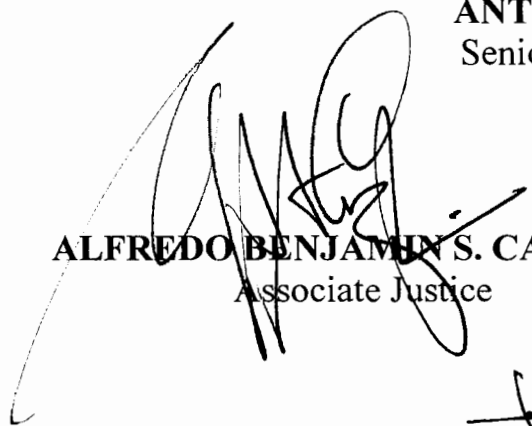
<sup>50</sup> TSN, August 17, 2015, pp. 3-22 and TSN, May 16, 2016, pp. 16-46.

<sup>51</sup> TSN, June 13, 2016, pp. 1-9.

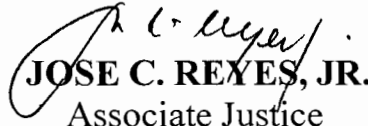
**WE CONCUR:**



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**JOSE C. REYES, JR.**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice

**ATTESTATION**

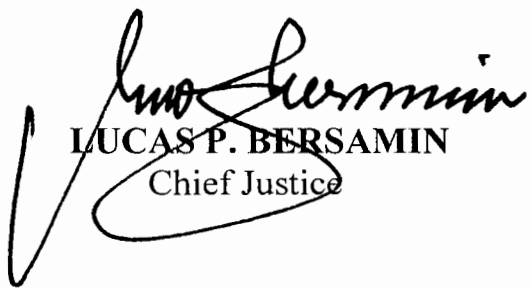
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**LUCAS P. BERSAMIN**  
Chief Justice