



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 11 November 2019 which reads as follows:

"G.R. No. 244293 (People of the Philippines v. Moises Provideo y Mercadejas and Rosito Tulalian y Templonuevo, Accused; Moises Provideo y Mercadejas, Accused-appellant)

After a judicious study of the case, the Court resolves to **DISMISS** the appeal¹ for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in the assailed Decision as to warrant the exercise of the Court's appellate jurisdiction.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law in the June 5, 2018 Decision² of the CA in CA-G.R. CR-HC No. 08631 and **AFFIRMS** said Decision finding accused-appellant Moises Provideo y Mercadejas **GUILTY** beyond reasonable doubt of the crimes charged. Accordingly, he is sentenced as follows: (a) in Criminal Case No. 13-2024 for the crime of Illegal Possession of Explosives, defined and penalized under Section 3 of Presidential Decree No. (PD) 1866,³ as amended by Republic Act No. (RA) 9516,⁴ the penalty of imprisonment of *reclusion perpetua*; and (b) in Criminal Case No. 13-2025 for the crime of Illegal Possession of Firearms and Ammunition, defined and penalized under Section 1, paragraph 2 of PD 1866,⁵ as amended by RA 8294,⁶ the penalty of imprisonment for an indeterminate period of six (6) years of

¹ See Notice of Appeal dated June 18, 2018; *rollo*, pp. 15-17.

² *Id.* at 3-14. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Myra V. Garcia-Fernandez and Zenaida T. Galapate-Laguilles, concurring.

³ 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. Section 3 thereof provides:

Section 3. *Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of an Explosive or Incendiary Device.* — The penalty of *reclusion perpetua* shall be imposed upon any person who shall willfully and unlawfully manufacture, assemble, deal in, acquire, dispose, import or possess any explosive or incendiary device, with knowledge of its existence and its explosive or incendiary character, where the explosive or incendiary device is capable of producing destructive effect on contiguous objects or causing injury or death to any person, including but not limited to, hand grenade(s), rifle grenade(s), 'pillbox bomb,' 'molotov cocktail bomb,' 'fire bomb,' and other similar explosive and incendiary devices.

⁴ Entitled "AN ACT FURTHER 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 December 22, 2008.

⁵ See Section 1, paragraph 2 of PD 1866.

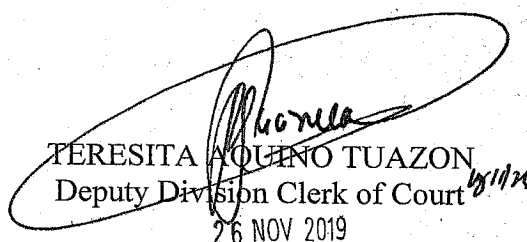
⁶ Entitled "AN ACT AMENDING THE PROVISIONS OF PRESIDENTIAL DECREE NO. 1866, AS AMENDED, ENTITLED 'CODIFYING THE LAWS ON ILLEGAL/UNLAWFUL POSSESSION, MANUFACTURE, DEALING IN, ACQUISITION OR DISPOSITION OF FIREARMS, AMMUNITION OR EXPLOSIVES OR INSTRUMENTS USED IN THE MANUFACTURE OF FIREARMS, AMMUNITION OR EXPLOSIVES, AND IMPOSING STIFFER PENALTIES FOR CERTAIN VIOLATIONS THEREOF, AND FOR RELEVANT PURPOSES,'" approved on June 6, 1997.

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prision correccional, as minimum, to six (6) years and eight (8) months of *prision mayor*, as maximum, and to pay a fine in the amount of ₱30,000.00.

SO ORDERED. (INTING, J., on official leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)"

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
26 NOV 2019

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