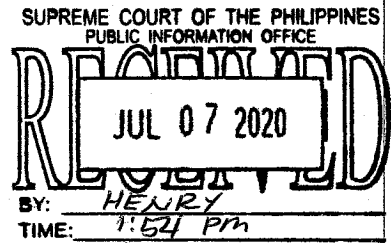




Republic of the Philippines  
**Supreme Court**  
 Manila

THIRD DIVISION



**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **February 19, 2020**, which reads as follows:*

“G.R. No. 246579 (*People of the Philippines v. Ramon Solomon y Aguilar a.k.a. “Batang”*). – Ramon Solomon y Aguilar a.k.a. “Batang” (accused-appellant) appealed the Decision<sup>1</sup> dated June 28, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08045, affirming with modification the Consolidated Decision<sup>2</sup> dated December 1, 2015 of the Regional Trial Court of Manila, Branch 27, in Criminal Case Nos. 15-314837, 15-314838, and 15-314839, finding accused-appellant Ramon Solomon y Aguilar guilty of violations of Section 28(a), in relation to Section 28 (e)(1) of Republic Act No. (R.A.) 10591, otherwise known as the “Comprehensive Firearms and Ammunition Regulation Act,” and Section 3 of Presidential Decree No. (P.D.) 1866, as amended by R.A. 9516.

After a perusal of the records of the case, this Court resolves to dismiss the appeal of accused-appellant for his failure to sufficiently show any reversible error in the assailed Decision of the CA.

At the outset, the illegality of an arrest must be raised through a motion to quash before an accused enters a plea. Any objection as to the legality of his arrest is deemed waived and the accused is estopped to question the legality of his or her arrest if he or she failed to timely object to the same.<sup>3</sup>

Here, accused-appellant’s failure to question the legality of his arrest through a motion to quash, coupled with his active participation in the trial and the presentation of evidence, placed him in estoppel.<sup>4</sup>

Section 5(b), Rule 113 of the Revised Rules on Criminal Procedure provides that a warrantless arrest is justified when an offense has just been committed and the person effecting the arrest has probable cause to believe

<sup>1</sup> Penned by Associate Justice Myra V. Garcia-Fernandez, with Associate Justices Ramon R. Garcia and Germano Francisco D. Legaspi, concurring; *rollo*, pp. 3-18.

<sup>2</sup> Penned by Judge Teresa Patrimonio-Soriano; *CA rollo*, pp.44-50.

<sup>3</sup> *Veridiano v. People*, 810 Phil. 642, 654 (2017).

<sup>4</sup> *Padilla v. Court of Appeals*, 336 Phil. 383, 400-401 (1997).

based on personal knowledge of facts or circumstances that the person to be arrested has committed it.

Here, the police officers responded to a call from the Mini-Stop convenience store that a robbery had just been committed. CCTV footage of the robbery was captured by the store. From that CCTV footage, the police officers acquired personal knowledge of facts that a crime was just committed. Through a follow-up operation and a perusal of the CCTV footage where accused-appellant and his companions came from, the police officers concluded that accused-appellant and his companions went to the direction of San Andres. A sidecar driver recognized accused-appellant and his companions and informed the police officers that they boarded a jeepney going to San Andres. An informant, likewise, gave the address of accused-appellant. After strategically positioning themselves along Estrada Street, the police officers were able to arrest accused-appellant and Marvin Caluby Colas (Calub). To reiterate, the police officers acquired personal knowledge of the facts based on the CCTV footage that accused-appellant, Calub, and their other companions were the authors of the crime of Robbery.<sup>5</sup>

These circumstances show that the police officers acquired personal knowledge that a crime had just been committed and an element of immediacy was present in effecting the arrest. Thus, the elements of a valid "hot pursuit" warrantless arrest were present. There was a continuous and unbroken pursuit of accused-appellant.<sup>6</sup>

Thus, when the police officers frisked or searched accused-appellant and Calub, the search is incidental to a valid arrest. As a logical consequence, the confiscated Smith and Wesson .38 caliber revolver and the hand grenade are admissible in evidence.

The essential elements in the prosecution for the crime of Illegal Possession of Firearms and Ammunitions are: (1) the existence of the subject firearm; and (2) the fact that the accused who possessed or owned the same does not have the corresponding license for it.

The prosecution was able to prove that accused-appellant illegally possessed the Smith and Wesson .38 caliber revolver and the hand grenade. The police officers were able to prove the existence of the confiscated items. The chain of custody in handling the confiscated illegal firearms and explosives was fully accounted for, and all those who handled the confiscated items were able to testify and identify the confiscated items. Thus, there is no doubt that indeed the confiscated items were the same ones seized from accused-appellant.<sup>7</sup>

---

<sup>5</sup> CA rollo, p. 32.

<sup>6</sup> *Vaporoso v. People*, G.R. No. 238659, June 3, 2019.

<sup>7</sup> CA rollo, pp. 32-33.

While at the time of the filing of the Information, the Philippine National Police Firearms and Explosives Unit had not yet issued a certification that accused-appellant had no authority to carry or possess any firearms or explosives, it is undisputed that during the trial, a Certification was issued showing that accused-appellant had no authority to carry or possess any firearms or explosives.

Thus, accused-appellant's conviction of the crime of Illegal Possession of Firearms should not be disturbed by this Court. However, the penalty imposed by the CA is erroneous.

As provided under Section 28(a) of R.A. 10591, the penalty of *prision mayor* medium shall be imposed upon any person who shall unlawfully acquire or possess a small firearm. Further, under Section 28(e) of the same law, the penalty of one degree higher than that provided for under section 28(a) shall be imposed if the firearm is loaded with ammunition.

In the present case, the Smith and Wesson caliber .38 seized from accused-appellant was loaded with five live ammunition.<sup>8</sup> As such, the proper penalty to be imposed on accused-appellant is that provided for under section 28(e) of R.A. 10591, *prision mayor* maximum, which is one degree higher than *prision mayor* medium.

There being no mitigating nor aggravating circumstance in this case, the penalty to be imposed on the accused-appellant is ten (10) years, eight (8) months and one (1) day of *prision mayor* in its medium period. Applying the Indeterminate Sentence Law, which states that the minimum penalty shall be anywhere within the range of the penalty next lower in degree than that prescribed by law, which is *prision mayor* medium, or anywhere within the range of eight (8) years and one (1) day to ten (10) years.

For conviction of the crime of Illegal Possession of Explosives under P.D. 1866, as amended by R.A. 9516, the penalty of *reclusion perpetua* imposed by the CA is affirmed.

**WHEREFORE**, premises considered, the instant appeal is **DISMISSED**. The Decision dated June 28, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08045 is hereby **AFFIRMED with MODIFICATION**.

In Criminal Case No. 15-314837, accused-appellant Ramon Solomon y Aguilar a.k.a. "Batang" is hereby sentenced to suffer the penalty 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.

---

<sup>8</sup> Id. at 33.

In Criminal Case No. 15-314839, the penalty of imprisonment of *reclusion perpetua* imposed upon accused-appellant Ramon Solomon y Aguilar a.k.a. "Batang" STANDS.

**SO ORDERED."**

Very truly yours,

*Misael DC Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
*gm*  
*2/19/20*

Special & Appealed Cases Service  
PUBLIC ATTORNEY'S OFFICE  
DOJ Agencies Building  
East Avenue cor. NIA Road  
Diliman, 1104 Quezon City

COURT OF APPEALS  
CA G.R. CR HC No. 08045  
1000 Manila

OFFICE OF THE SOLICITOR GENERAL  
134 Amorsolo Street  
Legaspi Village, 1229 Makati City

The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

Mr. Ramon A. Solomon  
c/o The Superintendent  
New Bilibid Prison  
BUREAU OF CORRECTIONS  
1770 Muntinlupa City

The Presiding Judge  
REGIONAL TRIAL COURT  
Branch 27, 1000 Manila  
(Crim. Case Nos. 15-314837 and 15-314839)

PUBLIC INFORMATION OFFICE  
Supreme Court, Manila  
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
Supreme Court, Manila

Judgment Division  
JUDICIAL RECORDS OFFICE  
Supreme Court, Manila