



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 March 2021** which reads as follows:*

“G.R. No. 254669 (Joventino Rapsing y Blanca a.k.a. ‘Joven’ v. People of the Philippines). – After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the Decision² dated November 19, 2019 and the Resolution³ dated November 23, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 42284 for failure of petitioner Joventino Rapsing y Blanca a.k.a. ‘Joven’ (petitioner) to sufficiently show that the CA committed any reversible error in finding him guilty beyond reasonable doubt of violation of Section 261 (q) of the Omnibus Election Code,⁴ as amended, in relation to Sections 32 and 33 of Republic Act No. 7166⁵ and Commission on Elections (COMELEC) Resolution No. 9735.⁶ Accordingly, he is sentenced to suffer the penalty of imprisonment for an indeterminate period of one (1) year, as minimum, to two (2) years, as maximum, with the accessory penalty of disqualification to hold public office and deprivation of the right of suffrage.⁷

As correctly ruled by the CA, the prosecution was able to establish all the elements⁸ of the crime charged since it was proven that: (a) petitioner was found in possession of a deadly weapon, *i.e.*, kitchen knife outside his residence, and that it was not shown that such possession was necessary for his profession, or that it was used for a legitimate activity; (b) he possessed the same during the election

¹ See Petition for Review on *Certiorari* dated January 22, 2021. *Rollo*, pp. 12-24.

² *Id.* at 30-42. Penned by Associate Justice Ramon A. Cruz with Associate Justices Celia C. Librea-Leagogo and Gabriel T. Robeniol, concurring.

³ *Id.* at 44-45.

⁴ Entitled ‘OMNIBUS ELECTION CODE OF THE PHILIPPINES,’ approved on December 3, 1985.

⁵ Entitled ‘AN ACT PROVIDING FOR SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS AND FOR ELECTORAL REFORMS, AUTHORIZING APPROPRIATIONS THEREFOR, AND FOR OTHER PURPOSES,’ approved on November 26, 1991.

⁶ *Rollo*, p. 63.

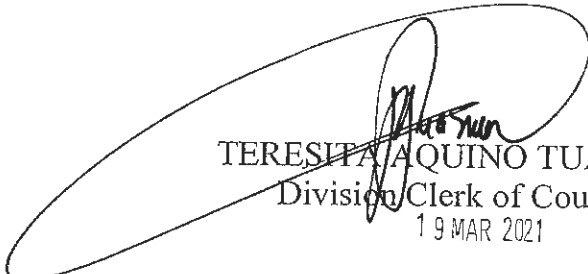
⁷ See *Castillo v. People*, G.R. No. 241802, November 5, 2018.

⁸ ‘Section 32 of Republic Act No. 7166 is clear and unequivocal that the prohibited act to which this provision refers is made up of the following elements: (1) the person is bearing, carrying, or transporting firearms or **other deadly weapons**; (2) such possession occurs **during the election period**; and (3) the weapon is carried in a **public place**.’ (*Abenes v. CA*, 544 Phil. 614, 618 [2007]; emphases supplied). This Court also ruled that under the Omnibus Election Code, the burden to show that he or she has a written authority to possess a firearm is on the accused. (*Dela Cruz v. People*, 776 Phil. 653, 691-692 [2016]).

period for the October 28, 2013 Barangay Elections; and (c) he had no written authority to possess the same during said election period as certified by the COMELEC.⁹ There being no indication that the courts *a quo* overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. In this regard, it should be noted that the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties.¹⁰

SO ORDERED. (Rosario, J., on leave).”

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court
 19 MAR 2021 3/19

PUBLIC ATTORNEY'S OFFICE (reg)
 Special & Appealed Cases Service
 Department of Justice
 PAO-DOJ Agencies Building
 NIA Road corner East Avenue
 1104 Diliman, Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)
 134 Amorsolo Street
 1229 Legaspi Village
 Makati City

COURT OF APPEALS (x)
 Ma. Orosa Street
 Ermita, 1000 Manila
 CA-G.R. CR No. 42284

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 12
 Manila
 (Crim. Case No. 13-300412)

JUDGMENT DIVISION (x)
 Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
 LIBRARY SERVICES (x)
 [For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
 OFFICE OF THE REPORTER (x)
 PHILIPPINE JUDICIAL ACADEMY (x)
 Supreme Court, Manila

Please notify the Court of any change in your address.
 GR254669. 03/01/2021A(175)URES

⁹ *Rollo*, p. 33.

¹⁰ See *Cahulogan v. People*, 828 Phil. 742 (2018), citing *Peralta v. People*, 817 Phil. 554 (2017), further citing *People v. Matibag*, 757 Phil. 286, 292-293 (2015).