



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 16 November 2020 which reads as follows:*

**“G.R. No. 250562 (Rene Barcelona y Calibod v. People of the Philippines).** – Considering that the Office of the Solicitor General failed to file comment on the petition for review on *certiorari* required in the Resolution dated 5 August 2020 within the extended period granted in the Resolution dated 24 August 2020, the Court resolves to **DISPENSE WITH** the filing of the aforesaid comment.

After a judicious study of the case, the Court further resolves to **DENY** the instant petition<sup>1</sup> and **AFFIRM** the November 13, 2019 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR No. 41225 for failure of petitioner Rene Barcelona y Calibod (petitioner) to sufficiently show that the CA committed any reversible error in affirming the August 31, 2017 Decision<sup>3</sup> of the Regional Trial Court of Gumaca, Quezon, Branch 62, (RTC) in Crim. Case No. 10997-G convicting him of violation of Commission on Elections (COMELEC) Resolution No. 8714,<sup>4</sup> also known as the Election Gun Ban for the May 10, 2010 Local and National Elections.

As correctly found by the CA, all the elements of the said offense had been indubitably established by the prosecution as petitioner, during the election gun ban period, carried outside his residence a caliber .22 air gun and a *bolo*, without authority or permit from the COMELEC.<sup>5</sup> Moreover, the CA correctly ruled that there was a valid warrantless search *via* the plain view doctrine, which applies when there is a confluence of the following requisites: (a) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which he can view a particular area; (b) the discovery of evidence in plain view is inadvertent; and (c) it is immediately apparent to the officer that the

<sup>1</sup> *Rollo*, pp. 11-31.

<sup>2</sup> *Id.* at 36-50. Penned by Associate Justice Nina G. Antonio-Valenzuela with Associate Justices Zenaida T. Galapate-Laguilles and Louis P. Acosta, concurring.

<sup>3</sup> *Id.* at pp. 72-77. Penned by Acting/Assisting Presiding Judge Edilwasif T. Baddiri.

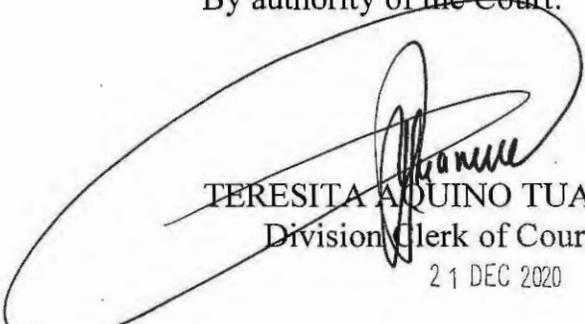
<sup>4</sup> Entitled “RULES AND REGULATIONS ON THE: (1) BEARING, CARRYING OR TRANSPORTING OF FIREARMS OR OTHER DEADLY WEAPONS; AND (2) EMPLOYMENT, AVAILMENT OR ENGAGEMENT OF THE SERVICES OF SECURITY PERSONNEL OR BODYGUARDS, DURING THE ELECTION PERIOD FOR THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS” (December 16, 2009).

<sup>5</sup> See *rollo*, p. 46.

item he observes may be evidence of a crime, contraband or otherwise subject to seizure,<sup>6</sup> as in this case. On this score, the Court emphasizes that the direct account of law enforcement officers enjoy the presumption of regularity in the performance of their duties, and unless there is clear and convincing evidence that they were inspired by any improper motive or did not properly perform their duty, their testimonies deserve full faith and credit. Thus, unless the presumption is rebutted, it becomes conclusive,<sup>7</sup> which obtains in this case. Finally, 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 overlooked, misunderstood or misapplied the surrounding facts and circumstances of the case. In fact, the trial court was in the best position to assess and determine the credibility of the witnesses presented by both parties, hence, due deference should be accorded to the same.<sup>8</sup>

**SO ORDERED.** (Rosario, *J.*, designated Additional Member per Special Order No. 2797 dated November 5, 2020.)”

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court  
21 DEC 2020

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RENE BARCELONA y CALIBOD (reg)  
Petitioner  
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Brgy. Pinagbuhatan  
1602 Pasig City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 62  
Gumaca, Quezon  
(Crim. Case No. 10997-G)

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GR250562. 11/16/2020(156)URES

<sup>6</sup> *People v. Doria*, 361 Phil. 595-654 (1999).

<sup>7</sup> *People v. Cabiles*, 810 Phil. 969-978 (2017).

<sup>8</sup> *Peralta v. People*, 817 Phil. 554, 563 (2017).