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This Court, in the case of *People vs. Alvis, J.*,[6] reiterating earlier decisions, ruled that when a woman testifies that she has been raped, she says all that is needed to signify that the crime has been committed. This is so against any man committing the crime. It is more so when the accusing words are against a close relative.

WHEREFORE, with the modification that the amount of indemnity to be paid the complainant by the appellant be increased to ₱30,000.00 and child support to ₱1,000.00 a month, the judgment appealed from should be as it is hereby AFFIRMED.

SO ORDERED.

Abad Santos, Escolin, Cuevas, and *Alampay, JJ.*, concur.

SECOND DIVISION

(G.R. No. 37762. December 19, 1985)

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **EDUARDO B. NERI,** *defendant-appellant.*

SYLLABUS

1. **ADMINISTRATIVE LAW; REVISED ADMINISTRATIVE CODE, AS AMENDED; PERMIT TO CARRY FIREARMS; RULE FOR ISSUANCE.**— The fact that the firearm in question was issued to the accused by the Provincial Governor of Lanao del Norte to be used in the performance of his duties as Deputy Governor and that the accused had been issued a permit by the Acting PC Provincial Commander to carry said firearm outside his residence is not a valid defense in this case. Section 881 of Article IV of the Revised Administrative Code, as amended,

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[6] 117 SCRA 362.

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is clear. It refers to special permit which the President of the Philippines may issue or cause to be issued to any subordinate official or employee of any Bureau of the National Government upon application of the Chief of the Bureau, under such terms and conditions as the President may deem proper. It is evident that the permit granted to the accused by the Acting Provincial Commander of Lanao del Norte to carry firearm outside residence, Exh. '4' is not the permit referred to under said Sec. 881. Moreover, the revolver Exh. 'A', a homemade firearm commonly known as '*paltik,*' the manufacture and/or possession of which is explicitly prohibited by law (Sec. 878, *supra*) and, therefore, it cannot be the object of a proper license or special permit, otherwise it would defeat the very purpose of the law, Neither the provincial governor nor the provincial commander could legalize an act which is *per se* illegal. Much less, this Court could sanction violations of law committed, wittingly or unwittingly, by public officials. To do so, it would tantamount in abetting the proliferation of infractions of law. The accused being a deputy governor ought to know that an act which is illegal *per se* cannot be given a semblance of legality either by the provincial governor or the provincial commander. 'Ignorance of the law excuses no one from compliance therewith' (Art. 3, Civil Code). The fact that the accused has a permit to carry firearm outside his residence is immaterial in the case at bar since the essence of the crime of illegal possession of firearm is the lack of the proper license or special permit to possess firearm issued in accordance with law. The herein accused, therefore, cannot seek protection under the mantle of said permit Exh. '4' which was issued beyond the pale of law. At most, said permit may be considered as mitigating circumstance in his favor."

2. CRIMINAL LAW; FELONIES; *MALA PROHIBITA*; GOOD FAITH AND ABSENCE OF CRIMINAL INTENT, NOT VALID DEFENSES.— The appellant relies upon the decision of the Court of Appeals in the case of *People vs. Asa,* where members of a civilian guard organization were acquitted because they had no intention to commit the offense charged and believed in good faith that, as civilian guards, they could possess firearms issued by the head of the civilian guard organization. Good faith and absence of criminal intent, however, are not

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valid defenses since the offense committed is *malum prohibitum* punished by special law

3. ID.; ILLEGAL POSSESSION OF FIREARMS; DOCTRINE THAT CIVILIAN APPOINTED SECRET AGENT PUTS HIM IN THE CATEGORY OF PEACE OFFICER THUS EXEMPTING HIM FROM CRIMINAL LIABILITY, EXPRESSLY REVOKED IN *PEOPLE VS. MAPA,* 127 PHIL. 628.— It is well to note in this connection that the doctrine enunciated in the case of *People vs. Macarandang,* that the appointment of a civilian as secret agent to assist in the maintenance of peace and order campaign and detection of crime sufficiently puts him in the category of a "peace officer" equivalent even to a member of the municipal police expressly covered by Section 879 of the Revised Administrative Code so that he incurs no criminal liability for possession of firearms issued to him by the governor, has been revoked in the case of *People vs. Mapa.*

DECISION

CONCEPCION *JR., J.*:

Eduardo B. Neri was charged with the crime of Illegal Possession of Firearm and after trial, the City Court of Cagayan de Oro found him guilty thereof. The dispositive portion of the decision reads as follows:

"IN VIEW OF THE FOREGOING CONSIDERATIONS, this Court finds the accused Eduardo B. Neri guilty beyond reasonable doubt of the crime of Illegal Possession of Firearm as defined and penalized under Sec. 878 in relation to Sec. 2692 of the Revised Administrative Code, as amended by Republic Act No. 4, and sentences him to 1 year and 1 day of imprisonment and to pay a fine of ₱1,000.00, in case of insolvency to suffer the corresponding subsidiary imprisonment at the rate of ₱8.00 a day but in no case shall exceed 1/3 of the principal penalty and the accessory penalties of the law and to pay the costs.

"Exh. 'A', revolver, Colt. Cal. 38 bearing Serial No. 898685 and Exhs. 'B', 'B-1, 'B-2' and 'B-3' four live ammunitions Cal. 38 are

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hereby ordered confiscated in favor of the government.

"After this judgment has become final, the City Clerk of Court is hereby ordered to deposit and deliver the revolver Exh. 'A' and the four rounds of live ammunitions Cal. 38 Exhs. 'B', 'B-1', 'B-2' and 'B-3' to the Provincial Commander of Misamis Oriental properly receipted. Thereafter, the receipt must be attached to the record of this case and shall form part of the record."

From this judgment, the accused appealed, raising the issue of "whether the accused, Eduardo B. Neri, can carry the abovedescribed firearm without license except the one issued to him by the Provincial Governor on January 16, 1970, marked as Exh. '3' and a Special Permit issued by the Provincial Commander marked as Exh. '4' without violating the provisions of the Revised Administrative Code."

The fact that the firearm in question was issued to the accused by the Provincial Governor of Lanao del Norte to be used in the performance of his duties as Deputy Governor and that the accused had been issued a permit by the Acting PC Provincial Commander to carry said firearm outside his residence is not a valid defense in this case. We cite with approval the following findings of the trial court:

"It is to be noted that Sec. 879 of Article IV, *supra*, speaks of exceptions as to firearm issued to officers. Officials and employees of the government who are allowed to possess firearm for use in the performance of their official duties without incurring criminal responsibility, but nowhere among the officers, officials and employees listed thereon could be found the Deputy Governor; hence, the accused does not fall within the exception. It is true that the accused was granted permit by the acting provincial commander of the Lanao del Norte to carry firearm outside his residence as shown in Exh. '4'. Now, may we ask, is this the permit contemplated under Sec. 881 of Article IV of the Revised Administrative Code, as amended, which exempts the possessor thereof from criminal responsibility? The aforementioned section reads as follows:

'Sec. 881 - *Special permit for possession of arms by civil employees.* — The chief of any Bureau of the National

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> Government may apply to the President of the Philippines for a special permit for any subordinate official or employee of the Bureau to possess firearms and ammunition for personal protection in the performance of his duties as such official or employee, and the President of the Philippines may issue, or cause to be issued, such special permission under such terms and conditions as he may deem proper.'

The above-quoted law is clear. It refers to special permit which the President of the Philippines may issue or cause to be issued to any subordinate official or employee of any Bureau of the National Government upon application of the Chief of the Bureau, under such terms and conditions as the President may deem proper. It is evident that the permit granted to the accused by the Acting Provincial Commander of Lanao del Norte to carry firearm outside residence, Exh. '4' is not the permit referred to under said Sec. 881. Moreover, the revolver Exh. 'A', a homemade firearm commonly known as '*paltik,*' the manufacture and/or possession of which is explicitly prohibited by law (Sec. 878, *supra*) and, therefore, it cannot be the object of a proper license or special permit, otherwise it would defeat the very purpose of the law. Neither the provincial governor nor the provincial commander could legalize an act which is *per se* illegal. Much less, this Court could sanction violations of law committed, wittingly or unwittingly, by public officials. To do so, it would tantamount in abetting the proliferation of infractions of law. The accused being a deputy governor ought to know that an act which is illegal *per se* cannot be given a semblance of legality either by the provincial governor or the provincial commander. 'Ignorance of the law excuses no one from compliance therewith' (Art. 3, Civil Code). The fact that the accused has a permit to carry firearm outside his residence is immaterial in the case at bar since the essence of the crime of illegal possession of firearm is the lack of the proper license or special permit to possess firearm issued in accordance with law. The herein accused, therefore, cannot seek protection under the mantle of said permit Exh. '4' which was issued beyond the pale of law. At most, said permit may be considered as mitigating circumstance in his favor."

The appellant relies upon the decision of the Court of Appeals in the case of *People vs. Asa*,[1] where members of a civilian

[1] 50 O.G. 5853.

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guard organization were acquitted because they had no intention to commit the offense charged and believed in good faith that, as civilian guards, they could possess firearms issued by the head of the civilian guard organization.

Good faith and absence of criminal intent, however, are not valid defenses since the offense committed is *malum prohibitum* punished by special law.

It is well to note in this connection that the doctrine enunciated in the case of *People vs. Macarandang*,[2] that the appointment of a civilian as secret agent to assist in the maintenance of peace and order campaign and detection of crimes sufficiently puts him in the category of a "peace officer" equivalent even to a member of the municipal police expressly covered by section 879 of the Revised Administrative Code so that he incurs no criminal liability for possession of firearms issued to him by the governor, has been revoked in the case of *People vs. Mapa*.[3]

WHEREFORE, the judgment should be, as it is hereby, AFFIRMED. With costs against the appellant.

IT IS SO ORDERED.

Escolin, Cuevas, and *Alampay, JJ.*, concur.

Abad Santos, J., concurs in the result.

[2] 106 Phil. 713.

[3] 127 Phil. 624.