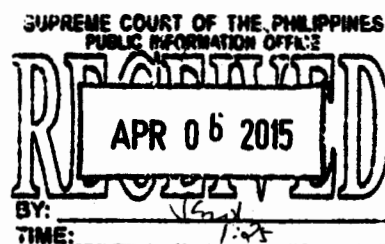




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 18, 2015** which reads as follows:*

“G.R. No. 215366 (Arman T. Mallillin v. People of the Philippines). - The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the January 30, 2014 Decision¹ and October 17, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 33871 for failure of Arman T. Mallillin (petitioner) to sufficiently show any reversible error on the part of the CA in sustaining his conviction for the crime of Homicide, as defined and penalized under Article 249 of the Revised Penal Code, as amended.

The issues being raised by petitioner involve the credibility of the prosecution witnesses, which is best addressed by the trial court, it being in a better position to decide such question, having heard the witnesses and observed their demeanor, conduct, and attitude under grueling examination. As such, the resolution thereof is best left to its sound judgment and, absent any misapprehension of facts or grave abuse of

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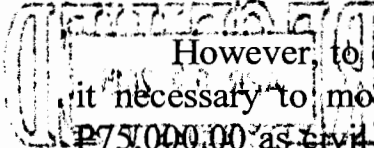
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¹ *Rollo*, pp. 27-37. Penned by Associate Justice Elihu A. Ybañez with Associate Justices Japar B. Dimaampao and Melchor Quirino C. Sadang, concurring.

² *Id.* at 39-40.

discretion, its findings shall not be disturbed,³ especially when affirmed by the CA, as in this case. Likewise, where there is no evidence that the prosecution witnesses were actuated with ill motive, it is presumed that they were not so actuated and their testimonies are entitled to full faith and

credit.⁴



However, to conform with prevailing jurisprudence,⁵ the Court finds it necessary to modify the award of damages imposed, as follows: (a) ~~₱75,000.00~~ as civil indemnity; and (b) ₱75,000.00 as moral damages. The rest of the assailed Decision stands.

SO ORDERED.” SERENO, C.J., on official travel.
JARDELEZA, J., designated acting member per S.O. No. 1952 dated March 18, 2015.

Very truly yours,

LIBRADA C. BUENA
Deputy Division Clerk of Court *03/18/15*

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Court of Appeals (x)
Manila
(CA-G.R. CR No. 33871)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 2
Tuguegarao City 3500 Cagayan
(Crim. Case No. 9327)

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³ *People v. Dadao*, G.R. No. 201860, January 22, 2014, citing *People v. Dela Rosa*, G.R. No. 201723, June 13, 2013, 698 SCRA 548, 555.

⁴ *People v. Roman*, G.R. No. 198110, July 31, 2013, 703 SCRA 94, 107; citations omitted.

⁵ *People v. Villalba*, G.R. No. 207629, October 22, 2014.



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 18, 2015** which reads as follows:*

“G.R. No. 215499 (Cynuff Collado y Pitil v. People of the Philippines). - The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious perusal of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the April 29, 2014 Decision¹ and November 17, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 35361 for failure of Cynuff Collado y Pitil (petitioner) to show that the CA committed any reversible error in affirming his conviction for Illegal Possession of Dangerous Drugs punishable under Section 11, Article II of Republic Act No. (RA) 9165, otherwise known as the “Comprehensive Dangerous Drugs Act of 2002.”

As correctly held by the CA, all the elements in the prosecution for illegal possession of dangerous drugs were established, as in fact, the plastic sachets containing shabu were found in the hands of petitioner after a search on his person was made. Neither was the *in flagrante delicto* arrest unlawful, since the offense was committed in the presence of the arresting

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¹ Rollo, pp. 73-83. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Vicente S.E. Veloso and Nina G. Antonio-Valenzuela, concurring.

² Id. at 96-97.

officer who personally witnessed the same, thus, dispensing with the need for a warrant.³ Lastly, it is settled that when the integrity and evidentiary value of the drugs seized were shown to have been duly preserved, as in this case, the failure to strictly follow the directives of Section 21 of RA 9165 is not fatal and will not render the evidence inadmissible.⁴

SO ORDERED.” SERENO, C.J., on official travel;
JARDELEZA, J., designated acting member per S.O. No. 1952 dated March 18, 2015.

Very truly yours,



LIBRADA C. BUENA
Deputy Division Clerk of Court
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Court of Appeals (x)
Manila
(CA-G.R. CR No. 35361)

The Solicitor General (x)
Makati City

The Hon. Presiding Judge
Regional Trial Court, Br. 120
1400 Caloocan City
(Crim. Case Nos. C-82074-75)

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No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR

³ See *Rebellion v. People*, 637 Phil. 339 (2010).

⁴ *Marquez v. People*, G.R. No. 197207, March 13, 2013, 693 SCRA 468, 474.