



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **13 January 2021** which reads as follows:*

“G.R. No. 248081 (*People of the Philippines v. Jonas Rabago y Bueno*). – The Court **NOTES** the letter dated September 18, 2020 of CInsp. Edgar N. Morillo, OIC-Superintendent, New Bilibid Prison-South, Muntinlupa City, confirming the confinement of accused-appellant in the said institution on January 10, 2018.

After a review of the records, this Court resolves to **DISMISS** the appeal for failure to sufficiently show that the Court of Appeals (*CA*) committed any reversible error in its January 16, 2019 Decision¹ as to warrant the exercise of this Court’s appellate jurisdiction.

As correctly held by the *CA*, all the elements for the crime of Illegal Sale and Illegal Possession of Dangerous Drugs under Sections 5² and 11,³

¹ *CA rollo*, pp. 109-127; penned by Associate Justice Stephen C. Cruz, with Associate Justices Pedro B. Corales and Jhosep Y. Lopez, concurring.

² **Section 5.** *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions. x x x.

³ **Section 11.** *Possession of Dangerous Drugs.* - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x


(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos

Article II of Republic Act (R.A.) No. 9165 were proven by the prosecution's evidence warranting the affirmance of the judgment of the courts *a quo* convicting appellant.

WHEREFORE, the appeal is **DISMISSED**. The January 16, 2019 Decision of the Court of Appeals in CA-G.R. CR-HC No. 10039, finding appellant Jonas Rabago y Bueno guilty beyond reasonable doubt of Illegal Sale of Dangerous Drugs under Section 5, Article II of R.A. No. 9165 and Illegal Possession of Dangerous Drugs under Section 11, Article II of R.A. No. 9165 is **AFFIRMED**. Appellant is hereby **SENTENCED** to serve the penalty of Life Imprisonment and to **PAY** a fine of Five Hundred Thousand Pesos (P500,000.00) for violation of Section 5 in Criminal Case No. R-QZN-17-11762-CR, and imprisonment of twelve (12) years and one (1) day, as minimum, to fourteen (14) years and eight (8) months, as maximum, and a fine of Three Hundred Thousand Pesos (P300,000.00) for violation of Section 11 in Criminal Case No. R-QZN-17-11763-CR.

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 *4/2/21*
07 FEB 2021

(P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

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JONAS RABAGO y BUENO (reg)
Accused-Appellant
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 79
1100 Quezon City
(Crim. Case Nos. R-QZN-17-11762-CR &
R-QZN-17-11763-CR)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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Please notify the Court of any change in your address.
GR248081. 1/13/2021(65)URES *1r/1*