



UP Diliman College of Law
Block II-EVE 2 2029

CRIMINAL PROCEDURE BLOCK NOTES

*Official Block Notes for the LAW 124: Criminal Procedure
Midterm Examination for the 2nd Semester, A.Y. 2025-2026*

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JURISDICTION

Jurisdiction of criminal courts

REQUISITES

1. Jurisdiction over the subject matter
2. Jurisdiction over the person of the accused
3. Jurisdiction over the territory

1. Jurisdiction over the subject matter

[Riano]

Definition

- Means jurisdiction over the OFFENSE charged
- It is “the authority to hear and determine a particular offense and impose the punishment for it or that the offense is one which the court is, by law, authorized to take cognizance of.”
- In short, it is “the power of a court to decide a controversy.”

How Conferred

- Jurisdiction is conferred ONLY by law. It cannot be presumed or be decided on the basis of inference or convenience. Lack of it is fatal to any case.
- The court’s jurisdiction is determined NOT by the cause of action (designation of the offense) or the evidence presented in trial BUT BY THE ALLEGATIONS IN THE COMPLAINT and corollarily, the imposable penalty.
- Jurisdiction over the subject matter is determined by the law in effect at the time of the COMMENCEMENT / INSTITUTION / FILING OF A CRIMINAL ACTION.
- A court’s jurisdiction is “continuing,” meaning that once it acquires jurisdiction, it may not be ousted by any subsequent event.
- Objections based on lack of jurisdiction over subject matter may be raised *motu proprio* by the court at any stage of the proceedings or on appeal.

Limitation

- GR: Jurisdiction is conferred by law and cannot be conferred or waived by the parties.
- XPN: A party cannot invoke the jurisdiction of the court (voluntary submission) to secure affirmative relief against his opponent and after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction. Estoppel, in very limited cases such as in *Tijam v. Sibonghanoy*, and when only brought to bear when not to do so will subvert the ends of justice, may apply.

2. Jurisdiction over the person of the accused

[Riano]

Definition

Authority of the court over the person charged

How Conferred

Acquired either upon the accused’s

- a) Arrest or apprehension, with or without warrant; or

- b) Voluntary appearance or submission to the jurisdiction of the court

Voluntary Submission

- GR: One who seeks an affirmative relief is deemed to have submitted to the jurisdiction of the court.
 - Accomplished through any of the following
 - a) Pleading to the merits (such as motion to squash)
 - b) Other pleadings / motions
 - c) Appearance during arraignment
- XPNs:
 - When appearance in court is made to question the court’s jurisdiction
 - When motion to squash is on the ground of lack of jurisdiction
 - When motion is to squash the warrant of arrest

In Custody of Law

- It literally means being in custody of the body of the accused. It includes, but is not limited to, detention.
- Without jurisdiction of the person of the accused, a person may only be considered “in custody of law.”
- Custody of the law is not required for the adjudication of reliefs except in applications for bail.
- The right to bail takes force even when a person is only “in custody of law.” Meaning, a person’s application for bail will not count as voluntary submission to the court’s jurisdiction.

RULES OF COURT, Rule 114, Sec. 26

Bail not a bar to objections on illegal arrest, lack of or irregular preliminary investigation. — An application for or admission to bail shall not bar the accused from challenging the validity of his arrest or the legality of the warrant issued therefor, or from assailing the regularity or questioning the absence of a preliminary investigation of the charge against him, **provided that he raises them before entering his plea.** The court shall resolve the matter as early as practicable but not later than the start of the trial of the case.

Injunction to Restrain Criminal Prosecution

- GR: Injunction cannot be used to thwart criminal prosecutions because investigating criminal acts and prosecuting their perpetrators are in the interest of the public.
- XPNs
 - a) For the protection of constitutional rights
 - b) For the orderly administration of justice (i.e. to avoid oppression and multiplicity of actions)
 - c) When there is a prejudicial question, which is subjudice
 - d) When the officer is without or in excess of authority
 - e) When prosecution is under an invalid law or ordinance
 - f) When double jeopardy is apparent
 - g) When the court has no jurisdiction over the offense

- h) When it is a case of persecution, not prosecution
- i) When charges are manifestly false and motivated by vengeance
- j) When there is clearly no prima facie case and the motion to quash on that ground has been denied

3. Jurisdiction over the territory

[Riano]

- In criminal cases, venue is jurisdictional
- Territory is either:
 - a) Where the offense was committed; or
 - b) Where any of the offense's essential ingredients occurred
- Territory depends on the allegations in the filed complaint of information

Jurisdiction of the Municipal Trial Court, Municipal Circuit Trial Court, and Metropolitan Trial Court

Jurisdiction Based on Batas Pambansa Blg. 129 (1980), as amended by RAs 7691 & 11576

1. Violations of municipal or city ordinances
2. All offenses punishable by imprisonment not exceeding six (6) years, irrespective of other accessible penalties

XPNs, regardless of penalties:

- Cases falling under the jurisdiction of the RTC or the Sandiganbayan
 - Libel (RPC Art. 355) by means of writings or similar means, even though only punishable by imprisonment not exceeding *prision correccional*, falls under the jurisdiction of the RTC (CFI) and not the MTC, pursuant to RPC Art. 360.
3. Offenses involving damage to property through criminal negligence
 4. Violations of BP 22 (summary procedure)
 5. Special jurisdiction to decide on bail applications in the absence of all RTC judges in a province or city

Batas Pambansa Blg. 129 (1980)

Sec. 35. Special jurisdiction in certain cases.—In the absence of all the Regional Trial Judges in a province or city, any Metropolitan Trial Judge, Municipal Trial Judge, Municipal Circuit Trial Judge may hear and decide petitions for a writ of *habeas corpus* or applications for bail in criminal cases in the province or city where the absent Regional Trial Judges sit.

Sec. 36. Summary procedures in special cases.—In Metropolitan Trial Courts and Municipal Trial Courts with at least two branches, the Supreme Court may designate one or more branches thereof to try exclusively forcible entry and unlawful detainer cases, those involving violations of traffic laws, rules and regulations, violations of the rental law, and such other cases requiring summary disposition as the Supreme Court may determine. The Supreme Court shall adopt special rules or procedures applicable to such cases in order to achieve an expeditious and inexpensive determination thereof without regard to technical rules. Such simplified procedures may provide that affidavits and counter-affidavits may be admitted in lieu of oral testimony and that the periods for filing pleadings shall be non-extendible.

Summary Procedure Rm, Traffic BP22

Jurisdiction Based on Revised Rule on Summary Procedure (1991), amended by the Rule on Expedited Procedures in First-Level Courts

Rm traffic BP22 municipal case

1. Violations of traffic laws, rules and regulations
2. Violations of the rental law
3. BP 22 cases
4. Violations of municipal or city ordinances
5. All other criminal cases with imposable penalty of imprisonment not exceeding one (1) year, or a fine not exceeding Fifty Thousand Pesos (P50,000.00), or both, regardless of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom
6. Offenses involving damage to property through criminal negligence under Article 365 of the Revised Penal Code, where the imposable fine does not exceed One Hundred Fifty Thousand Pesos

Cher LCOK

Batas Pambansa Blg. 129 (1980), as amended by RA 7691

Sec. 32. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases. – Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:

"(1) Exclusive original jurisdiction over all violations of city or municipal ordinances committed within their respective territorial jurisdiction; and

"(2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof."

Jurisdiction of the Regional Trial Court

Jurisdiction Based on Batas Pambansa Blg. 129 (1980), as amended by RAs 7691 & 11576

1. All criminal cases not within the exclusive jurisdiction of any court, except those falling under the jurisdiction of the Sandiganbayan (original)
2. Issuance of writs and certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction (original)
3. Appellate jurisdiction over all cases decided by the MTC
4. Special jurisdiction on exclusive criminal cases as determined by the Supreme Court
5. Cases determined by specific laws
 - a) Written defamation (RPC 360)
 - b) Violations of the Comprehensive Dangerous Drugs Act of 2002 (designated special courts)
 - c) Violations of intellectual property rights
 - d) All cases on money laundering, except those under the jurisdiction of the Sandiganbayan

*1) All cases
2) Defamation case
3) IP right
4) Money Laundering*

Batas Pambansa Blg. 129 (1980)

Sec. 20. Jurisdiction in criminal cases.—Regional Trial Courts shall exercise exclusive original jurisdiction in **all criminal cases not within the exclusive jurisdiction of any court, tribunal or body, except those now falling under the exclusive and concurrent jurisdiction of the Sandiganbayan** which shall hereafter be exclusively taken cognizance of by the latter.

Sec. 21. Original jurisdiction in other cases.—Regional Trial Courts shall exercise original jurisdiction:

1. In the issuance of writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, *habeas corpus* and injunction which may be enforced in any part of their respective regions; and
2. In actions affecting ambassadors and other public ministers and consuls.

Sec. 22. Appellate jurisdiction.—Regional Trial Courts shall exercise appellate jurisdiction over all cases decided by Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts in their respective territorial jurisdictions. Such cases shall be decided on the basis of the entire record of the proceedings had in the court of origin and such memoranda and/or briefs as may be submitted by the parties or required by the Regional Trial Courts. The decision of the Regional Trial Courts in such cases shall be appealable by petition for review to the Intermediate Appellate Court which may give it due course only when the petition shows *prima facie* that the lower court has committed an error of fact or law that will warrant a reversal or modification of the decision or judgment sought to be reviewed.

Sec. 23. Special jurisdiction to try special cases.—The Supreme Court may designate certain branches of the Regional Trial Courts to handle exclusively criminal cases, juvenile and domestic relations cases, agrarian cases, urban land reform cases which do not fall under the jurisdiction of quasi-judicial bodies and agencies, and/or such other special cases as the Supreme Court may determine in the interest of a speedy and efficient administration of justice.

- ii) City mayors, vice-mayors, members of the *sangguniang panlungsod*, city treasurer, assessors, engineers, and other city department heads
- iii) Officials of the diplomatic service occupying the position of consul and higher
- iv) Philippine army and air force colonels, naval captains, and all officers of higher rank
- v) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher
- vi) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor
- vii) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations

Significance of the enumeration:
Even if an official does not fall under SG 27 or higher, he will be under the Sandiganbayan's jurisdiction if he acts as any of the above-mentioned positions.

- b) Members and officials of Congress under SG 27 or higher
 - c) Members of the judiciary
 - d) Chairpersons and members of Constitutional Commissions
 - e) All other officials classified under SG 27 or higher
2. Other offenses or felonies whether simple or complexed with other crimes committed by the above-mentioned officials

“Other offenses or felonies” is so broad in meaning. ***Serena v. Sandiganbayan, 542 SCRA 224***, states that “the Sandiganbayan has jurisdiction over felonies committed by public officials in relation to their office.”

3. Civil and criminal cases filed pursuant to and in connection with EO Nos. 1, 2, 14, and 14-A, issued in 1986 (Recovery and Sequestration of Marcos Wealth)
4. Petitions for the issuance of writs of *mandamus*, prohibition, *certiorari*, *habeas corpus*, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction, including *quo warranto*, *provided* that said petitions are not exclusive to the Supreme Court

Jurisdiction of the Sandiganbayan

Jurisdiction Based on Presidential Decree No. 1606 (1978), as amended, Sec. 4

Original

1. Violations of the following: RA 3019, or the Anti-Graft and Corrupt Practices Act; RA 1379 (Forfeiture Law); or bribery (RPC Book II, Title VII, Chapter II, Section 2), *where at least one of the accused is an official occupying any of the following positions, whether permanent, acting, or interim*

- a) Officials of the Executive Branch under SG 27 or higher, including:

- i) Provincial governors, vice-governors, members of the *sangguniang panlalawigan*, and provincial treasurers, assessors, engineers, and other provincial department heads

Gov - Sangguniang

Appellate

A.M. No. 02-6-07-SB dated 28 August 2002

A.M. No. 02-6-07-SB, Rule XI

Sec 1. Ordinary Appeal. - Appeal to the Sandiganbayan from a decision rendered by a Regional Trial Court in the exercise of its original jurisdiction shall be by ordinary appeal under Rules 41

and 44 of the 1997 Rules of Civil Procedure or Rules 122 and 124 of the Rules of Criminal Procedure as amended, as the case may be.

Sec. 2. Petition for Review. - Appeal to the Sandiganbayan from a decision of the Regional Trial Court in the exercise of its appellate jurisdiction shall be by Petition for Review under Rule 42 of the 1997 Rules of Civil Procedure.

Rule X

Sec. 1(c), paragraph 2. Whenever the Sandiganbayan, in the exercise of its appellate jurisdiction, finds that the penalty of death, reclusion perpetua or life imprisonment should be imposed, it shall render judgment accordingly. However, it shall refrain from entering the judgment and forthwith certify the case and elevate its entire record to the Supreme Court for review.

Other Jurisdictions

CICL → Family Court RTC

A.M. No. 02-1-18-SC dated 28 February 2002 & 2019 Revised Rule on Children in Conflict with the Law

Jurisdiction over **children in conflict with the law (CICL)** is vested in a designated Family Court. In areas where no Family Court is designated, the Regional Trial Court (RTC) hearing family and youth cases holds jurisdiction.

A.M. No. 10-3-10-SC dated 18 October 2011, Rules 10-15

Cases involving **violations of intellectual property rights** fall under specific RTCs designated as Special Commercial Courts.

A.M. No. 10-3-10-SC (2011)

Rule 1, Sec. 2. In what courts applicable. - These Rules shall be observed by the Regional Trial Courts designated by the Supreme Court as Special Commercial Courts.

Rule 2, Sec. 2. Special Commercial Courts in the National Capital Judicial Region with authority to issue writs of search and seizure enforceable nationwide. - Special Commercial Courts in **Quezon City, Manila, Makati, and Pasig** shall have authority to act on applications for the issuance of writs of search and seizure in civil actions for violations of the Intellectual Property Code, which writs shall be enforceable nationwide. The issuance of these writs shall be governed by the rules prescribed in Re: Proposed Rule on Search and Seizure in Civil Actions for Infringement of Intellectual Property Rights (A.M. No. 02-1-06-SC, which took effect on February 15, 2002). Within their respective territorial jurisdictions, the Special Commercial Courts in the judicial regions where the violation of intellectual property rights occurred shall have concurrent jurisdiction to issue writs of search and seizure.

A.M. No. 09-6-8-SC dated 13 April 2010

For **environmental cases**, specialized jurisdiction for RTCs, MTC/MeTCs, and MCTCs to handle civil, criminal and civil actions has been established.

A.M. No. 09-6-8-SC (2010)

Rule 1, Sec. 2. These Rules shall govern the procedure in civil, criminal and special civil actions before the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts involving enforcement or violations of environmental and other related laws, rules and regulations xxx

Petition for the issuance of a **Writ of Kalikasan** falls under the exclusive jurisdiction of the **Supreme Court** or the **Court of Appeals**.

A.M. No. 09-6-8-SC (2010)

Rule 7, Sec. 1. Nature of the writ.—The writ is a remedy available to a natural or juridical person, entity authorized by law, people's organization, non-governmental organization, or any public interest group accredited by or registered with any government agency, on behalf of persons whose constitutional right to a balanced and healthful ecology is violated, or threatened with violation by an unlawful act or omission of a public official or employee, or private individual or entity, involving environmental damage of such magnitude as to prejudice the life, health or property of inhabitants in two or more cities or provinces.

Rule 7, Sec. 3. Where to file.—The petition shall be filed with the Supreme Court or with any of the stations of the Court of Appeals.

Petition for **Writ of Continuing Mandamus** falls under the jurisdiction of the RTC, Court of Appeals, or Supreme Court.

A.M. No. 09-6-8-SC (2010)

Rule 8, Sec. 1. Petition for continuing mandamus.—When any agency or instrumentality of the government or officer thereof unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station in connection with the enforcement or violation of an environmental law rule or regulation or a right therein, or unlawfully excludes another from the use or enjoyment of such right and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty, attaching thereto supporting evidence, specifying that the petition concerns an environmental law, rule or regulation, and praying that judgment be rendered commanding the respondent to do an act or series of acts until the judgment is fully satisfied, and to pay damages sustained by the petitioner by reason of the malicious neglect to perform the duties of the respondent, under the law, rules or regulations. The petition shall also contain a sworn certification of non-forum shopping.

Rule 8, Sec. 2. Where to file the petition.—The petition shall be filed with the Regional Trial Court exercising jurisdiction over the territory where the actionable neglect or omission occurred or with the Court of Appeals or the Supreme Court.

CASES UNDER JURISDICTION

Alfelor, Sr. v. Intia, 70 SCRA 460 (1976)

FACTS: Felix Fuentebella and Felix Alfelor were rival congressional candidates in the 1965 elections, after which the defeated Alfelor filed an election protest against the proclaimed winner Fuentebella. In response, Fuentebella accused Alfelor and several others of falsifying ballot documents from a precinct in Parubcan and filed a criminal complaint for falsification before the Municipal Court of Tigaon. However, the complaint expressly stated that the alleged falsification of the ballots was committed in Iriga, Camarines Sur, not in Tigaon. The accused (Alfelor and his co-respondents) moved to dismiss for lack of jurisdiction, arguing falsification is consummated where the document is falsified and is not a continuing offense. The judge denied the motion on the theory that jurisdiction existed because the ballot box passed through Tigaon, prompting the accused to elevate the matter to the Supreme Court.

ISSUE: Whether the Municipal Court of Tigaon had jurisdiction to try the falsification case - **NO**.

RATIO: Venue in criminal cases is jurisdictional and depends on where the offense was committed. Municipal courts may try only crimes committed within their territorial jurisdiction. Falsification is consummated where the document is actually falsified, which the complaint admitted was Iriga. The later transport or use of the document, including its passing through Tigaon, is not an element of the crime. Thus, the Tigaon court had no jurisdiction and the case must be dismissed.

DOCTRINE: In criminal law, venue is jurisdictional and a court can exercise authority only over offenses whose essential elements occurred within its territorial boundaries. Falsification is not a continuing offense because it is completed at the place where the document is falsified with intent to prejudice another. The subsequent possession, movement, or use of the falsified document does not confer jurisdiction on another court. Inferior courts cannot assume jurisdiction based on convenience or incidental circumstances. When no element of the crime occurred within the court's territory, the case must be dismissed for lack of jurisdiction.

CLASS NOTES: Falsification is NOT a continuing offense.

Uy v. CA 276 SCRA 367 (1997)

FACTS: Rosa Uy and Consolacion Leong entered into a business arrangement where Leong allegedly invested about ₱500,000.00 in Uy's lumber business, but their relationship later deteriorated when the partnership was not formalized. Uy issued several checks to return the money, but the checks were dishonored due to insufficient funds and stop-payment orders. Leong then filed criminal complaints for estafa and six counts of violation of Batas Pambansa Blg. 22 before the Regional Trial Court of Manila. The RTC acquitted Uy of estafa but convicted her of the BP 22 charges, which the Court of Appeals affirmed.

Uy elevated the case to the Supreme Court, questioning the RTC Manila's jurisdiction over the BP 22 offenses.

ISSUE: Whether the Regional Trial Court of Manila validly acquired jurisdiction over the criminal cases for violation of Batas Pambansa Blg. 22 - **NO**.

RATIO: Jurisdiction in criminal cases depends on where the offense or any of its essential elements occurred. Estafa and BP 22 are distinct crimes, so jurisdiction over estafa does not automatically confer jurisdiction over BP 22. The records showed none of the elements of BP 22—issuance, knowledge of insufficient funds, or dishonor of the checks—occurred in Manila because the parties, bank, and transactions were linked to Makati, Malabon, and Caloocan. Even if BP 22 is considered a transitory offense, at least one essential element must occur within the court's territory, which was not proven. Thus, the RTC Manila never acquired jurisdiction and the conviction was reversed.

DOCTRINE: Estafa and BP 22 are separate offenses. Jurisdiction over one offense does not confer jurisdiction over the other.

CLASS NOTES:

- Why Estafa and BP 22 May Be Filed Separately
 - Estafa is punished under the Revised Penal Code (general law).
 - BP 22 is punished under a special law.
 - They have different elements.
 - Prosecution under one does not bar prosecution under the other.
- Nature of BP 22
 - BP 22 penalizes the mere issuance of a check that is dishonored.
 - Intent to defraud is immaterial.
 - Purpose: To protect the integrity of the banking system and maintain public confidence in checks as a medium of exchange.

Add-ons from the discussion

- Appeals and Remedies
 - Petition for Review on Certiorari (Rule 45): Proper when only pure questions of law are raised.
 - Petition for Certiorari (Rule 65): Proper when there is lack or excess of jurisdiction or grave abuse of discretion.
- Effect of Appeal in Criminal Cases
 - An appeal from a conviction opens the entire case for review by the appellate court.
 - The appellate court may correct any error, even if not assigned.
 - No double jeopardy attaches since the accused voluntarily appealed.

POINT OF COMPARISON	ESTAFA	BP 22
Elements	1. Deceit or abuse of confidence 2. Damage that is capable of pecuniary estimation	1. Making / drawing / issuance of check 2. Knowledge of drawer of insufficiency of funds 3. Dishonor of check by drawee bank
Prima facie evidence	Knowledge or awareness is inferred when the offender fails to deposit the total amount of the check within three (3) days from notice of dishonor.	Prima facie evidence of knowledge exists when the offender fails to deposit the total amount within five (5) banking days from receipt of notice of dishonor.
Jurisdiction	1. Place of the crime 2. Place where any of the elements occurred	1. Place of the issuance of the checks 2. Place of delivery of the check 3. Place of dishonor of the check 4. Place of awareness of the insufficiency of fund

People v. Lagon, 185 SCRA 442 (1990)

FACTS: In April 1975, Libertad Lagon allegedly committed estafa by issuing a bouncing check worth ₱4,232.80, then punishable under the Revised Penal Code by arresto mayor maximum to prision correccional minimum, a penalty within the jurisdiction of the City Court of Roxas City. On October 22, 1975, Presidential Decree No. 818 took effect, increasing the penalty for the same offense to prision mayor medium, which exceeded city court jurisdiction. On July 7, 1976, the information was filed in the City Court of Roxas City. The city court dismissed the case for lack of jurisdiction because the new penalty placed it under the Court of First Instance. The issue was elevated for determination of proper jurisdiction.

ISSUE: Whether the City Court of Roxas City had subject-matter jurisdiction over the estafa case considering the penalty was increased after the crime but before filing of the information - **NO**.

RATIO: Jurisdiction in criminal cases is determined by the law in force at the time the criminal action is instituted, not at the time of commission of the offense. When the information was filed in 1976, P.D. 818 was already effective and imposed a penalty beyond the jurisdiction of the city court. Hence jurisdiction properly belonged to the Court of First Instance. The heavier penalty cannot be applied retroactively because penal laws unfavorable to the accused do not operate retroactively. Nevertheless, the proper court retains jurisdiction even if the original lighter penalty will ultimately be imposed.

DOCTRINE: Jurisdiction over the subject matter in criminal cases is determined by the penalty prescribed by law at the time the information is filed. A change in the penalty prior to filing can transfer jurisdiction to a higher court even if the crime was committed earlier. However, the penalty actually imposable is governed by the law in force at the time of commission of the offense because unfavorable penal laws are not retroactive.

Once jurisdiction attaches in the proper court, it is not defeated by the fact that a lighter penalty will later be applied. Thus, jurisdiction and imposable penalty are determined by different legal considerations.

CLASS NOTES:

- Timeline
 - Commission of the offense: April 1975
 - Amendment of the Penalty (in between) - increased the penalty of estafa
 - Filing of charges: July 1976, in the **FIRST LEVEL** Court, which already lacked jurisdiction in view of the increased penalty
- Distinction
 - JURISDICTION - at the time of filing
 - PENALTY - at the time of commission of the offense
- There is **NO** double jeopardy in this case because the 1st jeopardy did not attach for lack of jurisdiction.
- Hypothetical: The case is supposedly under the jurisdiction of the 1st level court, but the 2nd level court tried it. However, during trial, and based on the evidence presented, the fact that it is supposed to be under the 1st level court is discovered—can the 2nd level court be ousted of its jurisdiction? **NO**, because jurisdiction is based on the **ALLEGED INFORMATION**.

De Lima v. Guerrero, G.R. No. 229781, 10 October 2017

FACTS: Then DOJ Secretary Leila De Lima was charged before the Regional Trial Court of Muntinlupa City with violation of Section 5 of RA 9165 (Illegal Drug Trading). She challenged the authority of the Department of Justice to conduct preliminary investigation and file the Informations, and questioned the RTC’s jurisdiction over the case. She argued that the offense imputed to her was actually direct bribery, allegedly falling under the exclusive jurisdiction of the Sandiganbayan and the Office of the Ombudsman due to her former rank and salary grade. She thus sought to nullify the proceedings before the RTC and challenged procedural aspects before the Supreme Court of the Philippines.

ISSUE: Whether or not the RTC of Muntinlupa has jurisdiction over the subject matter of the criminal case against De Lima - **YES**.

RATIO: Jurisdiction over the subject matter is determined by the allegations in the Information, not by the accused’s position or defenses. The Informations clearly charged violations of RA 9165 involving illegal drug trading, which are triable exclusively by Regional Trial Courts. The Sandiganbayan has no jurisdiction over drug offenses even if committed by high-ranking public officials. Thus, the RTC of Muntinlupa properly exercised jurisdiction over the case.

DOCTRINE: Jurisdiction over the subject matter in criminal cases is determined by the law (in this case, Sec. 90 of RA 9165) and the allegations in the Information.

CLASS NOTES:

- Remember, a special law prevails over cases where it is applicable. In this case, RA 9165 (special law) > PD 1606 (general law).
- Can hearsay evidence be used during preliminary investigation? Yes. Hearsay evidence may be admitted during preliminary investigation to determine probable cause, with the caveat that it must be examined at a trial later on.

Rivera v. CA, 332 SCRA 416 (2000)

FACTS: Renato Camacho was playing mahjong with companions when he was suddenly shot in the head and killed. Eyewitnesses saw Rivera standing by his mother's window pointing a gun toward the group immediately before the shooting. Rivera allegedly harbored ill feelings against Camacho for supposedly stealing his goat. The trial court convicted Rivera of murder and appreciated voluntary surrender as a mitigating circumstance, which was affirmed by the Court of Appeals. Rivera elevated the case, questioning witness credibility and the court's jurisdiction over his person.

ISSUE: Whether or not the Court had jurisdiction over the person of the accused given that he voluntarily submitted himself - **YES**.

RATIO: Jurisdiction over the person of the accused was validly acquired when Rivera voluntarily submitted himself to the court's jurisdiction by posting bail before arrest. Voluntary appearance and posting of bail constitute submission to the court's authority. The Court also upheld the credibility of prosecution witnesses, finding the inconsistencies minor and not affecting the core identification of the assailant. It sustained the appreciation of voluntary surrender as a mitigating circumstance.

DOCTRINE: Jurisdiction over the person of the accused is acquired through arrest or voluntary appearance. Posting bail before arrest constitutes voluntary submission to the jurisdiction of the court. Voluntary surrender may be appreciated as a mitigating circumstance even if made after a warrant of arrest has been issued.

CLASS NOTES:

- Voluntary Surrender
 - May be done even AFTER a warrant of arrest has already been issued
 - Condition: surrender must be the initiative of the accused, not forced; he's not cornered.
- Minor inconsistencies in testimony do not impair credibility when they do not touch on material facts.
- Alibi: physical impossibility that the person is there at the scene of the crime (in popular term: excuse)

POLICE INVESTIGATION**Miranda Rights****What are the Miranda rights?**

- Right to remain silent and warning that any statement he makes may be used against him
- Right to attorney
- Right to be informed of these rights

Secs. 3, 12 & 17, Art. III, 1987 Constitution**SECTION 3.**

(1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

SECTION 12.

(1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

SECTION 17. No person shall be compelled to be a witness against himself.

RA No. 7438 (1992)**AN ACT DEFINING CERTAIN RIGHTS OF PERSON ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

Section 1. Statement of Policy. – It is the policy of the Senate to value the dignity of every human being and guarantee full respect for human rights.

Section 2. Rights of Persons Arrested, Detained or Under Custodial Investigation; Duties of Public Officers. –

(a) Any person arrested detained or under custodial investigation shall at all times be assisted by counsel.

(b) Any public officer or employee, or anyone acting under his order or his place, who arrests, detains or investigates any person for the commission of an offense shall inform the latter, in a language known to and understood by him, of his rights to remain silent and to have competent and independent counsel, preferably of his own choice, who shall at all times be allowed to confer privately with the person arrested, detained or under custodial investigation. If such person cannot afford the services of his own counsel, he must be provided with a competent and independent counsel by the investigating officer.lawphi1Y

(c) The custodial investigation report shall be reduced to writing by the investigating officer, provided that before such report is signed, or thumbmarked if the person arrested or detained does not know how to read and write, it shall be read and adequately explained to him by his counsel or by the assisting counsel provided by the investigating officer in the language or dialect known to such arrested or detained person, otherwise, such investigation report shall be null and void and of no effect whatsoever.

(d) Any extrajudicial confession made by a person arrested, detained or under custodial investigation shall be in writing and signed by such person in the presence of his counsel or in the latter's absence, upon a valid waiver, and in the presence of any of the parents, elder brothers and sisters, his spouse, the municipal mayor, the municipal judge, district school supervisor, or priest or minister of the gospel as chosen by him; otherwise, such extrajudicial confession shall be inadmissible as evidence in any proceeding.

(e) Any waiver by a person arrested or detained under the provisions of Article 125 of the Revised Penal Code, or under custodial investigation, shall be in writing and signed by such person in the presence of his counsel; otherwise the waiver shall be null and void and of no effect.

(f) Any person arrested or detained or under custodial investigation shall be allowed visits by or conferences with any member of his immediate family, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, or by any national non-governmental organization duly accredited by the Commission on Human Rights or by any international non-governmental organization duly accredited by the Office of the President. The person's "immediate family" shall include his or her spouse, fiancé or fiancée, parent or child, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece, and guardian or ward.

As used in this Act, "custodial investigation" shall include the practice of issuing an "invitation" to a person who is investigated in connection with an offense he is suspected to have committed, without prejudice to the liability of the "inviting" officer for any violation of law.

Section 3. Assisting Counsel. – Assisting counsel is any lawyer, except those directly affected by the case, those charged with conducting preliminary investigation or those charged with the prosecution of crimes.

The assisting counsel other than the government lawyers shall be entitled to the following fees;

(a) The amount of One hundred fifty pesos (P150.00) if the suspected person is chargeable with light felonies;lawphi1©alf

(b) The amount of Two hundred fifty pesos (P250.00) if the suspected person is chargeable with less grave or grave felonies;

(c) The amount of Three hundred fifty pesos (P350.00) if the suspected person is chargeable with a capital offense.

The fee for the assisting counsel shall be paid by the city or municipality where the custodial investigation is conducted, provided that if the municipality of city cannot pay such fee, the province comprising such municipality or city shall pay the fee: Provided, That the Municipal or City Treasurer must certify that no funds are available to pay the fees of assisting counsel before the province pays said fees.

In the absence of any lawyer, no custodial investigation shall be conducted and the suspected person can only be detained by the investigating officer in accordance with the provisions of Article 125 of the Revised Penal Code.

Section 4. Penalty Clause. – (a) Any arresting public officer or employee, or any investigating officer, who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have competent and independent counsel preferably of his own choice, shall suffer a fine of Six thousand pesos (P6,000.00) or a penalty of imprisonment of not less than eight (8) years but not more than ten (10) years, or both. The penalty of perpetual absolute disqualification shall also be imposed upon the investigating officer who has been previously convicted of a similar offense.

The same penalties shall be imposed upon a public officer or employee, or anyone acting upon orders of such investigating officer or in his place, who fails to provide a competent and independent counsel to a person arrested, detained or under custodial investigation for the commission of an offense if the latter cannot afford the services of his own counsel.

(b) Any person who obstructs, prevents or prohibits any lawyer, any member of the immediate family of a person arrested, detained or under custodial investigation, or any medical doctor or priest or religious minister chosen by him or by any member of his immediate family or by his counsel, from visiting and conferring privately with him, or from examining and treating him, or from ministering to his spiritual needs, at any hour of the day or, in urgent cases, of the night shall suffer the penalty of imprisonment of not less than four (4) years nor more than six (6) years, and a fine of four thousand pesos (P4,000.00).lawphi1©

The provisions of the above Section notwithstanding, any security officer with custodial responsibility over any detainee or prisoner may undertake such reasonable measures as may be necessary to secure his safety and prevent his escape.

Section 5. Repealing Clause. – Republic Act No. No. 857, as amended, is hereby repealed. Other laws, presidential decrees, executive orders or rules and regulations, or parts thereof inconsistent with the provisions of this Act are repealed or modified accordingly

Art. 125, Revised Penal Code (RPC)

Delay in the delivery of detained persons to the proper judicial authorities. The penalties provided in the next preceding article shall be imposed upon the public officer or employee who shall detain any person for some legal ground and shall fail to deliver such person to the proper judicial authorities within the period of: twelve (12) hours, for crimes or offenses punishable by light penalties, or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties, or their equivalent; and thirty-six (36) hours, for crimes or offenses punishable by afflictive or capital penalties, or their equivalent. In every case, the person detained shall be informed of the cause of his detention and shall be allowed, upon his request, to communicate and confer at any time with his attorney or counsel.

RA No. 4200 (1965)**AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES.**

SECTION 1. It shall be unlawful for any person, not being authorized by all the parties to any private communication or spoken word, to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record such communication or spoken word by using a device commonly known as a dictaphone or dictagraph or detectaphone or walkie-talkie or taperecorder, or however otherwise described:

It shall also be unlawful for any person, be he a participant or not in the act or acts penalized in the next preceding sentence, to knowingly possess any tape record, wire record, disc record, or any other such record, or copies thereof, of any communication or spoken word secured either before or after the effective date of this Act in the manner prohibited by this law; or to replay the same for any other person or persons; or to communicate the contents thereof, either verbally or in writing, or to furnish transcriptions thereof, whether complete or partial, to any other person: Provided, That the use of such record or any copies thereof as evidence in any civil, criminal investigation or trial of offenses mentioned in section 3 hereof, shall not be covered by this prohibition.

SEC. 2. Any person who wilfully or knowingly does or who shall aid, permit, or cause to be done any of the acts declared to be unlawful in the preceding section or who violates the provisions of the following section or of any order issued thereunder, or aids, permits, or causes such violation shall, upon conviction thereof, be punished by imprisonment for not less than six months or more than six years and with the accessory penalty of perpetual absolute disqualification from public office if the offender be a public official at the time of the commission of the offense, and, if the offender is an alien he shall be subject to deportation proceedings.

SEC. 3. Nothing contained in this Act, however, shall render it unlawful or punishable for any peace officer, who is authorized by a written order of the Court, to execute any of the acts declared to be unlawful in the two preceding sections in cases involving the crimes of treason, espionage, provoking war and disloyalty in case of war, piracy, mutiny in the high seas, rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, inciting to sedition, kidnapping as defined by the Revised Penal Code, and violations of Common wealth Act No. 616, punishing espionage and other offenses against national security: Provided, That such

written order shall only be issued or granted upon written application and the examination under oath or affirmation of the applicant and the witnesses he may produce and a showing: (1) that there are reasonable grounds to believe that any of the crimes enumerated hereinabove has been committed or is being committed or is about to be committed: Provided, however, That in cases involving the offenses of rebellion, conspiracy and proposal to commit rebellion, inciting to rebellion, sedition, conspiracy to commit sedition, and inciting to sedition, such authority shall be granted only upon prior proof that a rebellion or acts of sedition, as the case may be, have actually been or are being committed; (2) that there are reasonable grounds to believe that evidence will be obtained essential to the conviction of any person for, or to the solution of, or to the prevention of, any of such crimes; and (3) that there are no other means readily available for obtaining such evidence.

The order granted or issued shall specify: (1) the identity of the person or persons whose communications, conversations, discussions, or spoken words are to be overheard, intercepted, or recorded and in the case of telegraphic or telephonic communications, the telegraph line or the telephone number involved and its location; (2) the identity of the peace officer authorized to overhear, intercept, or record the communications, conversations, discussions, or spoken words; (3) the offense or offenses committed or sought to be prevented; and (4) the period of the authorization. The authorization shall be effective for the period specified in the order which shall not exceed sixty (60) days from the date of issuance of the order, unless extended or renewed by the court upon being satisfied that such extension or renewal is in the public interest.

All recordings made under court authorization shall, within forty-eight hours after the expiration of the period fixed in the order, be deposited with the court in a sealed envelope or sealed package, and shall be accompanied by an affidavit of the peace officer granted such authority stating the number of recordings made, the dates and times covered by each recording, the number of tapes, discs, or records included in the deposit, and certifying that no duplicates or copies of the whole or any part thereof have been made, or if made, that all such duplicates or copies are included in the envelope or package deposited with the court. The envelope or package so deposited shall not be opened, or the recordings replayed, or used in evidence, or their contents revealed, except upon order of the court, which shall not be granted except upon motion, with due notice and opportunity to be heard to the person or persons whose conversation or communications have been recorded.

The court referred to in this section shall be understood to mean the Court of First Instance within whose territorial jurisdiction the acts for which authority is applied for are to be executed.

SEC. 4. Any communication or spoken word, or the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or any information therein contained obtained or secured by any person in violation of the preceding sections of this Act shall not be admissible in evidence in any judicial, quasi-judicial, legislative or administrative hearing or investigation.

RA No. 9372 (2007)**AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM**

Human Security of Act of 2007 - repealed by Anti-Terrorism Act of 2020 (Republic Act No. 11479)

RA No. 1405 (1955), as amended**AN ACT PROHIBITING DISCLOSURE OF OR INQUIRY INTO, DEPOSITS WITH ANY BANKING INSTITUTION AND PROVIDING PENALTY THEREFOR.**

SECTION 1. It is hereby declared to be the policy of the Government to give encouragement to the people to deposit their money in banking institutions and to discourage private hoarding so that the same may be properly utilized by banks in authorized loans to assist in the economic development of the country.

SEC. 2. All deposits of whatever nature with banks or banking institutions in the Philippines including investments in bonds issued by the Government of the Philippines, its political subdivisions and its instrumentalities, are hereby considered as of an absolutely confidential nature and may not be examined, inquired or looked into by any person, government official, bureau or office, except upon written permission of the depositor, or in cases impeachment, or upon order of a competent court in cases of bribery or dereliction of duty of public officials, or in cases where the money deposited or invested is the subject matter of the litigation.

SEC. 3. It shall be unlawful for any official or employee of a banking institution to disclose to any person other than those mentioned in Section two hereof any information concerning said deposits.

SEC. 4. All Acts or parts of Acts, Special Charters, Executive Orders, Rules and Regulations which are inconsistent with the provisions of this Act are hereby repealed.

SEC. 5. Any violation of this law will subject offender upon conviction, to an imprisonment of not more than five years or a fine of not more than twenty thousand pesos or both, in the discretion of the court.

RA No. 6426 (1972), as amended**AN ACT INSTITUTING A FOREIGN CURRENCY DEPOSIT SYSTEM IN THE PHILIPPINES, AND FOR OTHER PURPOSES.**

Section 1. Title. This Act shall be known the "Foreign Currency Deposit Act of the Philippines."

Section 2. Authority to deposit foreign currencies. Any person, natural or juridical, may in accordance with the provisions of this Act, deposit with such Philippine banks in good standing, as may, upon application, be designated by the Central Bank for the purpose, foreign currencies which are acceptable as part of the international reserve, except those which are required by the Central Bank to be surrendered in accordance with the provisions of Republic Act Numbered Two hundred sixty-five.

Section 3. Authority of banks to accept foreign currency deposits. The banks designated by the Central Bank under Section two hereof shall have the authority:

1) To accept deposits and to accept foreign currencies in trust: Provided, That numbered accounts for recording and servicing of said deposits shall be allowed;

2) To issue certificates to evidence such deposits;

3) To discount said certificates;

4) To accept said deposits as collateral for loans subject to such rules and regulations as may be promulgated by the Central Bank from time to time; and

5) To pay interest in foreign currency on such deposits.

Section 4. Foreign currency cover requirements. Except as the Monetary Board, by a unanimous vote of all incumbent members, may otherwise prescribe or allow, the depository banks shall maintain at all times a one hundred percent foreign currency cover for their deposit liabilities, of which cover at least fifteen seventy-one. Thereafter, such sum as may be necessary for the same purpose shall be included in the annual General Appropriations Act.

RA No. 9160 (2001), as amended**AN ACT DEFINING THE CRIME OF MONEY LAUNDERING, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES****Sec. 14, Rule 113, Revised Rules of Court**

Right of attorney or relative to visit person arrested. — Any member of the Philippine Bar shall, at the request of the person arrested or of another acting in his behalf, have the right to visit and confer privately with such person in the jail or any other place of custody at any hour of the day or night. Subject to reasonable regulations, a relative of the person arrested can also exercise the same right. (14a)

Cases Under Miranda Rights**Miranda v. Arizona, 384 US 436 (1966)**

FACTS: Ernesto Miranda was arrested by the Phoenix Police in connection with the kidnapping and rape of an 18-year-old woman and subjected to custodial interrogation in a police-dominated, incommunicado setting. He was not given a full and effective warning of his constitutional rights, nor were safeguards provided to ensure that his statements were voluntary. The interrogation produced oral admissions and a signed written confession, which was admitted in evidence over his counsel's objection. Miranda was convicted and sentenced to 20 to 30 years' imprisonment; the Arizona SC affirmed, and the case was elevated to the US SC.

ISSUE: WON the prosecution may use statements obtained from a person subjected to custodial interrogation without adequate

safeguards, and whether the Fifth Amendment privilege applies to the informal compulsion of in-custody questioning. - **NO**

RATIO: The Court held that the Fifth Amendment privilege fully applies to custodial interrogation because such questioning involves inherently compelling pressures that undermine a person's will. Thus, statements are inadmissible unless adequate safeguards are provided, including clear warnings of the right to remain silent, that anything said can be used in court, and the right to counsel, including appointed counsel if indigent. A waiver of these rights must be voluntary, knowing, and intelligent, and cannot be presumed from silence or the mere fact that a confession was obtained; if the individual invokes the right to silence or counsel at any stage, questioning must cease.

DOCTRINE: The prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination.

Miranda Warnings. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed.

CLASS NOTES:

Miranda v. Arizona

- Four cases were involved.

Fifth Amendment

- No person shall be a witness against himself.
- Right against self-incrimination.

Sixth Amendment

- Right to counsel.

Article III, Section 12 (1)

- Rights during custodial investigation.
- Broader than Miranda Rights because of the absence of the term "custodial investigation."
- Only a portion of the Miranda doctrine (American concept) was absorbed into our Constitution.

Article III, Section 17

- Right against self-incrimination.

Article III, Section 21

- Right against double jeopardy.
- (Sections 17 and 21 are the equivalents of the Fifth Amendment.)

Custodial Investigation

- It begins when the investigation ceases to be a general inquiry into an unsolved crime and starts to focus on a particular person as a suspect.

- It starts when the investigation begins to focus on a specific suspect

Should the accused request the observance of the right?

- No. Police warning is mandatory.
- If a right is constitutionally provided, there is no need to request its observance.

Miranda Rights:

1. Right to remain silent and warning that any statement made may be used against him.
2. Right to a competent and independent counsel.
3. Right to be informed of these rights.

Confession

- An admission of guilt.
- Defined under Rule 130, Section 129 of the Rules of Court as a declaration of the accused expressly acknowledging his guilt of the offense charged.
- Admission may graduate into a confession.

Admission

- A statement of fact by the accused that does not directly acknowledge guilt or criminal intent.
- See Rules of Court, Rule 130, Sections 26 and 33.

Take note of the differences between the 5th and 6th Amendments (U.S. Constitution) and their counterparts in the Philippine Constitution.

US v. Wade, 388 US 218 (1969)

FACTS: In 1964, a federally insured bank in Eustace, Texas was robbed by a man wearing a small strip of tape on his face and armed with a pistol. He forced the cashier and the vice president of the bank to place money into a pillowcase and escaped with the help of an accomplice waiting in a stolen vehicle. Billy Joe Wade was later arrested and indicted for the robbery. After his indictment, law enforcement conducted a lineup without notifying or allowing his counsel to be present. During the lineup, participants wore similar strips of tape on their faces and were required to repeat the phrase, "put the money in the bag," in front of the two bank employees, who identified Wade as the robber. At trial, Wade moved to exclude both the lineup identification and the in-court identification, claiming violations of his Fifth Amendment right against self-incrimination and Sixth Amendment right to counsel.

ISSUE: WON the lineup violated his constitutional rights – **YES (in part).**

RATIO: As to the Fifth Amendment (against self-incrimination), there was no violation because merely exhibiting his person for observation, or using his voice as an identifying physical characteristic, involved no compulsion. However, as to the Sixth Amendment (right to counsel), there was a violation. He is guaranteed the right to counsel at any critical confrontation by

the prosecution at pretrial proceedings where the results might determine his fate, and where the absence of counsel might derogate from his right to a fair trial. Post-indictment lineups are a critical stage at which the respondent was entitled to the aid of counsel. Thus, the in-court identification must be excluded unless it can be established that the evidence had an independent origin, or that the error in its admission was harmless. Since it was not clear whether the CA applied the rule of exclusion, and since the nature of the identifications was not an issue at trial and cannot be determined on the record alone, the case must be remanded to the District Court for resolution of these issues.

DOCTRINE: The right to counsel applies not only to trial, but in every critical stage of the prosecution.

Requirement of counsel in a lineup: depends on the impairment of the right. If impairment is so deep, there should be counsel

CLASS NOTES:

- His right was not violated. He did not provide any testimonial evidence. Merely exhibiting his person for observation, or using his voice as an identifying physical characteristic, involved no compulsion.
- Was it a police lineup? — Yes.
- Did suggestiveness destroy the integrity of the lineup?
- What is suggestiveness?
 - Identification is tainted if the police use techniques that highlight one person over others, such as showing only one photo, conducting a “show-up” (one-on-one identification) instead of a lineup, or allowing the suspect to stand out in the lineup.
- Why was the case remanded?
 - The case was remanded to determine the validity of the lineup and to examine the legitimacy of the evidence obtained
 - The Court believed there were three core concerns:
 - a) The danger that police conduct could result in undue influence;
 - b) The possibility that the accused’s presence at the police station could affect his statements;
 - c) The lack of counsel during the lineup.
- Why would suggestiveness impair the purpose of the lineup?
 - Five other persons were in the lineup, including Wade. However, the procedure suggested that one of them had already been singled out as the perpetrator of the offense.
- Someone had already been arrested. Therefore, somebody had to be identified. This created the risk of prejudice against the person singled out. The witness, consciously or unconsciously, might feel pressured to identify the suspect presented by the police, which would be inimical to the rights of the individual being singled out.

- Were the suggestions sufficient to taint the lineup?
 - (This depends on the specific circumstances and the degree of suggestiveness.)
- Is counsel needed in a lineup?
 - Yes, according to the case.
- In Philippine jurisdiction, do we follow the same policy?
 - It depends on the degree of impairment of the right. If the impairment is substantial and results in a violation of constitutional rights, then the accused should be entitled to counsel.

Orozco v. Texas, 394 U.S. 324 (1969)

FACTS: Orozco quarreled with the victim outside a café, during which a gunshot was fired, killing the victim. At about 4:00 a.m., four police officers entered his bedroom, where he was under arrest and not free to leave. Without being advised of his Miranda rights, he was questioned about his presence at the café and about a pistol. He admitted owning the gun and disclosed its location in a washing machine. The firearm was recovered, linked to the fatal shot, and his statements were admitted at trial over objection. He was convicted of murder without malice. The Texas Court of Criminal Appeals affirmed.

ISSUE: WON statements obtained from a suspect questioned in his bedroom, while under arrest and without Miranda warnings, are admissible in evidence. - **NO**

RATIO: The statements are inadmissible, and the conviction is reversed. Miranda draws a bright-line rule that focuses on the presence of custody, not the physical location of the interrogation. Custody exists when a suspect’s freedom of movement is restrained in a significant way, as when he is under arrest and not free to leave. The inherent compulsion of custodial questioning arises from the suspect’s loss of freedom and the authority of the police, not from the place where questioning occurs. Because petitioner was questioned while in custody and without being informed of his rights, the admissions were obtained in violation of the Fifth Amendment and could not be used at trial.

DOCTRINE: The Miranda doctrine applies to all custodial interrogations, regardless of location. Custody exists when a suspect is deprived of freedom of action in any significant way. Familiar surroundings do not negate custody. Statements obtained during custodial questioning without prior Miranda warnings are inadmissible in evidence.

Miranda rights should be declared prior to questioning.

CLASS NOTES:

- “In custody” means the person has been arrested or deprived of freedom of action in a significant way. Although the interrogation was conducted in a bedroom, the Court clarified that the location (bedroom vs. police station) is not controlling. What matters is whether the

person was in custody. Even if the setting is a private residence, there may still be deprivation of liberty, particularly freedom of locomotion or freedom to move. When custodial interrogation occurs without Miranda warnings, the statements obtained may be challenged through a motion to suppress evidence.

- **Miranda v. Arizona:** an individual is in custody when he has been formally arrested or restrained to a degree equivalent to a formal arrest.

US V. Brown, 990 F.2d 397 (1993)

FACTS: Brown was accused of sexually abusing 2 young girls on the way home from a softball game in South Dakota. 3 days after the children and their mother filed a complaint, FBI Agent Esselbach and criminal investigator Barney White Face went to Brown's house for a voluntary interview. They stressed that he was not under arrest and was free to leave. Brown agreed to the interview. While he initially denied the allegations, he later admitted to touching the vagina of one of the girls and inserting his finger. Brown was subsequently indicted and convicted. Prior to trial, he sought to suppress his confession, arguing it was obtained without Miranda warnings while he was in custody. The court, however, denied his motion, finding that he was not in custody at the time of the statement, and sentenced him to 235 months in prison.

ISSUE: WON Brown was in custody during the questioning. - **NO.**

RATIO: Brown was not in custody and did not need the Miranda warnings. Under *Miranda v. Arizona*, custody exists when a person has been formally arrested or restrained to a degree equivalent to formal arrest. In *United States v. Griffin*, the Court identified six indicia of custody, the first three mitigating (information, freedom, initiate) and the last three aggravating (strong-arm, dominated, arrest). Here, Brown was informed that he was not under arrest and that the questioning was voluntary. He was free to move, not handcuffed, and could have left. He voluntarily initiated contact and agreed to the interview. No strong-arm tactics were used, the interview lasted only 40 minutes in his residence, and he was not arrested until five weeks later. Thus, he was not in custody and Miranda warnings were not required.

DOCTRINE: *United States v. Griffin*: the court enumerated six indicia of custody:

1. **Information:** Whether the suspect was informed at the time of questioning that the interview was voluntary, that he was free to leave or request the officers to do so, and that he was not considered under arrest.
2. **Freedom:** Whether the suspect possessed unrestrained freedom of movement.
3. **Initiate:** Whether the suspect initiated the contact with the authorities.
4. **Strong-Arm:** Whether strong-arm tactics were employed.
5. **Dominated:** Whether the atmosphere of the

questioning was police-dominated.

6. **Arrest:** Whether the suspect was placed under arrest at the termination of the questioning.

CLASS NOTES:

Miranda v. Arizona: an individual is in custody when he has been formally arrested or restrained to a degree equivalent to a formal arrest/deprived of liberty in a significant way.

- Did the Court say that there was no interrogation?
 - Yes. The Court characterized it as only an interview, not a custodial interrogation.
- Did this differentiate the case from the previous cases discussed?
 - Yes. It was a voluntary conversation. Brown himself invited the FBI agents and initiated the contact, which weighed against a finding of custody.
- The Court also noted that FBI agents, unlike ordinary police officers, are expected to know the law and jurisprudence, which was relevant in assessing the conduct of the interview
- As to sentencing, the Court found error in the application of the sentencing guidelines, resulting in a change in the sentence length.
- **Trial Court:** Held that there was no violation of Miranda rights because Brown was not in custody and was merely interviewed.
- **Supreme Court:** Affirmed the trial court's ruling that there was no Miranda violation, but remanded the case for resentencing (not 20 years) due to errors in applying the sentencing guidelines.
- Miranda warnings trigger the exclusionary rule and the "fruit of the poisonous tree" doctrine. They are considered the linchpin of the modern Bill of Rights—a central, cohesive element in protecting constitutional rights.

People V. Andan, 269 SCRA 95 (1997)

FACTS: Pablito Andan was arrested for the rape and killing of Marianne Guevarra. While under custodial investigation, he made statements to the police without being informed of his constitutional rights. Later, while detained, he voluntarily and spontaneously confessed to the mayor and repeatedly admitted the crime in media interviews, reenacting it without police prompting. He later recanted at arraignment, claiming coercion. The RTC convicted him and sentenced him to death, and the case was elevated to the Supreme Court on automatic review.

ISSUE: WON the confessions of Andan were inadmissible for having been made in violation of his constitutional rights under custodial investigation. - **PARTIALLY**

RATIO: **Confession to the Police – INADMISSIBLE.**

Appellant was already under custodial investigation when he confessed, as the investigation had focused on him as a prime suspect. The police failed to inform him of his right to remain

silent and to have competent and independent counsel under Section 12(1) and (3), Article III of the 1987 Constitution. His confession and the two bags recovered were inadmissible as fruits of a tainted confession.

Confession to the Mayor and Media – ADMISSIBLE.

The confession to the mayor was spontaneous, freely and voluntarily made, not elicited through questioning, and outside custodial interrogation. The mayor did not act as a law enforcement officer. The verbal confessions to the newsmen were likewise not covered by Section 12, as the Bill of Rights governs the relationship between the individual and the State, not private individuals.

SC ruled that Andan's confession to the police was inadmissible for violation of his custodial rights, but his confessions to the mayor and the media were admissible as they were spontaneous and not the result of custodial interrogation. The RTC conviction and death sentence were affirmed.

DOCTRINE: Distinctions on the admissibility of information given (to media, police, mayor). Miranda warning applies only to state agents).

CLASS NOTES:

- Was Andan considered under Custodial investigation?
 - It depends on who conducts the interrogation. In this case:
 1. There was confession to the mayor and media - ruled admissible because they were made freely, openly, and without coercion
 2. Interrogation by the police (before the mayor and media) -propensity on the part of Andan for publicity (he voluntarily went to media)

People v. Endino, 352 SCRA 307 (2001)

FACTS:In 1991, Dennis Aquino was stabbed repeatedly by Gerry Galgarin outside his studio in Puerto Princesa City; as he tried to flee, Edward Endino fired at him. Dennis collapsed and died of cardio-respiratory arrest secondary to hypovolemic shock due to a stab wound that penetrated the heart. An Information for murder was filed, but the case was archived when both accused remained at large. Galgarin was later arrested and, while being transported, gave a televised interview at ABS-CBN admitting he stabbed Dennis and implicating Endino. At trial, eyewitnesses positively identified him; he denied participation and raised alibi. The trial court admitted the videotaped confession, convicted him of murder qualified by treachery, and he appealed.

ISSUE: WON the videotaped confession aired on television was inadmissible for violating the right against custodial investigation - **NO**.

RATIO: The videotaped confession was admissible as it did not form part of custodial investigation. It was made before media practitioners, not during police interrogation, and was given

openly and publicly. There was no showing that it was coerced or made against the will of the accused; he willingly admitted his participation and even appealed on national television for Edward Endino to surrender. However, the Court cautioned that television confessions are inherently dangerous and must be thoroughly examined and carefully scrutinized to safeguard constitutional rights.

DOCTRINE: To make an alibi strong, there must be a physical impossibility to be present on the crime scene

CLASS NOTES:

- Confession made to the media or to the public is not per se inadmissible; however, courts must exercise extreme caution in admitting and appreciating such evidence.
- Alibi of the accused: he claimed he was with his wife on the day of the incident. This was not appreciated because he could still have committed the crime during the night, and the claim could not be verified as true.
- Alibi is one of the weakest defenses. For it to prosper, the witnesses must be credible and the accused must show physical impossibility of being at the crime scene. Evidence to be believed must not only proceed from the mouth of a credible witness but must also be credible in itself - such as common experience and observation of mankind can approve as probable under the circumstances.
- As to motive, the accused stabbed the victim out of jealousy because the victim became the lover of the witness.

People v. Caguioa, 95 SCRA 2 (1980)

FACTS: Yupo was charged with murder, and the Police stated that he made a judicial confession and had waived his right to silence and to counsel. Presiding Judge Caguioa stated that this confession was inadmissible because it was unconstitutional.

ISSUE: WON the trial court erred in sustaining the objection of the defense, ruling the confession inadmissible due to a violation of the constitutional provision on Miranda rights? - **NO**

RATIO: The court sided with Judge Caguioa, explaining that the right to counsel and silence may be waived; however, it must be done intelligently and voluntarily, with full knowledge of its consequences. The court also added that the questioning was perfunctory and that Yupo did not understand Tagalog, as he was a Visayan and only 19 at that time.

DOCTRINE: Extrajudicial confession without the presence of counsel taken during custodial interrogation is inadmissible, and waiver of rights can be done so long as it is done voluntarily and intelligently. Waiver must also be **written**.

CLASS NOTES: VALID WAIVER OF COUNSEL

- A waiver of the right to counsel must be voluntary, in writing, and made in the presence of counsel.

- It must be in writing for probative value - the written form serves as living evidence of the waiver.
- If these requirements are not complied with, the confession becomes inadmissible, which may result in the acquittal of the accused if the remaining evidence is insufficient.
- For a confession to be admissible, it must be voluntarily, knowingly, and intelligently made.

People v. Maqueda, 242 SCRA 656 (1995)

FACTS: Horace Barker was killed, and his wife, Teresita Mendoza Barker, was severely injured in their home during a robbery. An information was filed against Salvamante, who remains at large, and Maqueda. The RTC found Maqueda guilty based on the Sinumpaang Salaysay, admissions, and circumstantial evidence. Maqueda appealed his conviction. The issue of this case is whether his guilt was proven beyond a reasonable doubt, considering that his Sinumpaang Salaysay was executed in patent violation of his constitutional rights (right to remain silent, right to counsel, right to be informed of such rights). The RTC held that because the Sinumpaang Salaysay was executed after the information was filed and after the warrant of arrest was issued, Sec 12(1), Article III, of the Constitution no longer applied. They said that this was already beyond the ambit of Custodial Investigation.

ISSUE: WON Maqueda's constitutional rights to silence and counsel were violated? - **YES**.

RATIO: The SC ruled that the Constitutional rights to remain silent and to counsel and to be informed thereof are not confined to that period prior to the filing of a criminal complaint or information but are available at that stage when a person is "under investigation for the commission of an offense." Compared to Miranda, our Constitution broadened the applicability of Miranda in our jurisdiction, not merely limiting it to "custodial investigation". Since the Sinumpaang Salaysay was taken without counsel and Maqueda was not even informed of his rights, this document is inadmissible. Notwithstanding the inadmissibility, the Court still upheld his guilt since the exclusionary rule does not include his admissions to the Prosecutor and Salvosa. His guilt was also established by circumstantial evidence.

DOCTRINE: The right to remain silent and to counsel and to be informed thereof under Section 12(1), Article III of the Constitution is available to a person even after filing of information. The constitution says "investigation" only, not "custodial investigation." (Note: MORE SO after custodial investigation... it is indispensable)

CLASS NOTES:

What are the **requirements for the circumstantial evidence** to be sufficient for a conviction? (Sec. 4, Rule 133, Rules of Court)

1. More than 1 circumstantial evidence
2. The facts from which the inferences are derived are proven.

3. The combination of all circumstances is such as to produce a conviction beyond reasonable doubt.

On circumstantial evidence: A judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person.

Distinction between confession and admission:

- **Confession** (Rule 130, Sec. 33) - acknowledgment of guilt; direct and very clear.
- **Admission** (Rule 130, Sec. 26) - statement of facts; insufficient statement as to guilt

Sir Cabeza: Admission is less than confession but admission can gradually ripen to confession. Admission consists of facts that may eventually become confession.

People v. Amestuzo et al., 361 SCRA 184 (2001)

FACTS: Bagas and his co-accused were convicted of the crime of Robbery in a Band for having robbed the property of complainant Lacsamana and raping her niece and employee. Accused-appellant Bagas appealed this conviction claiming that his constitutional right to counsel was violated when he was presented for identification at a police station without a lawyer following his arrest.

ISSUE: W/N Bagas' Constitutional right to counsel was violated? - **NO**.

RULING: The Court ruled that his right to counsel was not violated.

RATIO: Miranda rights may only be invoked when the person is under custodial investigation.

- Custodial investigation starts when the investigation is no longer a general inquiry but has begun to focus on a particular suspect.
- Police-line up is not part of custodial investigation so the right to counsel may not yet be invoked at this stage.
 - Why? This is because the process has not yet shifted from investigatory to accusatory.

CLASS NOTES:

DOCTRINE: Miranda rights, found in Sec 12 (1), Art III, 1987 Constitution, may be invoked only by a person while he is under custodial investigation.

People v. Obrero, 332 SCRA 190 (2000)

FACTS: Obrero, a delivery boy, was convicted by the Manila RTC for robbery with homicide. The prosecution presented his confession as evidence. At the SC, Obrero assailed the validity of his extrajudicial confession because he didn't choose his counsel and was forced and threatened to confess.

ISSUE: WON extrajudicial confession of the accused was admissible despite the manner in which Miranda rights were given during police investigation – **NO**.

RATIO: The subject confession was found to be voluntary but remained inadmissible due to procedural irregularities committed during the custodial investigation and the trial of the case. There was only a perfunctory reading of the Miranda Rights to Obrero without any effort to find out from him whether he wanted to have counsel and, if so, whether he had his own counsel or he wanted the police to appoint one for him. The communication of Miranda rights must transmit meaningful information to the suspect. Care should have been observed when he was asked these questions considering that he only finished the fourth grade of the elementary school. Moreover, the counsel who assisted him during the custodial investigation could not be considered as an independent counsel contemplated by law. Atty. De los Reyes was then the station commander of the WPD. It may be that by this decision, a guilty person is set free because the prosecution stumbled. It is far better to acquit several guilty persons than to convict one single innocent person.

DOCTRINE: When the Miranda Rights are to be given to the accused, it should be done in a meaningful and careful manner, considering the educational attainment of the accused, and must have a detailed and comprehensive explanation so that these rights can be fully understood by the accused. The legal counsel should be independent and competent.

CLASS NOTES:

- An extrajudicial confession is not sufficient to convict. Under Section 3, Rule 133 of the Revised Rules of Court, it is not a sufficient ground for conviction unless corroborated by evidence of the corpus delicti.
- **Corpus delicti** refers to the evidence that a crime has been committed.
- A **competent and independent counsel** means:
 - **Competent** – a member of the Bar; and
 - **Independent** – one who has no interest adverse to that of the accused. In this case, the counsel was not independent.
- What determines the relationship is the symbiotic relation between the person and the institution involved.
- The requirement of an independent counsel seeks to prevent conflict of interest.
- However, it does not necessarily follow that a police officer always has a conflict of interest. Even if the officer is assigned to the unit handling the case, he may still be considered competent and independent depending on his performance; otherwise, it would be difficult to secure counsel.
- Obrero merely gave perfunctory responses such as “Opo,” showing only a minimum effort to respond.

Jesalva v. People, 640 SCRA 253 (2011)

FACTS: Benjamin Jesalva, with a witty alias Ben Sabaw, was charged with frustrated murder which was elevated to murder upon the death of the victim Leticia Aldemo (He will be convicted of Homicide). Aldemo’s body was found naked and Jesalva was the main suspect because he was the last to be seen with the victim. Later, Benjamin Jesalva together with his first cousin, Asst. Prosecutor Jose Jayona presented himself at the PNP Sorsogon, Sorsogon headquarters, where he voluntarily stated his version of the facts that the victim Leticia Aldemo was his passenger in his vehicle and that she jumped out. He avers that the statements he made at the police station are not admissible in evidence, considering that he was, technically, under custodial investigation, and that there was no waiver of his right to remain silent.

ISSUE: WON the statements made by petitioner in the police station were made during custodial investigation and thus not admissible since there was no waiver of his right to remain silent – **NO**.

RATIO: The assailed statements herein were spontaneously made by petitioner and were not at all elicited through questioning. It was established that petitioner, together with his cousin Fiscal Jayona, personally went to the police station and voluntarily made the statement that Leticia jumped out of his vehicle. The constitutional procedure for custodial investigation does not apply.

DOCTRINE: Custodial investigation refers to "any questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." This presupposes that he is suspected of having committed a crime and that the investigator is trying to elicit information or a confession from him.

The rule begins to operate at once, as soon as the investigation ceases to be a general inquiry into an unsolved crime, and direction is aimed upon a particular suspect who has been taken into custody and to whom the police would then direct interrogatory questions which tend to elicit incriminating statements.

As such, the constitutional procedure for custodial investigation is not applicable when statements were spontaneously made by the accused and were not at all elicited through questioning.

CLASS NOTES:

- Voluntary surrender was considered a mitigating circumstance.

Exclusionary rule/"Fruit of the Poisonous Tree" doctrine

Rule/Statute

Art. III, Sec. 3(2) of the 1987 Constitution:

"Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding."

Exclusionary Rule

- Any information or admission given by a person while in custody which may appear harmless or innocuous at the time without the competent assistance of an independent counsel should be struck down as inadmissible. It has been held, however, that an admission made to news reporters or to a confidant of the accused is not covered. (People v. Bravo)
- **Exception:** Valid waiver of right to counsel - in presence of counsel and in writing; voluntarily, willingly and intelligently given
- **Scope of inadmissibility:** For any purpose, in any proceeding

Fruit of the Poisonous Tree Doctrine

- Evidence unconstitutionally seized or obtained should not be used against the accused in State proceedings.
 - The **fruit** derives its defects from the **tree**.
 - Poisonous tree → Poisonous fruit
 - For cases under this, take note of what the fruit and the tree are.

Cases Under Exclusionary rule/"Fruit of the Poisonous Tree" Doctrine

MAPP V. OHIO

DOCTRINE: All evidence discovered as a result of a search and seizure conducted in violation of the Fourth Amendment of the United States Constitution ("Constitution") shall be inadmissible in State court proceedings.

FACTS: Police officers sought a bombing suspect and evidence of the bombing at the petitioner, Miss Mapp's (the "petitioner") house. After failing to gain entry on an initial visit, the officers returned with what purported to be a "search warrant", forcibly entered the residence, and conducted a search in which obscene materials that were illegal under the Ohio law were discovered. *not a backup*

ISSUE: W/N the evidence obtained are admissible as evidence – **NO**.

RULING: The Court held that once the Fourth Amendment right against unreasonable searches and seizures is recognized as fundamental and applicable to the states, the exclusionary rule necessarily follows as its essential enforcement mechanism.

RATIO: SCOTUS rules that all evidence obtained by searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a state court. The exclusionary rule finds its support in the US Constitution, which State agents and not just Federal agents are bound to uphold. The purpose of the exclusionary rule is to deter illegally obtaining evidence and to compel respect for the constitutional guarantee in the only effective manner.

THE SCOTUS REVERSED THE DECISION OF THE SC OF OHIO, AND REMANDED FOR FURTHER PROCEEDINGS NOT INCONSISTENT WITH THE DECISION; DUE TO LACK OF SUFFICIENCY.

CLASS NOTES:

- In the case at bar, the case was for the possession of obscene materials, **NOT** illegal policy paraphernalia or the bombing issue.
- The Fourth Amendment → penumbral right to privacy
 - Was initially thought not to be applied in all US States, but after Mapp v. Ohio, the SCOTUS ruled that it shall be applied to all States in pursuit of the due process of law.
 - Intertwined with the Fifth Amendment.
- The Fifth Amendment limited the powers of the State, especially regarding criminal procedure.
 - Right against double jeopardy
 - Right against self-incrimination
- Tree: absence or lack of a lawful search warrant
- Fruit: the search itself
 - Hence, everything that was extracted from the search is inadmissible for evidence.

PEOPLE V. ALICANDO

DOCTRINE: Under the Fruit of the Poisonous Tree Doctrine, once the primary evidence is obtained illegally, all derivative evidence flowing from it becomes inadmissible. An uncounselled custodial confession violates constitutional rights and taints all evidence subsequently obtained from it.

FACTS: Accused was seen with a four-year-old child shortly before the latter was found lifeless the next day. A witness reported seeing him raping the child. He was arrested and **verbally confessed during police interrogation without counsel**. Based on his statements, police recovered several physical items from his house. He later pleaded guilty during arraignment.

ISSUE: W/N physical evidence derived from an uncounselled confession is admissible – **NO**.

RULING: The Court ruled that the confession and all evidence derived from it are inadmissible.

RATIO: The confession was obtained during custodial investigation without the assistance of competent and independent counsel, violating constitutional rights. There was

no valid waiver executed in counsel's presence. The recovered objects were discovered only because of the illegal confession, making them derivative evidence. Applying the exclusionary rule, all such evidence became inadmissible. Hence, conviction based on these tainted pieces of evidence cannot stand.

CLASS NOTES:

- On the word "evidence":
 - if verb, "evidences"
 - if noun, "pieces of evidence"

What should characterize the arraignment to be valid?

- There must be full **comprehension and understanding** of the accused to avoid an improvident plea of guilty.
- Tree: uncounselled confession
- Fruit: pieces of evidence found

PEOPLE V. JANUARIO

DOCTRINE: **Uncounselled oral admissions** at the time of their arrest and even before their formal investigation, are **inadmissible**, both as violative of their constitutional rights and as hearsay evidence. These constitute uncounselled extrajudicial confessions within the meaning of **Sec. 12, Art. III**.

FACTS: An Information for violation of the Anti-Carnapping Law was filed against Rene Januario, Efen Canape, and their co-accused for the September 4, 1987 killing of a jeepney driver and conductor in Silang, Cavite, and the carnapping of an Isuzu passenger jeepney. The prosecution proved that the jeepney was later sold in Camarines Sur through Santiago Cid, leading to an NBI investigation that uncovered the carnapping and murders. Januario and Canape were arrested and executed sworn statements admitting their participation in the crime, while the victims' bodies were recovered from a sugarcane plantation. After the defense failed to file a demurrer to evidence on time, the trial proceeded, with Cid testifying in denial and the prosecution presenting rebuttal testimony on the custodial investigation.

ISSUE: W/N the trial procedure, particularly the presentation and admission of the testimony of Atty. Carlos Saunar was irregular and prejudicial to the appellants – **NO**.

RATIO: The extrajudicial confessions of the appellants are inadmissible as evidence for having been extracted in violation of their constitutional rights to counsel. Verbal admissions should also be made with the assistance of counsel. The accused, who were not assisted by counsel, made verbal admissions of their complicity in the crime before the execution of their sworn statements at the NBI head office in Manila. Pursuant to the exclusionary rule ('fruit of the poisonous tree'), once the primary source (the 'tree') is shown to have been unlawfully obtained, any secondary or derivative evidence (the 'fruit') derived from it is also inadmissible (People v. Alicando). Since the appellants' uncounselled oral admissions in Naga City resulted in the execution of their written confessions in Manila, the latter had become as unconstitutionally infirm.

CLASS NOTES:

- Once the primary source of the tree is unlawfully obtained, the fruit will also be tainted and inadmissible as evidence.
- The Constitution guarantees that the counsel should both be competent and independent.

Are there any instances where an initially invalid admission because of the poisonous tree can become valid later?

- In the instance of an illegally-obtained illegal object, **supervening events that may qualify or may improve the quality of the illegal objects** can make the admission valid.

PEOPLE V. SAMONTAÑEZ

DOCTRINE: According to this rule, once the primary source (the "tree") is shown to have been unlawfully obtained, any secondary or derivative evidence (the "fruit") derived from it is also inadmissible. Stated otherwise, illegally seized evidence is obtained as a direct result of the illegal act, whereas the "fruit of the poisonous tree" is the indirect result of the same illegal act. The "fruit of the poisonous tree" is at least once removed from the illegally seized evidence, but it is equally inadmissible.

FACTS: Lolita, an 18-year-old, was last seen alive on November 25, 1995, and her naked, lifeless body was later found in a sugarcane plantation, showing signs of rape and death by strangulation. **On the same evening, the accused Samontañez was seen emerging from the plantation appearing disturbed, and the victim's personal belongings were later recovered from his bag.** A post-mortem examination confirmed multiple injuries and ruled the cause of death as asphyxia by strangulation. Samontañez was arrested, charged with rape with homicide, initially pleaded not guilty, but later re-arraigned and voluntarily pleaded guilty. The prosecution still presented evidence, and the accused reiterated his guilty plea during trial.

ISSUE: W/N evidence gathered is admissible– **NO**.

RATIO: The trial court erred in admitting evidence that constituted **"fruit of the poisonous tree,"** as the accused **Samontañez was arrested and investigated without being informed of his constitutional rights or assisted by counsel.** In the absence of a valid waiver, any confession obtained during the custodial investigation—and all evidence derived from it—was inadmissible, even if no objection was raised at trial. Thus, the victim's personal belongings recovered from the accused's bag after the illegal confession were also inadmissible. The exclusionary rule bars not only illegally obtained evidence but likewise all derivative evidence tainted by the initial constitutional violation.

CLASS NOTES

On automatic review by the SC

- This case took place before People v. Mateo (G.R. 147678-87), promulgated on July 7, 2004

- In offenses punishable by *reclusion perpetua*, life imprisonment, or death, there is no more immediate or automatic review by SC.

On re-arraignment

- When the accused wishes to change his plea, there will be a re-arraignment, and the Information would be again read to the accused

How was the exclusionary rule applied in this case?

- Art. III, Sec. 12(3) of the Constitution - "Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him."
- As he wasn't informed of his constitutional rights during the custodial investigation, the evidence recovered from him were inadmissible.

What are the 6 *indicia* of the broadening of the Miranda Rights according to *US. v. Griffin*?

1. Whether the suspect was informed that the questioning was voluntary or that he was free to leave
2. Whether the suspect possessed unrestrained freedom of movement during questioning
3. Whether the suspect initiated contact with authorities or voluntarily acquiesced to questioning
4. Whether strong-arm tactics or deceptive stratagems were used during questioning
5. Whether the atmosphere of the questioning was police-dominated
6. Whether the suspect was placed under arrest at the termination of the questioning

PEOPLE V. MOJELLO

DOCTRINE: Even though improper interrogation methods were used at the outset, there is still a possibility of obtaining a legally valid confession later on by properly interrogating the subject under different conditions and circumstances than those which prevailed originally.

[T]he confession, having strictly complied with the constitutional requirements under Art. III, Sec. 12, par. 1, is deemed admissible in evidence against appellant. It follows that the admission of culpability made therein is admissible. It is therefore not "fruit of the poisonous tree" since the tree itself is not poisonous.

FACTS: Rogelio was drinking with a group. On his way home, he would see his niece, Lenlen Rayco, a 12-year old with a mental deficiency, with Mojello. He would think nothing of it as the two are frequently seen with each other. Lenlen's lifeless and naked body would be seen at the seashore the morning after. Mojello would be arrested. His first custodial investigation would have no lawyer present. His second would be with the presence of a lawyer, witnessed by Barangay Captains, with the contents of his written confession read to him and voluntarily signed by him, with the confession being sworn before a Judge.

ISSUE: W/N the extrajudicial confession executed by Mojello is admissible in evidence - **YES**.

RULING: The extrajudicial confession (December 23) was valid and admissible, so the invocation of "fruit of the poisonous tree" by the defense did not bar its admission.

RATIO: Since there were 2 confessions, the court held that the 1st confession was indeed fruit of the poisonous tree there being no lawyer present. The 2nd confession was valid, however, as all the constitutional requirements were met. Court also held that Mojello only confessed in the rape and there being no evidence on his involvement for the killing, homicide must be dropped. Thus, he was only sentenced to be guilty of Statutory Rape.

CLASS NOTES

- The presumption to extrajudicial confession is that it is voluntary.
- If the tree is not poisonous, then the fruit is not poisonous. The tainting of a fruit as poisonous is derived from the tree also being poisonous.
- What is the test to determine if the confession is voluntary or not?
- You go to the will of the suspect being investigated. Was the will of the one being investigated overcome by pressure at the time he confessed, there would not be voluntary confession. Therefore, no free will, hence, the confession not valid.
- The case was promulgated on March 9, 2004 (before the Mateo ruling)
- Presumption in extrajudicial confession: voluntarily made.
 - Test: Overborne test
 - Overborne - dominated or overcome, describes a state where an individual's free will, consent, or independent judgment has been overpowered, coerced, or subdued by external pressure, threats, or undue influence
- Valid second custodial investigation
 - There was counsel
 - Contents were expressed in Cebuano
 - There was full comprehension as to the consequences of the confession

HO WAI PANG V. PEOPLE

DOCTRINE: Infraction of the rights of an accused during custodial investigation or the so-called Miranda Rights render inadmissible only the extrajudicial confession or admission made during such investigation. Inadmissibility of evidence becomes material only when there is extrajudicial confession and such was basis of conviction

FACTS: 13 Hong Kong nationals came to the Philippines as tourists. At the arrival area of NAIA, they were subjected to inspection. The Customs Examiner, Cinco, found the first 2 bags to have contained similarly sized chocolate boxes. She opened the box contained in Ho Wai Pang's bag and found that the chocolate box contained shabu. The tourists were subjected to further inspection, and thus 6 of the 13 tourists were charged with violation of RA 6425.

ISSUE: W/N Ho Wai Pang's conviction was based on evidence taken during custodial investigations without counsel, which must be excluded as evidence against him. – **NO**.

RATIO: No extrajudicial confession was extracted from Ho Wai Pang as evidence of his guilt. Ho Wai Pang did not make any confession or admission during his custodial investigation. No statement was taken from him during his detention and no evidence of such was used against him.

Ho Wai Pang was convicted as he was caught in flagrante delicto or caught in the act of transporting shabu into the country and not on the basis of any confession or admission. Cinco's testimony was found to be direct, positive and credible by the trial court, hence it need not be corroborated. She witnessed the entire incident thus providing direct evidence as eyewitness to the very act of the commission of the crime.

CLASS NOTES:

The law applicable here was RA 6425 or the Dangerous Drugs Act of 1972, as RA 9165 was enacted in 2002. The events happened in 1991.

- The issue presented to the court was the violation of rights during custodial investigation.
 - However, the Court said that it is not material because the **basis of the conviction is not the confession or admission done without counsel, but the illegal drugs that were caught.**

Surveillance/Recording of Communications

GR: Prior Surveillance Creates Personal Knowledge

- **Continuous observation = personal knowledge.**
- Police who have conducted surveillance have **sufficient basis for personal knowledge.** People v. Bati (1990)

Rules on the Anti-Terrorism Act of 2020

Salient Points:

- No surveillance (wiretap, listening, reading, screening, intercepting, recording, or collecting private communications) without written order from the Court of Appeals.
- Such order allows agents or military personnel to compel service providers to produce call/text data records, content, or other electronic metadata of a person suspected of terrorism.
- Copy of the ex parte application shall be furnished to the NTC Commissioner and kept confidential

Scope of Surveillance

Surveillance is limited to:

- **Members of a judicially proscribed terrorist organization** (Sec. 26, ATA)
- **Members of a designated person under R.A. 10168** (Terrorism Financing Act)
- **Persons charged with or suspected of committing terrorism-related crimes under the ATA.**

Prohibited surveillance: communications between lawyers and clients, doctors and patients, journalists and sources, and confidential business correspondence

Application for Surveillance Order

- Must be verified and **ex parte**, containing:
 1. **Written authority from the Anti-Terrorism Council (ATC);**
 2. **Identity of applicant and team members;**
 3. **Identity of target person/s and communication lines;**
 4. Length of time of surveillance;
 5. Offense sought to be prevented or investigated;
 6. Name of service provider to produce or preserve data

Grounds for Issuance: Issued only upon **probable cause**, based on personal knowledge of facts:

- That any of the offenses under Sections 4–12 of the ATA have been, are being, or are about to be committed; and
- That evidence essential to conviction will be obtained through surveillance

Court Procedure

- **Summary and continuous** hearings must be held within 24 hours of filing; resolution within 72 hours.
- The Court of Appeals Justices must conduct probing questions to ensure protection of constitutional rights and record them as part of proceedings

Content and Validity of Surveillance Order

Specifies:

- Identity of target persons and communication lines;
- Names of authorized agents;
- Offense involved;
 - Length of time (not to exceed 60 days, extendible by 30 days only once);
 - Service provider name for data retrieval
 - No outsourcing or delegation of surveillance to private entities

Custody and Admissibility of Evidence

- All recordings and data must be sealed and deposited with the **Court of Appeals** within 48 hours after the lapse of the order, accompanied by a joint affidavit identifying the materials and chain of custody.
- Unauthorized duplicates prohibited.
- **Evidence obtained without valid judicial authorization is inadmissible in any proceeding**

Cases Under Surveillance/Recording of Communications

GAANAN V. IAC

DOCTRINE: The Anti-Wiretapping Act only penalizes wiretapping. An extension telephone is not among the prohibited devices or arrangements contemplated by the Anti-Wiretapping Act.

FACTS: In 1975, Atty. Tito Pintor and his client were discussing the possible settlement and withdrawal of a direct assault complaint filed against Leonardo Laconico. That same morning, Pintor telephoned Laconico to relay the proposed conditions for settlement. After the call, Laconico sought legal advice from Atty. Edgardo Gaanan and, during a subsequent telephone conversation with Pintor, requested Gaanan to secretly listen through an extension telephone. While listening, Gaanan allegedly heard Pintor demand ₱8,000.00, a public apology, an affidavit of desistance, and attorney's fees. Laconico later coordinated with Philippine Constabulary agents, resulting in Pintor's arrest when he received the money. Gaanan executed an affidavit stating that he overheard the alleged demand, which was attached to a complaint for robbery/extortion against Pintor. Pintor thereafter charged Gaanan and Laconico with violating Section 1 of Republic Act No. 4200 for listening to a private telephone conversation without his consent. Both were convicted by the trial court, and the conviction was affirmed on appeal, prompting Gaanan to elevate the case to the SC to question whether the use of an extension telephone constitutes unlawful interception under the Anti-Wiretapping Act.

ISSUE: WON listening to a private telephone conversation through an extension telephone, with the consent of only one party, constitutes a violation of Section 1 of Republic Act No. 4200. – **NO**.

RULING: NO. The Court held that the case involves the strict interpretation of a penal statute, not the admissibility of evidence.

RATIO: Although the telephone conversation was private and only one party consented to the listening, RA 4200 was intended to penalize wiretapping and the **use of specialized devices** designed for covert interception or recording. An **extension telephone is a common instrument, not a device contemplated by the phrase "any other device or arrangement" under the law, applying the rule of ejusdem generis**. Legislative history shows that telephones and extension lines were deliberately excluded from the enumeration of prohibited devices. A caller assumes the risk that the person called may have an extension line or allow another to listen, and any doubt in a penal statute must be resolved in favor of the accused. Hence, the petitioner cannot be held criminally liable under RA 4200.

CLASS NOTES:

- The Court did not categorize extension telephone under RA 4200 because it was a common action or practice used in the workplace or in households. For example, in

the house, it allows any person to receive the communication.

- If an extension telephone line is deliberately used to overhear communication, it is already an abuse.

KATZ V. U.S

DOCTRINE: **Electronic surveillance of private communications constitutes a search and seizure**, even without physical trespass, and generally **requires a judicially issued warrant**.

FACTS: Charles Katz was convicted of transmitting wagering information by telephone under a federal law. He made the calls from a public telephone booth in Los Angeles to persons in Miami and Boston. FBI agents, without a warrant, attached a listening **and recording device to the outside of the booth and recorded** his conversations without physically entering it. The recordings were used as evidence at trial. The lower courts upheld his conviction, ruling that there was no Fourth Amendment violation because the booth was a public place and there was no physical trespass.

ISSUE: Whether the Government's warrantless electronic surveillance and recording of Katz's telephone conversations, without physical intrusion, constituted an unreasonable search and seizure in violation of the Fourth Amendment – **YES**.

RULING: The Supreme Court held that the warrantless electronic surveillance violated Katz's Fourth Amendment right against unreasonable searches and seizures.

RATIO: The **Fourth Amendment protects people, not places**, and Katz had a reasonable expectation of privacy when he used the telephone booth. The Court ruled that **electronic eavesdropping without a warrant constitutes a search and seizure even without physical trespass**, rejected the Olmstead and Goldman doctrines, and reversed the conviction for lack of judicial authorization.

CLASS NOTES:

- **Uninvited Ear and the Intrusive Eye**
- The characterization of the phonebooth was immaterial because the Constitution aims to protect people, and not a place.
- The Fourth Amendment requires adherence to judicial process
- Recognized exceptions of the Fourth Amendment
 - Search incidental to a valid arrest
 - During a hot pursuit
- The violation of the Fourth Amendment was the illegal recording (illegal = no judicial order authorizing the recording of the phone conversation)
- Prohibited: to record the phone conversation of Katz without a judicial warrant (it would have been allowed if the evidence was presented to the court and request a warrant to record the conversation)
- **The uninvited ear was not allowed; what is allowed is the intrusive eye.**

U.S. V. WHITE, 401 U.S. 745 (1971)

DOCTRINE: A police agent who conceals his police connections may write down for official use his conversations with a defendant and testify concerning them without a warrant authorizing his encounters with the defendant and without otherwise violating the latter's Fourth Amendment rights. For constitutional purposes, no different result is required if the agent, instead of immediately reporting and transcribing his conversations with the defendant, either (1) simultaneously records them with electronic equipment which he is carrying on his person; (2) or carries radio equipment which simultaneously transmits the conversations either to recording equipment located elsewhere or to other agents monitoring the transmitting frequency.

A person who confides in another does not have a constitutionally protected right to prevent that person from revealing what was discussed to the authorities.

FACTS: James A. White was convicted of narcotics violations after government agents testified to incriminating statements they overheard via a radio transmitter concealed on a government informant, Harvey Jackson. The surveillance spanned eight separate episodes in various locations, including the informant's home, White's home, a car, and a restaurant. Because the informant could not be located at the time of the trial, the court permitted the agents to relate the conversations they had monitored through the transmitter and, in some instances, while hidden in a kitchen closet. While the Court of Appeals reversed the conviction, ruling that the warrantless electronic monitoring violated the Fourth Amendment under the principles of *Katz v. United States*, the Supreme Court reversed that judgment, effectively reinstating White's 25-year concurrent sentences.

ISSUE: Whether the Fourth Amendment bars the admission of testimony from government agents who overheard incriminating conversations between a defendant and an informant via a warrantless electronic transmitter.

RULING: NO. The Fourth Amendment does NOT bar the admission of testimony from government agents who overheard incriminating conversations between a defendant and an informant via a warrantless electronic transmitter.

RATIO: The Court found no constitutional distinction between an agent later reporting a conversation from memory and an agent simultaneously transmitting or recording that conversation. If the law does not protect a wrongdoer from an informant, it does not protect him from an informant equipped with a transmitter.

CLASS NOTES:

- Misplaced trust doctrine
- Dissenting opinion based on *Katz*: There is no requirement for physical invasion to violate the Fourth Amendment

- In this case, there was no physical invasion because the informant agreed/consented to wear a wire.
- There would be a violation of the Fourth Amendment when there is a reasonable expectation of privacy.
- Who should have the reasonable expectation of privacy? The one being intruded upon.

U.S. V. KNOTTS

DOCTRINE: No Expectation of Privacy on Public Roads.

FACTS: Police suspected Armstrong of buying chloroform for illegal drug manufacturing and, with the seller's consent, installed a beeper inside the container. After Armstrong sold the container to Petschen, police tracked it through visual surveillance and the beeper signal, eventually locating it at Knotts' secluded cabin. Officers conducted visual surveillance for three days, then obtained a search warrant. The search revealed a clandestine drug laboratory and related materials, leading to Knotts' conviction for conspiracy to manufacture controlled substances. Knotts sought to suppress the evidence, arguing that the warrantless beeper monitoring violated the Fourth Amendment, which the Court of Appeals agreed with after the District Court denied his motion.

ISSUE: WON the warrantless monitoring of a beeper to track the movement of a container on public roads and to a private residence constitutes a "search" or "seizure" in violation of the Fourth Amendment. – **NO.**

RULING: The Court ruled that warrantless beeper monitoring did not constitute a search or seizure under the Fourth Amendment.

RATIO:

A person traveling on public thoroughfares has no reasonable expectation of privacy in his movements, which are knowingly exposed to public view. The use of the beeper merely augmented lawful police surveillance and revealed no information that could not have been obtained through ordinary observation. Although individuals possess a heightened expectation of privacy within their homes, the beeper was not used to monitor activities inside Knotts' cabin, but only to determine the container's location upon arrival. Since there was no intrusion into a constitutionally protected area, the monitoring was lawful. Consequently, the search warrant obtained on the basis of this information was valid, and the evidence seized was admissible, rendering the "fruit of the poisonous tree" doctrine inapplicable.

CLASS NOTES:

- There was no violation of the Fourth Amendment. The use of beeper monitoring was
 - Purpose of using the word illegal: They said that the illegal monitoring was used as an unreasonable search and seizure. However, there was no search and seizure that used the

beeper in the first place. The beeper was only used to augment lawful police surveillance. This revealed no information that could not have been obtained through ordinary observation.

- To serve the purpose of state agents for monitoring the whereabouts (or for surveillance). This was not a violation of the Fourth Amendment.
- The expectation of privacy is diminished when the person is inside a moving vehicle traveling along public roads.

- Tolentino: Business offices are included in the places where there is a reasonable expectation of privacy. (cited in the case)
- A reasonable expectation of privacy is not always present in places of business. It depends on the business.

SPS. HING V. CHOACHUY

DOCTRINE: In this day and age, video surveillance cameras are installed practically everywhere for the protection and safety of everyone. The installation of these cameras, however, should not cover places where there is reasonable expectation of privacy, unless the consent of the individual, whose right to privacy would be affected, was obtained. Nor should these cameras be used to pry into the privacy of another's residence or business office as it would be no different from eavesdropping, which is a crime under Republic Act No. 4200 or the Anti-Wiretapping Law.

FACTS: Spouses Bill and Victoria Hing own Lot 1900-B in Mandaue City, adjacent to lots owned by Aldo Development & Resources, Inc., where respondents Choachuy are connected. After Aldo's earlier injunction case against petitioners failed, respondents allegedly installed video surveillance cameras and took photographs of petitioners' property without consent. Petitioners sued for injunction and damages, seeking the removal or repositioning of the cameras. The RTC granted a TRO and preliminary injunction, but the Court of Appeals annulled these, holding that petitioners failed to show a clear right and that respondents were not proper parties. Petitioners then elevated the case to the Supreme Court.

ISSUE: W/N there is a violation of petitioners' right to privacy. – **YES.**

RULING: The Court ruled that the petitioners' right to privacy was violated.

RATIO: The right to privacy extends beyond residences to any place where an individual has the right to exclude the public, including business offices. Applying the "reasonable expectation of privacy" test, the Court found that petitioners had a legitimate expectation of privacy over their property. Video surveillance cameras installed by respondents directly captured activities on petitioners' property without consent, effectively monitoring them. Such acts constitute a clear violation of the right to privacy under Article 26(1) of the Civil Code. The RTC correctly issued the writ of preliminary injunction, and the CA erred in ruling otherwise.

CLASS NOTES:

- The right to privacy is not questionable when the place involved is a HOME. In this case, however, the place involved was a business office.

Choachuy installed surveillance (had camera) portion of said his property

ARREST

1. General Concept

Authority of Law Enforcement Officers

- Law enforcement officers are entrusted with the power to:
 - Conduct investigations
 - Make arrests
 - Perform searches and seizures
 - Occasionally use lethal force in the line of duty
- This authority must be exercised **within legal boundaries**.
- If officers exceed these limits, they may:
 - Jeopardize the admissibility of evidence
 - Cause suppression of evidence in prosecution

Rule 113, Revised Rules on Criminal Procedure (2000)

Section 1. Definition of arrest. — Arrest is the **taking of a person into custody** in order that he may be **bound to answer** for the **commission of an offense**

Arrest has a **specific and definite purpose**: To make the person answer for a crime.

What is the scope of arrest? **Not necessarily physical.**

Is restraint necessary? – **NO.**

- There must be **control over the person under custody**, which as a consequence results in a **restraint on his liberty** to the extent that he is **not free to leave on his own volition**.
- There must be **intent to arrest** on the part of the officer and **intent to submit** on the part of the person arrested.

Is it a two-way process? **YES.**

Rule 113, Revised Rules on Criminal Procedure (2000)

Section 2. Arrest; how made. — An arrest is made by an **actual restraint** of a person to be arrested, or by his **submission to the custody** of the person making the arrest.

Remember:

- Physical restraint is not always necessary.
- Submission to authority already constitutes arrest.
- Arrest necessarily implies:
 - Control over the person, and
 - Restraint on liberty
- The person is not free to leave at will.

If Arrest Has Occurred

When a crime has already been committed:

- Arrest must be based on probable cause.
- Under Sec. 5(b), Rule 113, probable cause must be based on:

- Personal knowledge of the arresting officer
- Facts and circumstances showing the arrestee committed the crime
 - If these requirements are absent → arrest may be infirm.

If No Arrest Occurred

If the officer's act does not amount to arrest:

- Probable cause and personal knowledge requirements do not automatically apply.
- The act will be reviewed under other legal standards.

Effect of Illegal Arrest on Evidence

The legality of an arrest becomes crucial when:

- A seizure of evidence follows the arrest.
 - The admissibility of evidence depends on the legality of the prior arrest.

This is why many criminal cases reaching the Supreme Court involve:

- Motions to suppress evidence
- Allegations of illegal arrest

Writ of Amparo

What is a Writ of Amparo?

A remedy available to any person whose **right to life, liberty, and security** is violated or threatened with violation by an **unlawful act or omission of a public official or employee**, or of a **private individual or entity**.

What cases are usually involved in a Writ of Amparo?

- Applicable to extrajudicial killings
 - e.g. Martial Law cases and DU30's Drug War

Scope of the Writ of Amparo

- Violation or threat of violation of:
 - Life
 - Liberty
 - Security

Art. III, Sec. 2 (1987 Constitution)

The **right of the people** to be secure in their **persons, houses, papers, and effects** against **unreasonable searches and seizures** of whatever nature and for any purpose shall be inviolable, and **no search warrant or warrant of arrest** shall issue except upon **probable cause** to be **determined personally by the judge** after **examination under oath or affirmation** of the **complainant** and the **witnesses he may produce**, and **particularly describing the place to be searched** and the **persons or things to be seized**.

Art. III, Sec. 12 (1987 Constitution)

- 1) Any person under **investigation** for the commission of an offense shall have the **right to be informed** of his **right to remain silent** and to have **competent and**

independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be **provided with one**. These rights cannot be **waived except in writing and in the presence of counsel**.

- 2) No **torture, force, violence, threat, intimidation**, or any other means which **vitiate the free will** shall be used against him. **Secret detention places, solitary, incommunicado**, or other similar forms of detention are **prohibited**.
- 3) Any **confession or admission** obtained in violation of this or Section 17 hereof shall be **inadmissible in evidence** against him.
- 4) The law shall provide for **penal and civil sanctions** for violations of this section as well as **compensation** to and **rehabilitation** of victims of torture or similar practices, and their families.

Art. VI, Sec. 11 (1987 Constitution) *Vb Sec 11*

A **Senator or Member of the House of Representatives** shall, in all offenses punishable by not more than **six years imprisonment**, be **privileged from arrest** while the **Congress is in session**. No Member shall be **questioned** nor be held liable **in any other place** for any **speech or debate** in the Congress or in any committee thereof.

Art. VIII, Sec. 5(5) (1987 Constitution) *Art VIII → promulgating rules for practice of enforcement rights*

The **Supreme Court** shall have the following powers:

- 5) Promulgate **rules** concerning the **protection and enforcement of constitutional rights, pleading, practice, and procedure** in all courts, the **admission to the practice of law**, the Integrated Bar, and **legal assistance to the underprivileged**.

Art. 31, Vienna Convention on Diplomatic Relations

ARTICLE 31

1. A **diplomatic agent** shall enjoy **immunity from the criminal jurisdiction** of the receiving State. He shall also enjoy **immunity from its civil and administrative jurisdiction**, except in the case of:

- a) **real action** relating to **private immovable property** situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- b) an action relating to **succession** in which the diplomatic agent is involved as **executor, administrator, heir or legatee** as a private person and not on behalf of the sending State;

- c) an action relating to any **professional or commercial activity** exercised by the diplomatic agent in the receiving State **outside his official functions**.

2. A diplomatic agent is **not obliged to give evidence as a witness**.

3. No **measures of execution** may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a) (b) (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken **without infringing the inviolability of his person or of his residence**.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does **not exempt him from the jurisdiction of the sending State**.

Art. 37, Vienna Convention on Diplomatic Relations

1. The **members of the family** of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the **privileges and immunities** specified in Articles 29 to 56.

2. Members of the **administrative and technical staff** of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the **privileges and immunities** specified in Articles 29 to 35, except that the **immunity from civil and administrative jurisdiction** of the receiving State specified in paragraph 1 of Article 31 shall not extend to **acts performed outside the course of their duties**. They shall also enjoy the **privileges specified in Article 36, paragraph 1**, in respect of articles imported at the time of first installation.

3. Members of the **service staff** of the mission who are not nationals of or permanently resident in the receiving State shall enjoy **immunity in respect of acts performed in the course of their duties**, exemption from **dues and taxes** on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. **Private servants** of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from **dues and taxes** on the emoluments they receive by reason of their employment. In other respects, they may **enjoy privileges and immunities only to the extent admitted by the receiving State**. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to **interfere unduly with the performance of the functions of the mission**.

Cases Under Arrest - General Concepts

Chance v. State

Intent to arrest, detention, communication of intent, understanding by the arrestee

DOCTRINE: An arrest exists only when the elements of arrest concur: intent to arrest, actual or constructive detention, communication of intent, and understanding by the arrestee. Mere temporary detention or stop, without these elements, does not yet constitute an arrest.

FACTS: Police received a radio report that two men robbed a liquor store. An officer stopped a vehicle with two occupants matching the general description. While detained, another officer saw a white hat in the car, matching the robber's description, and also observed a gun and coins. The officer then drew his revolver, handcuffed the men, and searched the car. The accused moved to suppress evidence, claiming illegal arrest.

ISSUE: W/N the accused was arrested at the time the vehicle was stopped — **NO**.

RULING: The Court ruled that the arrest occurred only when the officer drew his revolver and handcuffed the accused.

RATIO: The Court held that not all elements of arrest were present during the initial vehicle stop. Arrest requires intent to arrest, detention, communication of such intent, and the arrestee's understanding. These elements only materialized when the officer escalated the encounter by drawing his weapon and applying handcuffs. Thus, probable cause existed at the time of arrest, making it valid.

Sanchez v. Demetriou

invitation for investigation may constitute an arrest when it is issued by authorities under circumstances showing compulsion, such that the person cannot reasonably refuse. Arrest does not require physical restraint; intent to arrest and submission to custody suffice.

DOCTRINE: An "invitation" for investigation may constitute an arrest when it is issued by authorities under circumstances showing compulsion, such that the person cannot reasonably refuse. Arrest does not require physical restraint; intent to arrest and submission to custody suffice.

FACTS: PNP authorities issued a letter-"invitation" directing Mayor Sanchez to appear at a military camp for investigation regarding the Sarmenta-Gomez killings. He was fetched by officers and brought to Camp Vicente Lim where he was confronted by witnesses and placed under arrest status. He questioned the legality of his warrantless arrest and sought to quash the information. He also assailed alleged defects in the preliminary investigation and jurisdiction of the trial court.

ISSUE: W/N the "invitation" extended to Sanchez constituted an arrest — **YES**.

RULING: The Court ruled that the invitation was in reality an arrest.

RATIO: Although framed as a request, the invitation came from high-ranking military authorities and required appearance at a

military camp, making refusal unrealistic. Arrest does not require physical force; it is enough that there is intent to arrest and submission under belief that compliance is necessary. However, while the initial warrantless arrest was illegal, the subsequent issuance of a valid warrant and filing of information cured the defect and vested jurisdiction in the trial court.

CLASS NOTES:

Was the "invitation" considered an arrest? **YES**.

Here, the **PNP commander made the arrest**. Sanchez could not resist.

When the invitation comes from a **powerful group** and the designated interrogation site is a **military camp**, the same cannot be taken as a **strictly voluntary invitation** but as an **authoritative command**.

In the case at bar, the invitation came from a **high-ranking military official** and the investigation of Sanchez was to be made at a **military camp**. It was obviously a **command or an order of arrest**.

2. Procedure for issuance of warrant of arrest

Art. III, Sec. 2 (1987 Constitution)

The right of the people to be **secure** in their **persons**, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and **no** search warrant or **warrant of arrest** shall issue except upon **probable cause** to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the **persons** or things to be **seized**.

Cases Under Procedure for Issuance of Warrant of Arrest

Allado v. Diokno (1994)

DOCTRINE: Before issuing a warrant of arrest, the judge must satisfy himself that based on the evidence submitted there is sufficient proof that a crime has been committed and that the person to be arrested is probably guilty thereof.

FACTS: **Allado and Mendoza** are lawyers who were accused to be the mastermind for the kidnapping and murder of German national Van Twest. A **warrant of arrest** was issued against the petitioners **on the strength of certifications presented by the prosecution**, including an extrajudicial confession of security guard Umbal, who claimed that he and his companions were given P2.5 million to apprehend Van Twest.

ISSUE: W/N there was sufficient finding of probable cause that would lead to the valid issuance of a warrant of arrest against the petitioners.– **NO**.

RULING: The Court ruled there was no sufficient finding of probable cause.

RATIO: The judge did not personally examine the evidence and merely relied on the PACC's reports which included SG Umbal's Sworn Statement which is faulty and full of inconsistencies.

CLASS NOTES:

Q: Is the judge required to personally examine the witnesses for the issuance of an arrest warrant?

A: NO. He must personally examine the affidavits/records submitted to him and he can require the witnesses to appear before him IF he wants.

Pangandaman

Pangandaman v. Casar (1988)

DOCTRINE: There is no requirement that the entire procedure for preliminary investigation must be completed before a warrant of arrest may be issued; the rule is that such issuance need only await a finding of probable cause.

FACTS: On July 27, 1985, a shooting incident in Pantao, Masiu, Lanao del Sur resulted in five deaths and two injuries. On a Saturday, August 10, 1985, a criminal complaint for multiple murder was filed before respondent Judge Casar, who personally examined three witnesses under oath through written questions and answers, approved the complaint, and issued a warrant of arrest against 14 named petitioners and 50 "John Does" that same day. The petitioners and the Solicitor General challenged the warrant, asserting that the Judge's investigation was "hasty and manifestly haphazard," that it was impossible to determine probable cause against 64 persons within limited Saturday office hours (8:00 a.m. to 1:00 p.m.), and that the Judge failed to complete the two-phase preliminary investigation required by Rule 112.

ISSUE: W/N the respondent Judge had the power to issue the warrant of arrest without completing the entire two-phase procedure for preliminary investigation. - **NO**.

RULING: The Court ruled that there is no requirement that the entire procedure for preliminary investigation must be completed before a warrant of arrest may be issued.

RATIO: The issuance of a warrant of arrest need only await a finding of probable cause, **not the completion of the entire procedure of preliminary investigation**. Section 6 of Rule 112 (*now Section 5*) authorizes the municipal trial court to order the respondent's arrest even before opening the second phase of the investigation if said court is satisfied that a probable cause exists and there is a necessity to place the respondent under immediate custody in order not to frustrate the ends of justice.

CLASS NOTES:

Q: Why was hearsay evidence allowed to be introduced?

*A: Because it was **only during preliminary investigation; not allowed during trial.***

Preliminary investigation consists of two stages:

- the first is an ex-parte inquiry into the sufficiency of the complaint (where an arrest may be ordered; also called "preliminary examination"), and
- the second is the preliminary investigation proper which gives the respondent an opportunity to submit counter-affidavits.

OLD Rules	PRESENT Rules
Judges (first and second level) authorized to conduct preliminary investigation	Only Prosecutors (DOJ; executive function) are allowed to conduct preliminary investigation
	Only Judges (judicial function) may conduct preliminary examination

Gutierrez v. Hernandez (2007)

DOCTRINE: Three requisites before a municipal judge can issue a warrant of arrest during a preliminary investigation: the investigating judge must: (1) have examined in writing and under oath the complainant and his witnesses by searching questions and answers; (2) be satisfied that a probable cause exists; and (3) there is a need to place the respondent under immediate custody in order not to frustrate the ends of justice.

FACTS: An administrative case was filed against Judge Godofredo G. Hernandez, Sr., for his handling of criminal complaints related to a 2004 human trafficking rescue operation in Pinamalayan, Oriental Mindoro. The case arose after a rescue operation led by ABS-CBN's "Private Eye" and the PNP-CIDD resulted in charges under Republic Act No. 9208, only for some rescued girls to later recant and file grave coercion charges against the rescue team and media. Judge Hernandez was accused of acting with unusual haste in issuing warrants of arrest in the recantation cases without proper preliminary investigation or filed Informations, and for an alleged ethical breach by socializing with police officers at a resort where the girls were reportedly pressured to retract statements. Denying the allegations, the Judge insisted he acted within his judicial authority under old rules allowing municipal judges to conduct preliminary investigations and maintained his actions were regular and lawful, dismissing the accusations as harassment.

ISSUE: W/N was guilty of Gross Ignorance of the Law for issuing warrants of arrest without proper preliminary investigation and

setting the cases for arraignment without the corresponding Informations. - **YES**.

RULING: The Court found Judge Hernandez GUILTY of Gross Ignorance of the Law and Procedure; his "inordinate haste" in issuing the warrants and setting the arraignment constituted a blatant disregard for basic procedural rules and a denial of the accused's constitutional right to due process.

RATIO: The absence of a proper preliminary investigation, the failure to issue subpoenas, and the hasty issuance of arrest warrants constituted a violation of due process and the mandatory provisions of the Rules of Court. In this case, there was no proper preliminary investigation, no showing that the complainants needed to be placed under immediate custody, and thus not all requisites were present—resulting in a denial of due process; moreover, it was improper to set the cases for arraignment despite the absence of both a conducted preliminary investigation and a filed Information, further violating procedural rules and due process. Additionally, the preliminary investigation is *not considered completed* if the judge does not subpoena the respondents, as they must have the opportunity to present evidence and file counter-affidavits

CLASS NOTES:

The judge must personally examine the affidavits/records, **not** the witnesses. But he may also personally examine the witnesses **if** he decides, but this is not required. **The judge may also totally disregard the prosecutor's affidavits.**

AAA v. Carbonell (2007)

DOCTRINE: For purposes of issuing a warrant of arrest, the Constitution requires the judge's personal determination of probable cause, **not** mandatory personal examination of the complainant and witnesses in every case.

FACTS: AAA filed a rape complaint against Arzadon. After preliminary investigation, prosecutors and later the DOJ found probable cause and an Information was filed. RTC Judge Carbonell ordered AAA and her witnesses to take the stand for judicial determination of probable cause. When they did not appear, he dismissed the case for lack of probable cause. AAA sought certiorari before the Supreme Court.

ISSUE: W/N the judge was required to personally examine the complainant and witnesses before issuing a warrant of arrest. - **NO**.

RULING: The Court ruled that personal examination of the complainant and witnesses is not mandatory before issuing a warrant of arrest.

RATIO: Article III, Section 2 of the Constitution requires personal determination of probable cause, not automatic personal examination. Under *Soliven v. Makasiar*, the judge may rely on the prosecutor's resolution and supporting evidence if

these sufficiently establish probable cause. Personal examination is required only upon utter failure of evidence on record. Here, multiple prosecutors and the DOJ had already found probable cause supported by affidavits and transcripts, making personal testimony unnecessary.

CLASS NOTES:

Q: Why can the judge disregard the findings of the prosecutor?

A: Findings are not binding to the court (Appreciation of the findings itself is purely judicial)

3. Warrantless Arrests

a. In flagrante delicto

Rule 113, Section 5. Arrest without warrant; when lawful. — A peace officer or a private person may, without a warrant, arrest a person:

(a) When, ^{lib deposits} **in his presence**, the person to be arrested **has committed, is actually committing, or is attempting to commit an offense**; xxx

In cases falling under paragraph (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with section 7 of Rule 112.

IN FLAGRANTE DELICTO

Requisites:

1. Person to be arrested must execute an overt act indicating that he has committed, is actually committing, or is attempting to commit a crime
2. Such overt act is done in the presence or within the view of the arresting officer

[RIANO]

What will be your basis for making an in flagrante delicto arrest? – overt act indicating that he has committed, is committing, or is attempting to commit an offense

- Flight *per se* is not synonymous with guilt
- Mere suspicion/tip/reliable info is NOT ENOUGH!
- Arresting officer needs to have personal knowledge of the commission of the offense
- If a valid warrantless arrest was made, the search incidental to such arrest is also valid

Examples:

- buy-bust operation (prior surveillance is not a prerequisite for the validity of the entrapment)
- decoy solicitation - not prohibited

LIBANotes

People v. Sapla: Law enforcers cannot act solely on the basis of confidential or tipped information. **A tip is still hearsay no matter how reliable it may be.** It is not sufficient to constitute probable cause in the absence of any other circumstance that will arouse suspicion.

[CABEZA]

Among the valid warrantless arrests, which one requires witnessing a crime? – In flagrante delicto under Rule 113, Section 5, paragraph a.

What about if a person is being brought to court for a hearing, and he escapes? – Considered as an escape and does not need a warrant of arrest to take custody of the escapee

Cabeza: Nowadays, there are already video conferences available where the person may be arraigned or go to trial online.

Cases Under In Flagrante Delicto

People v. Montilla

DOCTRINE: A warrantless arrest under Rule 113, Sec. 5(a) is valid when sufficient antecedent facts create a well-grounded and reasonable belief that the suspect is committing a crime in the presence of the police. An informant's positive identification, combined with corroborating circumstances, may produce probable cause justifying an in flagrante delicto arrest, and the subsequent search of the suspect's belongings becomes valid as a search incident to a lawful arrest.

FACTS: Police received a tip that a drug courier would arrive in Cavite from Baguio. The following morning, the informant, accompanying the police, pointed out Montilla as the courier when he got off a jeepney. Officers approached and Montilla voluntarily opened his bag, revealing 28 bricks (28 kilos) of marijuana. He was immediately arrested and later convicted of transporting prohibited drugs.

ISSUE: W/N there was a valid warrantless arrest – YES.

RATIO: The antecedent facts were sufficient to establish probable cause that Montilla was committing a crime in the officer's presence (informant's tip + positive identification of Montilla and his luggage). The officers were justified to apprehend him in a flagrante delicto arrest (Section 5(a), Rule 113). Thus, the subsequent search was valid as incident to a lawful arrest (Rule 126, Section 13). The Court held that it was in the ordinary nature of things that drugs being illegally transported are necessarily in containers and concealed from view. The officers could reasonably assume that the drugs were hidden in his luggage. Thus, it would have been irresponsible and absurd to wait and risk losing the quarry.

CLASS NOTES:

- The appellants confessed during the custodial investigation. What happened to the confession? – There was no admissible evidence in the nature of a valid admission or confession.
- The position here of Montilla was that there was a violation of his constitutional right in relation to Section 12 of the Bill of Rights. The Court said there was no violation because there was no confession. He was not coerced at any point. This was a consented search. There was a valid warrantless arrest in flagrante delicto.

Article III, Section 12, paragraph 1 of the 1987 Constitution provides the rights of a person under investigation:

SECTION 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

Cabeza: There's no word there pertaining to "custodial" investigation only.

- How was the guilt established? – The mere act of actively transporting the marijuana was already illegal.
- Was there an overt act on the part of Montilla? – YES. He voluntarily opened his bag which showed the illegal drugs. He was actively transporting marijuana. When he was stopped by the police, he was caught red-handed.
- If there were sufficient facts antecedent to the search and seizure that, at the point prior to the search, were already constitutive of probable cause, and which by themselves could properly create in the minds of the officers a well-grounded and reasonable belief that the accused was in the act of violating the law, then he is caught in flagrante delicto and his arrest and search without warrant were both justified.
- Despite the invalidity of the warrantless arrest, the judicial proceeding was sustained on the strength of other pieces of evidence. The search was held to be valid because he did not contest the search (voluntary).
- Personal knowledge is not limited to being an eye witness to the commission of a crime.

People v. Aminnudin

DOCTRINE: For an arrest in flagrante delicto to be considered valid, there must be indication at the time of the arrest that there were acts that constitute belief that a crime was about to be committed or had just been committed.

FACTS: Police received a tip that Aminnudin was arriving on a vessel allegedly carrying marijuana. When he disembarked from M/V Wilcon 9, the informant simply pointed him out, and officers arrested him immediately. At that moment, Aminnudin was merely walking down the gangplank and showed no suspicious or criminal behavior. Officers seized his bag and found about three kilograms of marijuana.

ISSUE: W/N Aminnudin was validly arrested and searched without a warrant – NO.

RATIO: This was not a valid warrantless arrest because the officers had time to secure a warrant, but failed to do so. Their testimonies VARIED as to when they received the tip and the chief of the arresting team even testified that they didn't attempt to secure a search warrant because they were "very sure that their operation would yield a positive result."

When Aminudin was arrested, he was simply walking down the gangplank of the vessel. There was no outward indication that called for his arrest. He was innocently disembarking from the vessel. The evidence cannot be admitted because it was illegally seized. The marijuana is considered fruit of the poisonous tree - because the search and seizure was illegal, the seized marijuana is also illegal.

CLASS NOTES:

Why was the arrest illegal? – They could have secured a warrant of arrest because they had two (2) days. There was no overt act on the part of Aminudin. The arresting officer only relied on the tip given by the informer. The marijuana discovered became a fruit of the poisonous tree.

- Tree = arrest and search incidental to the arrest
- Fruit = marijuana discovered during the search incidental to the arrest

Two requisites of in flagrante delicto arrest:

- (1) Person to be arrested must execute an overt act indicating that he has just committed, is actually committing, or is attempting to commit a crime
- (2) Such overt act is done in the presence or within the view of the arresting officer

[RIANO]

- The accused, at the moment of his arrest, was **not** committing a crime nor was it shown that he was about to do so or that he had just done so. There was no outward indication that called for his arrest

People v. Molina

DOCTRINE: For a valid in flagrante delicto arrest, two requisites must concur: (1) The person must execute an overt act indicating he has just committed, is committing, or is attempting to commit a crime; and (2) This overt act must be done in the presence or within the view of the arresting officer.

Mere “reliable information” without an overt act cannot constitute probable cause to justify an in flagrante delicto arrest.

FACTS: Police officers waited outside SPO1 Paguidopon’s house based solely on a tip that a marijuana pusher would pass by. When a trisikad carrying Molina and Mula passed, Paguidopon pointed to them even though he had only briefly seen Mula once before and had never seen Molina. The officers stopped the trisikad, asked Molina to open the black bag, and found dried marijuana leaves. Molina and Mula were then arrested on the spot.

ISSUE: W/N the arrest of Molina and Mula was a valid in flagrante delicto arrest – NO.

RULING: The Court ruled that the arrest was invalid, and the accused must be acquitted. “Reliable information” alone, absent any overt act indicative of a felonious enterprise in the presence

and within the view of the arresting officers are NOT sufficient to constitute probable cause that would justify an in flagrante delicto arrest.

RATIO: In flagrante delicto requires an overt act made in the presence of an officer. Here, Mula and Molina manifested no outward indication that would justify their arrest. Holding a bag and riding a trisikad does not mean they are committing a crime. It doesn’t matter that Molina asked if they could settle the matter upon Pamplona’s request to open the bag; the response does NOT reinforce suspicion.

The only basis for the arrest was SPO1 Paguidopon’s pointing, grounded solely on prior information from an informant (not personal knowledge) nor on any personal observation of criminal activity. Court concluded that it was doubtful that Paguidopon even recognized Mula and Molina since he only knew their names and addresses after the arrest.

CLASS NOTES:

- Why was the arrest not a valid warrantless arrest in flagrante delicto? – The requisites were not met.
- Is it required that the apprehending officer must be an EYEWITNESS in flagrante delicto? – YES.

Requisites:

- (1) Doing overt acts indicating that he has just committed, or actually committed, or is attempting to commit a crime; and,
- (2) Such an overt act is done in the presence of the arresting officer.

Here, the basis of apprehension was the pointing out of the officer that they were pushers **based on the information provided by informants**. No overt act was committed so it does not fall under Rule 113, Sec. 5(a).

[RIANO]

- Reliable information alone, absent any overt act indicative of a felonious enterprise in the presence and within the view of the arresting officers, are not sufficient to constitute probable cause that would justify an in flagrante delicto arrest.

Alih v. Gastro

DOCTRINE: The precarious state of lawlessness in a place does not excuse the non-observance of the constitutional guaranty against unreasonable searches and seizures. Having sufficient time to secure a search warrant will invalidate any search conducted without.

FACTS: Over 200 Marines conducted a warrantless “zona” raid on a Zamboanga City compound to search for firearms. The compound’s occupants resisted, causing a shootout until they surrendered the next morning. Sixteen men were arrested and then fingerprinted, paraffin-tested, and photographed over

objection, while high-powered weapons were seized. The petitioners later filed before the Supreme Court, claiming the raid and seizures were unconstitutional.

ISSUE: W/N the search conducted by the military without a warrant was legal – NO.

RULING: The Court ruled that the arrest and search was illegal and all seized articles are inadmissible.

RATIO: The Court held that the Constitution prohibits unreasonable searches and seizures and requires probable cause for the issuance of a search warrant or arrest warrant. Military “superior orders” cannot override constitutional rights, and the suspected involvement of petitioners in the Climaco killing did not justify bypassing the Constitution. The lawless conditions in Zamboanga City did not amount to a state of hostilities that would excuse constitutional violations. The military acted on unverified reports, assumed guilt without investigation, ignored the supremacy of civilian authority over the military, and failed to seek a warrant despite having sufficient time and available civil courts.

CLASS NOTES:

- Any warrantless search will be invalidated when it is proven that there has been ample time to secure a warrant in the first place. Corollary to this, the products of the search and seizure will be invalidated (fruit of the poisonous tree).
- The precarious state of lawlessness in a place does not excuse the non-observance of the constitutional guaranty against unreasonable searches and seizures.
- How did the SC rule on the military’s argument on the validity of a warrantless search? The military had sufficient time to secure a search warrant. The fact is, they had sufficient time to surround the place; they must have secured a warrant, too.
- What happened to the weapons seized? Pending the outcome of criminal cases that had been or might later be filed, the seized articles were ordered to remain in custodia legis.
- It is the policy of the state not to return any illegal object. (Sir: To avoid “recycling”)
- One cannot just force his way into any man's house on the illegal orders of a superior, however lofty his rank. Even the humblest hovel is protected from official intrusion because of the ancient rule that a man's house is his castle.
- Only in case the prosecution which itself controls the seizing officials, knows that cannot profit by their wrong, will the wrong be repressed

People v. Alunday

DOCTRINE: An arrest without a warrant is lawful, when the person is caught in the act of committing a crime in the presence or within the view of the arresting officer, even from a distance.

Any objection involving a warrant of arrest or the procedure for the acquisition by the court of jurisdiction over the person of the accused must be made before he enters his plea; otherwise, the objection is deemed waived.

FACTS: Police formed “Operation Banana” after multiple confidential validations confirmed the existence of a marijuana plantation in Mt. Churyon. Upon reaching the site, officers saw Alunday personally cutting and gathering marijuana plants at a distance of around 30 meters. He was arrested on the spot, and samples from the plantation later tested positive for marijuana. Alunday was charged and convicted of cultivating prohibited drugs.

ISSUE: W/N the prosecution’s evidence is inadmissible due to being the result of an unlawful arrest? – NO.

RULING: The Court held that the Alunday’s arrest was valid as an in flagrante delicto arrest pursuant to Section 5(a) of Rule 113, of the Rules of Court. The police officers had witnessed the Alunday cutting and gathering plants before they effected the arrest, and thus, he was arrested as he was caught in the act of committing the crime.

While his arrest is indeed legal, the Alunday was also estopped from questioning the validity of his arrest after he surrendered himself to the jurisdiction of the Court by pleading “not guilty” and subsequently actively participating in the trial.

CLASS NOTES:

- Was it valid in flagrante delicto arrest? – YES, the two requisites were met: there was an overt act (the act of cutting and gathering marijuana plant) which was in the presence of the arresting officer. Following *People v. Sucro*, the officer’s distance (30 meters) does not negate personal observation.
- At what stage should the claim for illegal arrest be raised? – Before arraignment or after information is filed. They should have filed a motion to quash based on lack of jurisdiction. Here, the defense of unlawful arrest was only raised during appeal.
 - Any accused may be estopped from assailing the illegality of his arrest if he fails to move for the quashing of the information against him before his arraignment.
- What if he raised the defense of invalid arrest raised on time (or earlier), will the ruling still be the same? – YES.
 - Case law says that illegal arrest is not sufficient to set aside a valid judgment. (Remember, it was ruled to be a **valid** in flagrante delicto arrest)
 - The time of setting up the defense of invalid arrest is immaterial.
 - Raising of the defense of invalid arrest, ITCAB, is merely obiter dictum.

recall: Loading shabu in van, ex flagrante delicto
 Probable cause; (Minnota) 9 white substance

People v. Ng Yik Bun

DOCTRINE: A warrantless arrest is valid when the police personally observe the accused committing an offense, i.e., caught in flagrante delicto, even if initially seen from a distance, as long as the arresting officers have direct sensory perception of the ongoing criminal act. Where the accused are seen loading transparent bags of suspected drugs into a vehicle, such acts constitute an overt criminal act, justifying an arrest under Rule 113, Sec. 5(a).

FACTS: Capt. Danilo Ibon received information from an operative that there was an ongoing shipment of contraband in Brgy. BignayII, Sariaya, Quezon. Upon instructions from his superior, Maj. Tabo, Capt. Ibon formed a team and they proceeded to Villa Vicenta Resort. There, at a distance of 50 meters, they spotted six Chinese-looking men loading bags containing a white substance into a white van. They then asked Hwan what they were loading, and the former replied that it was shabu, and pointed Tan as the leader. 172 bags of shabu were then confiscated. Bundles of noodles (bihon) were also found on the premises.

ISSUE: W/N there a valid warrantless arrest? – YES.

RULING: Applying Sec. 5(a), Rule 113 in this case, the police officers received information from an operative about an ongoing shipment of contraband and proceeded to Villa Vicenta Resort. They observed the criminal act at a distance of 50 meters, in an area that was well-lighted and the officers could visually observe the act; thus, the crime was committed “in the presence” of police. Moreso, Hwan, when accosted, readily mentioned that they were loading shabu and pointed to their leader.

CLASS NOTES:

- Valid *in flagrante delicto* arrest
- There was animus possidendi (intent to possess)

[RIANO]

- When a police officer sees the offense, even at a distance, or hears the disturbance created, and proceeds at once to the scene thereof, he may effect an arrest without a warrant since the offense is deemed committed in his presence.
 - In People v. Alunday, officers observed from a distance 30M away = valid *MJ*
 - In People v. Ng Yik Bun, officers observed from a distance 50M away = valid *MJP*

PEOPLE V. ARANETA, G.R. NO. 191064. (10/20/10)

DOCTRINE: A valid buy-bust operation justifies warrantless arrest and search when the accused is caught in the act.

FACTS: The Pasig City Police conducted a buy-bust operation after receiving a tip from a confidential informant that Rolando Araneta (Botong) and Marilou Santos (Malou) were selling drugs. During the operation, a poseur-buyer used marked money

to purchase shabu from the accused, and after the exchange, the police arrested them and recovered the marked bill along with additional sachets of shabu and marijuana.

PROCEDURAL POSTURE:

RTC - Found accused guilty of illegal sale and possession of dangerous drugs; CA affirmed RTC

ISSUE: W/N there was a valid warrantless arrest? – YES.

RULING: Court ruled that both accused are guilty beyond reasonable doubt.

RATIO: The accused were caught in flagrante delicto of possessing and selling dangerous drugs to the poseur-buyer during a legitimate buy-bust operation.

The warrantless arrest was justified under Rule 113, Section 5(a) of the Rules of Court, which allows a peace officer to arrest a person without a warrant when, in their presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense.

Nature of Buy-Bust Operations: The Court emphasized that a buy-bust operation is a judicially sanctioned form of entrapment. Because the accused is caught in the act and must be apprehended on the spot, the absence of an arrest warrant does not render the operation illegal.

CLASS NOTES: (from Topic Note-Takers)

Objective test

- Objective test was used to confirm whether the operation was legitimate:
 1. Initial contact between suspect and poseur-buyer
 - decoy solicitation – a police officer's act of soliciting drugs from the accused during a buy-bust operation; not prohibited by law and does not render the operation invalid; decoy solicitation is the start of the transaction
 2. Offer to purchase - the suspect must offer. If offer comes from the poseur buyer it becomes an instigation which is an absolute cause, which will acquit the suspect.
 3. Payment
 4. Delivery of illegal drugs

4-link rule (Chain of Custody)

Chain must be unbroken; otherwise → probative value is lessened, evidence will be determined inadmissible and result in the acquittal of the accused (if no other evidence is presented).

1. Seizure and Marking - the seizure and marking of the illegal drug recovered from the accused by the **apprehending officer**;
2. Turnover to the Investigating Officer - the turnover of the illegal drug seized by the apprehending officer to the **investigating officer**;
3. Submission to the Forensic Laboratory - the turnover by the investigating officer of the illegal drug to the **forensic chemist** for laboratory examination; and

*Seizure AO
 ↓
 Return IO
 ↓
 Submission Chemist
 ↓
 Present at court*

4. Presentation in Court (apprehending officer will testify) - *Who will testify there?* – The apprehending officer

Assuming they are first time offenders: Sec. 15, RA 9165 (lighter penalties); take note of the conditions for this to apply

- In this case, are the offenders first-time offenders? – NO, they were already suspected of committing the crimes even before.
- There was a very important discussion here regarding Section 15 (about use) and Section 11 (about possession). Assuming the offenders are first-time offenders, what is preferred to be used? – Section 15. The Court is more lenient towards users since they are deemed victims. Section 15's purpose is to rehabilitate the criminal. Give the accused an opportunity to become a responsible member of society.
- What are the very important conditions for Sec. 15 to be applied?
 - (1) You have to be a **first-time offender**
 - (2) The substances found in their possession were not of a large quantity that would give the idea that they are doing sale (**residue/small quantity only**).
 - (3) There is a **positive confirmatory test** to show that what is involved is only the residue.

DRUG CRIMES = THIS IS HIS FAVORITE TOPIC FOR THE EXAM!

e. The rationale is *urgency*. The law dispenses with a warrant only because delay could allow the suspect to escape.

The person making the arrest has probable cause to believe, based on personal knowledge of facts and circumstances, that the person to be arrested has committed it.

- Probable Cause**
 - Probable cause means reasonable grounds to believe that a crime was committed and that the person to be arrested is probably guilty
 - It does not require proof beyond reasonable doubt.
 - It must exist at the moment of arrest.
- Personal Knowledge of Facts or Circumstances**
 - The officer must rely on his own knowledge of facts, not mere hearsay.
 - Personal knowledge does not necessarily mean the officer personally witnessed the crime.
 - However, it requires direct observations, immediate investigation; statements from witnesses made at the scene, physical evidence personally examined by the officer.
 - Mere reliance on an anonymous tip; or a police blotter entry; or a report from another officer without verification is insufficient.

Hot Pursuit Sec 5(b) Rule 113

b. When offense has just been committed

A peace officer (or even a private person) may validly effect a warrantless arrest when an offense has just been committed and the arresting person:

1. Has probable cause to believe, based on
2. Personal knowledge of facts or circumstances,
3. That the person to be arrested has committed the offense.

This is distinct from:

- In flagrante delicto → when the offense is being committed in the officer's presence and
- Escapée arrest → when a prisoner escapes

Elements of a Valid "Hot Pursuit" Arrest

1. **The offense has just been committed**
2. **There must be a large measure of immediacy between the time the offense was committed and the time of the arrest; and**
 - a. The phrase "**has just been committed**" implies immediacy in time.
 - b. There must be a close **temporal proximity** between the commission of the crime and the arrest. *Immediacy*
 - c. The rule does not fix an exact number of hours, but jurisprudence requires that the arrest follow shortly after the crime.
 - d. If too much time has lapsed, the arrest is no longer justified under this exception and a warrant is required.

Distinction from In Flagrante Delicto Arrest

In Flagrante Delicto	Hot Pursuit
Crime is committed in officer's presence	Crime has already been committed
Officer sees the criminal act	Officer relies on personal knowledge of facts showing the person committed the crime
No need for investigation	Requires factual basis and probable cause

Consequences of an Invalid Hot Pursuit Arrest

If the requirements are not met:

- The arrest is illegal.
- Evidence obtained as a result may be inadmissible as fruit of the poisonous tree.

The accused may:

- (1) Move to quash the information before arraignment.
- (2) Question the legality of arrest before entering a plea.

However, failure to object before arraignment constitutes waiver of the defect in arrest. Jurisdiction over the person is acquired by voluntary appearance.

show Juriped Jagon Jagon, Jagon, Jagon same day

Cases Under Hot Pursuit

4 days after crime allowed required

Posadas v. Ombudsman

DOCTRINE: For a valid hot pursuit arrest, the arresting officer must have **personal knowledge of facts indicating that the person committed the crime**. "Personal knowledge" means knowledge based on the officer's own observations, or facts immediately gathered after the crime. It does NOT mean mere reliance on secondhand information or suspicion

FACTS: On December 8, 1994, Dennis Venturina, a member of the Sigma Rho fraternity at the University of the Philippines Diliman, was killed during a fraternity rumble. On December 11, 1994, UP Chancellor Roger Posadas requested assistance from the National Bureau of Investigation in identifying the perpetrators. The next day, Orlando V. Dizon and NBI agents went to the campus and attempted to arrest Francis Carlo Taparan and Raymundo Narag of the Scintilla Juris Fraternity based on eyewitness identification. However, UP officials Posadas, Marichu Lambino, Rosario Torres-Yu, and Atty. Villamor objected because the agents had no arrest warrants and assured that the suspects would appear at the NBI the next day, so the arrests were not made. Dizon later filed a complaint for violation of P.D. 1829 (Obstruction of Justice) against Posadas, Lambino, Torres-Yu, Col. Eduardo Bertain, and Atty. Villamor for allegedly preventing the suspects' arrest. On May 18, 1995, an information was filed accusing them of conspiring to obstruct the apprehension and prosecution of the suspects in Venturina's killing.

ISSUE: W/N the arrest was valid – NO.

RULING: ITCAB, The arrest was NOT valid as it does not fall under any of the exceptions when a warrantless arrest is lawful. There is no personal knowledge here. **The NBI tried to arrest Narag and Taparan 4 days after the commission of the crime.** They had no personal knowledge of any fact which might indicate that the two students were probably guilty of the crime. What they had were the supposed positive identification of two alleged eyewitnesses, which is insufficient to justify the arrest without a warrant by the NBI.

At the time Dennis Venturina was killed, these NBI agents were nowhere near the scene of the crime. When respondent Dizon and his men attempted to arrest Taparan and Narag, the latter were not committing a crime nor were they doing anything that would create the suspicion that they were doing anything illegal. On the contrary, Taparan and Narag, under the supervision of the U.P. Police were taking part in a peace talk called to put an end to the violence on the campus.]

CLASS NOTES: (from Topic Note-Takers)

What does "personal knowledge" mean in hot pursuit?

It does NOT mean mere suspicion or secondhand information. It means knowledge based on the officer's own observation Immediate investigation after the crime The Court emphasized that eyewitness reports alone, especially days later, are insufficient.

- Probable Cause (*McCarthy v. De Armit*, 99 Pa. St. 63, as cited in *Carroll v. US*): "The substance of all the definitions is a reasonable ground for belief in guilt."

- Prima facie evidence is sufficient to convict if it is not overcome.
 - This is the reason why the DOJ changed the quantum of evidence for prima facie under Rule 112 (Preliminary Investigation)
 - **Quantum of Evidence:** Prima facie evidence with reasonable certainty of conviction.

Questioning [legality of arrest not raised before arraignment]

People v. Escordial

DOCTRINE: "Personal knowledge" of facts in arrests without a warrant under Section 5 (b) of Rule 113 must be based upon "probable cause" which means an "actual belief or reasonable grounds of suspicion." The grounds of suspicion are reasonable when, in the absence of actual belief of the arresting officers, the suspicion that the person to be arrested is probably guilty of committing the offense is based on actual facts, i.e., supported by circumstances sufficiently strong in themselves to create the probable cause of guilt of the person to be arrested. A reasonable suspicion therefore must be founded on probable cause, coupled with good faith on the part of the peace officers making the arrest.

FACTS: On Dec 27, 1996, a boarding house lived in by Michelle Darunday, Erma Blanca, and Ma Teresa Gellaver was **robbed by a man**. That man also **raped Michelle**. Police followed leads from witnesses, including children and a café owner, who provided a description that fit Anthony Escordial. On Jan 3, 1997, they found him at a basketball court and "invited" him to the police station for questioning, where he was subsequently identified by the victims. On appeal, he challenged the validity of his warrantless arrest, whether his constitutional rights were violated, and the credibility of the prosecution witness testimonies.

ISSUE: W/N the arrest was legal – NO.

RATIO: *On the legality of the warrantless arrest:* The warrantless arrest was indeed **ILLEGAL**, but **Escordial pleaded guilty without questioning his warrantless arrest** → he waived his right to object to such.

ITCAB, the arrest was illegal, as it did not fall under any of the circumstances for a warrantless arrest, he had **WAIVED** his right to object by not raising the issue at the time of arraignment, when he pleaded guilty [so, he was not acquitted on this ground].

CLASS NOTES: (from Topic Note-Takers)

- *Was there conviction here in the trial court?*
 - He was convicted.
- *Did he appeal? What was the penalty imposed by the trial court?*
 - Death penalty, so the case was elevated to the SC via automatic review
- *People v. Mateo: Intermediate Appeal*
 - It was not applicable here, since this is a 2002 case.
- *Was there an application of a hot pursuit arrest here?*
 - There was none because the crime happened at December 27, but the person was only arrested on January 3

- *But did the accused try to use hot pursuit as a way of being acquitted?*
 - Yes but the court found that the warrantless arrest was illegally made
 - There was sufficient enough time to get a valid warrant of arrest.
- *If the arrest was illegal, why was the case still heard?*
 - What they did was ultimately illegal. But he also pleaded guilty without questioning his warrant of arrest so he waived his rights to question the arrest.
- *How is an illegal arrest waived?*
 - By (1) failing to question the legality of the arrest and (2) entering a plea during arraignment
 - Escordial pleaded not guilty without first objecting. Therefore, he waived the issue of illegal arrest.
- *Did waiver of illegal arrest mean automatic conviction?*
 - No. Waiver only cures the defect in arrest. It does NOT cure weak evidence.
- Did the court also say there was time for the police to secure the warrant
 - Yes.
- So there was really no excuse why there was no arrest warrant and that's the reason why the arrest was invalid.
- Reasonable ground for belief → that is your basis for probable cause.

People v. Mengote

of Monardo doctrine

DOCTRINE: Under the Exclusionary Rule, any evidence obtained through an illegal arrest or search is inadmissible in court. This principle is reinforced by the Fruit of the Poisonous Tree, which provides that when the source of the evidence (the "tree") is unlawful, any evidence derived from it (the "fruit," e.g., a revolver seized from the suspect) is likewise inadmissible.

In hot pursuit arrests, a warrantless arrest is valid only if the arresting officer has probable cause based on personal knowledge of facts or circumstances showing that the person to be arrested has just committed the offense. Mere suspicion, tips, or hearsay are insufficient to justify the arrest.

FACTS: Shortly before noon, police received a telephone call from an informer reporting "three suspicious-looking persons" in Tondo, Manila. Plainclothes officers conducted surveillance and saw Mengote and his companion "looking from side to side," with one "holding his abdomen," in a crowded street in broad daylight. The officers approached, identified themselves, and the two men attempted to flee but were surrounded. They were arrested and searched without a warrant. Mengote was found in possession of a .38 caliber revolver with six live bullets. He was charged and later convicted under P.D. 1866 for illegal possession of firearm.

ISSUE: WON the warrantless arrest valid under Rule 113, Sec. 5(a) or (b), and is the seized firearm admissible in evidence – NO ON BOTH ISSUES

RATIO: No offense was committed in the officers' presence, and no crime had in fact just been committed with personal knowledge by the police. Mere suspicion and hearsay do not justify a warrantless arrest. The arrest was illegal; thus, the search incidental thereto was also illegal. Under Article III, Sec. 3(2) of the Constitution, evidence obtained from an unlawful search is inadmissible. Without the firearm, guilt was not proven beyond reasonable doubt; the accused was acquitted.

CLASS NOTES: (from Topic Note-Takers)

What is the decision of RTC?

- The accused was convicted.
- Rule 113, Sec. 5

The case is an example of *hot pursuit*, or the lack thereof. The robbery took place months from the time they received information of. As such, the Court

Hot Pursuit v. In flagrante delicto: In IFD, crimes is committed in his presence, which differs from hot pursuit which requires the knowledge that a crime is being ~~committed~~ *had just been committed*

Compared to in flagrante delicto: what is the main comparison there?

- **"In his presence":** For in flagrante delicto, the arresting officer must be an eyewitness to the commission of the offense. While in hot pursuit, it's not in his presence, but there must be personal knowledge of the commission of the crime (i.e., fact of the crime must be established)

In case of hot pursuit, what are the features as regards to the time?

- Durational Immediacy
- The gap of time between the occurrence of the crime to the time the officers witnessed it must almost be immediate; there must be a feature of *immediacy*
- Requires personal knowledge of the arresting officer, so, immediacy is important

Pestilos v. Generoso

DOCTRINE: It is not mandatory for the arresting officer to be present and witness the commission of the crime for a valid warrantless arrest to be effected, as per Rule 113 Sec. 5(b).

Remember:

Probable Cause = Reasonable ground for belief in guilt (Carroll v. US)

FACTS: In the early morning of February 20, 2005, an altercation occurred between petitioners Joey Pestilos, Dwight Macapanas, Miguel Gaces, Jerry Fernandez, and Ronald Muñoz and Atty. Moreno Generoso in Quezon City. Generoso reported the incident to the police via a call, and the police responded less than an hour after the incident and saw Atty. Generoso was badly injured. He positively identified the petitioners as his assailants. The police officers informed the petitioners of the accusation and brought them to the station for investigation. An

inquest prosecutor later filed an Information for attempted murder. The petitioners filed an urgent motion for regular preliminary investigation, arguing that they were not lawfully arrested and were merely "invited" to the police station; hence, an inquest proceeding was improper.

ISSUE: WON the petitioners were validly arrested without a warrant under Section 5(b), Rule 113 – YES

RATIO: The Supreme Court denied the petition. It ruled that the warrantless arrest was valid under Section 5(b), Rule 113 of the Revised Rules of Criminal Procedure (hot pursuit arrest). The crime had just been committed, and the arresting officers had probable cause based on personal knowledge of facts and circumstances gathered immediately after the incident. The term "invited" in the affidavit of arrest was construed as an authoritative command to the submission to the custody of the officer amounting to arrest

CLASS NOTES: (from Topic Note-Takers)

- Was there a valid hot pursuit? Yes, complied with the requisites of a "hot pursuit" arrest under **Rule 113, Sec. 5(b)**:
 - (a) *an offense has just been committed*; and
 - arrest was made within a **very short time** from the incident. The police blotter entry showed that the alleged crime was around **3:15 a.m.**, and by **4:15 a.m.**
 - (b) the arresting officer has *probable cause* based on *personal knowledge of facts or circumstances* that the person arrested committed it.
 - 1) the officers went to the scene upon Atty. Generoso's report;
 - 2) they arrived quickly and **personally saw** him "badly beaten" (visible bruises);
 - 3) the victim **positively identified** petitioners as the persons who mauled him;
 - 4) the incident occurred in the same community where the parties lived (making immediate identification and verification more reliable in context);
 - 5) and when confronted, petitioners **did not deny involvement** in the altercation, though they offered a different account (self-defense).
 - What did the officers see? At the scene of the crime, they saw the victim beaten black and blue.
 - What constitutes personal knowledge on the part of the police officers? The assessment of the crime upon the arrival of the scene; the interviews, the positive identification, and non-negation by the accused.
 - Did the arresting officers succeed? The officers invited Pestilos and co.

A. BEFORE 1940

Some one with no formal complaint filed against them if:

- 1) *The authority or agent had reasonable cause to believe that an unlawful act, amounting to a crime has been committed*
- 2) *The authority or agent has sufficient reason to believe that the person arrested participated in the commission of such unlawful act of crime*

Note: the gauge for valid warrantless arrest was

- 1) Probable cause of crime
- 2) Probable cause of guilt

B. 1940 rules of court and 1964 Rules of Court

SEC. 6. Arrest without warrant — When lawful. — A peace officer or a private person may, without a warrant, arrest a person...

(b) *When an offense **has in fact been committed**, and he has reasonable ground to believe that the person to be arrested has committed it*

- Changes:
 - 1) **Crime in fact**
 - 2) Probable cause of guilt

C. 1985 Rules of Court

Section 5. Arrest without warrant; when lawful. — A peace officer or a private person may, without a warrant, arrest a person:

(b) *When an **offense has in fact just been committed**, and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it;*

- Notes:
 - 1) Crime in fact
 - 2) Immediacy of the arrest after the commission of the crime
 - 3) Probable cause of guilt

c. Escapee

PDL - in custody while awaiting investigation, trial, or final judgment

Detention Prisoner

A detention prisoner, often referred to as a detainee or Person Deprived of Liberty (PDL), is an individual held **in custody while awaiting investigation, trial, or final judgment**, as opposed to a convicted inmate serving a sentence. They are presumed innocent until proven guilty and are typically housed in local jails.

Instances

1. Escape of arrestee – If a person lawfully arrested escapes or is rescued, any person may immediately pursue or retake him without a warrant at any time and in any place within the Philippines. (Rules of Court, Rule 113, Sec. 11)
2. Escape from penal facility (**Jail Break**) – When a person detained or serving sentence escapes from an institution or place of confinement. (Rules of Court, Rule 113, Sec. 5(c))
3. Accused released on bail attempting to depart – If the accused released on bail attempts to depart from the Philippines without permission of the court where the case is pending. (Rules of Court, Rule 114, Sec. 23, par. (2))

Consequences

1. When a person, previously lawfully arrested, escapes or is rescued. **Any person may immediately pursue or retake him without a warrant** at any time and in any place within the Philippines (Sec. 13, Rule 113, Rules of Court).
2. When making an arrest without a warrant, the officer shall inform the person to be arrested of his (a) authority, and

(b) the cause of his arrest (Sec. 8, Rule 113, Rules of Court). This **information need not be given** if the person to be arrested... (c) escapes or flees... (Sec. 8[c], Rule 113, Rules of Court).

3. Even if the penalty imposed by the trial court is not any of the above but merely imprisonment exceeding six (6) years, the accused shall be **denied bail**, or his bail already allowed shall be cancelled (Sec. 5[b], Rule 114, Rules of Court).
4. In case the accused is under custody and he escapes, his act shall be deemed to be a **waiver to be present on all subsequent trial dates** until custody over him is regained (Sec. 1[c], Rule 115, Rules of Court).
5. The Court of Appeals may also, upon motion of the appellee or motu proprio, **dismiss the appeal** if the appellant escapes from prison or confinement, jumps bail or flees to a foreign country during the pendency of the appeal.

SEARCH AND SEIZURE

A. Rules

Rule 126, Revised Rules on Criminal Procedure (2000)

Sec. 1. Search warrant defined. — A search warrant is an order in writing issued in the name of the People of the Philippines, signed by a judge and directed to a peace officer, commanding him to search for personal property described therein and bring it before the court.

Sec. 2. Court where application for search warrant shall be filed. — An application for search warrant shall be filed with the following:

- a) Any court within whose territorial jurisdiction a crime was committed.
- b) For compelling reasons stated in the application, any court within the judicial region where the crime was committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

However, if the criminal action has already been filed, the application shall only be made in the court where the criminal action is pending.

Sec. 3. Personal property to be seized. — A search warrant may be issued for the search and seizure of personal property:

- (a) Subject of the offense;
- (b) Stolen or embezzled and other proceeds, or fruits of the offense; or
- (c) Used or intended to be used as the means of committing an offense.

Sec. 4. Requisites for issuing search warrant. — A search warrant shall not issue except upon probable cause in connection with one specific offense to be determined personally by the judge after examination under oath or affirmation of the

complainant and the witnesses he may produce, and particularly describing the place to be searched and the things to be seized which may be anywhere in the Philippines.

Sec. 5. Examination of complainant; record. — The judge must, before issuing the warrant, personally examine in the form of searching questions and answers, in writing and under oath, the complainant and the witnesses he may produce on facts personally known to them and attach to the record their sworn statements, together with the affidavits submitted.

Sec. 6. Issuance and form of search warrant. — If the judge is satisfied of the existence of facts upon which the application is based or that there is probable cause to believe that they exist, he shall issue the warrant, which must be substantially in the form prescribed by these Rules.

Sec. 7. Right to break door or window to effect search. — The officer, if refused admittance to the place of directed search after giving notice of his purpose and authority, may break open any outer or inner door or window of a house or any part of a house or anything therein to execute the warrant or liberate himself or any person lawfully aiding him when unlawfully detained therein.

Sec. 8. Search of house, room, or premise to be made in presence of two witnesses. — No search of a house, room, or any other premise shall be made except in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality.

Sec. 9. Time of making search. — The warrant must direct that it be served in the day time, unless the affidavit asserts that the property is on the person or in the place ordered to be searched, in which case a direction may be inserted that it be served at any time of the day or night.

Sec. 10. Validity of search warrant. — A search warrant shall be valid for ten (10) days from its date. Thereafter it shall be void.

Sec. 13. Search incident to lawful arrest. — A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant.

A.M. No. 08-1-16-SC dated 22 January 2008, Rule on the Writ of Habeas Data

Sec. 6. Petition. — A verified written petition for a writ of habeas data should contain:

- (a) The personal circumstances of the petitioner and the respondent;
- (b) The manner the right to privacy is violated or threatened and how it affects the right to life, liberty or security of the aggrieved party;
- (c) The actions and recourses taken by the petitioner to secure the data or information;
- (d) The location of the files, registers or databases, the government office, and the person in charge, in

possession or in control of the data or information, if known;

- (e) The reliefs prayed for, which may include the updating, rectification, suppression or destruction of the database or information or files kept by the respondent.

In case of threats, the relief may include a prayer for an order enjoining the act complained of; and

- (f) Such other relevant reliefs as are just and equitable.

Sec. 17. Return of Service.—The officer who executed the final judgment shall, within three (3) days from its enforcement, make a verified return to the court. The return shall contain a full statement of the proceedings under the writ and a complete inventory of the database or information, or documents and articles inspected, updated, rectified, or deleted, with copies served on the petitioner and the respondent. The officer shall state in the return how the judgment was enforced and complied with by the respondent, as well as all objections of the parties regarding the manner and regularity of the service of the writ.

B. Laws

Art. III, Sec. 2, Constitution

Art. III, Sec. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

Art. III, Sec. 3, Constitution

Art. III, Sec. 3.
 (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.
 (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Art. III Sec. 12, Constitution

Art. III, Sec. 12.
 (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.
 (2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar

forms of detention are prohibited.

- (3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

- (4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

applicant Name
A.A.P.C.

RA 4200, or the Anti-Wiretapping Law

RA 4200 statutorily enforces the constitutional right to privacy and the protection against unreasonable searches and seizures by:

- Prohibiting unauthorized surveillance of private communications,
- Requiring judicial authorization for lawful interception, and
- Excluding illegally obtained communications from evidence.

Thus, the law ensures that wiretapping is treated as a highly intrusive search that must satisfy strict constitutional safeguards.

1. Prohibition of Unauthorized Interception

RA 4200 makes it illegal for any person to secretly intercept, record, or overhear private communications—whether through wiretapping, recording devices, or similar equipment—without the consent of all parties involved. This protects individuals from government or private intrusion into private conversations, which is analogous to conducting a search without a warrant.

2. Judicial Authorization as an Exception

The law allows wiretapping only upon a written court order issued by a judge and only for specific serious crimes, such as treason, espionage, rebellion, sedition, and related offenses. This requirement mirrors the constitutional warrant requirement, meaning the state cannot intrude into private communications without prior judicial determination of probable cause.

3. Exclusion of Illegally Obtained Evidence

Any communication obtained in violation of RA 4200 is inadmissible in evidence in any judicial, quasi-judicial, or administrative proceeding, reflecting the exclusionary rule, which prevents evidence gathered through unconstitutional searches or seizures from being used in court.

Sec. 2(d), RA 8493 or the Speedy Trial Act

Sec. 2. Mandatory Pre-Trial in Criminal Cases. - In all cases cognizable by the Municipal Trial Court, Municipal Circuit Trial Court, Metropolitan Trial Court, Regional Trial Court, and the Sandiganbayan, the justice or judge shall, after arraignment, order a pre-trial conference to consider the following:

xxx

- (d) Waiver of objections to admissibility of evidence

Art. 128 to 130, Revised Penal Code

ART. 128. *Violation of domicile.*—The penalty of *prison correccional* in its minimum period shall be imposed upon any public officer or employee who, not being authorized by judicial order, shall enter any dwelling against the will of the owner thereof, search papers or other effects found therein without the previous consent of such owner, or, having surreptitiously entered said dwelling, and being required to leave the premises, shall refuse to do so.

If the offense be committed in the night-time, or if any papers or effects not constituting evidence of a crime be not returned immediately after the search made by the offender, the penalty shall be *prison correccional* in its medium and maximum periods.

ART. 129. *Search warrants maliciously obtained and abuse in the service of those legally obtained.*—In addition to the liability attaching to the offender for the commission of any other offense, the penalty of *arresto mayor* in its maximum period to *prison correccional* in its minimum period and a fine not exceeding 1,000 pesos shall be imposed upon any public officer or employee who shall procure a search warrant without just cause, or, having legally procured the same, shall exceed his authority or use unnecessary severity in executing the same.

ART. 130. *Searching domicile without witnesses.*—The penalty of *arresto mayor* in its medium and maximum periods shall be imposed upon a public officer or employee who, in cases where a search is proper, shall search the domicile, papers or other belongings of any person, in the absence of the latter, any member of his family, or in their default, without the presence of two witnesses residing in the same locality.

Art. 206, Revised Penal Code

ART. 206. *Unjust interlocutory order.*—Any judge who shall knowingly render an unjust interlocutory order or decree shall suffer the penalty of *arresto mayor* in its minimum period and suspension; but if he shall have acted by reason of inexcusable negligence or ignorance and the interlocutory order or decree be manifestly unjust, the penalty shall be suspension.

1. Generally**CASES UNDER SEARCH AND SEIZURE: GENERAL CONCEPTS****Stonehill v. Diokno (1967)**

FACTS: Between March 3 and March 9, 1962, then Secretary of Justice Jose W. Diokno, Acting National Bureau of Investigation Director J. Edgar Lukban, and special prosecutors secured forty-two search warrants authorizing broad searches of the persons, offices, warehouses, and residences of Harry S. Stonehill and his associates, as well as their affiliated corporations, for extensive business records allegedly related to violations of Central Bank regulations, Tariff and Customs laws,

Internal Revenue laws, and the Revised Penal Code. The warrants resulted in seizures from both corporate premises and private residences. Stonehill challenged their validity on grounds of lack of particularity, unlawful seizure of cash not specified in the warrants, use of the warrants to fish for evidence in deportation proceedings, illegal manner of execution, and failure to deliver the seized items to the issuing courts. The prosecution, invoking the Moncado doctrine, argued that any defects were cured by consent and that the evidence remained admissible. On March 20, 1962, petitioners filed an original action before the Supreme Court seeking nullification of the warrants and suppression of the seized items; a preliminary injunction was issued on March 22, later lifted as to corporate searches but maintained with respect to the searches of the petitioners' private residences.

ISSUE: WON the search warrants and the searches and seizures are valid?

RATIO: The Supreme Court ruled in favor of Stonehill et al., holding that the questioned warrants were constitutionally infirm, but clarified that they lacked standing to assail those issued against their corporations, since any challenge thereto should have been initiated by the corporations themselves through their proper officers. The Court underscored that a valid warrant must be issued upon probable cause personally determined by the judge and must particularly describe the place to be searched and the things to be seized—requirements plainly unmet in this case. The applications merely alleged generalized “violations” of Central Bank laws, Tariff and Customs laws, the Internal Revenue Code, and the Revised Penal Code, without identifying specific statutory provisions or concrete acts, thereby rendering any judicial determination of probable cause legally untenable. Compounding this defect, the warrants authorized the sweeping seizure of virtually all business records, without limitation as to their connection with unlawful activity, amounting to prohibited general warrants; accordingly, the Court abandoned the Moncado doctrine and reaffirmed the exclusionary rule as an essential safeguard of the constitutional right against unreasonable searches and seizures.

DOCTRINE: A search warrant must particularly describe the things to be seized; general warrants are void for being violative of the constitutional right against unreasonable searches and seizures. Evidence obtained through such general warrants is inadmissible for any purpose in any proceeding.

CLASS NOTES:

- The prosecution in this case referred to the Moncado Doctrine (1948), which stated that the admissibility of the evidence will not be affected by the illegality of the seizure. In Stonehill, this doctrine was effectively **abandoned**.
- Why were they deemed general warrants?
 - Description of things to be seized was not particularly provided
 - In addition, the offenses noted were broad violations of laws

- What was the principle involved that did not allow petitioners to challenge the search warrant on corporation premises?
 - The corporation has a separate personality to the stockholders and board members
 - Regardless, all were general warrants and, thus, void.

Burgos v. Chief-of-Staff (1984)

FACTS: On December 7, 1982, two search warrants were issued against the offices of We Forum and Metropolitan Mail newspapers for alleged violation of the Anti-Subversion Law. The authorities seized printing presses, equipment, documents, and vehicles and sealed the premises, resulting in the stoppage of publication.

Petitioners filed a Rule 65 petition before the Supreme Court questioning the validity of the search warrants and seeking the return of the seized items.

ISSUE: WON the search conducted pursuant to the search warrants was valid – NO

RATIO: The Supreme Court held that the search was unconstitutional. The warrants were issued without sufficient probable cause because the application contained only general conclusions and failed to specify the alleged subversive materials. The warrants were also general warrants since they broadly authorized seizure of printing equipment and documents without particular description. The Court declared the warrants null and void and ordered the return of the seized properties.

DOCTRINE: A search warrant must particularly describe the things to be seized. Broad and sweeping descriptions render the warrant a prohibited general warrant.

CLASS NOTES:

- Is it necessary that the items to be seized belong to the person to whom the search is issued?
 - Ownership is not necessary
 - It is sufficient that the person against whom the warrant is directed has control or possession of the property sought to be seized.

People v. Marti (1991)

FACTS: On August 14, 1987, Andre Marti and Shirley Reyes brought four gift-wrapped packages to a forwarding agency in Ermita for shipment to Zurich, but upon inspection, co-proprietor Job Reyes discovered dried marijuana concealed inside the items and reported it to the NBI. NBI agents confirmed the presence of marijuana, and Marti was arrested at the Manila Central Post Office when he attempted to claim the shipment and was subsequently convicted under RA 6425 by the RTC. On appeal to the Supreme Court, Marti argued that the evidence was obtained through illegal search and seizure, that his

custodial rights were violated, and that he was not the owner of the packages.

ISSUE: WON the evidence obtained through a private individual violates the constitutional right against unreasonable searches and seizures

RATIO: NO. The Court held that the constitutional protection against unreasonable searches and seizures applies only to governmental action and cannot be invoked against private individuals acting independently. Job Reyes' inspection of the packages was a private search done in the ordinary course of business, and the NBI's later involvement did not render it illegal since the items were already discovered and in plain view.

DOCTRINE: The constitutional proscription against unlawful searches and seizures applies as a restraint directed only against the government and its agencies tasked with the enforcement of the law. Thus, it could only be invoked against the State to whom the restraint against the arbitrary and unreasonable exercise of power is imposed.

CLASS NOTES:

- Material intervention is the FIRST ACT, which was done by a private individual. Hence, there can be no charge against the state
- Only if a private individual becomes an agent of state agent can they be charged with unreasonable search and seizure
- What is the requirement on evidence laid here? "Evidence to be believed, must not only proceed from the mouth of a credible witness, but it must be credible in itself such as the common experience and observation of mankind can approve as probable under the circumstances."

People v. Bongcarawan (2002)

FACTS: Basher Bongcarawan was apprehended aboard MV Super Ferry 5 when vessel security personnel searched his Samsonite suitcase after a complaint of missing jewelry. Inside the suitcase were eight packs of methamphetamine hydrochloride weighing 399.3266 grams. The security personnel reported the matter to the Philippine Coast Guard, and the drugs were later confirmed by forensic examination. Bongcarawan claimed the suitcase belonged to another person and that the search violated his constitutional right against unreasonable searches and seizures.

ISSUE: WON the evidence/drugs were admissible

RATIO: YES. The person who first opened the bag was not an agent of the state.

Akios was focusing on the individuals appearing to be police officers. They were not really peace officers, but private individuals and there could be no liability against the state, it would be a lie.

DOCTRINE: For the State to be held liable for unreasonable search and seizure, the **first intervention** should be done by a state agent. Same principle explained in *People v. Marti*.

CLASS NOTES:

- The issue that zeroed in on the consideration of the one who first opened the luggage: WON the individual was a state agent or not

US v. Place (1983)

FACTS: Raymond Place aroused the suspicion of law enforcement in both Miami and New York, leading DEA agents to approach him after he landed at LaGuardia Airport. After Place refused to consent to a search of his luggage, the agents seized the bags and told him they would seek a warrant. The agents transported the luggage to Kennedy Airport, where a drug-sniffing dog positively identified the smaller bag approximately 90 minutes later. Because it was late Friday afternoon, the agents kept the luggage over the weekend until they could obtain a search warrant on Monday morning. Upon executing the warrant, the agents opened the smaller bag and discovered 1,125 grams of cocaine.

ISSUE: WON the Fourth Amendment prohibits law enforcement authorities from temporarily detaining personal luggage for exposure to a trained narcotics detection dog on the basis of reasonable suspicion that the luggage contains narcotics. - NO

RULING: The Supreme Court concluded that the seizure of Place's luggage was unreasonable under the Fourth Amendment, making the cocaine found in the subsequent search inadmissible and requiring that his conviction be reversed.

RATIO: The Court held that exposing luggage to a trained narcotics detection dog does not constitute a "search" within the meaning of the Fourth Amendment because it is *sui generis*:

- It does not require opening the luggage,
- It does not expose noncontraband items, and
- It discloses only the presence or absence of narcotics.

However, the 90-minute detention of Place's luggage was unreasonable because the brevity of the intrusion is essential; the Court has never approved such a prolonged seizure based solely on reasonable suspicion. The seizure of Place's luggage intruded on his possessory and liberty interests by disrupting his travel plans, requiring that the detention be as brief as possible. In assessing reasonableness, courts consider whether police diligently pursued their investigation; here, the agents had ample time to arrange a dog sniff at LaGuardia but failed to minimize the intrusion. The agents also failed to inform Place of where his luggage was being taken, how long he would be dispossessed, or how to get it back, which exacerbated the Fourth Amendment violation.

DOCTRINE:

- *Terry v. Ohio* does not apply when there is no probable cause.

- Plain feel doctrine
 - Pat-down search
 - Perfunctory
 - Search of outer garments only
- A dog sniff is not a "search" within the meaning of the Fourth Amendment.

CLASS NOTES:

- The drugs were discovered at the airport. Only suspicion of an illegal drug. It was not confirmed, so the government officer communicated to the New York officer.
- Landing in NY, they seized his luggage. Did they mention the communication? They did not.
- They told Place they were DEA and said they believed he was carrying drugs based on their own personal observations.
- How much time passed? Only 90 minutes. Still, the officers cited *Terry*. That case only required a reasonable ground, *less than probable cause*.
- *Because of the lapse of time, they required probable cause. It was sui generis.*
 - *Canine search is not a search. It's a sniff! He doesn't open the bag; the smell is equivalent to plain view.*

Changing the facts, what would make it a constitutional seizure

- It's the amount of time it was detained.
- Had they done the canine sniff at Miami airport when they had initially had suspicion of Place's luggage, that would have been well within the time.
 - Anything further than a perfunctory search requires probable cause.

2. Procedure for issuance of search warrant

CASES UNDER PROCEDURE FOR ISSUANCE OF SEARCH WARRANT

Pendon v. CA (1990)

FACTS: Lt. Rojas of the PC-CIS applied for a search warrant against Kenneth Siao, claiming stolen NAPOCOR items were stored at Kener Trading. The application was supported by a joint deposition of two witnesses, but both the application and deposition were pre-typed and consisted only of yes/no answers. The judge issued Search Warrant No. 181, leading to the seizure of metal items later linked to Erle Pendon, who had taken over Kener Trading. Pendon moved to quash the warrant and return the items, but both the RTC and CA denied his motion.

ISSUE: WON the issuance of Search Warrant No. 181 was valid. - NO

RULING: The Supreme Court declared Search Warrant No. 181 null and void for failing to meet constitutional and procedural requirements under Article III, Section 2 of the 1987 Constitution and Section 4, Rule 126 of the Rules of Court.

RATIO: The warrant was invalid because:

1. There was **no personal examination** by the judge using **searching questions and answers**, as required by the Constitution and Rule 126.
2. The deposition was **pro-forma** and lacked any proof of **personal knowledge** of a crime.
3. The warrant was **too general**, and the items were **not shown to be seizable** under the Rules.
4. Evidence obtained through an **invalid warrant is inadmissible**, and constitutional rights must be strictly protected.

DOCTRINE: There must be probable cause. To determine this, it must be done personally by a judge through probing questions and answers. Warrants issued without this are null and void.

CLASS NOTES:

- Refrain from using the word “routinary.” The correct word is “routine.”
- **The judge was lazy.** He was reliant on the affidavits. The questions and answers were not searched as required by the constitution and the RoC.
- **Both (questions and answers) must be searching – not superficial – for a valid issuance of search warrant.** It's alright to use a prepared script, but the kind of script is important. If done thoroughly, it fulfills the requirement.

Silva v. Hon. Presiding Judge of RTC, Negros Oriental (1991)

FACTS: After M/Sgt. Ranulfo Villamor, Jr. applied for a search warrant against Nicomedes and Marlon Silva for alleged drug possession, Judge Ontal issued the warrant based on a mimeographed “Deposition of Witness” where officers simply filled in blanks to provide brief answers. During the search, police seized P1,231.40 from Antonieta Silva, even though she was not named in the warrant and money was not listed as an item to be seized. The petitioners moved to quash the warrant, contending it was issued without the judge personally conducting a probing examination through searching questions and answers.

ISSUE: WON Search Warrant No. 1 is valid despite the judge's failure to personally examine the witnesses through searching questions and answers. – **NO**.

RULING: The judge failed to comply with the legal requirement to examine the applicant and witnesses in the form of searching questions and answers to determine probable cause

RATIO:

- The deposition contained only four questions that were leading, general, and routine in nature—not probing. Mere generalizations do not satisfy the requirements of

probable cause; the capricious disregard of these requirements constitutes grave abuse of discretion.

- Asking questions that call for a simple “yes” or “no” answer (like those in a mimeographed form) does not satisfy the constitutional requirement for a valid search warrant.

DOCTRINE:

- **Asking leading questions** to the deponent in an application for a search warrant, and **conducting the examination in a general manner, does not satisfy the constitutional and statutory requirements** for the issuance of a valid search warrant.
- **Basis of motion to quash:**
 - 1) **Basis of search warrant was merely a mimeograph**
 - 2) **Judge failed to personally examine the complainant and witnesses with searching questions**

CLASS NOTES:

The police had no right or basis to seize the P1,200 pesos which belonged to a person not the subject of the warrant.

To have a valid search warrant, there should be probing questions and answers. The judge merely relied on a “mimeograph” with questions answerable by only “yes” or “no”

People v. Mamaril (2004)

FACTS: Benhur Mamaril was convicted beyond reasonable doubt of illegal possession of marijuana under Section 8 of RA 6425, as amended, and sentenced to reclusion perpetua. He was arrested after police officers searched his family residence pursuant to Search Warrant No. 99-51 and seized bricks and sachets of marijuana. The items were photographed and inventoried, and a certification that the house was properly searched was signed by Mamaril and the barangay officials present. The prosecution maintained that the warrant had been validly issued upon application before the RTC. On appeal, Mamaril argued that the search warrant was invalid because there was no proof that the issuing judge conducted and reduced into writing the required searching questions and answers.

ISSUE: W/N the search warrant was validly issued in accordance with the constitutional and procedural requirements under Article III, Section 2 of the Constitution and Rule 126 of the Rules of Court.- **No**

RATIO: The Supreme Court ruled in favor of Mamaril, holding that although the judge may have examined the complainant and witnesses, there was no written record of such examination as mandated by the Constitution and Rule 126 of the Rules of Court. Since this essential requirement was not shown to have been complied with, the warrant was declared void.

DOCTRINE: The following are required in Determining Existence of Probable Cause for the Issuance of a Search Warrant:

- (1) The judge examines the complainant and his witnesses personally
- (2) The examination must be under oath; and
- (3) The examination must be reduced in writing in the form of searching questions and answers.

CLASS NOTES:

- Was Mamaril convicted? – Trial court, YES
- Issue: WON the search warrant was validly issued? Challenge on the basis of what? Transcript of stenographic notes (TSN) were not found
 - They could not find the TSN (note: why is TSN important? Basis of probable cause)
 - *Can a stenographer be required to produce it?* – Since the TSN could not be found, the Court took it as evidence that it did not exist in the first place. (Sir: Another lazy judge)
- Absence of written searching question and answer would make the warrant void bc there should be a strict compliance in putting it to writing and record
- Since the only thing there was the affidavit executed by the police officer who served the warrant, it was deemed insufficient since it did not comply with the procedures to get a valid search warrant. The SW was void. Evidence obtained inadmissible.
- SC: Acquitted because there were no records to support conviction

Evidence to be believed?

- Must not only proceed from the mouth of a credible witness but must be credible in itself
- [People v. Marti] Evidence to be believed, must not only proceed from the mouth of a credible witness, but it must be credible in itself such that the common experience and observation of mankind can approve as probable under the circumstances.

Malaloan v. CA (1994)

FACTS: On March 22, 1990, 1st Lt. Absalon V. Salboro of the CAPCOM Northern Sector filed an application for a search warrant with the Regional Trial Court (RTC) of **Kalookan City**. The application alleged a violation of P.D. 1866 (Illegal Possession of Firearms and Ammunitions) occurring at No. 25 Newport St., Fairview, **Quezon City**. On March 23, 1990, the Kalookan RTC Judge issued Search Warrant No. 95-90. The search resulted in the seizure of firearms, explosive materials, and documents. Sixty-one persons were detained, and while most were released, the petitioners (who were EILER instructors) were indicted for violation of P.D. 1866 in the RTC of Quezon City.

ISSUE: WON a court may take cognizance of an application for a search warrant in connection with an offense committed outside its territorial boundary. **YES**

RATIO: It is incorrect to say that only the court which has jurisdiction over the criminal case can issue the search warrant.

The primary jurisdiction of the courts: (1) where a criminal case is pending; (2) the court wherein it was filed; (3) the assigned branch thereof. In case no such criminal case has been filed yet, the executive judges or their lawful substitutes in the areas/offenses shall have primary jurisdiction.

When it comes to articles, no law or rule imposes such limitations on search warrants. The Court cannot be blind to the fact that it is extremely difficult to detect or elicit information regarding the existence and location of illegally possessed or prohibited articles

DOCTRINE:

- We cannot apply the rule on venue in search warrants.
- An application for a search warrant may be filed with another court provided that there are compelling circumstances proven by the applicant.

CLASS NOTES:

- *What's the ground for the denial?* – There is no law or statute which states that the issuance of search warrants are limited to specific courts' territorial jurisdiction only. For search warrants, we cannot apply the rule on venue. Venues for criminal cases are jurisdictional, but for search warrants may be issued by any court outside the territorial jurisdiction where the crime was committed.
- **Take note of the difference** between the procedure on issuance of search warrants vs. procedure on filing a criminal action.
- Warrant of arrest - territorial (where the crime took place, or any of its elements)
Search Warrant - not territorial, because it's not part of the criminal prosecution yet

Groh v. Ramirez (2004)

FACTS: In February 1997, ATF Agent Jeff Groh applied for and obtained a search warrant for respondents' Montana ranch based on information that they possessed automatic weapons and explosive devices. Although the warrant application and supporting affidavit particularly described the firearms, explosives, and related receipts to be seized, the warrant itself failed to list any items and instead described only the residence. Groh led the search, no illegal items were found, and nothing was seized. Respondents sued, alleging a violation of the Fourth Amendment.

ISSUE: WON the search violated the Fourth Amendment. **-YES**

RATIO: The Court held that the search violated the Fourth Amendment because the warrant failed to comply with the particularity requirement. The Fourth Amendment provides that no warrant shall issue except upon probable cause and must particularly describe the place to be searched and the persons or things to be seized. While the warrant in this case satisfied

probable cause, oath, and description of the place, it failed altogether to describe the items to be seized.

DOCTRINE: If the warrant has already been issued but lacks necessary details, one possible remedy is to attach the application or supporting affidavit to the search warrant, and make it an integral part of the search warrant by clear reference.

NOTE: Must be before the execution of the warrant.

CLASS NOTES:

- When properly incorporated by reference, the details in the application may cure the deficiency, because they become part of the warrant.
- Where was the defect here? - The application was sufficient but the search warrant was insufficient. Groh (a special agent of the Bureau of Tobacco and Alcohol in the US) failed to include the things to be searched in the warrant. In the application, there was complete information but the search warrant itself failed to include such things to be searched.
- *Is that always the case, where if the application was complete but the warrant was not, the warrant is invalid?* – NO. What could have been done is since the affidavit and application was complete, it could have been incorporated directly into the warrant. But in this case, the affidavit did not accompany the warrant.
- *What could have been done to make the search warrant valid, if it's incomplete, without including the things in the search warrant?* – Remedy is to attach the application to the search warrant. It would make everything in the application part of the search warrant, rendering it valid. You can also make the application an Annex to the search warrant. The application becomes part of the search warrant. You can attach it during the execution of the search warrant; even after the execution but before the enforcement of the search warrant.
 - Enforcement already includes the peace officer and is already too late if attachment is done at this point.

Paper Industries Corp. v. Asuncion (1984)

FACTS: The case of Paper Industries Corporation of the Philippines (PICOP) v. Asuncion involves the nullification of a search warrant issued for the alleged illegal possession of high-powered firearms and explosives at the PICOP compound in Surigao del Sur. The warrant was issued by the trial judge after a hearing where he examined only one police witness, whose testimony regarding the lack of firearms licenses was based on "belief" and "reliable sources" rather than direct personal knowledge. The warrant authorized a search of the entire 155-hectare PICOP compound, which contained over 800 miscellaneous structures and 23 warehouses, leading to the seizure of a massive quantity of weapons and ammunition.

ISSUE: WON the search warrant was valid? **NO.**

RATIO: The requisites of a valid search warrant are: (1) probable cause is present; (2) such presence is determined personally by the judge; (3) the complainant and the witnesses he or she may produce are personally examined by the judge, in writing and under oath or affirmation; (4) the applicant and the witnesses testify on facts personally known to them; and (5) the warrant specifically describes the place to be searched and the things to be seized.

In the case at bar, the search warrant is invalid because (1) the trial court failed to examine personally the complainant and the other deponents: (2) SPO3 Cicero Bacolod, who appeared during the hearing for the issuance of the search warrant, had no personal knowledge that petitioners were not licensed to possess the subject firearms; and (3) the place to be searched was not described with particularity.

DOCTRINE: Where the judge fails to personally examine the applicant for a search warrant and the latter's witnesses, or where the witnesses testify on matters not of their own personal knowledge, the search warrant must be struck down.

CLASS NOTES:

- There is a right way to do the right thing at the right time for the right reason.
- Despite its invalidity, it was enforced
- The reason why there's particularity required is to remove abuse from the officials.

People v. Dichoso (1993)

FACTS: On February 22, 1991, NARCOM agents applied for a search warrant before the RTC of San Pablo City, alleging that spouses Redentor and Sonia Dichoso were illegally possessing marijuana, shabu, and drug paraphernalia inside a nipa hut within their compound. After personally examining the applicant and his witness under oath and finding probable cause, the judge issued Search Warrant No. 028.

The warrant was implemented the next day. Inside the nipa hut, officers found Redentor Dichoso and others with suspected shabu and paraphernalia, and seized shabu, marijuana, drug paraphernalia, and a notebook allegedly containing records of drug transactions. Laboratory tests confirmed the seized substances as dangerous drugs.

Informations were filed for unlawful sale of shabu (Sec. 15) and marijuana (Sec. 4) under R.A. No. 6425. The RTC convicted Dichoso and sentenced him to reclusion perpetua. On appeal to the Supreme Court, he challenged the validity of the warrant, claiming it was a general warrant and that it violated the one-offense rule.

ISSUES:

1. WON Search Warrant No. 028 was a general warrant for failure to specify the particular offense. **NO**

2. WON the warrant violated the rule that a search warrant must be issued in connection with one specific offense. **NO.**

RATIO:

1. Search Warrant No. 028 satisfied the constitutional requirements under **Article III, Section 2 of the 1987 Constitution**. Although the caption referred generally to violation of R.A. No. 6425, the body specifically described illegal possession of marijuana and shabu stored in a particular location. The Court emphasized that **the body of the warrant, not its caption, determines its validity**.
2. Although marijuana, shabu, and paraphernalia could correspond to different provisions of R.A. No. 6425, the Court held that they are: offenses under the **same special law**, closely related, and belonging to the same class or species (dangerous drugs violations). Therefore, a single search warrant may validly cover them.

DOCTRINE: In terms of conflict between the two, it is the content of the warrant that controls over the caption.

CLASS NOTES:

- What is the consequence of the appeal to the SC?
 - The full case is reopened, even those where errors were not assigned.
- This was a general warrant because it did not specify the offense.
- SC: What was controlling was the content of the warrant and not the caption.
- There was semantic juggling involved in the case at bar.

People v. Salangit (2001)

FACTS: A search warrant was issued for the residence of Salangit based on information from his previous sale of shabu to a police posing as a buyer. Police were forced to break the door to serve the warrant later that day after occupants' ignored the insistent knocking. They seized two marijuana bricks and plastic bags and a box of shabu. Salangit was charged with illegal possession and/or use of prohibited and regulated drugs.

ISSUES:

1. WON the search warrant was valid - PARTLY YES
2. WON marijuana seized was admissible - NO
3. WON undue and unnecessary force was employed by the searching party in effecting the raid - NO

RATIOS:

1. A valid search warrant requires strict compliance of requirements
 - **Probable Cause** - The warrant only authorized the seizure of "undetermined quantity of shabu and drug paraphernalia." It is only void as to drug paraphernalia since no evidence was presented showing probable

cause as to its existence. The invalid portions of the warrant are severable.

- **Specificity of Offense** - Dangerous Drugs Act specifically penalizes categories of offenses which are closely related or which belong to the same class or species. One warrant may cover multiple violations of DDA.
 - **Particularity of Place** - While the address stated is "Binhagan St., San Jose, Quezon City," supporting documents identified the premises to be searched. It is sufficient that the officer can, with reasonable effort, ascertain and identify the place intended
2. The seizure of the marijuana without a warrant was not in accordance with allowed exceptions:
 - Plain view doctrine - Once the valid portion of the search warrant has been executed, this doctrine is no longer a valid basis to admit items subsequently found.
 - No allegation when the marijuana was found
 - It was not found in a transparent container but rather wrapped in a newsprint. Thus, the contents could not have been readily discernible.
 - Search incidental to lawful arrest - This is limited to the person of the arrested and the premises within his immediate control.
 - No allegation where the marijuana was found
 3. Occupants refused to open the door and the agents saw suspicious movements. Thus, circumstances justified forcible entry into the house, based on the belief that the mission would be frustrated otherwise.

DOCTRINE:

1. A warrant, which was issued on probable cause and particularly describing the items to be seized on the basis thereof, cannot be invalidated *in toto* because the judge erred in authorizing a search for other items not supported by the evidence.
2. A description of the place to be searched is sufficient if the officer with the warrant can, with reasonable effort, ascertain and identify the place intended to be searched.
3. The "divisibility" doctrine allows a court to salvage the lawful components of a warrant that describes both constitutionally protected and unprotected items for seizure.

CLASS NOTES:

- Despite the inadmissibility of the evidence, the drugs were not returned because of the illegality of such. This is the policy of the state, as this may be recycled or given as an award to others.
 - These items are to be turned over to the PDEA, who will be the ones responsible for disposing them.

- Not all of them will be burned, but a portion / specimen of such would remain to be used as evidence.
- The seized marijuana was not covered by the search warrant. Because of this, the drugs were inadmissible in evidence
- Were the seized drugs returned? – NO. Drugs were still illegal substances so the court retained custody of the items.
 - It is the policy of the State not to return illegal drugs despite the inadmissibility. The seized drugs might be recycled.
- What will the government do with them? – The drugs are turned over to PDEA for disposal. It is burned.
 - Not all are disposed. A specimen is reserved for evidence.

Kho v. Macalintal (1999)

DOCTRINE: A search warrant is valid if based on personal knowledge of the applicant establishing probable cause; the description of items to be seized need only be as specific as the circumstances allow; and alleged irregularities in the service of the warrant are not grounds to quash the warrant itself, but may be addressed through separate remedies.

FACTS: NBI agents applied for search warrants before Judge Makalintal against Benjamin Kho after conducting personal surveillance based on confidential information that two Parafique houses—one in BF Homes and another in Moonwalk—were being used to store unlicensed firearms and “chop-chop” vehicles. On the same day, the judge personally examined the agents and their witnesses and subsequently issued five search warrants. The next day, the warrants were executed. At the two residences, NBI agents seized several unlicensed high-powered firearms with explosives, over a thousand rounds of ammunition, radio communication equipment, two vans, and a motorcycle. Petitioners filed a Motion to Quash the warrants, claiming they lacked probable cause, were general warrants prohibited by the Constitution, violated issuance procedures, were irregularly served, and involved objects legally possessed.

ISSUES:

1. Probable cause for the search warrants.
2. Whether the warrants were general.
3. Alleged irregularities in service.

RULING: SC dismissed petition, upholding the warrants and denial of the motion to quash.

RATIO:

1. NBI agents saw firearms being transported and unloaded at the houses; Agent Ali Vargas personally witnessed this undercover. The Court stressed the judge personally examined witnesses, and there was no reason to doubt his findings.

2. On general warrants: The warrants described “*unlicensed firearms of various calibers and ammunitions*” and “*radio communication equipment such as transmitters, scanners, and the like.*” The Court held that general descriptions were sufficient given the nature of the items and surveillance limitations.
3. Alleged abuses—forced entry, tying and gagging a household member—cannot be challenged in a motion to quash. Remedies exist under penal, civil, or administrative law, not via quash.

CLASS NOTES: (from Topic Note-Takers)

- The trial court upheld the validity of the search warrant.
- The use of the words “and the like” → SC held that general descriptions were enough, provided the things to be seized are particularly identified and would not lead to too much discretion on the part of the enforcing officer.
 - **Why general?** It would be impossible for the applicant to know the technical description; hence no search warrant would be issued.
 - Requirement of particularity and the circumstances of the case must be taken into consideration.
- Motion to quash is only concerned with the validity of the warrant, not its execution
 - The grounds for such are **exclusive**—only those mentioned in the RoC. (See: Rule 117, Sec. 3)
- There are instances when the SC can resolve issues despite them being moot and academic:
 - Capable of repetition yet evading review (high occurrence);
 - Issues of transcendental importance (highly significant)

Worldwide Web Corp. v. People (2014)

FACTS: Police Chief Inspector Napoleon Villegas applied for search warrants against the offices of Worldwide Web Corporation (WWC) and Planet Internet Corporation after PLDT reported that they were conducting illegal toll bypass operations—routing international calls through PLDT lines while bypassing PLDT’s international gateway facilities—thus allegedly committing theft and violating P.D. No. 401; after hearing PLDT witnesses and examining the applications, the RTC issued the warrants and numerous telecommunications equipment and documents were seized, but the RTC later quashed the warrants as general warrants and ordered the return of the items, prompting PLDT to challenge the quashal until the Court of Appeals reversed the RTC and the case reached the Supreme Court.

ISSUES:

1. WON there was a probable cause. **YES.**
2. WON the warrants were general warrants. **NO.**
3. WON the PLDT has the personality to appeal without prosecutor’s conformity. **YES.**

4. WON the appeal was the proper remedy. **YES.**

RATIO:

1. Probable cause existed because the judge personally examined witnesses and had sufficient basis to believe petitioners were committing theft through toll bypass operations.

2. The warrants were valid because the items to be seized were sufficiently particular and directly related to the alleged offense.

3. PLDT could question the quashal without the prosecutor's conformity since a search warrant proceeding is a SPECIAL CRIMINAL PROCESS, not a criminal action.

4. Appeal was proper because the quashal of warrants issued independently of a criminal case constitutes a FINAL (not interlocutory) order.

DOCTRINE: The requirement of particularity does not require technical precision. The description is sufficient if it is as specific as the circumstances allow and if the items bear a direct relation to the offense for which the warrant is issued.

CLASS NOTES:

- **RTC quashed the search warrant for being general**
- **Main issue/s:**
 - **WON there was probable cause (YES)**
 - Toll bypass constitutes as theft
 - **WON the search warrants were general warrants (NO)**
 - While the Consti requires particularity, technical precision is not required as the description is sufficient if it is as specific as the circumstances allow and if the items bear a direct relation to the offense for which the warrant is issued.
 - **Rationale:** It will be hard for the applicant to particularize with 100%.
- The doctrine here is similar to the *Kho v. Macalintal* case, where the items seized were sufficiently particular and directly related to the offense.
- Application of *Marcelo case*:
 - Interlocutory Order → Not appealable; Remedy is Rule 65 (*Certiorari*).
 - Final Order → Disposes of the whole subject matter that it leaves nothing to the future decision of the court, meaning it is appealable (Rule 45).
- Rule 45 is the opposite of Rule 65
- Remember: a search warrant is just a judicial process and not a criminal prosecution and therefore needs no conformity of the prosecutor

3. Warrantless Searches

a. Moving Vehicles

Search of a moving car/Carroll Doctrine

This exception is usually called the car search doctrine, often called the Carroll Doctrine

Carroll doctrine:

Automobiles - Automobiles are unlike "a store, dwelling house, or other structure," are readily mobile, and "*it is not practicable to secure a warrant, because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be soug*

BUT It does not authorize officers to stop every car on the road on the chance that they might find contraband. To undertake a warrantless search and seizure of a car, officers had to possess probable cause.

CASES UNDER MOVING VEHICLES

Carroll v. U.S (1925)

FACTS: In September 1921, undercover federal agents Cronenwett and Scully negotiated with George Carroll and an associate named Kiro to buy whiskey. Carroll agreed but failed to deliver, likely suspecting the agents. The agents took note of the vehicle and its occupants. The officers later observed Carroll driving the same route from Detroit toward Grand Rapids, a known bootlegging corridor. On December 15, 1921, agents stopped Carroll's Oldsmobile without a warrant, based on prior dealings and suspicion that he was transporting liquor. A search of the vehicle uncovered 68 bottles of whiskey and gin hidden inside the seat upholstery. The liquor was seized and used as evidence in their conviction for illegal transportation of intoxicating liquor. The defendants argued that the warrantless search violated the Fourth Amendment.

ISSUE: WON the warrantless search and seizure of an automobile suspected of transporting illegal liquor violated the Fourth Amendment, which protects individuals against unreasonable searches and seizures

RATIO: NO. The Supreme Court held that the Fourth Amendment prohibits only *unreasonable* searches, not all warrantless searches. The Court distinguished between fixed structures, like houses, and movable vehicles. Since automobiles can quickly be moved out of the jurisdiction, obtaining a warrant may not be practicable. Thus, a warrantless search of a vehicle is valid if officers have probable cause—meaning facts sufficient to lead a reasonably prudent person to believe the vehicle contains contraband. In the case at bar, prior dealings with the defendants, identification of the same vehicle, and travel along a known bootlegging route provided probable cause. As such, the Court ruled that the warrantless search was reasonable because the officers had probable cause to believe the moving vehicle contained illegal liquor.

DOCTRINE: Warrantless searches on moving vehicles are valid as long as the one conducting the search has reasonable ground for the search

- Requirement of probable cause in Carroll doctrine while no requirement for probable cause in Terry. The Carroll doctrine requires probable cause while it is not required for "Terry" searches (from Terry v. Ohio)
- Recall: Terry Search - search must be superficial; on the outer garments only, but there must be immediacy in that it must be done within a strict time frame
 - Must not be intrusive or must not extend to the pockets. Hence why it is also called the "Plain Feel" search.
- For moving vehicles, there is no need for a search warrant because there is no chance to apply for a search warrant. It is impractical.

Feature	Carroll Search (Automobile Exception)	Terry Search (Stop & Frisk)
Legal Standard	Probable Cause (High)	Reasonable Suspicion (Lower)
Primary Goal	Finding contraband or evidence of a crime.	Ensuring officer safety (finding weapons).
Scope	Entire vehicle, including trunk and containers.	Outer clothing pat-down (and "plain feel").
Target	Mobile vehicles (cars, boats, planes).	Individuals (and sometimes the passenger compartment).
Key Case	<i>Carroll v. United States</i> (1925)	<i>Terry v. Ohio</i> (1968)

FOURTH AMENDMENT: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation,

and particularly describing the place to be searched, and the persons or things to be seized.

People v. Que (1996)

FACTS: Two weeks before March 8, 1994, SPO1 Dexter Corpuz received information that a ten-wheeler truck (Plate No. PAD-548) loaded with illegal lumber would pass through Ilocos Norte. On March 8, 1994, they set up patrols in the vicinity of General Segundo Avenue in Laoag City. At about 1:30 a.m., police officers spotted and followed the truck, and was apprehended at Marcos Bridge. The police inspected the cargo and found the coconut slabs. Que then admitted that sawn lumber was inserted beneath them. When asked by the police, Que failed to present all of the following: (1) Certificate of Lumber Origin (CLO); (2) Certificate of Transport Agreement; (3) Auxiliary Invoice; (4) DENR receipt; and (5) Certification from the forest ranger as to the origin of the slabs. He only presented a certification from the CENRO of Sanchez Mira, Cagayan, stating that he had legally acquired the coconut slabs and was issued to facilitate the transport of the slabs from Sanchez Mira, Cagayan, to San Vicente, Urdaneta, Pangasinan.

ISSUE: W/N the lumber was inadmissible as evidence for being fruits of an illegal search and seizure?

RATIO: NO. The Court held that the search and seizure of Que's truck and lumber were covered by the exception under search of moving vehicles. Probable cause existed based on: (1) reliable prior information identifying a specific truck (including plate number) carrying illegal lumber; (2) police verification of the vehicle matching the description; (3) the accused's own admission that sawn lumber was concealed beneath the coconut slabs; and (4) his failure to present required documentation when asked. These circumstances would lead a reasonably prudent person to believe that the vehicle contained the contraband in question. The officers were therefore justified in conducting an extensive search without a warrant.

DOCTRINE: A warrantless search of a moving vehicle is valid when law enforcement officers have probable cause to believe that the vehicle contains contraband or evidence of a crime. There should be no discretion on the part of the arresting officer.

CLASS NOTES:

- Was there probable cause? Yes
 - (1) **Reliable prior information identifying a specific truck (including plate number)** carrying illegal lumber;
 - (2) **Police verification of the vehicle matching the description;**
 - (3) The **accused's own admission** that sawn lumber was concealed beneath the coconut slabs; and
 - (4) His **failure to present required documentation** when asked.
- Because of the absence of documents, the possession of the tanguile logs was considered to be illegal logging

(eventually considered illegal possession of tanguile lumber)

- It was immaterial whether the source of the logs was illegal or not.
- *Malum prohibitum*: The **commission** of an illegal act is the mere illegal act itself (mere act is penalized, "good faith" is not a defense).
- *Malum in se*: The **intention** is what makes an act illegal. You can use "good faith" as a defense.

Caballes v. CA (2002)

FACTS: On June 28, 1989, police officers on routine patrol in Pagsanjan, Laguna, flagged down a passenger jeepney driven by Rudy Caballes. The officers became suspicious because the back of the jeep was "unusually" covered with kakawati leaves and branches. When asked about the cargo, Caballes appeared pale and nervous and did not answer. The officers proceeded to lift the leaves and open sacks, discovering 700 kg of aluminum conductor wires belonging to the National Power Corporation (NPC). The Regional Trial Court (RTC) convicted Caballes of theft, and the Court of Appeals (CA) affirmed the conviction, ruling that the warrantless search of a moving vehicle was justified by its mobility and the "consent" given by Caballes.

ISSUE: Whether the warrantless search and seizure conducted by the police officers was valid, and consequently, whether the seized aluminum wires were admissible as evidence against Caballes.

RATIO: NO. The Court held that mere suspicion is not enough to justify an extensive search. The fact that a vehicle is covered with leaves is not a "telltale clue" of a crime. Unlike cases where there is a distinct smell of marijuana or a specific tip from an informant, the officers here had no prior information that a crime was being committed. The wires were not in plain view. Because they were hidden inside sacks and tucked under branches, the officers had to perform a physical intrusion to see them. For the "plain view" exception to apply, the object must be "plainly exposed to sight" without further searching. On consent, the Court clarified that peaceful submission is not consent. When the officer told Caballes, "I will look at the contents," it was an imposition of authority, not a request for permission.

DOCTRINE: Generally, there is no need for a search warrant for moving vehicle searches. But ITCAB, there was a need for a search warrant because of the absence of probable cause and the searching officer went beyond the limits. Hence, the warrantless search was rendered invalid.

There is a thin line between a valid warrantless search and an invalid warrantless search. One must analyze the facts and circumstances to determine validity. Even a minutiae detail will affect the consequence/result of the search..

CLASS NOTES:

- **The rule on warrantless arrest was not applied in this case.** Why? Because there was no probable cause.
- The searching officer went beyond the limits, and there was no application here of the plain view doctrine in this case.
 - It was covered by the kakawati leaves. They would have had to move the leaves to see the contraband.
- With respect to moving vehicles, there is no need for probable cause.
 - Thus there may be a case of valid warrantless search of moving vehicles since it is impractical to apply for a warrant for searching moving vehicles because its high mobility

U.S. v. Chadwick (1977)

FACTS: Federal agents arrested suspects in Boston and seized a double-locked footlocker they believed contained narcotics, which had just been placed into a car's trunk. Despite having the footlocker under their exclusive control at a federal building, agents opened it ninety minutes later without a warrant or consent, discovering a large quantity of marijuana.

ISSUE: Whether the Fourth Amendment allows federal agents to conduct a warrantless search of a locked footlocker that has been lawfully seized and is under the exclusive control of the police, simply because they have probable cause to believe it contains contraband.

RATIO: NO. The Court held that a person's expectation of privacy in personal luggage is substantially higher than in an automobile. By using a double-locked footlocker, the defendants clearly intended to keep the contents private. Once the footlocker was safely at the Federal Building under the exclusive control of the agents, there was no danger that the defendants could access it or destroy the evidence. Therefore, there was no "exigency" justifying the bypass of the warrant requirement. While luggage is mobile, it does not share the diminished expectation of privacy associated with cars (which have windows and travel on public roads).

DOCTRINE: Footlocker would fall under "effects" or "personal belongings." Probable cause was not enough since the fact that the footlocker was double-locked means there was an expectation of privacy.

The footlocker was not in a vehicle. There was also no risk of mobility when the feds took it into the building because it was under the exclusive control of the police, hence it does not fall under the moving vehicle exception.

- The automobile exception does NOT automatically extend to personal luggage or containers merely because they are placed in a vehicle.
- When police have exclusive control over a container

and there is no exigency, a warrantless search violates the Fourth Amendment, even if probable cause exists.

CLASS NOTES:

- Footlockers are not covered by the rule on moving vehicles
- The defining feature of a footlocker which removes it from the principle regarding moving vehicles is that it is a personal luggage and double-locked.
 - An automobile carries reduced expectation of privacy since vehicles are inherently mobile.
- Even if inside a moving vehicle, the purpose of a footlocker is that it is a repository of effects, which requires a higher degree of privacy. They cannot be compared with ordinary things inside a vehicle. A footlocker is an extension of the house.
- This case is applied in the Philippines because we have that feature on privacy that is universal: that there should be respect for personal effects.

DOG SNIFFS

- A dog sniff is not a search because it is sui generis. A search requires the opening of a thing.
- While dog sniffing is already an intrusion, it's not something that needs to have a warrant for because of its sui generis nature.

People v. Mariacos (2010)

FACTS: While conducting an operation to intercept a suspected transportation of marijuana, PO2 Pallayoc received intelligence that several bags containing marijuana had been loaded onto a jeepney. PO2 Pallayoc boarded the moving jeepney, located the bags, and upon peeking inside, saw bricks of marijuana wrapped in newspapers. When the jeepney stopped, he later saw accused Belen Mariacos carrying the backpack and other bags. He arrested her and brought the items to the police station where, in the presence of the Mayor, the bags were opened and confirmed to contain 7,030.3 grams of marijuana. She was convicted for violation of Section 21 of RA 9165.

ISSUE: W/N the search was valid? – YES.

RATIO: Warrantless search and seizure here is valid. The vehicle that carried the illegal drugs was about to leave. The searching officer had no time to obtain a warrant. The constitutional proscription against warrantless searches and seizures admits of certain exceptions. Aside from a search incident to a lawful arrest, a warrantless search had been upheld in cases of a moving vehicle, and the seizure of evidence in plain view. For moving vehicles specifically, the mobility of motor vehicles makes it possible for the vehicle to be searched to move out of the locality or jurisdiction in which the warrant must be sought. Nevertheless, there should be, before the search, a probable cause to believe that they will find the instrumentality or evidence pertaining to a crime, in the vehicle to be searched.

DOCTRINE: The search of a moving vehicle is one of the exceptions to the prohibition against warrantless searches. For this warrantless search to be valid, there must be probable cause that the evidence of a crime is to be found in the vehicle.

ITCAB, probable cause was established before the warrantless search was conducted.

CLASS NOTES:

- She did not know, allegedly, what was inside the bags. Hence, she invoked lack of criminal intent and good faith. The court noted that for drug cases, drug transport is malum prohibitum so intent is not a defence.
 - It is malum prohibitum since the act itself is prohibited by RA 9165 (a special law; hence malum prohibitum).
- On her defense: she should have checked or asked what was inside the bags
- **Mariacos invoked the fruit of the poisonous tree doctrine. Why?** The seizure was invalid; hence, the evidence was inadmissible

b. Plain view

Plain view doctrine - objects falling in the plain view of an officer who has a right to be in the position to have that view are subject to seizure and may be presented as evidence.

- Under the plain view doctrine:
 - There is no legitimate expectation of privacy.
 - There is no search within the meaning of the Constitution.

Requisites

1. 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.
2. The **discovery** of the evidence in plain view is **inadvertent**.
3. It is **immediately apparent** to the officer that the item he observes may be evidence of a crime, contraband, or otherwise subject to seizure.
4. **No further search**, only seizure.

****Common thing among four elements: thing must not be moved**

Rationale: The doctrine is a recognition of the fact that when executing police officers come across immediately upon incriminating evidence not covered by the warrant, they should not be required to close their eyes to it.

- This applies regardless whether it is evidence of the crime they are investigating or evidence of some other crime.
- It would be needless to require the police to obtain another warrant.

Limitation: The plain view doctrine cannot be made to extend to a general exploratory search from one object to another until something incriminating at last emerges.

General Rule: An object is in plain view if it is plainly exposed to sight.

Closed Package Rule

- Where the object seized was inside a closed package, the object itself is not in plain view and, therefore, cannot be seized without a warrant.

Exceptions: Package Proclaims Its Contents

An object is deemed in plain view if:

1. The package proclaims its contents by its distinctive configuration.
2. The package proclaims its contents by its transparency.
3. The contents are obvious to an observer.
4. The package is such that an experienced observer could infer from its appearance that it contains the prohibited article.

(See *People v. Nuevas*, 516 SCRA 463, 478)

Traffic Violation Example

- Policeman flags down a car for a traffic violation.
- When officer approaches the car, he sees in the front seat: a submachine gun and two hand grenades (items not normally issued to civilians).
- After inquiries and having determined absence of a license, the officer now has a reasonable ground to seize the object without a warrant.

Search Warrant Example

- The officer goes to a residence to execute a warrant to search a house for particularly described stolen antique images.
- As officers look around in the living room, they see on a table: plastic sachets containing crystalline substances which, based on their training and experience, are illegal drugs.
- Since the illegal drugs are "in plain view," seizing them would not be an invalid warrantless seizure.

"Inadvertence" Requirement under the Plain View Doctrine

- The "inadvertence" requirement appears to be the consistent norm in Philippine jurisprudence.
- It requires that the officer must discover incriminating evidence inadvertently
- **The requirement of inadvertence means that:**
 - The officer must not have known in advance of the location of the evidence.
 - The discovery is not anticipated.
- When the Plain View Doctrine Does NOT Apply
 - The plain view doctrine does not apply where the police officers did not just accidentally discover the evidence but actually searched for it.

"Immediately Apparent" Requirement Under The Plain View Doctrine

- It must be immediately apparent to the officer that the items observed may be evidence of a crime.
- This requirement means:
 - The incriminating nature of the evidence becomes apparent if the officer, at the moment of seizure, had probable cause to connect it to a crime.
 - This must be determined without the benefit of an unlawful search or seizure.
- To be immediately apparent, the rule **does not require an unduly high degree of certainty** as to the incriminating character of the evidence.
- **It requires merely that:**
 - The seizure be presumptively reasonable assuming that there is probable cause to associate the property with criminal activity.
 - That a nexus exists between a viewed object and criminal activity.

U.S. v. Gray (1978)

FACTS: Officers Brodt and Miller, informed that Derl Gray was selling beer without a license, obtained a search warrant to seize intoxicating liquors. During their search they found rifles, which later proved to be stolen. Appellant was convicted of violations of the federal firearms law. Gray sought review and the court reversed and remanded the order.

ISSUE: W/N Trooper Brodt's actions in removing the rifles from the closet, examining them, and copying down the serial numbers pursuant to a warrant directing the seizure of alcoholic beverages is justified – NO.

RATIO:

The plain view doctrine applies the two-pronged test:

1. The first prong of the plain view doctrine requires that the police officer had a prior justification for an intrusion.
2. The second prong of the doctrine requires that during the search the officers came inadvertently across a piece of evidence incriminating the accused. (Note: It must be **immediately apparent to the police that the object in plain view is in fact incriminating** or the seizure of the object would be without probable cause and would turn the search into a general or exploratory one.)

ITCAB, Officer Brodt inadvertently discovered the rifles in the upstairs clothes closet while searching for alcoholic beverages but it was not "immediately apparent" that the rifles were "evidence incriminating the accused."

- The rifles were not contraband;
- There was no nexus between the rifles and the crimes of selling or possessing intoxicating liquor without a license; and
- The officers did not at that time have any knowledge that the rifles were evidence of any other crimes.

DOCTRINE: The plain view doctrine applies the two-pronged test:

1. The first prong of the plain view doctrine requires that the police officer had a prior justification for an intrusion.
2. The second prong of the doctrine requires that during the search the officers came inadvertently across a piece of evidence incriminating the accused. (Note: It must be **immediately apparent to the police that the object in plain view is in fact incriminating** or the seizure of the object would be without probable cause and would turn the search into a general or exploratory one.)

CLASS NOTES:

- Cabeza: So there was no valid application of the plain view? - Yes
- Is it required that all the elements must concur? - Yes
- Absent one element, there will be no valid plain view warrantless search
- What is that one thing common among all 4 elements that is prohibited? There is an interdiction there. What's that? - There should be no "moving". The thing should not be disturbed, should not moved. Just plain view—this means that in order to find something, you cannot move a thing. Once you move it, you can no longer apply the plain view doctrine.

Arizona v. Hicks (1987)

FACTS: After a bullet from respondent Hick's apartment injured a man below, police officers conducted a search, resulting in the seizure of weapons. Suspecting theft, one of the police officers, upon noticing expensive stereo components in the otherwise squalid apartment, verified their serial numbers by moving some of its components. Upon being advised that the turntable had been stolen in an armed robbery, the police promptly seized it, leading to the issuance of a search warrant and Hick's subsequent indictment for robbery. While Hick's argued that the search and seizure were violative of his Fourth Amendment right, the State of Arizona held that the police officer's actions were justified under the "plain view" doctrine.

ISSUE: WON the search was reasonable under the Fourth Amendment - NO.

RATIO: Under certain circumstances the police may seize evidence in plain view without a warrant. Those circumstances include situations "[w]here the initial intrusion that brings the police within plain view of such [evidence] is supported ... by one of the recognized exceptions to the warrant requirement," such as the exigent-circumstances intrusion; thus, probable cause is required to invoke a seizure as valid under the plain view doctrine. In saying that a warrantless search must be "strictly circumscribed by the exigencies which justify its initiation," *Mincey v. Arizona* was addressing only the scope of the primary search itself, and was not overruling the many cases acknowledging that the "plain view" doctrine can legitimate action beyond that scope. The practical justification for the doctrine is the desirability of sparing police—whose viewing of the object

during a lawful search is as legitimate as if it had occurred in a public place—the inconvenience and risk of leaving to obtain a warrant; nevertheless, a dwelling-place search or seizure still requires probable cause, and the plain view doctrine does not supplant that requirement.

ITCAB, **Officer Nelson did not have probable cause to believe that the equipment was stolen; he had only a "reasonable suspicion,"** which is something less than probable cause. A seizure on less than probable cause may be justified only when the seizure is minimally intrusive and operational necessities render it the only practicable means of detecting certain types of crime, such as the investigative detention of a vehicle suspected of transporting illegal aliens (*US v. Cortez*) or the seizure of a suspected drug dealer's luggage at an airport to permit exposure to a specially trained dog (*US v. Place*).

DOCTRINE: The lack of probable cause taints the application of the plain view doctrine.

CLASS NOTES:

- So there was no valid application of the plain view doctrine here? Why? What tainted the application?
- A: It was due to the lack of probable cause. Only probable suspicion is involved.
 - Do you recall cases/scenarios where that is valid?
 - A: cases under Terry Search. Search is only superficial -> perfunctory
- What did the court say about recording serial numbers? What does seizure mean? A: taking the possession of something. You take away the possession of something from someone, that's seizure.
- In this case, there was no taking of something from someone, it was merely the recording of something.
- There was no probable cause, so that tainted the application of the plain view doctrine.

Horton v. California (1990)

FACTS: A California policeman determined that there was probable cause to search petitioner Horton's home for the proceeds of a robbery and the robbers' weapons. His search warrant affidavit referred to police reports that described both the weapons and the proceeds, but the warrant issued by the Magistrate only authorized a search for the proceeds NOT the weapons. Upon executing the warrant, the officer did not find the stolen property but did find the weapons in plain view and seized them.

ISSUE: WON the items seized are permissible as evidence under the plain view doctrine - YES.

RATIO: The Fourth Amendment does not prohibit the warrantless seizure of evidence in plain view even though the discovery of the evidence was not inadvertent. Although

inadvertence is a characteristic of most legitimate plain-view seizures, it is not a necessary condition.

DOCTRINE: Inadvertence (not having ANY intention at all) of finding evidence is not a necessary condition to admit evidence in plain view

CLASS NOTES:

- Slight departure in plain view doctrine, what is that?
 - For plain view to be valid, it must be advertent. In this case, they said it is not necessary → search warrant is not enlarged just because the officer seizes an incriminating item that is in plain view while conducting a lawful search within the scope of the warrant.
 - As applied, although the warrant only authorized the search for the proceeds of the robbery, the officer, while lawfully searching the premises, saw the weapons used in the robbery in plain view. Since he was lawfully present and the incriminating nature of the weapons was immediately apparent, their seizure was valid even if the officer expected to find them.
- No moving of the thing; no disturbance
- Moving will invalidate the application of the plain view doctrine
- In this case no violation of the 4th amendment
 - No violation

People v. Musa (1993)

FACTS: Musa was convicted of a violation of the Dangerous Drugs Act of 1972. The NARCOM agents conducted a buy-bust operation after a test-buy. After the buy-bust they went into the house of Musa. While looking for the marked money from the sale, the NARCOM agents searched for more evidence, and found a plastic bag in the kitchen of Musa. They opened the plastic bag and found marijuana inside. The RTC convicted Musa.

ISSUE: WON the seizure of the marijuana constitutes a valid warrantless seizure under the plain view doctrine, even if the incriminating nature of the seized item is not immediately apparent - NO.

RATIO: The “plain view” doctrine allows police to seize evidence without a warrant only when the object is immediately visible and its incriminating nature is readily apparent during a lawful intrusion, such as a search incident to a lawful arrest under Section 12 of Rule 126. However, the doctrine cannot be used to justify unbridled searches or indiscriminate seizures, nor to extend a general exploratory search made solely to find evidence of the defendant’s guilt. Thus, while exceptions to the warrant requirement exist, the plain view doctrine applies only when the evidence is discovered inadvertently and is already within the officers’ sight without the need for further search.

ITCAB, the plastic bag was not within “plain view” when Musa was arrested. The NARCOM agents initially searched the living room where Musa was arrested, and when they did not find the marked money, they proceeded to search the entire house room-to-room until they found the plastic bag hanging in one corner of the kitchen. **Its incriminating nature was not immediately apparent since the agents did not know its contents and even had to ask Musa about it before opening the bag and discovering marijuana.** This showed that the officers were essentially fishing for more evidence, making the plain view doctrine inapplicable; hence, the plastic bag containing marijuana was inadmissible, although the testimonies of Sgt. Ani and T/Sgt. Belarga and the newspaper wrappers containing marijuana were still sufficient to prove that the appellant sold marijuana in violation of Section 4, Article II of the Dangerous Drugs Act of 1972.

DOCTRINE: The "plain view" doctrine may not, however, be used to launch unbridled searches and indiscriminate seizures nor to extend a general exploratory search made solely to find evidence of defendant's guilt.

Even if an object is observed in "plain view," the "plain view" doctrine will not justify the seizure of the object where the incriminating nature of the object is not apparent from the "plain view" of the object. Stated differently, it must be immediately apparent to the police that the items that they observe may be evidence of a crime, contraband, or otherwise subject to seizure.

CLASS NOTES:

So the accused was acquitted?

- A: No, he was convicted, but the basis of the conviction was the “selling” during the buy-bust.
- So in this case, we have more than 1 piece of evidence. One was considered inadmissible, the other was considered admissible. And the latter spelled the difference, resulting in the conviction of the accused. That’s the beauty of having more than 1 piece of evidence. If one is declared invalid, and the other is considered valid, there may still be conviction.

People v. Doria (1999)

FACTS: In November 1995, NARCOM agents received information about a drug pusher named “Jun,” later identified as Florencio Doria, in Mandaluyong City. On December 5, 1995, a buy-bust operation was conducted where PO3 Manlangit, acting as poseur-buyer with ₱1,600 marked money, arranged to buy one kilo of marijuana from Doria. After handing a plastic-wrapped package to Manlangit, Doria was arrested but the marked money was not found on him; he said it was with his associate “Neneth,” later identified as Violeta Gaddao. The police went to her house, accosted her outside, and from the doorway Manlangit saw a partially open carton box under the dining table containing plastic-wrapped items, entered the house, seized ten bricks of marijuana, and recovered the marked money from Gaddao. Both were convicted and sentenced to death, with Doria challenging the identification and warrantless seizure of the drugs, and Gaddao questioning the validity of the buy-bust, her arrest, and the search.

ISSUE: WON the warrantless seizure of the ten bricks of marijuana from Gaddao’s house is valid under the “Plain View” Doctrine - NO.

RATIO: The plain view doctrine allows warrantless seizure when three requisites concur: (1) the officer has a prior lawful intrusion or is in a position where he can view the area; (2) the discovery of the evidence is inadvertent; and (3) it is immediately apparent that the item is evidence of a crime, contraband, or subject to seizure. An object is in plain view only if it is plainly exposed to sight; if inside a container, it is considered in plain view only when the package itself clearly reveals its contents through its distinctive configuration, transparency, or otherwise obvious appearance.

ITCAB, the doctrine did not apply because **it was not immediately apparent that the items were marijuana**. The bricks were wrapped in old newspaper and placed inside non-transparent white, pink, or blue plastic bags, so their contents were not visible. PO3 Manlangit even admitted he merely presumed they were marijuana and asked Violeta Gaddao what the box contained, acknowledging that it could have been other items like tikoy, siopao, or canned goods. Since the marijuana was not actually in plain view, its warrantless seizure violated Section 2, Article III of the Constitution and was inadmissible as fruit of the poisonous tree under Section 3(2), Article III.

DOCTRINE: When applying the plain view doctrine, it must be immediately apparent to the peace officer that the item to be seized is contraband.

CLASS NOTES:

- Was there a conviction by the trial court? Yes, both were convicted by the trial court.
- Why syndicated? How many were charged? Two of them were charged and convicted at the RTC.
- Did both of them appeal to the SC? The one who appealed was Gaddao. The findings of the lower court

was erroneous in admitting into evidence the marijuana inside the box.

- What was the main issue before the SC? Validity of the buy-bust ops; Validity of the arrest of Gaddao
- Why did they question the validity? They were contending that the buy-bust operation was illegal.
- What was Doria’s basis for assailing the seizure of the drugs? Assailing the warrantless search.
- So there was no search warrant? None, there was just a buy-bust operation.
- As we know, in a buy-bust operation, there’s no need for a warrant of arrest or search warrant.
- What was the contention of Gaddao? Similarly, assailing her warrantless arrest + warrantless search and seizure.
- Why was Gaddao stating it was an illegal search? Gaddao stated that it was search incidental to an invalid warrantless arrest.
- Why was Gaddao claiming that it was invalid?
 - As discussed in the case, petitioners were saying that it was not among the exceptions under the RoC—not in flagrante delicto, not hot pursuit
 - Gaddao was contending she was not committing a crime nor about to commit the crime. Police had no reasonable belief to think she committed a crime.
- How did SC rule? As to Doria, how?
 - SC held it was a valid warrantless arrest. Court provided a distinction between inducement and entrapment.
 - During the time, Doria was actually committing the crime
- The Court said that there was a valid buy bust ops. Being valid, there was no need for a search warrant or even a warrant of arrest. That’s PH jurisprudence. If the buy-bust ops is valid, we have a valid warrantless arrest. Which provision of valid warrantless arrest applies in cases of buy-bust ops? Yes, Sec. 5(a). In flagrante delicto, because the accused is actually committing the crime. The police officer arresting the individual is an eyewitness to the crime.
- How did SC rule? As to Gaddao, how? Court invalidated warrantless arrest—did not fall under any of the exceptions under Rule 113, Sec. 5
- So the second accused was acquitted, but the conviction of Doria was maintained.
- Was the plain view doctrine involved in this case?
 - The Court discussed this in upholding the acquittal of Gaddao. The Court said that the seizure of the ten bricks of marijuana does not fall under the plain view doctrine.
 - The “immediately apparent” element was missing. Since it was in a container, the package must proclaim its contents through its shape and transparency. It was not evident in this case. Bricks were wrapped in newspaper and opaque plastic bags. Police officer merely presumed the contents of the box. Illicit nature

of the contents were not immediately apparent to the eye.

- Because the marijuana here was discovered only after "moving" the items. Were the bricks wrapped. Yes, wrapped, plus inside a box.
- It was not really in plain view. The marijuana was still seized and confiscated. But as we know, the illegally seized marijuana still cannot be returned to the owner. It's public policy that since it is illegal—despite its inadmissibility—it cannot be returned to the owner.
- There's also a mention here about instigation and inducement. In instigation, the officer practically induces an innocent person to commit a crime. Not based on objectivity that the accused has the likelihood of committing the crime, there is a factor of the law enforcer to induce him to commit the crime.

Absolutory cause - the initiation of the crime was not from the accused himself but the coercion is coming absolutely from the law enforcer, instead of having factors from the accused

- Absolutory - comes from the word "absolve" or "acquit". There is still a crime committed. Is there still a penalty for instigation? No criminal penalties, only civil damages
- Why is there no penalty for instigation? Because of public policy. Those where the act committed is a crime but for reasons of public policy and sentiment there is no penalty imposed.
- Why apply Art. 32? Why not allow for the awarding of civil damages in the criminal case?
 - Because it is an independent civil action
 - Different from the civil case which is impliedly in the criminal case
- In the US, is entrapment legal or illegal? Court cited US jurisprudence. It has a negative meaning in American jurisdiction. The US blurs the line between entrapment and instigation.
- Entrapment is not valid in the US. How about a buy-bust operation, is it considered valid in the US? Invalid.
- Yes, buy-bust operation in the US is considered entrapment. It is illegal there. Unlike here in the PH, buy-bust can be valid, subject to the tests of the courts.
- **Predisposition** - that's the propensity to commit a crime. That is the **subjective test**. It is different from the objective test.
- Objective Test - buy-bust operations demand that the transaction is clearly and adequately shown. Initiation of the crime must be from the accused himself and in no way induced by the law enforcer to commit the crime
 - There is narrative of the entire circumstances in the buy bust operation
- What is the significance of the objective test in the buy-bust operation? To show that objectively, the accused committed the crime and was not induced by the police officer.
- Objective test in buy-bust ops: What's the sequence of events leading to the buy-bust sale? Who initiated the sale?

Valeroso v. CA (2009)

FACTS:

Valeroso was arrested for kidnapping with ransom by virtue of a warrant of arrest issued by Judge Salvador. He argues that by virtue of his arrest and without a search warrant, his place and locked cabinet was ransacked and searched from which they found some firearms and ammunition.

ISSUE: W/N the search is valid? - NO

RATIO: The search was not valid.

The general rule is that a search warrant is required before an officer may conduct a search and seizure. However, this is not absolute. An exception to this rule is the Plain View Doctrine.

- **BUT, Plain view doctrine is NOT applicable.**
- This doctrine is usually applied where a police officer is **not searching for evidence against the accused, but nonetheless inadvertently comes across an incriminating object.**

ITCAB,

- Yes, police officers had a prior justification for the intrusion because they had a warrant of arrest.
- BUT, police officers **did not just accidentally discover the subject firearm and ammunition**; they **actually searched for evidence** against Valeroso.
- Consequently, the evidence obtained shall be inadmissible as evidence against him.

Thus, without the illegally seized firearm, Valeroso's conviction cannot stand.

DOCTRINE: "Plain view doctrine" may **NOT** be used to launch unbridled searches and indiscriminate seizures or to extend a general exploratory search made solely to find evidence of defendant's guilt. The doctrine is usually applied where a police officer is not searching for evidence against the accused, but nonetheless inadvertently comes across an incriminating object.

The plain view doctrine cannot be used to conduct an exploratory search.

CLASS NOTES:

- Letter appeal: instead of a formal 2nd MR appealing to the emotions of the SC, in the light of substantive justice, the Court granted the review.
- What's the case here?
 - He was charged with illegal possession of firearms.
- What was the ruling of the trial court?
 - He was convicted and upheld by the CA.
- What was the legal remedy used by Valeroso? From the CA, Valeroso appealed to the SC. How did he appeal?
 - It was a motion for reconsideration. SC initially affirmed the decision of the CA.
- We know that a second motion for reconsideration is not allowed. But in this case, SC allowed it.
- Why was the second MR through a letter-appeal?

- Because it was in effect, a second motion for reconsideration, a prohibited pleading.
- What is the substantial justice in this case, in the case of Valeroso?
 - Violation of his constitutional rights. The gun that was found actually in a locked cabinet.
- It was really very clear that there was a need to lift the procedural rules in the interest of justice. The evidence extracted from the cabinet was illegally obtained.

This is a very nice development in the case of the SC. If you have a case substantially similar to this case, you may invoke interest of substantial justice to set aside procedural rules. But the SC, in different cases, have also stated that it is not a magic wand. There must actually be an existing interest of substantial justice. This exception rarely happens..

Miclat, Jr. v. People (2011)

FACTS: In an information received at about 1:00 p.m. on November 8, 2002, the Caloocan City Police Station-SDEU learned about drug-trading activities involving "Abe Miclat" and others. Acting on this tip, a surveillance team proceeded to the target area, where an informant led them to the house of "Alias Abe." An officer, PO3 Rodrigo Antonio, positioned himself at a window and, by peeping through a small opening in the curtains, saw "Abe" arranging several plastic sachets he believed to contain shabu. PO3 Antonio then entered the house, introduced himself as a police officer, and the accused, Abraham Miclat, Jr., "voluntarily handed over" the four plastic sachets to him. The sachets were later tested and found to be positive for Methamphetamine Hydrochloride.

ISSUE: WON the arrest and the subsequent seizure of the suspected sachets of dangerous drugs from Miclat Jr. were valid.

RATIO: The arrest was valid because Miclat Jr. was caught *in flagrante delicto*.

A settled exception to the need for a search warrant/warrant of arrest is that of an **arrest made during the commission of a crime**, which does not require a previously issued warrant.

- **ITCAB:** Agents of the Station Drug Enforcement Unit (SDEU) of the Caloocan City Police Station were **conducting a surveillance operation** in the area of Palmera Spring II **to verify the reported drug-related activities of several individuals**, which included the petitioner.
- **PLAIN VIEW DOCTRINE:** PO3 Antonio, through the window, saw petitioner arranging several plastic sachets containing what appears to be shabu in the living room of their home. The plastic sachets and its suspicious contents were plainly exposed to the view of PO3 Antonio, who was only about one and one-half meters from where petitioner was.
- The substance in the sachets yielded positive results for the presence of methamphetamine hydrochloride.

The seized drugs are valid and admissible as evidence in court because they were seized under the plain view doctrine.

Elements of the plain view doctrine

1. 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;
2. the discovery of evidence in **plain view is inadvertent**;
3. it is **immediately apparent** to the officer that the item he observes may be evidence of a crime, contraband or otherwise subject to seizure.

ITCAB: Petitioner was caught in the act of arranging the heat-sealed plastic sachets in plain sight of PO3 Antonio and he voluntarily surrendered them to him upon learning that he is a police officer. The seizure made by PO3 Antonio of the four plastic sachets from the petitioner was not only incidental to a LAWFUL arrest, but it also falls within the purview of the "PLAIN VIEW" doctrine.

DOCTRINE: Elements of Plain view doctrine:

1. 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.
2. The **discovery** of the evidence in plain view is **inadvertent**.
3. It is **immediately apparent** to the officer that the item he observes may be evidence of a crime, contraband, or otherwise subject to seizure.
 - a. Note: **apparently INCRIMINATING**
4. **No further search**, only seizure.

CLASS NOTES:

- So he was convicted? The conviction was upheld by the Supreme Court?
 - Yes, all elements of the plain view doctrine were present. He was in the area validly, acting on a surveillance report. The discovery was inadvertent because the police officer only incidentally saw the drugs. The plastic sachets that had crystalline substances are immediately apparent to be illicit.
- You mentioned three elements. What's the fourth element?
 - No further seizure.
- Was the plain view doctrine applied here?
 - Yes.
- His being a peeping tom did not taint the validity of the application of the plain view doctrine.

c. Waiver or consented searches

Cases Under Waiver or Consented Searches

Schneckloth v. Bustamonte (1973)

FACTS: During a routine patrol in Sunnyvale, California, at around 2:40 a.m., Police Officer James Rand stopped a car with a burned-out headlight and license plate light. The vehicle contained six men, including driver Joe Gonzales, who could not produce a license, and front-seat passenger Joe Alcalá, who offered his own license and explained the car belonged to his brother. After the congenial occupants were asked to exit and additional officers arrived, Rand requested permission to search the car, and Alcalá consented, saying, "Sure, go ahead." Gonzales later testified that Alcalá actively assisted by retrieving keys and opening the trunk and glove compartment, leading officers to discover three stolen checks wadded under the left rear seat.

ISSUE: What must the prosecution prove to demonstrate that a consent was "voluntarily" given?

RATIO: The Fourth and Fourteenth Amendments require the government to prove that consent was voluntarily given, based on the totality of the circumstances, rather than by demonstrating that the subject knew they had a right to refuse. The Court defined voluntariness by accommodating two competing interests: the legitimate need for consent searches and the necessity of ensuring an absence of coercion. Rejecting the Ninth Circuit's rigid requirement that police must advise individuals of their right to withhold permission, the Court emphasized that such a warning is impractical in fluid, informal settings like traffic stops and noted that knowledge of the right to refuse is merely one factor to consider, not a prerequisite. Furthermore, the Court distinguished Fourth Amendment consent from the waiver of trial rights under *Johnson v. Zerbst* and the custodial protections of *Miranda v. Arizona*, reasoning that those cases address different values—fair trial guarantees and the inherent coercion of custody—which do not apply to non-custodial encounters where a person voluntarily agrees to a search.

DOCTRINE: The question whether a consent to search was in fact voluntary or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of all the circumstances. While the knowledge of the right to refuse consent is one factor to be taken into account, the government need not establish such knowledge as the sine qua non of an effective consent.

CLASS NOTES:

- Is there a need to invoke the right to be considered? No
- Impracticality of warnings. These consented searches occur in informal and unstructured conditions
- There is really a principle on this. → Miranda rights are constitutionally protected rights in the US and PH

- Principle: if right is constitutionally protected, there is no need to invoke it to be entitled to it
- PH: Bill of rights

Criteria to determine if there was a valid waiver/consent

1. The right exists
2. The person involved had knowledge, either actual or constructive, of the existence of such right
3. The said person had an actual intention to relinquish the right

What is informed consent? (circumstances + consent)

- Consent before it is given should be sufficiently deliberated on
- The total circumstances should be considered to determine if there was an intelligent giving of the consent. Ensure all requisites are present.

U.S. v. Matlock (1974)

FACTS: Matlock was arrested in the front yard of his Pardeville home and indicted for the robbery of a federally insured bank. He moved to suppress the evidence (chiefly \$4,996 dollars officers found stashed in a diaper bag) on the grounds of an invalid search.

ISSUE: WN the search was valid – YES

RATIO: The consent of one possessing common authority over premises or effects is valid against the absent, nonconsenting person with whom that authority is shared.

- This authority is not based on technical property law, but rests on mutual use of the property by persons generally having joint access or control for most purposes.
- ICAB: it was sufficiently proven at hearing that Graff (the woman who consented to the search) and Matlock were living together as husband and wife. There was no reason for the judge to have disregarded her testimony. What's more, Matlock's own statements are admissible against him.

DOCTRINE: A warrantless search is valid when consent is given by a person who possesses common authority over the premises or effects to be searched. Common authority arises not from technical property ownership but from mutual use of the property by persons having joint access or control for most purposes. Thus, the consent of one co-occupant is binding upon an absent, nonconsenting co-occupant. By allowing others joint access or control, a person assumes the risk that any co-inhabitant may permit authorities to inspect or search the shared area.

CLASS NOTES:

- **What was the remand for?**
Sufficiency of evidence. State failed to sufficiently prove that the couple was co-habiting. This is material

because had they not been co-habiting, consent would not have been given

- **Was it material to the case?**

Yes! if she was not co-habiting with him, then she could not sufficiently consent to the search.

- **Does it imply that the consent of the 2 should be given/clear?**

No! ITCAB, her consent was the material issue of this case. If they were living in the same room together (which was sufficiently proven) means that she could sufficiently consent to the search, and he could be charged with the crime.

- **What kind of authority is required to properly give consent?** Someone who lives in the same space to the extent that they can grant authority to access.

Ultimate ruling relied on distinction of actual authority v. apparent authority

- Apparent authority is enough.
- Apparent authority prevails over actual authority.

was no consent freely given because there was coercion.

- Was the case remanded to the RTC?
 - Yes! Why? To determine the proper penalty to be imposed

Bumper v. North Carolina (1968)

FACTS: Two days after the alleged offense imputed against Bumper, law enforcement went to the home of Mrs. Hattie Leath (his grandmother) announcing they had a warrant to search the house.

- Wayne Bumper appealed to SCOTUS, assailing the affirmation of his conviction of rape on the grounds that the seized rifle was inadmissible against him in evidence.

ISSUE: WN the search was valid – NO.

RATIO: A search cannot be justified as lawful on the basis of consent when that consent was given only after conducting the search, and when the officer asserted he possessed a warrant. There is no such assent UNDER THAT CIRCUMSTANCE.

DOCTRINE: Consent must be voluntary. The consent to search must be freely given. Mere consent given because of a lawful authority claimed by an officer does not constitute consent.

CLASS NOTES:

- What was the constitutional issue?
 - W/N his 4th amendment right was violated (right against unreasonable searches and seizure)
- The claim of having a search warrant is inherently coercive
 - The consent was not freely given since there was deception on the part of the police officer
- What was the ruling of the court?
 - Remanded.
 - Reversal of verdict of conviction.
 - Remember: consent must be intelligently given. It must be **freely given**. ITCAB, there