

Title: Pascasio Duropan and Raymond Nixer Coloma v. People of the Philippines

Facts:

On March 7, 2009, Barangay Kagawad Pascasio Duropan and Barangay Tanod Raymond Nixer Coloma from Lincod, Maribojoc, Bohol, accosted William Pacis and his companions while they were harvesting nipa palm. Suspecting illegal activity, Duropan and Coloma forcibly took Pacis to the police station without a warrant, despite Pacis's claim of being a member of a cooperative authorized to harvest in the area. The police found no basis for the arrest, and Pacis was released.

Duropan and Coloma were charged with Unlawful Arrest under Article 269 of the Revised Penal Code and pleaded not guilty. During trial, the prosecution presented affidavits, and Duropan and Coloma defended their actions by citing a barangay resolution authorizing surveillance due to reports of illegal harvesting. They alleged that Pacis became violent, prompting them to bring him to the police.

The Municipal Circuit Trial Court found all elements of the crime present and convicted Duropan and Coloma. The Regional Trial Court affirmed this decision with a modified penalty, and the Court of Appeals upheld the trial court's ruling, subject to a further modification regarding the fine's interest rate.

Duropan and Coloma filed a Petition for Review on Certiorari in the Supreme Court, contending that they only invited Pacis for questioning, the arrest—if any—had reasonable grounds, and that the complainant attacked them first.

Issues:

1. Whether or not Duropan and Coloma arrested William Pacis.
2. Whether or not there was a reasonable ground for the arrest of Pacis, which warrants the petitioners' acquittal from the charge of unlawful arrest.

Court's Decision:

The Supreme Court denied the petition and affirmed the Court of Appeals' decision. The Court adjudged that all elements constituting the crime of Unlawful Arrest were present, thereby confirming the guilt of Duropan and Coloma beyond reasonable doubt. The Supreme Court found that Duropan and Coloma were not authorized to carry out the arrest and that there was no overt act indicating that Pacis had just committed, was committing, or was attempting to commit a crime. The Court highlighted the lack of a reasonable ground to coerce Pacis into custody.

Doctrine:

An in flagrante delicto arrest is constitutionally infirm if it does not comply with the overt act test, which necessitates two elements: 1) the person must execute an overt act indicating that a crime has been, is, or is being attempted, and 2) this overt act is performed within the presence or view of the arresting officer.

Class Notes:

In cases of Unlawful Arrest under Article 269 of the Revised Penal Code:

- The accused must arrest or detain another person,
- The intention must be to deliver the person to the proper authorities,
- The arrest or detention must be unauthorized by law or conducted without reasonable ground.

For warrantless arrests to be lawful (Rule 113, Section 5, Revised Rules of Criminal Procedure), one of the following conditions must be met:

- (a) When the person has committed, is committing, or is attempting to commit an offense in the presence of the officer;
- (b) When an offense has just been committed, and the officer has probable cause based on personal knowledge to believe that the person to be arrested committed it;
- (c) When the person to be arrested is an escaped inmate.

Historical Background:

The case exemplifies the judiciary's recognition of the balance between zealous law enforcement and protection of citizens' constitutional rights, particularly against arbitrary detention. It is set against a backdrop of environmental conservation efforts and barangay officials' mandates to maintain order, showcasing the legal intricacies of enforcing local resolutions and the exercise of lawful authority within the context of a democratic society that values due process.