

Title:

****Arturo Sullano y Santia vs. People of the Philippines****

Facts:

On February 11, 2010, Police Senior Inspector Lory Tarazona and Police Officer 3 Ben Estuya received an anonymous tip about a passenger on a Ceres bus, heading to Caticlan from Buruanga, carrying a firearm. Acting on the tip, Malay police set up a checkpoint. The police boarded the bus, located Arturo Sullano wearing camouflage shorts, and noticed the handle of a pistol protruding from his belt bag. Upon failing to produce authorization for the firearm, Sullano was arrested, and a search yielded a loaded .45 caliber pistol and ammunition. Sullano denied ownership of the weapon and challenged the legality of the checkpoint and his arrest.

Regional Trial Court (RTC) convicted Sullano for violating the Omnibus Election Code as amended by Republic Act 7166 in relation to COMELEC Resolution No. 8714. The Court of Appeals affirmed the conviction but modified the sentence to an indeterminate prison term of one to two years.

Issues:

1. Was the warrantless arrest of Sullano legal?
2. Were the checkpoint and subsequent search conducted by the police legal?
3. Is the evidence obtained from the search admissible?
4. Can COMELEC Resolution No. 8714 serve as the basis for penal liability?
5. Was Sullano's right to be informed of the accusation against him violated?

Court's Decision:

1. ****Warrantless Arrest:**** The Supreme Court held that Arturo Sullano waived any objection to the legality of his arrest by entering a plea and actively participating in the trial without raising the issue beforehand.
2. ****Legality of the Checkpoint and Search:**** The checkpoint was found to be validly conducted under the guidelines of the COMELEC resolution enforcing a gun ban. The search of Sullano, leading to the discovery of the firearm, complied with the prerequisites for a valid search in public transportation.
3. ****Admissibility of Evidence:**** The evidence obtained from Sullano was deemed admissible under the plain view doctrine, as the police had a lawful right to be in the position they were and discovered the firearm inadvertently.

4. **Basis for Penal Liability:** The Supreme Court clarified that Sullano was charged under the Omnibus Election Code and not solely under COMELEC Resolution No. 8714, thus, the basis for penal liability is valid.

5. **Right to Be Informed:** The Court determined that Sullano was properly informed of the accusations against him, as the information sufficiently described the offense in relation to the laws and regulations governing the election gun ban.

Doctrine:

The Supreme Court reiterated the principles concerning the legality of checkpoints and the admissibility of evidence discovered in plain view during lawful operations. Additionally, it emphasized that objections to the legality of an arrest must be raised before entering a plea, and clarified the legal basis for offenses related to the election period gun ban.

Class Notes:

- **Warrantless Arrest:** An accused's failure to timely contest the legality of their arrest results in waiving objections to jurisdiction based on the arrest's legality.
- **Checkpoints:** Legally conducted checkpoints under COMELEC resolutions are valid, and evidence obtained therein can be admissible, following the plain view doctrine and conditions for a reasonable search in public transport.
- **Election Period Gun Ban:** Violation of the gun ban under Omnibus Election Code (BP Blg. 881) as amended by Republic Act 7166, in relation to COMELEC Resolution No. 8714, is a criminal offense, enforceable with specified penalties.
- **Right to Information on Charges:** Being informed of charges is crucial, but penal liability is determined by the factual allegations in the information rather than the specific title or designation of the offense given by the prosecutor.

Historical Background:

This case reflects the enforcement of election-related laws and regulations in the Philippines, specifically related to the gun ban aiming to ensure peaceful and orderly conduct during the election period. It underscores the balance between individual rights and public safety in the context of electoral law.