

### Title:

**\*\*Ongcoma Hadji Homar vs. People of the Philippines: Analysing the Validity of Warrantless Arrest and the Admissibility of Seized Evidence\*\***

### Facts:

Ongcoma Hadji Homar was charged under Section 11, Article II of Republic Act (RA) No. 9165 for possession of 0.03 grams of methylamphetamine hydrochloride (shabu). His arrest and the subsequent seizure of shabu were purportedly incidental to a lawful arrest for jaywalking observed by police officers PO1 Eric Tan and civilian agent Ronald Tangcoy. The Regional Trial Court (RTC) of Parañaque City, Branch 259, convicted Homar, relying on the account of Tan, the prosecution's witness. This conviction was upheld by the Court of Appeals (CA), leading Homar to file a petition for review on certiorari with the Supreme Court.

The procedural journey involved Homar's denial of the charge, the solo defense witness testimony contesting the legality of his arrest, and the subsequent appeals challenging the admissibility of the seized shabu as evidence. At every legal forum, Homar's petitions and motions contended primarily his arrest's illegality and the seized evidence's inadmissibility due to its procurement through an unconstitutional search.

### Issues:

1. Whether the warrantless arrest of Homar was lawful.
2. Whether the search that yielded the shabu was lawful.
3. The admissibility of the shabu as evidence.

### Court's Decision:

The Supreme Court found the petition meritorious, reversing the CA's decision. It was held that the prosecution failed to prove a lawful warrantless arrest preceded the search on Homar's body. The absence of a valid warrantless arrest rendered the subsequent search unconstitutional, thereby making the seized shabu inadmissible as evidence. Moreover, the Court noted discrepancies in the testimony regarding Homar's intent to arrest prior to the discovery of the shabu, which undermined the legality of the search and arrest. The presumption of regularity in official functions could not override Homar's constitutional rights, leading to the acquitted and ordered immediate release of Homar.

### Doctrine:

This case reiterates the doctrine that for evidence obtained through a search to be

admissible, there must first be a lawful arrest. A warrantless arrest is only valid under specific conditions as prescribed by law. Any evidence obtained in violation of this principle is inadmissible in any proceeding.

**### Class Notes:**

- **\*\*Warrantless Arrest Validity\*\***: A warrantless arrest is lawful if the person is committing, has committed, or is about to commit an offense in the presence of the arresting officer.
- **\*\*Search and Seizure\*\***: A lawful search incidental to a lawful arrest requires that the arrest precedes the search; the reverse sequence violates the right to security against unreasonable searches and seizures.
- **\*\*Admissibility of Evidence\*\***: Evidence obtained through an unconstitutional search is inadmissible in court.

**### Historical Background:**

This case reflects the strict interpretations of laws regarding individual rights against warrantless arrests and searches within the Philippines legal system. The Supreme Court's decision underscores the primacy of constitutional rights over procedural presumptions of regularity in law enforcement functions.