

**\*\*Title:\*\*** Jorge Dabon vs. The People of the Philippines

**\*\*Facts:\*\***

The case originated from law enforcement's successful application for a search warrant against Jorge Dabon ("Dabon") following surveillance and test-buy operations that suggested his involvement in illegal drug activities. On July 26, 2003, officers executed Search Warrant No. 15 at Dabon's residence in Tagbilaran City, Bohol, leading to the discovery and seizure of suspected shabu and various drug paraphernalia in the presence of local officials and a media representative. Subsequently, Dabon and Eusubio Dumaluan ("Dumaluan"), who was also present during the search, faced charges for violating Sections 11 and 12, Article II of Republic Act No. 9165. Dabon's defense contested the legality of the search, claiming a violation of their rights as the search was not conducted in their presence. The Regional Trial Court (RTC) found Dabon guilty, a decision which was later affirmed by the Court of Appeals (CA), leading Dabon to file a petition for review on certiorari with the Supreme Court under Rule 45 of the Rules of Court.

**\*\*Issues:\*\***

1. The admissibility of evidence obtained against Dabon.

**\*\*Court's Decision:\*\***

The Supreme Court, analyzing the procedural adherence during the search and seizure operation at Dabon's residence, highlighted the constitutional protections against unreasonable searches and seizures and underscored the importance of observing the procedural requirements detailed in the Revised Rules of Criminal Procedure. The apex court found that the execution of the search warrant in Dabon's residence violated Section 8 of Rule 126, which mandates that a search of premises must be conducted in the presence of the lawful occupant or in their absence, two witnesses of sufficient age and discretion residing in the same locality. The Court noted that the requirement was not followed, as Dabon and his family were confined away from the search and only one barangay official witnessed it, rendering the evidence obtained inadmissible. Consequently, the Supreme Court reversed the CA's decision, acquitting Dabon of the charges against him due to the inadmissibility of the seized items.

**\*\*Doctrine:\*\***

The Supreme Court reiterated the doctrine regarding the protection against unreasonable searches and seizures, emphasizing that evidence obtained in violation of this constitutional guarantee is inadmissible for any purpose in any proceeding. This case reinforced the

mandatory nature of the procedural requirements set forth in the Revised Rules of Criminal Procedure for the conduct of searches and the inviolability of the constitutional rights intended to protect individuals from arbitrary and abusive invasions of privacy by the state.

**\*\*Class Notes:\*\***

1. **\*\*Admissibility of Evidence:\*\*** Evidence obtained through a search that violates constitutional protections against unreasonable searches and seizures is inadmissible.
2. **\*\*Section 8 of Rule 126:\*\*** Requires that searches of premises be conducted in the presence of the lawful occupant, or in their absence, two witnesses of sufficient age and discretion from the same locality.
3. **\*\*Violation of Search Protocol:\*\*** A search conducted without adherence to the requirements of Rule 126 renders the evidence obtained therein inadmissible.
4. **\*\*Procedural Rights vs. Public Interest:\*\*** The protection of constitutional rights prevails over public interest in the prosecution of crimes, emphasizing the importance of following legal procedures to ensure fairness and justice.

**\*\*Historical Background:\*\***

The case reflects the judiciary's commitment to upholding constitutional rights against unreasonable searches and seizures, a cornerstone principle designed to protect individuals' privacy and liberty against unwarranted government intrusion. This principle, deeply rooted in historical context, underscores the balance the legal system maintains between effective law enforcement and the protection of fundamental human rights. It also exemplifies the judiciary's role in checking executive power, ensuring that laws and procedures are strictly followed to protect individual liberties effectively.