

**\*\*Title: Comerciante v. People of the Philippines\*\***

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

On July 30, 2003, Agent Eduardo Radan and PO3 Bienvy Calag II observed Alvin Comerciante and Erick Dasilla engaging in what they deemed suspicious activities in Mandaluyong City, including the exchange of plastic sachets suspected to contain methamphetamine hydrochloride or “shabu.” Based on these observations, a warrantless arrest was conducted, and the sachets were seized. Consequently, Comerciante was charged with illegal possession of dangerous drugs under Section 11, Article II of Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002). Despite Dasilla’s successful demurrer to evidence which led to his acquittal, the Regional Trial Court (RTC) convicted Comerciante, given his failure to file a demurrer and based on the evidence presented. The Court of Appeals (CA) subsequently affirmed the RTC’s decision.

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

1. Whether the CA erred in affirming Comerciante’s conviction for illegal possession of dangerous drugs.
2. Whether the warrantless arrest and subsequent seizure of the drugs from Comerciante were lawful.
3. Whether the evidence obtained from the warrantless arrest should be admissible or deemed as “fruit of the poisonous tree.”

**\*\*Court’s Decision:\*\***

The Supreme Court found in favor of Comerciante, addressing each issue systematically. It ruled that:

1. The warrantless arrest of Comerciante was not valid since it did not satisfy the conditions for a lawful warrantless arrest under Revised Rules on Criminal Procedure, specifically under Section 5 (a) and (b), which requires the arresting officer to have either observed the accused committing a crime or to have direct knowledge that a crime had just been committed by the accused.
2. The “stop and frisk” rule, which allows for a search for weapons or contraband before arrest, could not justify the search in Comerciante’s case due to the lack of a genuine reason indicating criminal activity.
3. Given the illegal warrantless arrest, the seized sachets containing shabu were inadmissible in evidence for being the “fruit of the poisonous tree,” leading to the acquittal of Comerciante.

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

The case reiterates essential principles related to warrantless arrests and searches, particularly:

1. The necessity of a lawful arrest before a search can be made, emphasizing that evidence obtained from an unreasonable search and seizure is inadmissible.
2. The specific conditions under which a warrantless arrest may be considered lawful.
3. The “stop and frisk” rule and its legitimate application based on reasonable suspicion of criminal activity.

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

- For a warrantless arrest to be lawful, the officer must witness the crime being committed or have immediate knowledge of the crime having just occurred.
- A “stop and frisk” must be based on a genuine reason that merits the officer’s suspicion, not just a hunch.
- Evidence procured through unlawful means, such as an invalid warrantless arrest, is inadmissible in court (“fruit of the poisonous tree” doctrine).

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

This case underlines the judiciary’s role in upholding constitutional rights against unreasonable searches and seizures, an essential aspect of Philippine criminal procedure. It reaffirms the Supreme Court’s commitment to balance law enforcement objectives with individual rights, reflecting its consistent stance on protecting citizens from unwarranted police practices.