

****Case Title**:** People of the Philippines vs. Zenaida Bolasa y Nakoboan and Roberto delos Reyes

****Facts**:**

- ****11 September 1995**:**

- An anonymous caller informed PO3 Dante Salonga and PO3 Albert Carizon in the early evening that prohibited drugs were being repacked in a house on Sta. Brigida St., Karuhatan, Valenzuela, Metro Manila.

- The officers, along with SPO1 Fernando Arenas and their unnamed informer, proceeded to the house. They arrived and parked 300 meters away, then walked towards the house and peered through a window where they saw a man and a woman repacking suspected marijuana.

- They entered, identified themselves as police officers, confiscated multiple tea bags and drug paraphernalia, and arrested Zenaida Bolasa and Roberto delos Reyes.

- Subsequent examination by NBI Forensic Chemist Rubie Calalo confirmed that the tea bags contained marijuana.

- ****At Trial**:**

- ****Prosecution**:**

- Testified to the events of the arrest and examination of the seized items.

- ****Defense**:**

- Delos Reyes claimed he had just arrived from work and that he only ordered Bolasa to leave after discovering the repacking activities. He was arrested shortly after.

- Bolasa claimed she was preparing to leave for work as a waitress when she met a certain "Rico" and conversed with him. She denied knowing PO3 Carizon or repacking marijuana.

****Procedural Posture**:**

- Following a trial, the Regional Trial Court found Bolasa and delos Reyes guilty of violating Section 8, Article II, of RA 6425 (The Dangerous Drugs Act of 1972), sentencing them to reclusion perpetua and a fine of P500,000.00 each.

- Both accused appealed the conviction separately, each represented by different counsel.

****Issues**:**

1. ****Legality of Arrest and Search**:**

- Whether the arrest and subsequent search conducted by officers were lawful.

- Specifically, whether the officers had probable cause and whether the objects seized in

plain view doctrine could apply.

2. **Hearsay Evidence**:

- Whether the testimony of PO3 Carizon constituted hearsay and impacted the validity of the case.

3. **Chain of Custody**:

- Whether the identity of the seized items and their chain of custody was sufficiently established.

Court's Decision:

- **Legality of Arrest and Search**:

- The Supreme Court determined that the arrest did not fall under any criteria for lawful warrantless arrest, such as witnessing the commission of the crime. Therefore, the arrest was declared illegal.

- As the arrest was illegal, the subsequent search was also illegal. Evidence obtained from the illegal search was inadmissible.

- **Hearsay Evidence**:

- The court noted the assertions made by the appellants that PO3 Carizon did not have personal knowledge of the arrest and search, deeming the testimony unreliable.

- **Chain of Custody**:

- Bolasa contested the identification and custody of the confiscated items, arguing a breach in the chain of custody. This underlined an insufficiency of evidence.

Doctrine:

- The case reaffirms the Fourth Amendment principle against unreasonable searches and seizures and reiterates the necessity for probable cause and compliance with prescribed legal processes for arrests and searches.

Class Notes:

- **Elements of Illegal Search and Seizure**:

1. **Warrantless Search Incidental to Lawful Arrest**: Requires a valid arrest.
2. **Plain View Doctrine**: Prior valid intrusion, inadvertent discovery, immediacy.
3. **Other Exceptions**: Moving vehicle, consented search, customs search, stop and frisk, exigent circumstances.

- **Elements of Warrantless Arrest**:

- Offense in the presence of arresting officer.

- Probable cause based on personal knowledge.

- ****Chain of Custody****:
 - Proper documentation and handling of evidence from seizure to presentation in court.

- ***Relevant Statutes***:
 - Section 8, Article II, RA 6425 (The Dangerous Drugs Act of 1972).
 - Section 2, Article III, 1987 Constitution (right against unreasonable searches and seizures).

- ****Historical Background****:
 - The case occurred during the heightened crackdown on illegal drugs in the Philippines after the enactment of the Dangerous Drugs Act of 1972.
 - Protecting constitutional rights during anti-drug operations remains a contentious principle, as exemplified by this case of allegedly overzealous police actions leading to violations of due process and civil liberties.