

Title: People of the Philippines v. Rosemarie Gardon-Mentoy

Facts:

On May 30, 2008, an informant informed SPO2 Renato Felizarte at the Narra Municipal Police Station in Palawan that a couple, known as @Poks and @Rose, were allegedly involved in transporting and selling marijuana in Barangay Malatgao, Narra, Palawan. SPO2 Felizarte reported this to Police Senior Inspector Yolanda Socrates, who then ordered surveillance on the suspects. A pre-operations report was sent to the Philippine Drug Enforcement Agency (PDEA) and confirmed.

On May 31, 2008, a briefing with the operation team was conducted at 8 a.m. Later, at around 4:30 p.m., information arrived that Rose would be boarding a Charing 19 shuttle van. The team established a checkpoint along the National Highway. PO1 Abdulito Rosales, on motorcycle, spotted the accused boarding the specified van. The officers stopped the van, introduced themselves, and explained they were conducting a checkpoint due to reports of drug transport. PO1 Rosales asked for Rose, to which Rosemarie Gardon-Mentoy identified herself.

Upon identifying herself, the accused requested her pink bag from the back of the van. The police noticed the accused transferring a block-shaped bundle wrapped in yellow cellophane from the pink bag to a black one. Suspecting it contained marijuana, and after what was described as apprehensive behavior, the officers restrained Gardon-Mentoy from alighting the van. Barangay Captain Ernesto Miguez was called to the scene. Upon arrival, the police handed the black bag to the Barangay Captain, who then opened it, revealing marijuana leaves inside various bundles. The police arrested the appellant, informing her of her rights and charges. The seized items were brought to the police station, then examined at the Palawan Crime Laboratory, confirming they were indeed marijuana.

Procedurally, the RTC convicted Gardon-Mentoy for illegal transportation of dangerous drugs. The court deemed the warrantless arrest valid under Section 5(b), Rule 113 of the Rules of Court due to supposed probable cause, and convicted her. On appeal, the Court of Appeals affirmed the decision, considering that the search could precede arrest with probable cause.

Issues:

1. Whether the warrantless arrest of Rosemarie Gardon-Mentoy was legal.
2. Whether the evidence obtained through the warrantless search of Gardon-Mentoy's

personal effects was admissible.

3. Whether the conviction for illegal transportation of dangerous drugs could stand in light of the warrantless search and arrest.

#### Court's Decision:

The Supreme Court found merit in the appeal:

1. The warrantless arrest of Gardon-Mentoy was deemed illegal. The arresting officers did not have personal knowledge of facts indicating that an offense was committed, as mandated under Section 5(b) of Rule 113. Information from an anonymous informant did not establish probable cause.

2. The evidence obtained from the warrantless search was inadmissible. The Constitution guarantees against unreasonable searches and seizures. An arrest must precede a search, which was not the case here. The lack of probable cause prior to the search rendered it invalid.

3. Without the admissible evidence, specifically the marijuana which formed the corpus delicti, the prosecution failed to prove Gardon-Mentoy's guilt beyond reasonable doubt. The court ordered her acquittal.

#### Doctrine:

The Court reiterated the constitutional guarantee against warrantless searches and seizures. It emphasized that for arrests made without a warrant under Section 5(a) or 5(b) of Rule 113 to be lawful, the arresting officer must have personal knowledge of facts suggesting the commission of a crime, and this knowledge must exist before the search. Any search prior to or without probable cause linked to a lawful arrest is invalid.

#### Class Notes:

- **\*\*Key Elements of Warrantless Arrests under Rule 113, Section 5\*\***: Based on in-presence knowledge (5a) or immediate past knowledge (5b) of crime by arresting officers.
- **\*\*Probable Cause\*\***: Emphasized as essential and must be independently verifiable. Cannot rely solely on anonymous tips.
- **\*\*Exclusionary Rule (Philippines Const. Art. III, §3(2))\*\***: Unlawfully obtained evidence is inadmissible.

#### Historical Background:

The case is set against the backdrop of heightened focus on anti-drug operations in the

Philippines. The passage of the Comprehensive Dangerous Drugs Act of 2002 (RA 9165) aimed to strengthen efforts against illegal drugs; however, issues surrounding procedure and rights, such as warrantless searches and arrests, have been contentious. The decision underscores the balance between law enforcement efforts and constitutional rights, reiterating the parameters law enforcers must adhere to during operations.