

****Title: Marlon Dominguez Y Argana v. People of the Philippines****

****Facts:****

Marlon Dominguez y Argana was charged for violating Section 11, Article II of Republic Act No. 9165 (The Comprehensive Dangerous Drugs Act of 2002), specifically for possession of Methamphetamine Hydrochloride (shabu) weighing 0.03 grams. He pleaded not guilty. The case originated from an event on August 17, 2010, in Muntinlupa City, where Dominguez was allegedly seen by SPO1 Gerardo Parchaso holding a sachet suspected of containing shabu. After a supposed warrantless arrest and subsequent proceedings that included testing of the seized substance (which tested positive for shabu), Dominguez was convicted by the Regional Trial Court of Muntinlupa City, Branch 203. His conviction was affirmed by the Court of Appeals.

Dominguez, disputing the legality of his arrest and the admissibility of the seized sachet as evidence, brought the case to the Supreme Court under a Petition for Review on Certiorari.

****Issues:****

1. Whether Dominguez's arrest and the seizure of the sachet were lawful.
2. Whether the evidence (shabu) obtained from the warrantless search was admissible.
3. Whether Dominguez was rightly convicted based on the contested evidence.

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

The Supreme Court granted Dominguez's appeal, acquitting him of the charges. The Court found that the prosecution failed to establish the legality of the warrantless arrest and the subsequent search which led to the seizure of the sachet of shabu. The testimony by SPO1 Parchaso suggested the absence of a probable cause that would justify a warrantless arrest and search. The Court also invalidated the applicability of the plain view doctrine, noting that the conditions for its application were not met—it was not apparent that the sachet contained illegal drugs just by looking at it.

****Doctrine:****

- An accused can waive objection to the legality of their arrest by active participation in the trial without raising the issue. However, this waiver does not extend to the admissibility of evidence obtained during an illegal search.
- The legality of a warrantless arrest hinges on the presence of probable cause and an overt act by the person being arrested, indicating they have committed, are committing, or are attempting to commit a crime.

- Evidence obtained from an unreasonable search and seizure is inadmissible as the “fruit of the poisonous tree.”

****Class Notes:****

- ****Warrantless Arrest:**** Legally justified only if the person is caught in flagrante delicto, i.e., in the act of committing an offense. Probable cause and an overt act visible to the arresting officer are required.

- ****Admissibility of Evidence:**** Evidence gained from an illegal arrest or search, without warrant or probable cause, is inadmissible in court.

- ****Plain View Doctrine:**** It applies when the incriminating nature of an item is immediately apparent to a law enforcement officer who has a right to be in a position to view such an item. All three conditions (lawful presence, inadvertence, and immediately apparent incriminating evidence) must be satisfied for its application.

- ****Fruit of the Poisonous Tree Doctrine:**** Evidence obtained through illegal searches or seizures is inadmissible in court.

****Historical Background:****

The case underscores the judiciary’s cautious approach in drug-related offenses amid the Philippine government’s aggressive campaign against illegal drugs. It reflects the balancing act between law enforcement interests and constitutional rights, emphasizing the necessity of adhering to legal procedures in the arrest and evidence collection to uphold the integrity of the criminal justice system.