

### Title: George Antiquera y Codes vs. People of the Philippines

### Facts:

George Antiquera and Corazon Olivenza Cruz were charged with illegal possession of drug paraphernalia under Republic Act 9165 before the Regional Trial Court (RTC) of Pasay City. During a visibility patrol around 4:45 a.m. on February 11, 2004, police officers encountered Antiquera and Cruz in their home in Pasay City, engaging in drug activities as viewed through a partially opened door. The officers entered, arrested the accused, and seized drug paraphernalia, which later tested positive for methamphetamine hydrochloride. Antiquera contested the arrest and seizure, claiming the police forcibly entered and wrongfully arrested him and Cruz. The RTC found both guilty, a decision affirmed by the Court of Appeals (CA). Antiquera appealed to the Supreme Court, challenging the legality of the arrest and the admissibility of seized evidence.

### Issues:

1. Was the warrantless arrest of Antiquera lawful under the circumstances?
2. Are the items seized admissible as evidence despite the alleged illegality of the arrest?
3. Did Antiquera waive his rights regarding the irregularities of the arrest by entering a plea of not guilty?

### Court's Decision:

The Supreme Court reversed the decisions of the lower courts, ruling that the arrest of Antiquera was not lawful. The main considerations were the circumstances under which the police entered the home and conducted the arrest and seizure without a warrant. The prosecution failed to justify the warrantless arrest as an *in flagrante delicto* apprehension because the activities inside the house were not plainly visible to the officers before entry. The illegal arrest voided the subsequent search and seizure, making the confiscated items inadmissible as evidence. The Court emphasized that the waiver of the illegality of an arrest does not equate to a waiver of the right against unlawful searches and seizures.

### Doctrine:

The ruling reiterated the doctrine that evidence obtained through an unlawful arrest and search is inadmissible as it violates constitutional rights against unreasonable searches and seizures. Additionally, it highlighted that a person's non-objection to an irregular arrest

does not constitute a waiver of the inadmissibility of evidence seized during such an arrest.

### ### Class Notes:

- **Warrantless Arrests**: Legally justified only in specific circumstances, such as when the person to be arrested is caught committing a crime in flagrante delicto.
- **Admissibility of Evidence**: Evidence obtained through illegal means, especially following an unlawful arrest, is inadmissible in court.
- **Rights Waiver**: The failure to contest an illegal arrest does not waive the person's rights against the admissibility of unlawfully seized evidence.
- **In Flagrante Delicto**: Requires the crime to be actively occurring and plainly visible to justify warrantless actions by law enforcement.

### Relevant Statutes:

- **Republic Act 9165, Section 12**: Outlines the illegal possession of drug paraphernalia.
- **Rules of Court, Rule 113, Section 5(a)**: Defines the conditions under which a warrantless arrest may be conducted.

### ### Historical Background:

This case underscores the strict interpretations by the Philippine Supreme Court of the rules surrounding warrantless arrests and searches, particularly in drug-related offenses. It emphasizes the protection of constitutional rights over procedural missteps by law enforcement and reinforces the necessity for police to adhere strictly to lawful procedures.