

****Title: Larry Sabuco Manibog v. People of the Philippines, G.R. No. 210070****

****Facts:****

On March 17, 2010, at approximately 10:20 a.m., Police Chief Inspector Randolph Beniat received a tip from a police asset that Larry Sabuco Manibog was standing outside the Municipal Tourism Office in Dingras, Ilocos Norte, with a gun tucked in his waistband. Chief Inspector Beniat organized a team and proceeded to the location. Upon arrival, he observed Manibog from a distance of about 5 to 8 meters and saw a bulge on Manibog's waistline, which he deduced to be a firearm due to its shape and his experience as a police officer.

The officers approached Manibog and Chief Inspector Beniat patted the bulging area of Manibog's waist, confirming it was indeed a gun. Manibog was disarmed and arrested for violating the election gun ban (Omnibus Election Code). At the police station, Police Officer Rodel Caraballa testified that he marked the confiscated gun with his initials "RC."

Procedurally, Manibog pleaded not guilty at the Regional Trial Court (RTC). During the trial, the defense questioned the legality of the search and seizure of the firearm. On August 25, 2011, the RTC found Manibog guilty of violating the Omnibus Election Code. Manibog appealed to the Court of Appeals, which upheld the RTC's decision on July 31, 2013. A motion for reconsideration was denied on January 29, 2014. Manibog then appealed to the Supreme Court.

****Issues:****

1. Whether the warrantless search and seizure conducted on Manibog was lawful.
2. Whether the firearm confiscated from Manibog was admissible as evidence.

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

1. ****Validity of Warrantless Search:****

- The Supreme Court ruled that the search conducted was a valid "stop and frisk" search. A "stop and frisk" search requires a police officer to have personal observation of suspicious circumstances that engender a reasonable suspicion of an illicit act. Chief Inspector Beniat had a specific tip and visually confirmed the bulge in Manibog's waistband resembled a firearm before conducting the search.

- The Court distinguished this from a search incidental to a lawful arrest, which requires either a judicially issued warrant of arrest or personal knowledge of the offense by the arresting officer. Here, while the police had reasonable suspicion justifying the "stop and frisk," they did not have the personal knowledge required for a warrantless arrest.

2. **Admissibility of Evidence:**

- The Supreme Court upheld the admissibility of the firearm as evidence. It reasoned that the “stop and frisk” search conducted was reasonable and met the constitutional safeguards against unreasonable searches and seizures. Consequently, the recovered firearm was admissible.

Doctrine:

- **“Stop and Frisk” Doctrine:** The search must be based on an officer’s observation of suspicious circumstances justifying a reasonable suspicion of illegal activity.

- **Search and Seizure:** Article III, Section 2 of the Philippine Constitution safeguards against unreasonable searches and seizures, permitting certain exceptions like a “stop and frisk” search and a search incidental to a lawful arrest.

Class Notes:

- **“Stop and Frisk” (Terry Stop):** Requires personal observation by the officer of suspicious circumstances. The totality of circumstances must create a reasonable inference of criminal activity.

- **Warrantless Search Exceptions:** Include search incident to a lawful arrest, plain view doctrine, consented search, customs search, “stop and frisk,” search of a moving vehicle, and exigent circumstances.

Key Elements or Concepts:

- Article III, Section 2 of the 1987 Constitution of the Philippines.

- Section 5(a) and (b) of Rule 113 of the Rules of Court concerning warrantless arrests.

- Probable cause and reasonable suspicion as distinct thresholds for different types of searches.

Historical Background:

The case is situated in the context of the 2010 election period in the Philippines, which included a ban on carrying firearms to prevent election-related violence and maintain public order. The enforcement of this ban underpins the legal backdrop for Manibog’s arrest and the subsequent judicial scrutiny of search and seizure procedures by law enforcement during heightened security periods.