

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALVARO SAYCON Y BUQUIRAN, ACCUSED-APPELLANT.

G.R. No. 110995. September 05, 1994

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-110995/>

FELICIANO, J.:

Alvaro Saycon was charged with violating Section 15, Article III of R.A. No. 6425 as amended, the Dangerous Drugs Act, in an information which read as follows:

"That on or about the 8th day of July 1992, in the City of Dumaguete, Philippines, and within the jurisdiction of this Honorable Court, the said accused, not being then authorized by law, did, then and there wilfully, unlawfully and feloniously, deliver and transport[--] from Manila to Dumaguete City approximately 4 grams of methamphetam[ine] hydrochloride commonly known as 'shabu,' a regulated drug.

Contrary to Sec. 15, Art. III of R.A. 6425 (Dangerous Drugs Act) as amended."[1] (Brackets supplied)

At arraignment, Alvaro Saycon entered a plea of not guilty.

After trial, the trial court rendered, on 15 June 1993, a judgment of conviction. The court found Saycon guilty beyond reasonable doubt of having transported four (4) grams of methamphetamine hydrochloride ("shabu") and sentenced him to life imprisonment and to pay a fine of P20,000.00.[2]

The relevant facts as found by the trial court were gleaned from the testimonies of the arresting officers Senior Police Officers Winifredo S. Noble and Ruben Laddaran of the Narcotics Command, PNP; Police Officer Emmanuelito C. Lajot of the Philippine Coastguard Office in Dumaguete City; and Forensic Analyst N.G. Salinas of the PNP Crime Laboratory. The trial court summarized the facts in the following manner:

"x x x that on or about 8 July 1992, at about 6:00 in the morning, the Coastguard personnel received information from NARCOM agent Ruben Laddaran that a suspected "shabu" courier by the name of Alvaro Saycon was on board the MV Doña Virginia, which was arriving at that moment in Dumaguete City. Upon receipt of the information, the Coastguard chief officer CPO Tolin, instructed them to intercept the suspect. A combined team of NARCOM agents and Philippine Coastguard personnel consisting of CPO Tolin, a certain Miagme, and Senior Police Officers Ruben Laddaran and Winifredo Noble of NARCOM posted themselves at the gate of Pier 1.

The MV Doña Virginia docked at 6:00 a.m. that same morning at Pier 1 in Dumaguete City. Alvaro Saycon alighted from the boat carrying a black bag and went through the checkpoint manned by the Philippine Coastguard where he was identified by police officer Winifredo Noble of NARCOM. Saycon was then invited to the Coastguard Headquarters at the Pier area. He willingly went with them. At the headquarters, the coastguard asked Saycon to open his bag, and the latter willingly obliged. In it were personal belongings and a maong wallet. Inside that maong wallet, there was a Marlboro pack containing the suspected "shabu". When police officer Winifredo Noble asked Saycon whether the Marlboro pack containing the suspected "shabu" was his, Saycon merely bowed his head. Then Saycon, his bag and the suspected "shabu" were brought to the

NARCOM office for booking. When Alvaro Saycon was arrested, the NARCOM agents did not have a warrant of arrest."^[3]

After the arrest of Saycon, the suspected drug material taken from him was brought to the PNP Crime Laboratory in Cebu City for chemical examination.

The PNP's Forensic Analyst declared in court that she had conducted an examination of the specimens which had been taken from appellant Saycon and submitted to the Crime Laboratory on 9 July 1992. Her findings were, basically, that the specimens she examined weighing 4.2 grams in total, consisted of the regulated drug methamphetamine hydrochloride, more widely known as "shabu."^[4]

For his part, appellant Saycon denied ownership of the "shabu" taken from his black bag. He claimed that upon disembarking from the ship at the pier in Dumaguete City, he was met by two (2) unfamiliar persons who snatched his bag from him. Thereafter, he was taken to the office of the port collector, at gunpoint, and there his bag was searched by four (4) men despite his protests. The four (4) persons were later identified by appellant Saycon as Noble, Sixto, Edjec and Ruben Laddaran. When appellant Saycon asked why his belongings were being searched, the four (4) answered that there was "shabu" inside his bag. After the search of his bag, appellant continued, he was shown a small wallet purportedly taken from his black bag which contained "shabu." Appellant Saycon was then detained at the Dumaguete City Jail.^[5]

In his appeal before this Court seeking reversal of the decision of the court a quo finding him guilty of the crime charged, Saycon contends that the search of his bag was illegal because it had been made without a search warrant and that, therefore, the "shabu" discovered during the illegal search was inadmissible in evidence against him.

It is not disputed that the arresting officers were not armed with a search warrant or a warrant of arrest when they searched Saycon's bag and thereafter effected his arrest.

The relevant constitutional provisions are set out in Sections 2 and 3 ^[2], Article III of the 1987 Constitution which read as follows:

"Sec. 2. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witness as he may produce, and particularly describing the place to be searched and the persons or things to be seized.

Sec. 3. x x x

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding."

The general rule, therefore, is that the search and seizure must be carried out through or with a judicial warrant; otherwise, such search and seizure becomes "unreasonable" within the meaning of the above constitutional provisions.^[6] The evidence secured in the process of search and seizure -- i.e., the "fruits" thereof -- will be inadmissible in evidence "for any purpose in any proceeding."^[7]

The requirement that a judicial warrant must be obtained prior to the carrying out of a search and seizure is, however, not absolute. "There are certain exceptions recognized in our law," the Court noted in *People v. Barros*.^[8] The exception which appears most pertinent in respect of the case at bar is that relating to the search of moving vehicles.^[9] In *People v. Barros*, the Court said:

"Peace officers may lawfully conduct searches of moving vehicles -- automobiles, trucks, etc. -- without need

of a warrant, it not being practicable to secure a judicial warrant before searching a vehicle, since such vehicle can be quickly moved out of the locality or jurisdiction in which the warrant may be sought. (*People v. Bagista*, supra; *People v. Lo Ho Wing*, supra) In carrying out warrantless searches of moving vehicles, however, peace officers are limited to routine checks, that is, the vehicles are neither really searched nor their occupants subjected to physical or body searches, the examination of the vehicles being limited to visual inspection. In *Valmonte v. De Villa* (178 SCRA 211 [1989]), the Court stated:

'[N]ot all searches and seizures are prohibited. Those which are reasonable are not forbidden. A reasonable search is not to be determined by any fixed formula but is to be resolved according to the facts of each case.

Where, for example, the officer merely draws aside the curtain of a vacant vehicle which is parked on the public fair grounds, or simply looks into a vehicle, or flashes a light therein, these do not constitute unreasonable search.' (Citations omitted)

When, however, a vehicle is stopped and subjected to an extensive search, such a warrantless search would be constitutionally permissible only if the officers conducting the search have reasonable or probable cause to believe, before the search, that either the motorist is a law-offender or the contents or cargo of the vehicle are or have been instruments or the subject matter or the proceeds of some criminal offense. (*People v. Bagista*, supra; *Valmonte v. de Villa*, 185 SCRA 665 [1990]).

While the analogy is perhaps not perfect, we consider that appellant Saycon stands in the same situation as the driver or passenger of a motor vehicle that is stopped by police authorities and subjected to an extensive search. In this situation, the warrantless search and arrest of appellant Saycon would be constitutionally permissible only if the officer conducting the search had reasonable or probable cause to believe, before the search, that Saycon who had just disembarked from the MV Doña Virginia upon arrival of that vessel at 6:00 a.m. of 8 July 1992 at Pier I of Dumaguete city, was violating some law or that the contents of his luggage included some instrument or the subject matter or the proceeds of some criminal offense.

It is important to note that unlike in the case of crimes like, e.g., homicide, murder, physical injuries, robbery or rape which by their nature involve physical, optically perceptible, overt acts, the offense of possessing or delivering or transporting some prohibited or regulated drug is customarily carried out without any external signs or indicia visible to police officers and the rest of the outside world. Drug "pushers" or couriers do not customarily go about their enterprise or trade with some external visible sign advertising the fact that they are carrying or distributing or transporting prohibited drugs. Thus, the application of the rules in Section 5 (a) and (b), Rule 133 of the Rules of Court needs to take that circumstance into account. The Court has had to resolve the question of valid or invalid warrantless arrest or warrantless search or seizure in such cases by determining the presence or absence of a reasonable or probable cause, before the search and arrest, that led the police authorities to believe that such a felony (possessing or transporting or delivering prohibited drugs) was then in progress. In *Barros*, the Court listed the kinds of causes which have been characterized as probable or reasonable cause supporting the legality and validity of a warrantless search and a warrantless arrest in cases of this type:

"This Court has in the past found probable cause to conduct without a judicial warrant an extensive search of moving vehicles in situations where (1) there had emanated from a package the distinctive smell of marijuana (*People v. Claudio*, 160 SCRA 646 [1988]); (2) agents of the Narcotics Command ("Narcom") of the Philippine National Police ("PNP") had received a confidential report from informers that a sizeable volume of marijuana would be transported along the route where the search was conducted (*People v. Maspil*, 188 SCRA 751 [1990]); (3) Narcom agents were informed or "tipped off" by an undercover "deep penetration" agent that prohibited drugs would be brought into the country on a particular airline flight on a given date (*People v. Lo Ho Wing*, supra); (4) Narcom agents had received information that a Caucasian coming from Sagada, Mountain Province, had in his possession prohibited drugs and when the Narcom agents confronted the

accused Caucasian, because of a conspicuous bulge in his waistline, he failed to present his passport and other identification papers when requested to do so (*People v. Malmstedt*, 198 SCRA 401 [1991]); and (5) Narcom agents had received confidential information that a woman having the same physical appearance as that of the accused would be transporting marijuana (*People v. Bagista*, *supra*)."

Close examination of the record of the case at bar shows that there did exist reasonable or probable cause to believe that appellant Alvaro Saycon would be carrying or transporting prohibited drugs upon arriving in Dumaguete City on the MV Doña Virginia on 8 July 1992. This probable cause in fact consisted of two (2) parts. Firstly, Senior Police Officer Winifredo Noble had testified in court that the NARCOM Agents had, approximately three (3) weeks before 8 July 1992, conducted a test-buy which confirmed that appellant Saycon was indeed engaged in transporting and selling "shabu." The police authorities did not, on that occasion, arrest Alvaro Saycon, but what should be noted is that the identity of Saycon as a drug courier or drug distributor was established in the minds of the police authorities.[10] Secondly, the arresting officers testified that they had received confidential information that very early morning of 8 July 1992, Alvaro Saycon would probably be on board the MV Doña Virginia which was scheduled to arrive in Dumaguete City at 6:00 a.m. on 8 July 1992, probably carrying "shabu" with him.

In respect of the first element of the probable cause here involved, the testimony of Police Officer Winifredo Noble had not been denied or rebutted by the defense; as it happened, Officer Noble was not even cross-examined on this point by defense counsel.

In respect of the second element of the probable cause here involved, appellant Saycon contended that the testimonies of the prosecution witnesses showed that the NARCOM Agents knew three (3) weeks before 8 July 1992 that the MV Doña Virginia would be arriving and that he would probably be on board that vessel. It was argued by Saycon that the police authorities should have procured, and had the time to procure, the necessary judicial warrants for search and arrest. Saycon also sought to underscore a supposed confusion in the testimonies of NARCOM Officer Winifredo Noble and Coastguard Officer Lajot relating to who, as between the NARCOM agent and the Coastguard elements, had informed the other that appellant would probably be arriving on board the MV Doña Virginia. The relevant portion of NARCOM Agent Winifredo Noble's testimony includes the following:

"Q: Despite the lapse of three (3) weeks, more or less, from acquiring knowledge through this informant, did you not secure the necessary search warrant and warrant of arrest on the effect(s) and person of the subject Alvaro Saycon?

A: All the time we were only informed by the Coastguard that this certain fellow in the name of Alvaro Saycon is travelling through and through from Manila to Dumaguete will be carrying shabu from Manila to Dumaguete and we could not ascertain (with) the time when he will be at the pier area.

Q: You have not answered my question. My question is: Despite the lapse of more than three (3) weeks upon being informed by your informer that this Alvaro Saycon, the accused in this case, has been a courier from time to time of prohibited drugs, did you not bother to secure the necessary warrant: search as well as the arrest?

A: As I said earlier, we could not obtain the necessary search warrant to that effect because we do not know or ascertain when Alvaro Saycon will arrive [from] Manila. On that particular morning, we were informed by the Coastguard that Doña Virginia would be arriving and they told us that probably this suspect will be among the passengers, so you better come over and (to) identify the subject." [11] (Emphases supplied)

Upon the other hand, Coastguard Police Officer Emmanuelito Lajot, Jr. testified in the following way:

"Q: What time were you in your office?

A: Before 6:00 o'clock, I was there.

x x x x x x x x

Q: While you were there, did you receive any communication?

A: Yes.

Q: What communication was that?

A: That a certain Alvaro Saycon was on board MV Doña Virginia arriving at 6:00 o'clock in the morning?

Q: Who gave you that information?

A: Ruben Laddaran(a).

Q: Who is this Ruben Laddaran?

A: NARCOM Agent."[12] (Emphases supplied)

If there was any confusion or uncertainty in the testimonies of NARCOM Officer Noble and Coastguard Officer Lajot, that confusion was a minor detail. It was in any case clarified by NARCOM Officer Noble's explanation that after the NARCOM Command had received information appellant Saycon would be transporting drugs from Manila to Dumaguete City, they advised the Coastguard that they (the Narcotics Command) wanted to set up a checkpoint at Pier I at Dumaguete City because appellant Saycon could be on board one of the vessels arriving in Dumaguete City. The Coastguard in turn informed the NARCOM Officers of the arrival of the MV Doña Virginia and assisted the NARCOM Officers in their operation that morning of 8 July 1992.

The record shows that the NARCOM Officers were uncertain as to the precise date and time appellant Saycon would arrive from Manila; all they knew was that Saycon would be taking a boat from Manila to Dumaguete City Pier.[13] The MV Doña Virginia docked at the Port of Pier I of Dumaguete City between 6:00 and 6:30 in the morning of 8 July 1992. Earlier on that same morning, the NARCOM Officers received more specific information that appellant Saycon could be on board the MV Doña Virginia which was arriving that morning.[14] Clearly, the NARCOM Agents had to act quickly but there was not enough time to obtain a search warrant or a warrant of arrest. It was realistically not possible for either the NARCOM Agents or the Coastguard Officers to obtain a judicial search warrant or warrant of arrest in the situation presented by the case at bar.[15]

The Court considers, therefore, that a valid warrantless search had been conducted by the NARCOM and Coastguard Officers of the "black bag" of appellant Saycon that morning of 8 July 1992 at the checkpoint nearby the docking place of the MV Doña Virginia and at the office of the Coastguard at Dumaguete City. It follows that the warrantless arrest of appellant Saycon which ensued forthwith, was also valid and lawful, since the police had determined he was in fact carrying or transporting "shabu." The further consequence is that the four (4) grams of "shabu" obtained from his maong wallet found inside his black bag was lawfully before the court a quo. We agree with the court a quo that the evidence before the latter proved beyond reasonable doubt that appellant Saycon had been carrying with him "shabu" at the time of his search and arrest and his guilt of the offense charged was established beyond reasonable doubt.

In view of the foregoing, the decision of the trial court dated 15 June 1993, in Criminal Case No. 10325, should be affirmed, but the penalty properly imposable upon appellant Alvaro Saycon must be reduced to imprisonment for an indeterminate period ranging from six (6) months of arresto mayor as minimum to six (6) years of prision correccional as maximum, and the fine of P20,000.00 must be deleted. This reduction of penalty is required by the

provisions of Section 20, Article IV of R.A. No. 6425, as last amended by Section 17, of R.A. No. 7659 (effective 13 December 1993), as construed and given retroactive effect in *People v. Martin Simon* (G.R. No. 93028, 29 July 1994) considering that the amount of "shabu" here involved (four [4] grams) is obviously less than the 200 grams of "shabu" cut-off quantity established in the amended Section 20 of the Dangerous Drugs Act.

WHEREFORE, for all the foregoing, the decision of the trial court in Criminal Case No. 10325, is hereby AFFIRMED, with the MODIFICATIONS, however, that appellant shall suffer imprisonment for an indeterminate period ranging from six (6) months of arresto mayor as minimum to six (6) years prision correccional as maximum, and that the fine of P20,000.00 shall be DELETED. No pronouncement as to costs.

SO ORDERED.

Romero, Melo, and Vitug, JJ., concur.

Bidin, J., on leave.

[1] RTC Decision, p. 1; Rollo p. 26

[2] RTC Decision, p. 6; Rollo p. 36.

[3] RTC Decision pp. 2-4; Rollo pp. 32-34.

[4] TSN, Testimony of Mutchit Salinas, 8 February 1993, pp. 8-9.

[5] RTC Decision, p. 5; Rollo, p. 35.

[6] *Pita v. Court of Appeals*, 178 SCRA 362 (1989).

[7] *People v. Zapanta*, 195 SCRA 200 (1991); *People v. Dendana*, 190 SCRA 538 (1990); *People v. Aminnudin*, 163 SCRA 402 (1988).

[8] G.R. No. 90640, 29 March 1994.

[9] See *People v. Bagista*, 214 SCRA 63 (1992); *People v. Rodriguez*, 205 SCRA 791 (1992); *People v. Lo Ho Wing*, 193 SCRA 122 (1991); *Manipon v. Sandiganbayan*, 143 SCRA 267(1986).

[10] TSN, Testimony of SPO1 Winifredo Noble, 14 December 1992, pp. 20-21.

[11] TSN, 14 December 1992, pp. 15-16.

[12] TSN, 15 December 1992, p. 5.

[13] TSN, Testimony of SPO2 Ruben Laddaran, 14 December 1992, p. 24.

[14] TSN, Testimony of SPO1 Winifredo Noble, 14 December 1992, pp. 15-17; Appellee's Brief, p. 3.

[15] This particular factor serves to distinguish the case of *People v. Aminnudin*, 163 SCRA 402 (1988), from the case at bar; see in this connection, *People v. Maspil*, 188 SCRA 751 at 762 (1990). See also *People v. Tangliben*, 184 SCRA 220 at 225-226 (1990).

In *Aminnudin*, Mr. Justice Cruz stressed that the police authorities had received the "tip" from "a reliable and regular informer" that *Aminnudin* would be arriving in Iloilo City by boat with marijuana. The testimony of the prosecution witnesses had varied in respect of the time that they had received that "tip:" one stated that it was received two (2) days before the arrest; another "two (2) weeks;" and a third "weeks before June 25." (*People v. Aminnudin*, 163 SCRA at 406). Cruz, J., said:

"The present case presented no such urgency. From the conflicting declarations of the PC witnesses, it is clear that they had at least two weeks within which they could have obtained a warrant to arrest and search Aminnudin who was coming to Iloilo on the M/V Wilcon 9. His name was known. The vehicle was identified. The date of its arrival was certain. And from the information they had received, they could have persuaded a judge that there was probable cause, indeed, to justify the issuance of a warrant. Yet they did nothing. No effort was made to comply with the law. The Bill of Rights was ignored altogether because the PC lieutenant who was the head of the arresting team, had determined on his own authority that a 'search warrant was not necessary.' (Emphases supplied; 163 SCRA at 409)

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.