

VIRGILIO MACABUHAY Y PAYAS, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.*G.R. No. 270337, August 13, 2025*

Ponente: GESMUNDO, C.J.

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This is a Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court assailing the Decision[2] and the Resolution[3] of the Court of Appeals (CA). The CA affirmed the Judgment[4] of the Regional Trial Court (RTC), which found petitioner Virgilio Macabuhay y Payas (Macabuhay) guilty beyond reasonable doubt of violation of Section 2(a) of Commission on Elections (COMELEC) Resolution No. 10446,[5] in relation to Section 261(q) of Batas Pambansa Blg. 881, also known as the Omnibus Election Code, and Section 32 of Republic Act No. 7166,[6] for carrying a deadly weapon (fan knife) outside his residence during the May 13, 2019 National and Local election period, from January 13 to June 12, 2019 (2019 election period), without the necessary authority.

The Antecedents

Republic Act No. 7166 prohibits any person from bearing, carrying, or transporting firearms or other deadly weapons in public places, even if licensed to possess or carry the same, unless authorized in writing by the COMELEC.[7] In furtherance of this, the COMELEC issued Resolution No. 10446, which provides for the rules and regulations on the ban on firearms and other deadly weapons, among others, during the election period of the 2019 National and Local Elections. Rule I, Section 1(l) thereof defines the term "deadly weapon" as "bladed instruments, hand grenades or other explosives, except pyrotechnics . . ."

On December 13, 2018, in order to effectively implement the firearms ban during the 2019 election period, the COMELEC issued Resolution No. 10468,[8] which provided guidelines for the establishment and operation of checkpoints nationwide.

In an Information dated January 31, 2019, Macabuhay was charged with violation of Section 2(a) of COMELEC Resolution No. 10446, in relation to Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166. The accusatory portion of the Information reads as follows:

That on or about [January 30, 2019], in the Municipality of Cavinti, Province of Laguna, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused during the 2019 election period (January 13, 2019 up to June 12, 2019), did then and there willfully, unlawfully and feloniously possess, bear and carry [on] his person, [one] deadly weapon (fan knife), without first securing any exemption/permit from the Commission on Elections to possess, bear and carry the same.

Contrary to law.[9]

During arraignment, Macabuhay pleaded "not guilty" to the crime charged. After the pre-trial conference, trial ensued.[10]

Version of the Prosecution

The prosecution presented the following witnesses: Police Officer II Ranil G. Perez (PO2 Perez) and Police Officer I Ronald P. Perea (PO1 Perea).[11] Based on their testimonies, the following were established:

During the 2019 election period, a checkpoint was set up along the National Highway in Barangay West Talaongan, Cavinti, Laguna, directly across the police station. PO2 Perez and PO1 Perea were among those posted at the checkpoint. On January 30, 2019, at approximately 2:00 p.m., police officers assigned to the checkpoint observed a motorcycle approaching, driven by a man who was not wearing a helmet. The individual was later identified as Macabuhay.[12]

One of the officers stationed at the first barrier signaled for Macabuhay to stop, but he failed to comply. As a result, PO2 Perez and PO1 Perea blocked his path at the second barrier to prevent him from passing through. PO2 Perez then inquired why Macabuhay was not wearing a helmet and asked for his driver's license and vehicle registration. Macabuhay was unable to present either document, explaining that the motorcycle belonged to his friend, Jessie A. Tablico.[13]

During the interaction, the officers observed that Macabuhay appeared restless and visibly nervous. As Macabuhay alighted from the motorcycle, they noticed a knife tucked into his waistband. When asked to lift his shirt, Macabuhay complied, revealing a fan knife, or balisong, measuring approximately 11 inches in length. Prior to confiscation, Macabuhay was photographed with the fan knife still tucked in his waistband.[14] Macabuhay was then arrested and the knife was marked with the initials "VPM," corresponding to Macabuhay's name.[15]

Version of the Defense

The defense presented Macabuhay as its lone witness. While Macabuhay admitted that he was not wearing a helmet and drove the motorcycle without a driver's license, he denied the charge against him, claiming that it was a fabrication by the police officers.[16]

Macabuhay averred that after alighting from the motorcycle, he was frisked by the police officers, and they took his phone and wallet. He was then ordered to open the motorcycle compartment, but he refused, causing the police officers to open it forcibly. Subsequently, one of the police officers lifted his shirt and tucked a fan knife in his right waist. After taking his photograph depicting him with a fan knife tucked in his right waist, he was taken to the police station. He was not informed why he was arrested, but he suspected that it was related to his drug case in Lumban, Laguna, to which he pleaded guilty, and his being on the tokhang list in Cavinti, Laguna.[17]

The RTC Ruling

In its September 16, 2021 Judgment,[18] the RTC found Macabuhay guilty beyond reasonable doubt of violation of COMELEC Resolution No. 10446, in relation to Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166. The dispositive portion of the Judgment reads:

WHEREFORE, premises considered, this Court finds the accused VIRGILIO MACABUHAY [y] PAYAS, GUILTY BEYOND REASONABLE DOUBT of Violation of COMELEC Resolution No. 10446, issued by the COMELEC pursuant to the power vested in it by The Omnibus Election Code, and he is hereby sentenced to suffer the penalty of imprisonment for an indeterminate term of [one] year as minimum to [two] years as maximum.

SO ORDERED.[19] (Emphasis in the original)

In convicting Macabuhay, the RTC held that all the elements of violation of Section 32 of Republic Act No. 7166 are present. The RTC determined that Macabuhay was found in possession of a fan knife within the election

period while riding a motorcycle. Further, it declared that Macabuhay failed to present any form of authority from the COMELEC to possess said knife.[20]

The CA Ruling

In its June 7, 2023 Decision, the CA affirmed the ruling of the RTC and dismissed Macabuhay's appeal for lack of merit. The dispositive portion reads:

ACCORDINGLY, We DISMISS the appeal for lack of merit and AFFIRM the Decision of the Regional Trial Court, Branch 28[,] Santa Cruz, Laguna in Criminal Case No. SC-23434.

SO ORDERED.[21] (Emphasis in the original)

The CA upheld the RTC's ruling, finding that the prosecution had established all the elements of the offense. It held that Macabuhay was in possession of a deadly weapon during the election period of January 13 to June 12, 2019, with no evidence that the fan knife was a necessary tool for his occupation or that he would use the same for any legitimate activity.[22]

The CA further declared that Macabuhay waived his right to challenge the legality of his arrest when he pleaded "not guilty" and actively participated in the trial without timely raising the issue. In any event, it deemed valid the warrantless arrest.[23] It stated that although checkpoint inspections are generally limited to a routine inspection, a more extensive search is allowed when there is probable cause to believe that the individual is engaged in unlawful activity.[24] In this case, Macabuhay's attempt to evade the checkpoint and his failure to present a driver's license and the registration papers of the motorcycle raised sufficient suspicion.[25] Moreover, the CA held that no active search was necessary as the fan knife was in plain view, thereby falling within the scope of the plain view doctrine. As such, it concluded that no warrant was required to effect the arrest pursuant to Rule 113, Section 5 of the Rules of Criminal Procedure.[26] Finally, the CA found no weight in Macabuhay's claim that the knife was planted because he neither identified any officer involved in the alleged planting nor offered any proof to rebut the presumption of regularity in the performance of official duties.[27]

In its September 29, 2023 Resolution,[28] the CA denied Macabuhay's Motion for Reconsideration. Hence, the instant Petition for Review on Certiorari.

The Issues

Petitioner assigns the following errors:

I.

WHETHER THE [CA] GRAVELY ERRED IN NOT FINDING COMELEC RESOLUTION NO. 10446 UNCONSTITUTIONAL.

II.

WHETHER THE [CA] GRAVELY ERRED IN CONVICTING THE PETITIONER OF VIOLATION OF COMELEC RESOLUTION NO. 10446, IN RELATION TO SECTION 261 OF [BATAS PAMBANSA] BLG. 881 AND SECTION 32 OF [REPUBLIC ACT] NO. 7166, DESPITE THE CONTRADICTING TESTIMONIES OF THE PROSECUTION WITNESSES AND THE INADMISSIBILITY OF THE EVIDENCE USED AGAINST HIM.

III.

WHETHER THE [RTC] GRAVELY ERRED IN CONVICTING THE PETITIONER OF VIOLATION OF COMELEC RESOLUTION NO. 10446, IN RELATION TO SECTION 261 OF [BATAS PAMBANSA] BLG. 881 AND SECTION 32 OF [REPUBLIC ACT] NO. 7166, DESPITE THE PROSECUTION'S FAILURE TO PROVE THE ELEMENTS THEREOF BEYOND REASONABLE DOUBT.[29]

In his Petition, petitioner contends that the CA gravely erred in affirming the RTC's ruling.[30] First, he challenges the constitutionality of COMELEC Resolution No. 10446. He cites the ruling in *Buella v. People*,[31] where the Court held that the term "deadly weapons" does not include bladed instruments. Hence, possession of a bladed weapon, such as a balisong or fan knife, during the election period without the necessary permit from the COMELEC is not possession of a deadly weapon.[32] He insists that both Section 261(q) of Omnibus Election Code and Section 32 of Republic Act No. 10446 pertain only to firearms and explosives. Accordingly, the COMELEC exceeded its authority by expanding the term to include bladed instruments in Resolution No. 10446. Petitioner concludes that, for this reason, Resolution No. 10446 is ultra vires.[33]

Petitioner adds that, even assuming the validity of Resolution No. 10446, the prosecution still failed to establish all the elements of the crime charged beyond reasonable doubt.[34] He insists that the credibility of PO2 Perez and PO1 Perea, upon whose testimonies the prosecution's case rests, has been destroyed by their alleged inconsistent and unconvincing statements.[35] Additionally, petitioner argues that there was neither a valid warrantless arrest nor a lawful search under the plain view doctrine. He insists that the warrantless search was not incidental to a lawful arrest. He was purportedly not placed under arrest prior to the alleged search and seizure. Also, petitioner insists that the warrantless search was not in plain view as PO2 Perez and PO1 Perea had to ask petitioner to lift his shirt. Further, he points out that the fan knife allegedly seized from him is too small to appear as a bulge under a shirt.[36] Petitioner further argues that the Court has clarified that there is no basis for a warrantless arrest when a person is flagged down for a mere traffic violation since the penalty is a fine, not imprisonment. Applying this to his case, petitioner contends that there was no reason to arrest him because he was flagged down for not wearing a helmet and for being unable to show the registration papers for the motorcycle. Thus, the fan knife is inadmissible as a fruit of the poisonous tree.[37]

The Court's Ruling

The Court finds that petitioner must be acquitted of the crime charged. The inclusion of bladed instruments in the definition of deadly weapons in COMELEC Resolution No. 10446 is ultra vires. As such, there is no offense penalizing the carriage of bladed instruments during the 2019 election period.

Preliminarily, the Court observes that the instant appeal was brought under Rule 45 of the Rules of Court. It is well-established that only questions of law may be raised in a Rule 45 appeal.[38] In *People v. Ildefonso*,[39] the Court asserted:

[I]n criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal may correct errors, though unassigned, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appellate court is vested with full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.[40]

The warrantless arrest of and the concomitant search on petitioner is valid

In his Brief, petitioner contends that the fan knife presented as evidence is inadmissible, being the fruit of the poisonous tree. He argues that the warrantless search preceded the warrantless arrest, thereby violating his constitutional right against unreasonable searches and seizures.[41]

The Court disagrees.

The Constitution unequivocally safeguards every individual against unreasonable searches and seizures. As a

general rule, no search or seizure may be conducted without a judicial warrant issued upon probable cause. This protection, enshrined in Article III, Section 2[42] of the 1987 Constitution, serves as a bulwark against arbitrary intrusions by the State.[43]

Nevertheless, the constitutional proscription against warrantless searches and seizures admits of certain exceptions, namely:

1. Warrantless search incidental to a lawful arrest;
2. Seizure of evidence in "plain view;"
3. Search of a moving vehicle;
4. Consented warrantless search;
5. Customs search;
6. Stop and frisk; and
7. Exigent and emergency circumstances.[44]

Among the recognized exceptions to the constitutional requirement of a search warrant is the warrantless search incidental to a lawful arrest.

Rule 113, Section 5 of the Rules of Court provides for instances when a lawful arrest may be effected without a warrant:

SEC. 5. Arrest without warrant; when lawful. A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in [their] presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed and [they have] probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where [they are] serving final judgment or [are] temporarily confined while [their] case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with Section 7 of Rule 112.

Notably, there are three instances when warrantless arrests may be valid. These are: (a) arrest in flagrante delicto; (b) arrest where, based on personal knowledge of the arresting officer, there is probable cause that said suspect was the perpetrator of a crime which has just been committed; and (c) an arrest of a prisoner who has escaped from custody serving final Judgment or temporarily confined during the pendency of their case, or has escaped while being transferred from one confinement to another.[45]

In particular, an in flagrante delicto arrest requires the concurrence of two elements: (a) the person arrested must execute an overt act indicating that they have just committed, is committing, or is attempting to commit a crime; and (b) the overt act was done in the presence or within the view of the arresting officer.[46]

Stated differently, an in flagrante delicto arrest requires that the apprehending officer be impelled by probable cause to effect the arrest of the person caught.[47] Probable cause has been defined as "such facts and circumstances which would lead a reasonably discreet and prudent [person] to believe that an offense has been committed by the person sought to be arrested." [48]

Further, while it is the general rule that a warrantless arrest must precede a warrantless search, jurisprudence has qualified this principle by providing that a search that is substantially contemporaneous with an arrest may validly precede the arrest itself, provided that the police already had probable cause to effect the arrest at the outset of the search.[49]

At this juncture, it is essential to note that petitioner was arrested at a police checkpoint. Military or police checkpoints, being variants of searching moving vehicles, are not inherently illegal, as long as they are justified by the exigencies of public order and conducted with minimal intrusion to motorists.[50] Although the general rule is that motorists and their vehicles, as well as pedestrians passing through checkpoints, may only be subjected to a routine inspection, vehicles may be stopped and extensively searched when there is probable cause which justifies a reasonable belief of the officers at the checkpoints that either the motorist is a law offender or the contents of the vehicle are or have been instruments of some offense.[51]

Thus, the critical question in this case is whether the police officers at the checkpoint had probable cause to conduct a warrantless search on petitioner.

The Court answers in the affirmative.

In *People v. Vinecario*,[52] the Court held that the police had probable cause to believe that the accused-appellants were committing a crime or that the contents of the backpack were instruments of an offense, justifying the search. This finding was based on accused-appellants' attempt to speed away upon seeing the checkpoint, their suspicious and nervous behavior when questioned, and a claim by one of them of being a Philippine Army member, apparently to deter the police from continuing the inspection.[53]

In *People v. Suico*,[54] the Court also upheld the warrantless search, on the basis that the apprehending officers had probable cause. The apprehending officers in this case were manning a checkpoint in relation to the "no plate, no travel" policy. They received information about a person on a red motorcycle carrying a backpack and a yellow sack, allegedly containing marijuana. As the motorcycle approached the checkpoint, the driver abruptly made a U-turn, fell off the motorcycle, and tried to flee. However, one of the apprehending officers was able to hold onto the backpack of the driver after he fell. The other members requested the driver to open the backpack; the driver then admitted that he was carrying marijuana. The driver then opened the backpack and the sack, which both contained marijuana. The Court concluded that there was probable cause to conduct a warrantless search under these circumstances.[55]

Meanwhile, in *Uy v. People*,[56] the Court similarly found that the police officers had probable cause to believe that the accused was involved in a crime, which justified the search. While driving a motorcycle, the accused was flagged down at a checkpoint. When asked for the motorcycle registration papers, the accused failed to present the documents, raising the police officers' suspicion that the motorcycle might have been stolen. During the inspection, the officers noticed a plastic cellophane protruding from the tools compartment. When the accused opened the tools compartment, the officers found a small bundle of dried marijuana wrapped in transparent cellophane. The police officers then continued their search and found the same transparent cellophane in the driver's seat. When they opened the driver's seat, they discovered five more bundles of marijuana. Thus, the Court concluded that the officers had probable cause to conduct the warrantless search.[57]

By reason of parity, the Court finds that the search conducted on petitioner at the checkpoint on January 30, 2019 is valid. In this case, petitioner attempted to evade the COMELEC checkpoint by ignoring the officers' signal to stop, prompting them to pursue and apprehend him at the second barrier.[58] Further, when petitioner was asked to produce his driver's license and the motorcycle's registration papers, he was unable to do so. The combination of his evasive behavior and failure to produce a driver's license and the motorcycle's registration documents

reasonably raised the police officers' suspicion that petitioner was engaged in, or had recently committed, an unlawful act—that he stole the motorcycle. These circumstances constituted probable cause to justify the warrantless search.

Contrary to petitioner's allegation,[59] the arrest was not based on any traffic violation. Rather, it was his attempt to evade the police officers at the checkpoint, coupled with his failure to present the requisite documents, that gave the officers reasonable grounds to suspect that he was engaged in unlawful activity.[60]

At any rate, the plain view doctrine also finds application in the instant case. The CA found that petitioner's shirt lifted while he was alighting from the motorcycle, allowing the apprehending officers to notice a fan knife tucked into his waist.[61] Under the "plain view doctrine," unlawful objects within the "plain view" of an officer who has the right to be in the position to have that view are subject to seizure and may be presented in evidence.[62]

Considering the foregoing, and in the absence of any compelling reason, the Court sees no basis to disturb the factual findings of the courts below.

Section 2(a) of COMELEC Resolution No. 10446 is null and void insofar as it includes "bladed instruments" in the list of deadly weapons prohibited during the 2019 election period. Accordingly, petitioner must be acquitted

Nonetheless, petitioner must be acquitted of the crime charged.

To constitute a violation of Section 2(a) of COMELEC Resolution No. 10446, in relation to Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166, the following elements must be established: (1) the person is bearing, carrying, or transporting firearms or other deadly weapons; (2) such possession occurs during the election period; and (3) the weapon is carried in a public place.[63]

In this case, the RTC and the CA held that the prosecution was able to establish beyond reasonable doubt all the elements of the crime charged. They found that petitioner was in possession of a deadly weapon, specifically a fan knife, during the election period without having been authorized by the COMELEC to possess or carry the same.[64]

In order to determine petitioner's criminal liability under COMELEC Resolution No. 10446, it is imperative to delve into the background of said Resolution and the judicial rulings relevant to this case.

On October 1, 2018, COMELEC Resolution No. 10429[65] set the inclusive dates for the 2019 election period. It likewise enumerated the prohibited acts during this period. Pursuant thereto, for the 2019 election period, the "bearing, carrying or transporting firearms or other deadly weapons, unless authorized in writing by the [COMELEC]"[66] was considered a prohibited act.

On November 21, 2018, to implement Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166 during the 2019 election period, the COMELEC promulgated Resolution No. 10446. Section 2(a) thereof provides:

SECTION 2. Prohibited Acts. – During the Election Period:

- No person shall bear, carry or transport Firearms or Deadly Weapons outside his residence or place of business, and in all public places, including any building, street, park, and in private vehicles or public conveyances, even if he is licensed or authorized to possess or to carry the same, unless authorized by the

Commission, through the [Committee on the Ban on Firearms and Security Personnel], in accordance with the provisions of this Resolution[.] (Emphasis in the original)

In the same Resolution, a "deadly weapon" was defined to include bladed instruments, viz.:

1. Deadly Weapon includes bladed instruments, hand grenades or other explosives, except pyrotechnics. Provided, That, a bladed instrument is not covered by the prohibition when possession of the bladed instrument is necessary to the occupation of the possessor or when it is used as a tool for legitimate activity. (Emphasis in the original)

On September 16, 2021, the RTC found petitioner guilty beyond reasonable doubt of violation of COMELEC Resolution No. 10446, in relation to Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166, for carrying a bladed weapon without COMELEC authorization during the 2019 election period.[67]

On April 11, 2023, in *Buella v. People*,[68] the Court declared that bladed instruments are excluded from the term "deadly weapon" under Rule I, Section 1(f), in relation to Rule II, Section 1(a), of COMELEC Resolution No. 10015.[69] The Court ratiocinated in the wise:

[C]OMELEC Resolution No. 10015 expanded the coverage of the Omnibus Election Code and [Republic Act] No. 7166 by including "bladed instruments" in the list of prohibited weapons during an election period. The prohibition under the said laws extends only to regulated deadly weapons. Bladed instruments are not regulated and, thus, do not fall within the ambit of the prohibition. By including bladed instruments in the prohibition, COMELEC Resolution No. 10015 criminalizes acts not criminalized under statutory law.[70]

In *Buella*, the Court held that the possession of a bladed weapon without the appropriate permit in a public place during the election period does not amount to possession of a deadly weapon.

On June 7, 2023, the CA affirmed the judgment of the RTC and convicted petitioner for violation of COMELEC Resolution No. 10446, in relation to Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166.[71]

The Court will now proceed with the examination of the effect of the *Buella* case on the instant case and the application of the Court's ruling therein.

Under Article IX(c), Section 2(1) of the Constitution, the COMELEC is duty-bound to enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.[72] The COMELEC, through its quasi-legislative powers, has the power to issue rules and regulations to implement the election laws and to exercise such legislative functions as may be expressly delegated to it by Congress.[73]

However, the COMELEC's exercise of quasi-legislative power is subject to limitations, one of which is that it must be within the ambit of legislative authority.[74] Accordingly, the COMELEC's authority to issue resolutions on the bearing, carrying, or transporting of firearms or other deadly weapons is necessarily confined to the scope provided by the legislative enactments it seeks to implement, particularly the Omnibus Election Code and Republic Act No. 7166.

Section 261(q) of the Omnibus Election Code provides:

SECTION 261. Prohibited Acts. – The following shall be guilty of an election offense:

....

(q) Carrying firearms outside residence or place of business. – Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be

considered a residence or place of business or extension hereof.

Meanwhile, Section 32 of Republic Act No. 7166, pertinently reads:

Section 32. Who May Bear Firearms. – During the election period, no person shall bear, carry or transport firearms or other deadly weapons in public places, including any building, street, park, private vehicle or public conveyance, even if licensed to possess or carry the same, unless authorized in writing by the Commission. The issuance of firearms licenses shall be suspended during the election period. (Emphasis in the original)

In interpreting the above provisions, the Court in Buella, held that COMELEC Resolution No. 10015 is null and void insofar as it includes bladed instruments in the definition of deadly weapons prohibited during the 2016 election period. Simply put, the Court found that the inclusion of bladed instruments as prohibited deadly weapons under Resolution No. 10015 exceeds the scope of legislative authority granted to the COMELEC under the Omnibus Election Code and Republic Act No. 7166.[75]

The Court explained that Section 261(q) of the Omnibus Election Code contemplates only firearms. This is evident from both the title of the section, "Carrying firearms outside residence or place of business," and from its express terms, which solely address the regulation of firearms during the election period.[76]

The Court further noted that Section 32 of Republic Act No. 7166 appears, at first glance, to expand the scope of this prohibition by contemplating "other deadly weapons." However, a careful reading of Section 32 reveals that the reference to deadly weapons is restricted by the provision itself. The title of Section 32, "Who May Bear Firearms," restricts the use of the term "other deadly weapons" through the specific mention of firearms. Furthermore, the Court elucidated that the qualifying phrases "even if licensed to possess or carry the same" and "unless authorized in writing by the Commission" apply equally to firearms and deadly weapons.

The Court concluded in Buella that to come within the ambit of the election offense, "the deadly weapon must be: (1) one which is regulated or one for which a license is needed to possess or carry the same; and (2) one for which the COMELEC may issue an authorization to possess or carry during the election period." [77]

Hence, the Court held in Buella that the COMELEC exceeded the scope of legislative authority granted to it when it included bladed instruments within the term "deadly weapons." The Court declared that bladed instruments do not fall within the purview of the Omnibus Election Code and Republic Act No. 7166, as the prohibition under these laws extends only to regulated deadly weapons. Since no license is required for the possession or carriage of bladed instruments, and the COMELEC does not issue permits for their possession or use during the election period, then bladed instruments do not fall within the ambit of the prohibition.[78]

The Court's declaration in Buella—that the possession of bladed instruments is not covered by the prohibition under the Omnibus Election Code and Republic Act No. 7166—must be applied to the instant case.

Similar to COMELEC Resolution No. 10015, the subject matter of the ruling in Buella, COMELEC Resolution No. 10446, under which petitioner was charged and convicted, seeks to implement Section 261(q) of the Omnibus Election Code and Section 32 of Republic Act No. 7166. Further, an examination of the pertinent provisions of COMELEC Resolution No. 10015 and COMELEC Resolution No. 10446 demonstrates that the provision defining deadly weapon is similarly worded while the provision defining prohibited acts is exactly worded the same:

COMELEC Resolution No. 10015

COMELEC Resolution No. 10446

RULE I
DEFINITION OF TERMS

SECTION 1. Definition of Terms. – As used in this Resolution:

....

f. Deadly Weapon includes all types of bladed instruments, hand grenades or other explosives, except pyrotechnics. Provided, that a bladed instrument is not covered by the prohibition when possession of the bladed instrument is necessary to the occupation of the possessor or when it is used as a tool for a legitimate activity. (Emphasis supplied)

RULE I
DEFINITION OF TERMS

SECTION 1. Definition of Terms. – As used in this Resolution:

....

l. Deadly Weapon includes bladed instruments, hand grenades or other explosives, except pyrotechnics. Provided, That, a bladed instrument is not covered by the prohibition when possession of the bladed instrument is necessary to the occupation of the possessor or when it is used as a tool for legitimate activity. (Emphasis supplied)

RULE II
GENERAL PROVISIONS

SECTION 1. Prohibited Acts. – During the Election Period:

- No person shall bear, carry or transport Firearms or Deadly Weapons outside his residence or place of business, and in all public places, including any building, street, park, and in private vehicles or public conveyances, even if he is licensed or authorized to possess or to carry the same, unless authorized by the Commission, through the CBFSP, in accordance with the provisions of this Resolution[.]

RULE II
GENERAL PROVISIONS

SECTION 2. Prohibited Acts. – During the Election Period:

- No person shall bear, carry or transport Firearms or Deadly Weapons outside his residence or place of business, and in all public places, including any building, street, park, and in private vehicles or public conveyances, even if he is licensed or authorized to possess or to carry the same, unless authorized by the Commission, through the CBFSP, in accordance with the provisions of this Resolution[.]

Accordingly, applying the ruling in Buella, the inclusion of bladed instruments in the definition of deadly weapons in Rule I, Section 1(l) of COMELEC Resolution No. 10446 is null and void. As extensively elucidated in Buella, the COMELEC exceeded the scope of its legislative authority by including bladed instruments in the prohibition.

At this juncture, it must be noted that this is not the first instance where the Court applied the ruling in Buella to another criminal case involving the charge of possession of a bladed instrument during the election period.

In *People v. Ildefonso*,^[79] promulgated on February 19, 2025, the Court acquitted Ildefonso of the charge of

violation of COMELEC Resolution No. 9561-A, in relation to COMELEC Resolution No. 9735 and the Omnibus Election Code. In said case, a buy-bust operation against Ildefonso on October 14, 2013 yielded, among others, a 10-inch knife. Ildefonso was charged with violation of COMELEC Resolution No. 9561-A, which prohibited the possession of a deadly weapon, defined to include bladed instruments, during the election period. The Court applied the ruling of Buella and declared bladed instruments as excluded from the term "deadly weapons" in COMELEC Resolution No. 9561-A. Accordingly, Ildefonso was acquitted of such charge.[80]

Furthermore, it must also be emphasized that the COMELEC itself recognized the Buella doctrine when it expressly excluded bladed instruments from the definition of deadly weapon in Rule I, Section 1(n) of COMELEC Resolution No. 11067,[81] promulgated on September 25, 2024, which pertains to the May 12, 2025 National and Local Elections and Bangsamoro Autonomous Region in Muslim Mindanao Parliamentary Elections.

Considering that the Omnibus Election Code and Republic Act No. 7166 do not prohibit the possession of bladed instruments during the election period, as they are neither regulated by law nor subject to licensing or permit requirements, it is clear that petitioner's mere possession of a bladed instrument in a public place without the requisite COMELEC permit during the 2019 election period does not constitute an election offense. Consequently, petitioner is not guilty of the crime charged. This interpretation is consistent with the principle that penal laws are to be construed strictly against the State and liberally in favor of the accused.[82]

All told, petitioner must be absolved of any criminal liability, consistent with the doctrine of *nullum crimen, nulla poena sine lege*—there is no crime when there is no law punishing it.

ACCORDINGLY, the Petition is GRANTED. The assailed June 7, 2023 Decision and September 29, 2023 Resolution of the Court of Appeals in CA-G.R. CR No. 46948 are REVERSED.

Bladed instruments are DECLARED excluded from the term "deadly weapons" in COMELEC Resolution No. 10446.

Petitioner Virgilio Macabuhay y Payas is ACQUITTED of the charge of violation of Section 2(a) of COMELEC Resolution No. 10446, in relation to Section 261(q) of Batas Pambansa Blg. 881, also known as the Omnibus Election Code, and Section 32 of Republic Act No. 7166.

Let the entry of judgment be issued immediately.

SO ORDERED.

Hernando, Zalameda, Rosario, and Marquez, JJ., concur.

[1] Rollo, pp. 11-36.

[2] Id. at 38-47. The June 7, 2023 Decision in CA-G.R. CR No. 46948 was penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Roberto P. Quiroz and Maximo M. De Leon of the Special Seventh Division, Court of Appeals, Manila.

[3] Id. at 49-50. The September 29, 2023 Resolution in CA-G.R. CR No. 46948 was penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Roberto P. Quiroz and Maximo M. De Leon of the Former Special Seventh Division, Court of Appeals, Manila.

[4] Id. at 69-72. The September 16, 2021 Judgment in Criminal Case No. SC-23434 was penned by Presiding Judge Iluminado M. Dela Peña of Branch 28, Regional Trial Court, Santa Cruz, Laguna.

[5] Rules and Regulations on (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period of the May 13, 2019 National and Local Elections (2018).

[6] Republic Act No. 7166 (1991), An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for Other Purposes.

[7] Republic Act No. 7166 (1991), sec. 32.

[8] Consolidated Resolution for (1) Guidelines on the Establishment and Operation of COMELEC Checkpoints; and (2) Instructions for the Conduct of Preliminary Examination of Violations of the Ban on Firearms, Other Deadly Weapons and Security Personnel; in Connection with the May 13, 2019 National and Local Elections (2018).

[9] Rollo, p. 69.

[10] Id. at 39.

[11] Id.

[12] Id.

[13] Id.

[14] Id. at 39-40.

[15] Id. at 40.

[16] Id.

[17] Id.

[18] Id. at 69-72.

[19] Id. at 72.

[20] Id. at 71.

[21] Id. at 46.

[22] Id. at 43-44.

[23] Id. at 44.

[24] Id.

[25] Id.

[26] Id. at 44-45.

[27] Id. at 45.

[28] Id. at 49-50.

[29] Id. at 17-18.

[30] Id. at 16-17.

[31] 939 Phil. 537 (2023) [Per C.J. Gesmundo, En Banc].

[32] Rollo, p. 19.

[33] Id. at 20-21.

[34] Id. at 21.

[35] Id. at 21-25.

[36] Id. at 25-26.

[37] Id. at 27-28.

[38] RULES OF COURT, Rule 45, sec. 1 states:

Section 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth. (Emphasis supplied)

[39] G.R. No. 249858, February 19, 2025 [Per J. Lopez, J., Second Division].

[40] Id. at 13. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[41] Rollo, pp. 62-63.

[42] CONST. art. III, sec. 2 states: "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 witnesses [they] may produce, and particularly describing the place to be searched and the persons or things to be seized."

[43] *People v. Gabiosa, Sr.*, 869 Phil. 848, 859 (2020) [Per J. Caguioa, First Division].

[44] *People v. Mariacos*, 635 Phil. 315, 328 (2010) [Per J. Nachura, Second Division].

[45] *People v. Manago*, 793 Phil. 505, 516 (2016) [Per J. Perlas-Bernabe, First Division].

[46] *People v. Jumarang*, 928 Phil. 27, 32 (2022) [Per J. Lopez, J., Second Division].

[47] Id.

[48] Id. at 32-33.

[49] *People v. Tudtud*, 458 Phil. 752, 773 (2003) [Per J. Tinga, Second Division].

[50] *People v. Sapla*, 874 Phil. 240, 261 (2020) [Per J. Caguioa, En Banc]. (Citation omitted)

[51] *People v. Vinecario*, 465 Phil. 192, 208 (2004) [Per J. Carpio Morales, Third Division].

[52] Id. at 212.

[53] Id.

[54] 840 Phil. 1 (2018) [Per J. Del Castillo, First Division].

[55] Id. at 10-11.

[56] 920 Phil. 107 (2022) [Per J. Hernando, Second Division].

[57] Id. at 115-117.

[58] Rollo, p. 44.

[59] Id. at 27.

[60] See *Uy v. People*, 920 Phil. 107, 116-117 (2022) [Per J. Hernando, Second Division].

[61] Rollo, p. 45.

[62] *People v. Aspiras*, 427 Phil. 27, 39 (2002) [Per J. Buena, Second Division].

[63] *Gonzalez v. People*, 826 Phil. 190, 200-201 (2018) [Per J. Perlas-Bernabe, Second Division].

[64] Rollo, pp. 43-46.

[65] *In the Matter of Prescribing the Calendar of Activities and Periods of Certain Prohibited Acts in Connection with the May 13, 2019 National and Local Elections* (2018).

[66] Id.

[67] Rollo, pp. 69-72.

[68] 939 Phil. 537 (2023) [Per C.J. Gesmundo, En Banc].

[69] Rules and Regulations on (1) the Ban on Bearing, Carrying or Transporting of Firearms or Other Deadly Weapons; and (2) the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period of the May 9, 2016 Synchronized National and Local Elections (2015).

[70] *Buella v. People*, 939 Phil. 537, 548-549 (2023) [Per C.J. Gesmundo, En Banc].

[71] Rollo, pp. 38-46, 49-50.

[72] CONST. art. IX(c) sec. 2(1) states: The Commission on Elections shall exercise the following powers and functions: 1. Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

[73] *Bedol v. Commission on Elections*, 621 Phil. 498, 510 (2009) [Per J. Leonardo-De Castro, En Banc].

[74] *Buella v. People*, 939 Phil. 537, 581 (2023) [Per C.J. Gesmundo, En Banc].

[75] Id.

[76] Id. at 579.

[77] Id.

[78] Id. at 548.

[79] G.R. No. 249858, February 19, 2025 [Per J. Lopez, J., Second Division].

[80] Id. at 17-20. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[81] Consolidated Resolution on the (1) Rules and Regulations on the Prohibitions on the Bearing, Carrying, or Transporting of Firearms and Other Deadly Weapons, Including Explosives and/or Their Components and/or Controlled Chemicals, and the Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards During the Election Period; (2) Guidelines on the Establishment and Operation of Comelec Checkpoints; and (3) Guidelines on the Declaration of Election Areas of Concern and Those to be Placed Under

Comelec Control and Other Security Concerns in Connection with the May 12, 2025 National and Local Elections and Bangsamoro Autonomous Region in Muslim Mindanao Parliamentary Elections (2024).

[82] *People v. Ildefonso*, G.R. No. 249858, February 19, 2025 [Per J. Lopez, J., Second Division] at 19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

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