

Title: Johnny Demaisip vs. Court of Appeals and People of the Philippines

Facts:

1. Confidential Information: The case began when the Narcotics Command, AFP, received information that Johnny Demaisip possessed marijuana and had spiced “brownies” laced with marijuana at his residence, No. 3 Mango Street, Carmen, Cagayan de Oro City.
2. Surveillance: A surveillance team, including Sgt. Rico Carino, was dispatched to the location, and upon verification through a “Task Buy,” the information was confirmed.
3. Search Warrant: Based on the verified information, a search warrant was obtained from Judge Antonio Orcullo of the Municipal Trial Court in Cities, Cagayan de Oro City. However, this search warrant was neither shown nor submitted as evidence during the trial.
4. Execution of Warrant: The police team carried out the search at Demaisip’s residence, discovering a small plastic bag containing dried marijuana leaves weighing approximately 10 grams. Demaisip admitted ownership of the marijuana.
5. Arrest and Confession: Demaisip was arrested and taken to the Narcom office where he was informed of his rights. Demaisip waived his right to counsel, stating he did not need a lawyer and would tell the truth, despite his father being a lawyer. He then issued a statement confessing possession, which was later formalized before a Clerk of Court.
6. Trial: The marijuana was tested at the PC Crime Laboratory, confirming it was marijuana. Demaisip was charged with illegal possession of marijuana.
7. Appeal: Demaisip appealed to the Court of Appeals, arguing insufficiency of evidence regarding the identity of the substance and the procedures followed during search and confession. The Court of Appeals affirmed the trial court’s decision, convicting him of illegal possession.

Issues:

1. Whether the prosecution adequately proved the substance was marijuana.
2. Whether the marijuana evidence was admissible, given the purported procedural lapses regarding the search warrant.
3. Whether Demaisip’s confession should be admitted, considering he allegedly waived his right to counsel without proper safeguards.

Court’s Decision:

1. Substance Identification: The Supreme Court ruled that under Republic Act No. 6425, all classes of Cannabis sativa L., including marijuana, are prohibited without distinction. The forensic analyst conclusively determined the substance as marijuana. Therefore, the prosecution established its identity.

2. Search Warrant and Evidence: Although the search warrant was not presented, the Court found that Demaisip waived any objection by not raising this issue during the trial. The evidence obtained was, therefore, admissible.

3. Confession and Rights: The Court agreed that Demaisip's confession was rendered without counsel, infringing his rights. Nevertheless, the conviction was sustained based on the evidence of marijuana possession corroborated by officers' testimonies, independent of the confession.

Doctrine:

- Waiver of Objections: Legal objections, such as challenges to the validity of a search warrant, can be waived if not timely raised, allowing evidence obtained to be admitted.
- Statutory Definition: The statutory definition of prohibited substances, as comprehensive under related laws, removes the necessity to prove additional characteristics (e.g., psychoactive compound presence) once the substance falls under prohibited classes.
- Right to Counsel: The presence of counsel during custodial interrogation is crucial, and waivers must be explicit and knowledgeable. However, if a conviction can stand on other legal, untainted evidence, the absence of counsel does not nullify the entire prosecution effort.

Class Notes:

- Definition and scope of "marijuana" under Republic Act No. 6425.
- Importance of procedural adherence in search and seizure, and potential for waiver of objections.
- The necessity for legal representation during confession and implications of waiver.
- Concept of presumption of regularity in the conduct of forensic analysis.

Historical Background:

At the time of the decision, the Philippines was actively combating drug-related offenses, with strict regulations and penalties under Republic Act No. 6425. The government focused on curbing substance abuse and trafficking, as part of broader national security and public health efforts. The case reflects the legal system's handling of drug charges and the procedural challenges in law enforcement operations against narcotics.