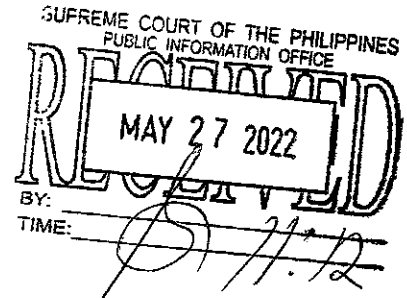




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION



PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 242889

Present:

versus

LEONEN, J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JJ.

LENG HAIYUN, DANG HUIYIN,
LIU WEN XION a.k.a. "LUI XIN,"
and LEI GUANG FENG,
Accused-Appellants.

Promulgated:

March 14, 2022

Mi s-PDCB-4

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DECISION

LOPEZ, J., J.:

To come within the purview of a "hot pursuit" arrest, a police officer's personal knowledge of facts and circumstances that the person to be arrested has committed the offense must be judged based on a confluence of circumstances sufficiently strong in themselves to create probable cause.

In this case, several circumstances, namely, the police officer's reasonable suspicion, coupled with the immediacy of their investigation, the presence of the police officers at the gasoline station that caused accused-appellants to flee, and their chase of accused-appellants' vehicle and subsequent interception at the checkpoint of the Commission on Elections (COMELEC), sufficiently support the existence of probable cause to justify the warrantless arrest of accused-appellants.

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This resolves an appeal¹ of the Decision² dated February 20, 2017 and the Resolution³ dated December 12, 2017 rendered by the Court of Appeals (CA) in CA-G.R. CR-HC No. 07690, which affirmed the Joint Judgment⁴ of the Regional Trial Court (RTC) Branch 14, Laoag City dated July 30, 2015 in Criminal Case Nos. 2131-19, 2132-19 and 2133-19. The RTC found accused-appellants Leng Haiyun, Dang Huiyin, Liu Wen Xion a.k.a. “Lui Xin” and Lei Guang Feng (*accused-appellants*) guilty beyond reasonable doubt for violations of Section 3, Presidential Decree (P.D.) No.1866, and Section 1, COMELEC Resolution No. 9561-A, in relation to Section 32 of Republic Act (R.A.) No. 7166,⁵ and Sections 261(q) and 264 of *Batasang Pambansa Bilang (B.P. Blg.)* 881, otherwise known as the *Omnibus Election Code of the Philippines*.

Leng Haiyun, *et al.*'s conviction by the RTC and CA stemmed from three separate Amended Informations⁶ quoted as follows:

Criminal Case No. 2131-19

That on or about May 28, 2013 in the municipality of Pasuquin, province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, did then and there willfully, unlawfully and knowingly have in their possession, control and custody eight (8) live hand grenade PRB 423; one magnet plate; four (4) explosives main charge; four (4) packs of alleged explosives; one sim card; one Initiator/Power Supply; without first securing the necessary license or authority to possess the same from the appropriate government agency.

CONTRARY TO LAW.

Criminal Case No. 2132-19

That on or about May 28, 2013 in the municipality of Pasuquin, province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, did then and there willfully, unlawfully and knowingly have in their possession, control and custody three (3) MKE MP5KA4 with Serial Numbers TO624-OBY00096; TO624-O9Y00129 & TO624-10D00197; one [1] cal. 45 Commando; M1911-A1CS (Citadel); one caliber 45 M1911-A1CS with silencer (no markings); one [1] 9mm glock 17 with Serial Number AADW113; one [1] 9mm Seretta, no serial number; one [1] walther P99 cal. 40 with serial number 405435; seven (7) magazines for MP5 (30 rds); two (2) short magazines for glock 17 (17 rounds); two [2] magazines for walther P99, cal. 40; sixty eight (68)

¹ *Rollo*, p. 15.

² Penned by Associate Justice Renato C. Francisco, with Associate Justices Apolinario D. Bruselas, Jr. and Danton Q. Bueser, concurring; *id.* at 2-14.

³ *Id.* at 98-99.

⁴ Penned by Presiding Judge Francisco R. D. Quilala; *CA rollo*, pp. 52-75.

⁵ An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations therefor, and for other Purposes.

⁶ *CA rollo*, pp. 53-54.

ammunitions for cal. 45; twenty (20) ammunitions for cal. 40; one hundred one (101) ammunitions for cal 9mm; one [1] silencer for unknown caliber; without first securing the necessary license or authority to possess the same from the appropriate government agency.

CONTRARY TO LAW.

Criminal Case No. 2133-19

That on or about May 28, 2013 in the municipality of Pasuquin, province of Ilocos Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, did then and there willfully, unlawfully and knowingly carry in a public place and outside of their residence during the election period three (3) MKE MP5KA4 with Serial Numbers TO624-OBY00096; TO624-O9Y00129 & TO624-10D00197; one [1] cal. 45 Commando; M1911-A1CS (citadel); one [1] cal. 45 M1911-A1CS with silencer (no markings); one [1] 9mm glock 17 with Serial Number AADW113; one [1] 9mm Seretta, no serial number; one [1] walther P99 cal. 40 with serial number 405435; seven (7) magazines for MP5 (30 rds); two (2) short magazines for glock 17 (17 rds); two (2) magazines for glock 17 (30 rds); three (3) magazines for cal. 45 (7 shooters) two (2) magazine for Beretta, 9mm; two (2) magazines for walther 99, cal. 40; sixty eight (68) ammunitions for cal. 45; twenty (20) ammunitions for cal. 40; one hundred one (101) ammunitions for cal. 9mm; three (3) silencer for MP5; one (1) silencer for beretta, 9mm; one [1] silencer for unknown caliber; eight (8) live hand grenade PRB 423; one magnet plate; four (4) explosives main charge; four (4) packs of alleged explosives; one [1] sim card; one [1] Initiator/Power Supply; without first securing the written authority or permit from the Commission on Elections, Manila, Philippines.

CONTRARY TO LAW.

Upon arraignment, Leng Haiyun *et al.* pleaded not guilty to the crime charged.⁷ After termination of the pre-trial, trial on merits ensued.

The Antecedents

On May 28, 2013, at around 6:30 in the evening, Michael Claveria (*Claveria*), a gasoline boy on duty at the North Metro Oil Gasoline Station at Pasuquin, Ilocos Norte, noticed a silver gray Toyota Previa parked at the southern portion of the gasoline station. Around 30 minutes later, Claveria saw someone alight from the Toyota Previa and break two bottles at the driver's side.⁸ Thereafter, Claveria proceeded to the police station to report the incident.⁹ In their patrol car, the police officers followed Claveria back to the gasoline station.¹⁰ Upon arrival at the gasoline station, the police officers spotted the Toyota Previa, but Leng Haiyun *et al.* noticed the

⁷ Records, p. 70.

⁸ *Id.* at 292.

⁹ *Id.*

¹⁰ *Id.*

police officers' presence.¹¹ As a result, Leng Haiyun, *et al.* fled toward the north direction,¹² and the police officers gave chase.¹³ In turn, Police Inspector Joseph Tayaban (*PI Tayaban*) contacted the police officers at the COMELEC checkpoint in *Barangay* Davila, Pasuquin, and requested them to intercept the Toyota Previa.¹⁴ When the vehicle stopped at the COMELEC checkpoint, the police officers alighted from the patrol car. PI Tayaban and Police Senior Inspector Joseph Baltazar (*PSI Baltazar*) approached the driver's side of the Toyota Previa and signaled the driver to lower the tinted window.¹⁵ Upon the driver's compliance, PI Tayaban saw four foreigners later identified as Leng Haiyun, *et al.* PI Tayaban also saw around six pieces of plate numbers scattered on the floor behind the driver. When asked, Leng Haiyun, *et al.* failed to show their passports or other documents pertaining to their entry and stay in the country.¹⁶

Thereafter, the driver of the Toyota Previa handed a mobile phone to PI Tayaban. On the other end of the line was a female who identified herself as "Candy." She asked PI Tayaban what the transgression of those aboard the Toyota Previa was. PI Tayaban answered that it was just for a light offense – they caused alarm at the gasoline station when they broke bottles. When Candy asked PI Tayaban to release the foreigners, PI Tayaban insisted that Candy should instruct them to go with the police officers, as only a light offense was involved. The occupants of the Toyota Previa complied, and they followed the patrol car. While approaching the police station, PI Tayaban stepped out of the patrol car and boarded the Toyota Previa to prevent the escape of Leng Haiyun, *et al.*¹⁷

Upon reaching the police station, PI Tayaban instructed Leng Haiyun, *et al.* to alight from the vehicle. While they were alighting, PI Tayaban and other people saw, in plain view, several butts and barrels of different firearms under the chair of the second row of the car. Thereafter, the police officers cordoned the area and handcuffed Leng Haiyun, *et al.* Upon PSI Baltazar's request, personnel of the Provincial Police Office headed by Police Superintendent Jerico Baldeo (*PS Baldeo*) and Police Chief Inspector Jay De Guzman (*PCI De Guzman*) arrived.¹⁸

Thereafter, PCI De Guzman began the search and in the presence of Leng Haiyun, *et al.*, *barangay* officials, and members of the media, and with the assistance of Pasuquin police officers, Police Officer 2 Ruel Llamelo (*PO2 Llamelo*) and Police Officer 3 Lumiowel Bulosan (*PO3 Bulosan*), opened the sliding door of the right side of the vehicle.¹⁹

¹¹ TSN, September 16, 2013, p. 5.

¹² *Id.*

¹³ *Id.*, at 6.

¹⁴ Records, p. 292.

¹⁵ *Id.*

¹⁶ *Id.* at 293.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 293-294.

PCI De Guzman saw an MP5 submachinegun on the floor of the vehicle and found several other firearms, pieces of explosives, and plate numbers on the floor of the second and third rows of the Toyota Previa. PCI De Guzman handed them to PO2 Llamelo, who listed each item. PO3 Bulosan, in turn, marked each item.²⁰

For their part, Leng Haiyun, *et al.* denied the allegations against them. They averred that no firearms and explosives were found inside the Toyota Previa. They maintained that they saw the subject firearms and explosives for the first time on top of a table outside the police station. They also belied the police officers' claim that several plate numbers were found scattered on the floor of the Toyota Previa.²¹

After trial, the RTC convicted Leng Haiyun, *et al.* for illegal possession of explosives and violation of the election gun ban but dismissed the case for illegal possession of firearms. The dispositive portion of the Decision dated July 30, 2015 states:

WHEREFORE, judgment is hereby rendered as follows:

(1) In Criminal Case No. 2131-19, the accused Leng Haiyun, Dang Huiyin, Liu Wen Xion a.k.a. "Lui Xin", and Lei Guang Feng are found GUILTY beyond reasonable doubt of illegal possession of explosives penalized under Section 3 of Presidential Decree No. 1866 as amended by Republic Act No. 9516 and are hereby sentenced to *reclusion perpetua*.

(2) In Criminal Case No. 2133-19, the accused Leng Haiyun, Dang Huiyin, Liu Wen Xion a.k.a. "Lui Xin", and Lei Guang Feng are found GUILTY beyond reasonable doubt of the election offense of violation of Section 261 (q) of the Omnibus Election Code in relation to COMELEC Resolution No. 9561-A and are hereby sentenced to an indeterminate penalty of imprisonment ranging from two years as minimum to five years as maximum;

(3) Crim. Case No. 2132-19 is hereby DISMISSED pursuant to *Agote v. Lorenzo* and *Madrigal v. People*.

The firearms, ammunitions, explosives, and other contraband recovered from the accused are hereby FORFEITED and CONFISCATED in favor of the Government.

Costs against the accused.

SO ORDERED.²²

The RTC ruled that the warrantless arrest of Leng Haiyun, *et al.* and the subsequent search of the subject vehicle are valid. It held that the

²⁰ *Id.* at 294.

²¹ *Id.* at 296.

²² *Id.* at 311-312. (Emphasis omitted)

warrantless arrest effected by the police officers was justified under Section 5 (a) of Rule 113. As a consequence of the arrest, the police officers were authorized to search the vehicle where the firearms were seen. Further, even assuming that the police officers should be deemed to have already effected an arrest when they asked Leng Haiyun, *et al.* to proceed from the checkpoint to the Pasuquin police station, there was a justification for such warrantless arrest. Leng Haiyun, *et al.* were committing a crime in the presence of the police officers because the presence of several plate numbers inside the Toyota Previa is a violation of Section 18 of the Land Transportation Code.

On appeal, the CA affirmed the conviction of Leng Haiyun, *et al.* in its Decision dated February 20, 2017, which reads:

WHEREFORE, the appeal is hereby DENIED. The Decision dated May 27, 2015 of the Court *a quo* is AFFIRMED.

SO ORDERED.²³

The CA held that contrary to the claims of Leng Haiyun, *et al.*, the report of the gasoline boy was not the sole basis for their warrantless arrest. The warrantless arrest was made pursuant to Section 5 (a) of Rule 113 of the Rules of Court. Given that the arrest was valid, the police officers were therefore authorized to search the entire vehicle where the firearms were seen. Verily, since the warrantless search was legally conducted, all the pieces of evidence obtained as a result of such search were admissible in evidence and sufficient to prove Leng Haiyun, *et al.*'s guilt beyond reasonable doubt.²⁴

Hence, the instant appeal.

In the Resolution²⁵ dated February 13, 2019, this Court notified both parties that they may file their respective supplemental briefs. On May 14, 2019, the Office of the Solicitor General filed a Manifestation²⁶ stating that it no longer intends to file a supplemental brief as its Appellee's Brief²⁷ sufficiently contained a summation of the facts of the case, the issues to be resolved, the arguments in support of its position, the relief sought and the authorities to support its arguments. On October 29, 2019, accused-appellants filed a Manifestation²⁸ stating that they intend to file their supplemental brief. On February 4, 2020, accused-appellants filed their

²³ CA rollo, p. 139. (Emphasis omitted)

²⁴ *Id.* at 137.

²⁵ Rollo, p. 21.

²⁶ *Id.* at 38-41.

²⁷ CA rollo, pp. 93-106.

²⁸ *Id.* at 30-32.

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supplemental brief,²⁹ while on February 21, 2020, they filed an addendum to their supplemental brief.³⁰

The Issue

The essential issue in the instant case is whether there was a valid warrantless arrest, and search, and seizure conducted by the police officers.

Our Ruling

The appeal is unmeritorious.

Accused-appellants first contend that they cannot be convicted of the offenses of illegal possession of explosives and violation of Section 261 (q) of the Omnibus Election Code, in relation to COMELEC Resolution No. 9561-A, because such will violate their right against double jeopardy; and, *second*, the prosecution failed to prove *animus possidendi*.

We disagree.

There is no double jeopardy and the prosecution has proven accused-appellants' animus possidendi

Section 3 of R.A. No. 9516, amending P.D. No. 1866, provides:

SECTION 3-D. *Former Conviction or Acquittal; Double Jeopardy.* - Subject to the provisions of the Rules of Court on double jeopardy, if the application thereof is more favorable to the accused, the conviction or acquittal of the accused or the dismissal of the case for violation of this Decree shall be a bar to another prosecution of the same accused for any offense where the violation of this Decree was a necessary means for committing the offense or in furtherance of which, incident to which, in connection with which, by reason of which, or on occasion of which, the violation of this Decree was committed, and vice versa.

Accused-appellants insist that under this provision, they can no longer be convicted of the offense of illegal possession of firearms and explosives since the possession of such contraband is a necessary means of committing the offense of violation of COMELEC Resolution No. 9561-A.³¹

²⁹ *Rollo*, pp. 50-84.

³⁰ *Id.* at 105-108.

³¹ *Id.* at 64.

Their interpretation is skewed. The foregoing provision presupposes that there is a conviction or acquittal of the accused or the dismissal of the case for violation of P.D. No. 1866 as amended by R.A. No. 9516. The prior conviction or acquittal, therefore, must be for illegal possession of firearms and explosives, which shall bar the prosecution for another offense. Even assuming that accused-appellants asked for the dismissal of Criminal Case No. 2133-19 charging them for violation of COMELEC Resolution No. 9651-A, this Court does not see how the offense of illegal possession of **explosives** was a necessary means of committing the COMELEC gun ban violation. The charge under Criminal Case No. 2133-19 was for violation of the COMELEC gun ban, which accused-appellants could be convicted of, as in fact they were, by their mere illegal possession of firearms during a gun ban.

Needless to say, the charge under Criminal Case No. 2131-19 was for illegal possession of explosives under Section 3-A of P.D. No. 1866, as amended by R.A. No. 9516. It would appear, however, that the argument of accused-appellants is anchored on Section 1 of P.D. No. 1866, as amended by R.A. No. 8294, where the law expressly states that the accused cannot be convicted of simple illegal possession of firearms if the person arrested has committed another crime. As the offenses differ, and taking off from *Agote v. Hon. Lorenzo*,³² it is only the charge for illegal possession of firearms filed against accused-appellants that was dismissed by the RTC in Criminal Case No. 2132-19.

Accused-appellants likewise maintain their lack of *animus possidendi*. They claim that the prosecution failed to prove that they were aware of the firearms and ammunitions inside the vehicle, considering that their use thereof was limited to 10-20 minutes only.³³ True, *animus possidendi* “is a state of mind, the presence or determination of which largely depends on the attendant events in each case.”³⁴ In determining the presence of *animus possidendi*, this Court is guided by the “prior or contemporaneous acts of the accused and the surrounding circumstances.”³⁵ “What exists in the realm of thought is often disclosed in the range of action.”³⁶

In this case, when the accused-appellants spotted the police officers’ vehicle, “they rode up and fled towards the north direction.”³⁷ This suspicious actuation only reveals that accused-appellants had a reason to be on edge. Besides, this Court can hardly believe that accused-appellants were oblivious to the presence of the firearms and ammunitions inside the Toyota Previa. Indeed, the police officers did not just seize one or two firearms. They seized several high-powered firearms, three loaded submachineguns,

³² 502 Phil. 318 (2005).

³³ *Rollo*, p. 66.

³⁴ *Jacaban v. People*, 756 Phil. 523, 532 (2015).

³⁵ *Id.*

³⁶ *People v. De Gracia*, 304 Phil. 118, 131 (1994).

³⁷ TSN, September 16, 2013, p. 5.

over 100 ammunitions, five silencers, eight hand grenades, and a bomb.³⁸ In fact, the police officers immediately noticed the existence of the butts and barrels of several firearms as soon as one of the accused-appellants slid open the vehicle's door and alighted therefrom.³⁹ Remaining ignorant about the presence of the dangerous weapons, especially considering their visibility, is contrary to logic and reason. To be sure, accused-appellants' act of entering a car loaded with deadly weapons and contraband for "touring purposes"⁴⁰ smacks of concoction rather than a narration of the truth.

There was a valid warrantless arrest under Section 5 (b), Rule 113 of the Rules of Court

Accused-appellants vehemently assert that the root cause of the search of the vehicle and the arrest was the report of the gasoline boy that one of the accused-appellants was breaking bottles and causing a commotion.⁴¹ They posit that breaking bottles is not *per se* a crime, since the same may be done negligently.⁴² Accused-appellants also controvert the CA's finding that the warrantless search was incidental to a lawful arrest⁴³ because there was no valid warrantless arrest in the first place.⁴⁴

While this Court agrees with the CA's Decision over the validity of the warrantless arrest, certain factual circumstances lead Us to depart from its reasoning.

Contrary to the CA's ruling, the circumstances of the case do not fall within the purview of Section 5 (a), Rule 113 of the Revised Rules of Criminal Procedure, but of Section 5 (b). Section 5, Rule 113 provides:

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

(a) When, in his 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 he has probable cause to believe based on personal knowledge of facts and 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 he is serving final judgment or

³⁸ *Id.* 16-18.

³⁹ *Id.* at 12.

⁴⁰ *Rollo*, p. 69.

⁴¹ *Id.* at 72.

⁴² *Id.* at 73.

⁴³ *Id.*

⁴⁴ *Id.* at 76.

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is temporarily confined while his 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 112.⁴⁵

Also known as “hot pursuit” arrest, Section 5 (b) requires the following to be valid: “(1) the offender has just committed an offense; and (2) the arresting peace officer or private person has personal knowledge of facts indicating that the person to be arrested has committed it.”⁴⁶

In *Abelita III v. P/Supt. Doria*,⁴⁷ this Court found that there was a valid warrantless arrest under the foregoing provision. There, P/Supt. Doria received a report about an alleged shooting incident. He thereafter instructed SPO3 Ramirez to investigate. SPO3 Ramirez reported that the accused therein, who was also implicated, just left the place of the incident. P/Supt. Doria looked for the accused and when he found the latter, P/Supt. Doria informed him of the incident report. P/Supt. Doria requested the accused to go with him to the police headquarters, but the accused suddenly sped up his vehicle and proceeded to his residence. P/Supt. Doria and other police officers chased the accused and accordingly arrested him. This Court ruled that the police officers’ investigation of the incident report and the petitioner’s act of trying to get away were “enough to raise a reasonable suspicion on the part of the police authorities as to the existence of probable cause.”⁴⁸ Thus:

Personal knowledge of facts must be based on probable cause, which means an actual belief or reasonable grounds of suspicion. The grounds of suspicion are reasonable when, in the absence of actual belief of the arresting officers, the suspicion that the person to be arrested is probably guilty of committing the offense is based on actual facts, *i.e.*, supported by circumstances sufficiently strong in themselves to create the probable cause of guilt of the person to be arrested. A reasonable suspicion, therefore, must be founded on probable cause, coupled with good faith on the part of the peace officers making the arrest.

Section 5, Rule 113 of the 1985 Rules on Criminal Procedure does not require the arresting officers to personally witness the commission of the offense with their own eyes. In this case, P/Supt. Doria received a report about the alleged shooting incident. SPO3 Ramirez investigated the report and learned from witnesses that petitioner was involved in the incident. They were able to track down petitioner, but when invited to the police headquarters to shed light on the incident, petitioner initially agreed then sped up his vehicle, prompting the police authorities to give chase. Petitioner’s act of trying to get away, coupled with the incident report

⁴⁵ Emphasis supplied.

⁴⁶ *Abelita III v. P/Supt. Doria*, 612 Phil. 1127, 1134 (2009).

⁴⁷ *Id.*

⁴⁸ *Id.* at 1135.

which they investigated, is enough to raise a reasonable suspicion on the part of the police authorities as to the existence of probable cause.⁴⁹

In the present case, an offense had just been committed and the police officers had personal knowledge of facts indicating that accused-appellants have committed it. It must be remembered that Claveria, a gasoline boy, saw one of the accused-appellants alight from the Toyota Previa and break two bottles at the driver's side. While accused-appellants argue that "the complaint of breakage of bottles from the gasoline boy is not in itself a crime,"⁵⁰ it cannot be denied that such act alarmed the personnel of the gasoline station. When accused-appellant Liu Wen Xion took the witness stand, he admitted the bottle-breaking incident, thus:

Q Now, Mr. witness when one of the police officers in the person of Police Inspector Tayaban testified last September 16, 2013 he said the following that they went to the gasoline station because there was a report made regarding this bottle breaking incident perpetrated or authored by one of the occupants of a Toyota Previa, are you aware of that bottle incident, Mr. witness?

A At the time we were at the gasoline station it is only our vehicle that was parked there. About the throwing of bottle it is my friend who threw out a bottle of a drink that he consumed, sir.

Q What drink is that, Mr. witness if you recall?

A A Red Bull, after drinking he just absent mindlessly threw out, sir.⁵¹

At that point, the act of the friend of Liu Wen Xion may be classified as unjust vexation, a crime "broad enough to include any human conduct which, although not productive of some physical or material harm, could unjustifiably annoy or vex an innocent person."⁵² The distress felt by the gasoline personnel was precisely the reason why they reported accused-appellants' acts to the police station.

From that moment on, the police officers lost no time in investigating the incident. Upon receipt of the report, their chief of police, PSI Baltazar, formed a team, together with three others and PI Tayaban, and immediately responded to the place of the reported incident.⁵³ Upon arrival, the police officers spotted the vehicle, but accused-appellants noticed their presence, causing the latter to ride up and flee toward the north direction.⁵⁴ The police officers immediately chased them and contacted Davila's Public Safety Company, who were conducting a COMELEC checkpoint, to intercept the fleeing vehicle.⁵⁵ All these circumstances, taken together, point

⁴⁹ *Id.* at 1134-1135. (Citations omitted)

⁵⁰ *Rollo*, p. 76.

⁵¹ TSN, May 20, 2015, p. 16.

⁵² *Maderazo v. People*, 534 Phil. 338, 353 (2006).

⁵³ TSN, September 16, 2013, p. 5.

⁵⁴ *Id.*

⁵⁵ *Id.* at 6.

to no other conclusion than that the police officers had personal knowledge that a crime had been committed.

While the accused-appellants impress upon this Court that there “was no testimony by the police authorities that indeed they saw the broken bottles,”⁵⁶ *Abelita III*⁵⁷ is an authority for the rule that the arresting officers need not have personally witnessed the commission of the offense “with their own eyes.”⁵⁸ To this Court’s mind, PI Tayaban’s reasonable suspicion, coupled with numerous circumstances, such as the immediacy of the police officers’ investigation, their presence at the gasoline station that caused accused-appellants to flee, and their chase of accused-appellants’ vehicle and subsequent interception at the COMELEC checkpoint, sufficiently support the existence of probable cause to justify accused-appellants’ warrantless arrest.

In fact, the police officers’ reasonable suspicion about the existence of probable cause was further raised when PI Tayaban saw six plate numbers scattered on the vehicle’s floor behind the driver’s seat⁵⁹ and accused-appellants’ lack of any means of identification or even official travel documents.⁶⁰ Curiously, accused-appellants allege that the Toyota Previa was only being used “to tour around the province,”⁶¹ yet they could not even present their passports to the police officers, if only to accord such allegation with a semblance of legitimacy. In truth, PI Tayaban was able to verify from the Bureau of Immigration that accused-appellants “passed through the back door”⁶² and had no papers to show the legality of their entry into the country.

More importantly, owing to PI Tayaban’s apprehension that accused-appellants might escape, he disembarked from their mobile patrol and transferred to the Toyota Previa to ensure that accused-appellants would reach the precinct.⁶³ In sum, what is important is that PI Tayaban had knowledge of facts that he personally gathered in the course of his investigation, pointing to accused-appellants as the perpetrators of the crime.

True, when PI Tayaban invited accused-appellants to the precinct and they acceded,⁶⁴ they were already under arrest. Yet, pursuant to the foregoing discussion, this Court is satisfied that the police officers conducted a valid warrantless arrest under Section 5 (b), Rule 113 of the Revised Rules of Criminal Procedure.

⁵⁶ *Rollo*, p. 77.

⁵⁷ *Supra* note 46.

⁵⁸ *Id.* at 1135.

⁵⁹ TSN, September 16, 2013, pp. 7-8.

⁶⁰ *Id.* at 10.

⁶¹ *Rollo*, p. 69.

⁶² TSN, September 16, 2013, p. 29.

⁶³ *Id.* at 8.

⁶⁴ *Id.*

The police officers seized the contraband in “plain view” and as an incident to a lawful arrest

Accused-appellants argue that the warrantless search and seizure are illegal since the warrantless arrest was unlawful at the inception.⁶⁵ Accordingly, the evidence yielded are inadmissible in evidence for being fruits of the poisonous tree.⁶⁶

We disagree.

We find that the police officers’ seizure of the evidence was in “plain view.” The general rule presupposes a valid search warrant before a law enforcer can validly search or seize a person’s house, papers, or effects. There are, however, eight instances of a valid search and seizure despite the absence of a search warrant, thus:

- (1) consented searches; (2) as an incident to a lawful arrest; (3) searches of vessels and aircraft for violation of immigration, customs, and drug laws; (4) searches of moving vehicles; (5) searches of automobiles at borders or constructive borders; (6) where the prohibited articles are in “plain view;” (7) searches of buildings and premises to enforce fire, sanitary, and building regulations; and (8) “stop and frisk” operations.⁶⁷

The plain view doctrine authorizes the seizure and presentation as evidence of objects that fall in the “plain view” of an officer “who has a right to be in the position to have that view.”⁶⁸ For the successful invocation of the doctrine, the prosecution must satisfy the following requirements: “(a) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which [they] can view a particular area; (b) the discovery of the evidence in plain view is inadvertent; and (c) it is immediately apparent to the officer that the item [they observe] may be evidence of a crime, contraband[,] or otherwise subject to seizure.”⁶⁹

Here, all the foregoing requirements are present. PI Tayaban had a prior justification for the intrusion because accused-appellants were legally arrested in accordance with Section 5 (b), Rule 113 of the Rules of Court. They already arrived at the precinct and PI Tayaban merely asked them to alight from the vehicle.⁷⁰ It was when accused-appellants were in the process of disembarking from the vehicle that PI Tayaban and the other

⁶⁵ *Rollo*, p. 79.

⁶⁶ *Id.*

⁶⁷ *People v. Agulay*, 588 Phil. 247, 272-273 (2008).

⁶⁸ *People v. Lagman*, 593 Phil 617, 628 (2008).

⁶⁹ *Id.*

⁷⁰ TSN, September 16, 2013, p. 12.

police officers “saw in plain view several butts and barrels of different firearms.”⁷¹ PI Tayaban testified:

- Q And after that what happened?
A So I alighted from that vehicle and instructed them to also alight from that vehicle, ma’am.
- Q Who were present when you alighted the vehicle?
A There were already media personalities at that time, ma’am. ABS-CBN, the TV broadcaster *and while they were disembarking at that vehicle, ma’am we saw in plain view several butts and barrels of different firearms, ma’am.*
- Q Where did you see those butts and barrels of firearms?
A *Under the chair of that second layer of the car, ma’am.*
- Q Could you describe the door of the van?
A The van Toyota Previa is like a Revo style but the difference is just that the side of that door is sliding. You can push that so that they can come out, ma’am. So that’s the thing, ma’am. *They opened that door so very wide so that we can view the inside of that vehicle, ma’am.*

x x x

THE COURT

- Q How were you able to see it, did you use flashlight or what? Or when it was opened in the sense that the car would be automatically lighted?
A *Upon opening the car it will light and at that time there’s a light in front of our station and exactly the place is lighted, your Honor.*
- Q So even without the aid of any flashlight you would be able to see what is inside the van?
A Yes, your Honor.⁷²

Certainly, PI Tayaban and the other police officers were strategically positioned in a such that they could see the inside of the vehicle. Being in that lawful position and during such lawful intrusion, PI Tayaban inadvertently discovered the butts and barrels of different arms, which the police officers have undoubtedly observed as contraband. As a continuation of the search conducted in “plain view” and in the course thereof, the police officers likewise discovered explosives. PI Tayaban further testified:

- Q So when you saw those butts and barrels of firearms inside the van which were under the chair which you said a while ago, what did you do next?
A We immediately cordoned that area and contained also these four (4) male persons and handcuffed them and I informed them of their

⁷¹ *Id.*

⁷² *Id.* at 12-13. (Emphases and italics supplied)

constitutional rights in the English language even though they are Chinese people and I informed them that they have the right to remain silent and told them that they can have a counsel preferably of their own choice and that if they cannot afford the services of a counsel our government will provide them for free.

x x x

Q So after you secured the vehicle containing the firearms what did you do next?

A Police Senior Inspector Baltazar, our Chief of Police summoned the Provincial Office for assistance, ma'am and personnel from Provincial Police Office (PPO) came.

Q Who in particular came?

A Headed by Police Superintended Baldeo with Police Chief Inspector Jay de Guzman, ma'am.

Q So do we understand from you that you waited for them before confiscating or did anything with those firearms inside the van?

A Yes, ma'am.

Q So when they arrived what did they do, if any?

A Police Chief Inspector Jay de Guzman commenced the search of that vehicle, ma'am, with the presence of the media people and the barangay officials and the police officers around there, ma'am.

Q Do you know what are those confiscated items inside the van?

A Yes, ma'am.

Q What are those?

A There were *eight (8) different types of firearms with three (3) submachine guns and several ammunitions and also there were eight (8) hand grenade explosives and one (1) improvised explosive device, a bomb, ma'am.*⁷³

In the same case of *Abelita III*,⁷⁴ the police authorities, after catching up with the petitioner, saw a gun in the front seat of the vehicle beside the driver's seat as the accused opened the door. During their search, they also saw a shotgun at the back of the driver's seat. Since a shooting incident just happened and the petitioner was implicated, the police officers seized the firearms under the plain view doctrine because the firearms may be evidence of a crime. Thus, just like *Abelita III*, PI Tayaban and the police officers in this case were justified in seizing the firearms and explosives.

In addition, the seizure made by PCI de Guzman of the firearms and explosives from accused-appellants also qualify as a search incidental to a lawful arrest. Section 13, Rules 126 of the Revised Rules of Criminal Procedure provides:

⁷³ TSN, September 16, 2013, pp. 14-16. (Emphasis and italics supplied)
⁷⁴ *Supra* note 46.

Section 13. Search incident to lawful arrest. — A person lawfully arrested may be searched for dangerous weapons or anything which may have been used or constitute proof in the commission of an offense without a search warrant.

The foregoing is authorized because accused-appellants “may reach for a weapon or for evidence to destroy, and seize any money or property found which was used in the commission of the crime, or the fruit of the crime, or that which may be used as evidence, or which might furnish them with the means of escaping or committing violence.”⁷⁵ It is well-settled that the police officers must have effected a lawful arrest before the search because the “precedent arrest determines the validity of the incidental search.”⁷⁶

In *Miclat, Jr. v. People*,⁷⁷ the petitioner therein was caught in the act of arranging heat-sealed plastic sachets in plain sight of the police officer, who thereafter searched the petitioner after the latter’s valid warrantless arrest. This Court, in ruling that the seizure made by the police officer was not only incidental to a lawful arrest, but also fell within the purview of the plain view doctrine, declared:

It is to be noted that petitioner was caught in the act of arranging the heat-sealed plastic sachets in plain sight of PO3 Antonio and he voluntarily surrendered them to him upon learning that he is a police officer. The seizure made by PO3 Antonio of the four plastic sachets from the petitioner was not only incidental to a lawful arrest, but it also falls within the purview of the "plain view" doctrine.

x x x x

It is clear, therefore, that an object is in plain view if the object itself is plainly exposed to sight. Since petitioner's arrest is among the exceptions to the rule requiring a warrant before effecting an arrest and the evidence seized from the petitioner was the result of a warrantless search incidental to a lawful arrest, which incidentally was in plain view of the arresting officer, the results of the ensuing search and seizure were admissible in evidence to prove petitioner’s guilt of the offense charged.⁷⁸

Indeed, as a consequence of accused-appellants’ arrest, the police officers were authorized to search the Toyota Previa, “on the ground that a contemporaneous search of a person arrested may be effected and may extend to areas that are within [their] custody and immediate control.”⁷⁹ Needless to say, the Toyota Previa was within accused-appellants’ immediate control. More importantly, in establishing the primordial requirement to justify a search incidental to a lawful arrest, the prosecution

⁷⁵ *Macalat v. Court of Appeals*, 347 Phil. 462, 480 (1997).

⁷⁶ *Id.*

⁷⁷ 672 Phil. 191 (2011).

⁷⁸ *Id.* at 206-207.

⁷⁹ *People v. Milado*, 462 Phil. 411, 417 (2003).

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has shown that PO1 Tayaban arrested accused-appellants first prior to the search. This was brought about by the bottle breaking incident at the gasoline station. Since accused-appellants were already arrested pursuant to the police officers' probable cause that accused-appellants committed an offense, the arrest can, in no way, be considered a mere pretext for the police officers' conduct of the search.

Having established that accused-appellants' arrest falls among the instances for a valid warrantless arrest and the evidence seized from accused-appellants was the result of a search of evidence in "plain view" and as an incident to accused-appellants' lawful arrest, the contraband seized were admissible in evidence to prove their guilt.

In a last-ditch attempt to secure their acquittal, accused-appellants stress that serious doubts exist as to the existence of the firearms, ammunitions, and grenades inside the vehicle.⁸⁰ Suffice to state that PCI De Guzman categorically testified that he personally conducted the search and positively identified the seized items.⁸¹ PO2 Llamelo likewise testified that PCI De Guzman handed the seized items to him, and he listed them down in the inventory sheet.⁸² PO2 Llamelo also painstakingly identified all the contraband seized in the present case.⁸³ While accused-appellants take issue regarding the bulletproof vests not included in the inventory, PO2 Llamelo has explained that these vests were used to cover the explosives inside the supply room.⁸⁴ Moreover, We do not see how the conduct of the search was illegal,⁸⁵ as accused-appellants would have it.

Accused-appellants point out that *Barangay Kagawad* Armando Aguinaldo (*Kagawad Aguinaldo*), one of the witnesses to the search, did not witness an actual search being done because he merely witnessed the taking out of the firearms from the vehicle.⁸⁶

We do not agree. *Kagawad* Aguinaldo testified that he was only a little behind PCI De Guzman, or by his side.⁸⁷ Upon opening the vehicle, *Kagawad* Aguinaldo even declared that he "saw a gun."⁸⁸ On cross-examination, *Kagawad* Aguinaldo admitted that his attention was only focused on the items being brought out.⁸⁹ For all intents and purposes, We find that *Kagawad* Aguinaldo witnessed the search as he was able to view the inside of the vehicle from where he was standing and observe the seized

⁸⁰ *Rollo*, p. 80.

⁸¹ TSN, October 14, 2013, pp. 13-14.

⁸² TSN, September 30, 2013, pp. 11-12.

⁸³ *Id.* at 17-22.

⁸⁴ TSN, October 7, 2013, pp. 7-8.

⁸⁵ *Rollo*, p. 81.

⁸⁶ *Id.* at 80.

⁸⁷ TSN, December 2, 2013, p. 7.

⁸⁸ *Id.* at 8.

⁸⁹ *Id.* at 16.

items as they were being taken out.⁹⁰ In effect, what accused-appellants were questioning is the fact that nobody else aside from PCI De Guzman was admitted inside the vehicle. This is only natural, as the police officers must protect the seized items from being contaminated by outside sources.

Finally, accused-appellants aver that there is no evidence to prove their presence during the search.⁹¹ This allegation is belied by the testimony of PO2 Llamelo, who admitted during cross-examination that accused-appellants witnessed the search. Hence:

- Q That's why because of your intention to protect these four (4) Chinese nationals you ensure that they were inside the station all the while because of the many people around, correct?
- A They were just near us, sir, they witnessed the search.⁹²

Accused-appellants boldly invoke this Court's compassion and sympathy by declaring how they "are Chinese Nationals in a foreign land"⁹³ and "sentenced to life in prison effectively removing them from their families and homeland."⁹⁴

Inasmuch as this Court sympathizes with their plight, their present circumstance is something they could have thought about twice, thrice, and even many times over, considering their equally bold and deliberate disrespect of Philippine immigration laws when they employed extralegal means to enter the country.

Given the foregoing, there is no reason for this Court to reverse the RTC's ruling, which the CA Decision affirmed.

Penalties

For Criminal Case No. 2131-19, We find the penalty imposed by the RTC proper. Section 3⁹⁵ of P.D. No. 1866, as amended by R.A. No. 9516, provides that the penalty of *reclusion perpetua* shall be imposed upon any person who shall willfully and unlawfully possess, among others, any

⁹⁰ *Id.* at 14-16.

⁹¹ *Rollo*, p. 81.

⁹² TSN, October 7, 2013, p. 9.

⁹³ *Rollo*, p. 83.

⁹⁴ *Id.*

⁹⁵ Section 3. *Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of an Explosive or Incendiary Device.* - The penalty of *reclusion perpetua* shall be imposed upon any person who shall willfully and unlawfully manufacture, assemble, deal in, acquire, dispose, import or possess any explosive or incendiary device, with knowledge of its existence and its explosive or incendiary character, where the explosive or incendiary device is capable of producing destructive effect on contiguous objects or causing injury or death to any person, including but not limited to, hand grenade(s), rifle grenade(s), 'pillbox bomb', 'molotov cocktail bomb', 'fire bomb', and other similar explosive and incendiary devices.

explosive or incendiary device, with knowledge of its existence and its explosive or incendiary character.

We likewise find the penalty imposed by the RTC for Criminal Case No. 2133-19 proper. Article 264⁹⁶ of the Omnibus Election Code states that any person found guilty of any election offense under the Code shall be punished with imprisonment of not less than one (1) year but not more than six (6) years. Thus, the RTC correctly meted an indeterminate penalty of imprisonment ranging from two years as minimum to five (5) years as maximum.

WHEREFORE, premises considered, the instant appeal is **DENIED**. The February 20, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 07690, which affirmed the July 30, 2015 Decision of the Regional Trial Court, Branch 14, Laoag City, in Criminal Case Nos. 2131-19 and 2133-19, and its Resolution dated December 12, 2017 are **AFFIRMED**. Thus:

- (1) In Criminal Case No. 2131-19, the accused-appellants Leng Haiyun, Dang Huiyin, Liu Wen Xion a.k.a. "Liu Xin," and Lei Guang Fang are found **GUILTY** beyond reasonable doubt of illegal possession of explosives penalized under Section 3 of Presidential Decree No. 1866 as amended by Republic Act No. 9516 and are hereby sentenced to *reclusion perpetua*;
- (2) In Criminal Case No. 2133-19, the accused-appellants Leng Haiyun, Dang Huiyin, Liu Wen Xion a.k.a. "Liu Xin," and Lei Guang Feng are found **GUILTY** beyond reasonable doubt of the election offense of violation of Section 261 (q) of the Omnibus Election Code, in relation to COMELEC Resolution No. 9561-A, and are hereby sentenced to an indeterminate penalty of imprisonment ranging from two (2) years as minimum to five (5) years as maximum; and
- (3) Criminal Case No. 2132-19 is **DISMISSED**.

⁹⁶ Section 264. *Penalties*. - Any person found guilty of any election offense under this Code shall be punished with imprisonment of not less than one year but not more than six years and shall not be subject to probation. In addition, the guilty party shall be sentenced to suffer disqualification to hold public office and deprivation of the right of suffrage. If he is a foreigner, he shall be sentenced to deportation which shall be enforced after the prison term has been served. Any political party found guilty shall be sentenced to pay a fine of not less than ten thousand pesos, which shall be imposed upon such party after criminal action has been instituted in which their corresponding officials have been found guilty.

The firearms, ammunitions, explosives, and other contraband recovered from the accused are hereby **FORFEITED** and **CONFISCATED** in favor of the Government.


Costs against the accused.

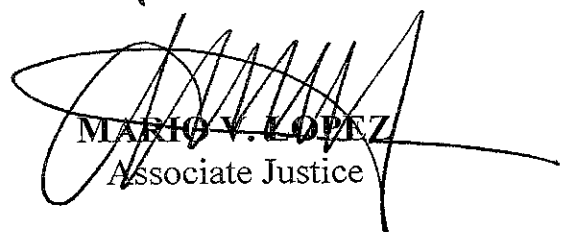
SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

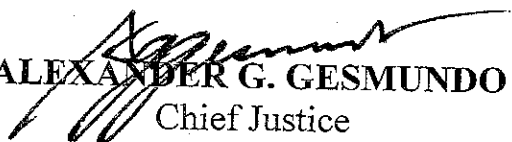
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice