



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ANGELITO RIDON y
GUEVARRA,
Petitioner,

G.R. No. 252396

Present:

-versus-

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

PEOPLE OF THE
PHILIPPINES,
Respondent.

Promulgated:

DEC 06 2023

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DECISION

M. LOPEZ, J.:

Assailed in this case is the Decision¹ and Resolution² of the Court of Appeals (CA) in CA-G.R. CR No. 41204, which upheld the Decision³ dated of the Regional Trial Court (RTC) convicting Angelito G. Ridon (Angelito) of illegal possession of firearm and ammunition.

¹ *Rollo*, pp. 30-43. The Decision in CA-G.R. CR No. 41204 was penned by Associate Justice Marie Christine Azcarraga-Jacob, with the concurrence of Associate Justices Jane Aurora C. Lantion and Gabriel T. Robeniol of the Special Fourteenth Division, Court of Appeals, Manila.

² *Id.* at 98-101.

³ *Id.* at 58-64. The Decision in Criminal Case No. 14-309 was penned by Presiding Judge Eugene C. Paras of Branch 58, Regional Trial Court, Makati City.

Antecedents

Angelito was charged with violation of Republic Act No. 10591,⁴ otherwise known as the *Comprehensive Firearms and Ammunition Regulation Act*. The Information reads:

On the 2nd day of August 2013, in the City of Makati, the [sic] Philippines, accused, did then and there willfully, unlawfully and feloniously have in his possession, direct custody and control one cal.38 revolver without serial number, and with six live ammunitions, which he carried outside of his residence without first securing the necessary license or permit thereof, in violation of the above-cited law.

CONTRARY TO LAW.⁵

Upon arraignment, Angelito pleaded not guilty. Trial on the merits ensued.⁶

The prosecution presented Police Officer III Sherwin Clete Limbauan (PO3 Limbauan), Bantay Bayan Manolito Crisolo Buesa (Bantay Bayan Buesa), and PO3 Harley Manguin Abuan (PO3 Abuan). Their collective testimonies narrated that, while PO3 Limbauan, PO3 Mike Lester Pacis (PO3 Pacis), and Bantay Bayan Buesa were patrolling on board a police mobile car at Macopa Street, Barangay Comembo, Makati City, around 3:30 a.m. on August 2, 2023, they chanced upon Angelito, who was driving a motorcycle. PO3 Pacis ordered Angelito to stop because Macopa Street was a one-way street, but instead of stopping, Angelito took a u-turn and drove towards Lanzones Street.⁷

The police officers and Bantay Bayan Buesa chased Angelito and cornered him at Lanzones Street. Angelito then fell along with his motorcycle. As he stood up, Angelito acted as if he would pull something from his side, an act that prompted Bantay Bayan Buesa to grab Angelito. Meanwhile, PO3 Limbauan and PO3 Pacis pulled their guns and pointed at Angelito. PO3 Limbauan ordered Angelito not to move while PO3 Pacis frisked Angelito and recovered a .38 caliber revolver without a serial number, loaded with six ammunition. Consequently, the police officers arrested Angelito. They informed him of his constitutional rights and brought him to Police Community Precinct 9 for processing. PO3 Pacis marked the firearm and the ammunition in the presence of PO3 Limbauan and Angelito. After that, they went to the Makati City Criminal Investigation Section where they turned over the case and the firearm to the Investigator, Special Police Officer II Rodrigo

⁴ Entitled "An Act Providing for a Comprehensive Law on Firearms and Ammunition and Providing Penalties for Violations Thereof" (2012).

⁵ *Rollo*, p. 58.

⁶ *Id.*

⁷ *Id.* at 31-32, 58-60.

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Igno (SPO2 Igno). PO3 Abuan, the evidence custodian, confirmed that he received the gun and ammunition presented during trial from SPO2 Igno.⁸

For his part, Angelito denied the allegations against him and claimed that he saw the gun for the first time at the police station. He narrated that he was on his way to buy *balut* in Pateros in the early morning of August 2, 2013 when the police officers flagged him as he was about to turn at Lanzones Street in Makati City. He then parked his motorcycle and alighted from it. Angelito claimed that the police officers asked him to go to the police station with them. When he asked why, one of the police officers allegedly punched him in the gut. He was then brought to the hospital before going to the police station. Once at the police station, the officers asked if his wife or anybody in his house had money. Angelito called his wife, who later arrived at the police station and talked to the police officers. Afterward, Angelito was brought to the Criminal Investigation and Detection Group (CIDG) in Ayala Avenue where he was charged with illegal possession of firearm. Angelito averred that he did not file a case against the police officers because he did not know how to. However, he executed an Affidavit regarding the extortion and gave it to his lawyer.⁹

Angelito's live-in partner Olive D. Sabile (Olive) corroborated Angelito's testimony and confirmed that she received a phone call from Angelito asking her to go to the police station. There, the police officers informed her that Angelito entered a one-way street and demanded PHP 15,000.00 from her. She went home but was unable to raise the amount asked. Olive then returned to the police station where she was told that her husband would be brought to the CIDG. Upon arriving at the CIDG, the police showed them the firearm allegedly recovered from Angelito. Olive did not file a case for the unlawful arrest of her husband because she was afraid.¹⁰

RTC Decision

On January 3, 2018, the RTC convicted¹¹ Angelito of illegal possession of firearm and ammunition.¹² The RTC ruled that the prosecution was able to establish the existence of the firearm and Angelito's possession thereof without a license, thus:

Based on the evidence, the accused was in possession of Cal.38 loaded with ammunition and he is not a registered licensed [sic] holder thereof. [T]his was recovered by policemen PO3 Pacis and PO1 Limbauan[,] along with Bantay Bayan Manolito Buesa on August 2, 2013, when the accused was about to draw the firearm from his waistline when he was cornered by the

⁸ *Id.* at 32, 59–60.

⁹ *Id.* at 33, 60–61.

¹⁰ *Id.* at 33, 61–62.

¹¹ *Id.* at 58–64.

¹² *Id.* at 64.

policemen and Bantay Bayan Buesa in Lanzones Street. Besides, the fact [that] the accused sped up when ordered stopped [sic] by police officers indicated that he was then doing or hiding something illegal. This act of [the] accused prompted the police to react and chase [him] and eventually confiscated [sic] the firearm from [him].

....

Thus, the prosecution has established all the requisites of illegal possession of firearm because the existence of the firearm and the fact that the accused was in possession thereof without [a] license were duly proven. The court finds the testimony of the three (3) witnesses of the prosecution credible[,] being straightforward and substantially in accord with one another.¹³

Further, the RTC did not lend credence to Angelito's defense that the evidence was planted as he did not file a case against the police officers. The RTC also found that his extortion claim was unsupported.¹⁴ Hence, Angelito was sentenced to suffer the following penalties:

WHEREFORE, premises considered, the Court renders JUDGMENT finding the accused ANGELITO GUEVARRA RIDON **GUILTY** of the crime charge of violation of R.A. No. 10591 (Illegal Possession of Firearm and Ammunition) beyond reasonable doubt. Accordingly, the accused Angelito Guevarra Ridon, after applying Indeterminate Sentence Law (Act No. 4103), is **SENTENCED** to suffer an imprisonment of *prision mayor in its medium period* or **Eight (8) Years and One (1) Day to Ten (10) Years of imprisonment.**

SO ORDERED.¹⁵ (Emphasis in the original)

Angelito appealed¹⁶ his conviction to the CA, arguing that his right against unreasonable search and seizure was violated considering that the prosecution failed to prove that he violated a traffic rule or ordinance.¹⁷

CA Decision

In the assailed Decision,¹⁸ the CA ruled that the warrantless search on Angelito was justified because it was incidental to a lawful arrest.¹⁹ The CA observed that the police officers have probable cause to frisk and arrest Angelito, to wit:

¹³ *Id.* at 62–63.

¹⁴ *Id.* at 63.

¹⁵ *Id.* at 64.

¹⁶ *Id.* at 44–57, Brief for the Accused-Appellant dated August 31, 2018.

¹⁷ *Id.* at 50–53.

¹⁸ *Id.* at 30–43.

¹⁹ *Id.* at 37–38.

In the present case, prosecution witnesses **PO3 Limbauan and Bantay Bayan Buesa are consistent in their claim that appellant was seen entering a one-way street and when he was flagged down, he did not pull over.** Instead, he sped away and even tried to draw his gun when he was cornered.

Clearly, **the police officers and Bantay Bayan Buesa conducted a valid *in flagrante delicto* warrantless arrest on appellant, thus, making the consequent search incidental thereto valid as well.** It must be stressed that the offense of illegal possession of firearms is *malum prohibitum* punished by a special law and, in order that one may be found guilty of a violation thereof, it is sufficient that the accused had no authority or license to possess a firearm, and that he intended to possess the same, even if such possession was made in good faith and without a criminal intent. In one case, it was held that the carrying of firearms and ammunition without the requisite authorization is enough basis for the conduct of a valid *in flagrante delicto* warrantless arrest.²⁰ (Emphasis supplied, citations omitted)

The CA upheld the RTC's decision with modification on the penalty imposed since the firearm was loaded, to wit:

WHEREFORE, premises considered, the instant appeal is hereby **DENIED.**

Accordingly, the *Decision dated 03 January 2018* rendered by Branch 58, RTC of Makati City, in Criminal Case No. 14-309 is **AFFIRMED with modification** as regards the penalty imposed.

Accused-appellant ANGELITO RIDON [y] GUEVARRA is sentenced to an indeterminate penalty of eight (8) years, eight (8) months and one (1) day of *prision mayor in its medium period*, as minimum, to ten (10) years, eight (8) months and one (1) day of *prision mayor in its maximum period*, as maximum.

SO ORDERED.²¹ (Emphasis in the original)

Hence, this Petition.²² Petitioner Angelito G. Ridon insists that the CA erred in convicting him because there was no valid *in flagrante delicto* arrest to justify the warrantless search. He maintains that the police officers cornered and frisked him even before he was arrested for any offense. Petitioner also avers that there was no evidence showing that he committed any crime, violated any law or ordinance, or acted in a manner as to arouse any suspicion when the police officers started chasing him. He adds that the police officers did not see any firearm on him. Thus, he was not yet under arrest when the police officers searched him. Angelito further claims that even if the prosecution's version were true, the firearm is inadmissible for being the fruit of a poisonous tree.²³

²⁰ *Id.* at 37-38.

²¹ *Id.* at 42.

²² *Id.* at 11-23.

²³ *Id.* at 18-22.

On the other hand, the People of the Philippines, through the Office of the Solicitor General, contend that the Petition must be dismissed for raising questions of fact. At any rate, the People argue that the CA properly affirmed Angelito's conviction since his unusual conduct of speeding away when the police officers flagged him down gave the latter a reasonable belief that he may have something illegal or that criminal activity may be afoot. The People further aver that PO3 Limbauan consistently stated that Angelito was about to draw a gun. This called for the immediate disarming of Angelito to ensure the safety of the police officers before Angelito's arrest.²⁴

Ruling of the Court

The petition is meritorious.

On the procedural aspect, a Petition for *Certiorari* under Rule 45 must only raise questions of law.²⁵ However, the Court may entertain questions of fact when the judgment being assailed is based on a misapprehension of facts as in this case.²⁶

The general rule is that searches and seizures must be carried out with a warrant issued based on probable cause. Otherwise, applying the exclusionary rule, any evidence obtained is inadmissible for any purpose in any proceeding. While this principle admits of 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,²⁷ none applies in this case.

Contrary to the CA's findings, the warrantless search on Angelito was not incidental to a lawful arrest. Rule 126, Section 13 of the Rules of Court states that a person lawfully arrested may be searched for dangerous weapons or anything that may have been used or constitute proof in the commission of an offense without a search warrant. Indeed, there must first be a lawful arrest before a warrantless search and seizure can be made. The process cannot be reversed.²⁸ In *Malacat v. CA*,²⁹ the Court explained a search incidental to a lawful arrest in this wise:

²⁴ *Id.* at 110-113.

²⁵ RULES OF COURT, Rule 45, sec. 1.

²⁶ *Picardal v. People*, 854 Phil. 575, 581 (2019) [Per J. Caguioa, Second Division], citing *Cereno v. Court of Appeals*, 695 Phil. 820, 828 (2012) [Per J. Perez, Second Division].

²⁷ *People v. Aruta*, 351 Phil. 868, 879-880 (1998) [Per J. Romero, Third Division].

²⁸ *Homar v. People*, 768 Phil. 195, 203 (2015) [Per J. Brion, Second Division].

²⁹ 347 Phil. 462, 480 (1997) [Per J. Davide, Jr., *En Banc*].

In a search incidental to a lawful arrest, as the precedent arrest determines the validity of the incidental search, the legality of the arrest is questioned in a large majority of these cases, [e.g.], whether an arrest was merely used as a pretext for conducting a search. In this instance, the law requires that **there first be a lawful arrest before a search can be made**—the process cannot be reversed. At bottom, assuming a valid arrest, the arresting officer may **search the person of the arrestee and the area within which the latter 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 the arrestee with the means of escaping or committing violence.³⁰ (Emphasis supplied, citations omitted)

Thus, a warrantless search and seizure incidental to a lawful arrest is valid when: (a) the accused was lawfully arrested; (b) the arresting officers subsequently made a warrantless search; (c) the search is limited to the person of the accused and the area within the accused's immediate control; and (d) the search was performed at the place of the arrest.

Essentially, a lawful arrest must precede the warrantless search.³¹ Arrest is the taking of a person into custody so that he or she may be bound to answer for the commission of an offense.³² One of the instances when a person may be lawfully arrested without a warrant is the *in flagrante delicto* arrest—as when a person to be arrested has committed, is actually committing, or is attempting to commit a crime.³³ To be valid, an *in flagrante delicto* arrest must comply with the following requisites: (a) the person to be arrested must execute an overt act indicating that he has just committed, is actually committing, or is attempting to commit a crime; and (b) the overt act is done in the presence or within the arresting officer's view.³⁴

In Angelito's case, the overt acts that prompted the police officers to arrest him were his attempt to flee and his supposed act of drawing something from his waist.³⁵ During his direct examination, PO3 Limbauan testified that when Angelito stood up, he acted like he would draw something from his side, so they frisked him. After that, they discovered the firearm and arrested him.³⁶ This shows that the gun was not yet apparent when they searched Angelito. Although PO3 Limbauan later changed this statement,³⁷ the other witness Bantay Bayan Buesa admitted that he did not see what Angelito drew from his waistline despite being the one holding him during the search.³⁸ This confirms PO3 Limbauan's first statement that they were not certain about what Angelito was going to draw from his waist until they performed the

³⁰ *Id.*

³¹ *Veridiano v. People*, 810 Phil. 642, 657 (2017) [Per J. Leonen, Second Division].

³² RULES OF COURT, Rule 113, sec. 1.

³³ RULES OF COURT, Rule 113, sec. 5(a).

³⁴ *People v. Comprado*, 829 Phil. 229, 244 (2018) [Per J. Martires, Third Division].

³⁵ *Rollo*, pp. 32, 59.

³⁶ *Id.* at 59.

³⁷ *Id.*

³⁸ *Id.* at 60.



search. Put simply, the arresting officers were not yet aware that Angelito was carrying a firearm when they decided to search him.

Notably, the CA's application³⁹ and the People's reliance⁴⁰ on *People v. Abriol*,⁴¹ are misplaced. In *Abriol*, the Court held that the act of carrying firearms and ammunition, without the requisite authorization, is enough basis to conduct an *in flagrante delicto* arrest.⁴² However, it should be stressed that the warrantless search in *Abriol* was preceded by a shooting incident,⁴³ unlike in this case. Considering that the arresting officers were aware of the shooting incident and that the accused were armed⁴⁴ in *Abriol*, the arrest done *in flagrante delicto* was justified, along with the subsequent warrantless search and seizure of the subject firearms.

As an adjunct to the above discussion, the Court decrees that the warrantless search on Angelito cannot be justified by his alleged traffic violation. A survey of jurisprudence will show that violating ordinances and regulations alone is insufficient to trigger a valid warrantless search and seizure, especially when the penalty does not involve imprisonment.

In *Luz v. People*,⁴⁵ the Court ruled that a warrantless search incidental to a lawful arrest is inapplicable because there was no valid arrest preceding the search. While there can be an arrest for a traffic violation, the Court noted that the arresting officer did not intend to deprive the accused *Luz* of his liberty when he was flagged down for driving a motorcycle without a helmet.⁴⁶ Hence, the Court held that the items seized during the search were inadmissible:

At the time that he was waiting for PO3 Alteza to write his citation ticket, petitioner could not be said to have been "under arrest." **There was no intention on the part of PO3 Alteza to arrest him, deprive him of his liberty, or take him into custody.** Prior to the issuance of the ticket, the period during which petitioner was at the police station may be characterized merely as waiting time. In fact, as found by the trial court, PO3 Alteza himself testified that the only reason they went to the police sub-station was that petitioner had been flagged down "almost in front" of that place. Hence, it was only for the sake of convenience that they were waiting there. There was no intention to take petitioner into custody.

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³⁹ *Id.* at 38.

⁴⁰ *Id.* at 114-115.

⁴¹ 419 Phil. 609, 635-636 (2001) [Per J. Quisumbing, Second Division].

⁴² *Id.* at 635.

⁴³ *Id.*

⁴⁴ *Id.* at 618-619.

⁴⁵ 683 Phil. 399, 406 (2012) [Per J. Sereno, Second Division].

⁴⁶ *Id.* at 407.

[T]here being no valid arrest, the warrantless search that resulted from it was likewise illegal.⁴⁷ (Emphasis supplied, citations omitted)

The same principle was applied in acquitting the accused in *Picardal v. People*.⁴⁸ There, the accused was arrested for urinating in public in violation of an MMDA Regulation.⁴⁹ The infraction was punishable only by a fine and not imprisonment, thus, the ensuing arrest was held unlawful.⁵⁰ For this reason, the firearm recovered from the accused could not be used in any prosecution⁵¹ pursuant to Article III, Section 3(2) of the 1987 Constitution.⁵²

Similarly, in *Mendoza v. People*,⁵³ the Court ruled that there was no valid arrest justifying the eventual search and seizure of the firearm. In that case, the police officers flagged an unregistered motorcycle used by the accused and his companions who were not wearing helmets.⁵⁴ The traffic violation did not call for an arrest, as it merely warranted the confiscation of the driver's license of the accused.⁵⁵ There being no lawful arrest, there was also no warrantless search and seizure of the firearm to speak of.⁵⁶

In this case, the penalty for entering a one-way street is not imprisonment.⁵⁷ Hence, the police officers could not have intended to arrest Angelito when they chased him for entering a one-way street. In other words, the basis of the police officers for pursuing Angelito was a mere violation of traffic rules. Regardless of Angelito's guilt in entering the one-way street, he was not yet under arrest when the police officers pursued him. Thus, they had no basis in subsequently performing a warrantless search on Angelito.

Significantly, the warrantless search is also unjustifiable under stop-and-frisk which allows a police officer who observes suspicious or unusual conduct, which leads him to believe that a criminal act may be afoot, to approach a person to investigate.⁵⁸ There must *be two or more suspicious circumstances*, the totality of which would then create a reasonable inference

⁴⁷ *Id.*

⁴⁸ 854 Phil. 575, 583-584 (2019) [Per J. Caguioa, Second Division].

⁴⁹ *Id.* at 578-579.

⁵⁰ *Id.* at 582-585.

⁵¹ *Id.* at 585.

⁵² CONST., art. III, sec. 3.

....

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

⁵³ 843 Phil. 881, 890-891 (2018) [Per J. A. Reyes, Jr., Second Division].

⁵⁴ *Id.* at 884-885.

⁵⁵ *Id.* at 891.

⁵⁶ *Id.* at 890-891.

⁵⁷ Joint Metro Manila Traffic Circular No. 1 (2023).

⁵⁸ *Luz v. People*, 683 Phil. 399, 412 (2012) [Per J. Sereno, Second Division]; and *Manalili v. CA*, 345 Phil. 632, 644 (1997) [Per J. Panganiban, Third Division].

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of criminal activity, to compel the arresting officer to investigate further.⁵⁹ *A mere suspicion or a hunch will not validate a stop-and-frisk.*⁶⁰

In the cases of *People v. Solayao*,⁶¹ *Manalili v. CA*,⁶² and *Manibog v. People*,⁶³ the Court upheld the validity of warrantless stop-and-frisk searches. In *Solayao*, the operatives went to verify reports of armed persons roaming around Biliran. While patrolling, the operatives noticed a group of drunk men, one of whom was wearing a camouflage uniform or a jungle suit. Upon seeing the operatives, the drunken men fled, but the one carrying dried coconut leaves got left behind. One of the operatives introduced himself and seized the coconut leaves containing a homemade firearm.⁶⁴

Meanwhile, in *Manalili*, the police officers conducted surveillance based on information that drug addicts were wandering in the vicinity of Kalookan City Cemetery. During the surveillance, they chanced upon a person who appeared high on drugs because of his reddish eyes and unstable manner of walking. The person tried to avoid them, but they stopped and questioned him. The police officers ordered him to show his hands. He then gave his wallet to one of the policemen, who found marijuana residue inside.⁶⁵

In *Manibog*, the police officers likewise acted on information that the accused was carrying a gun outside the Municipal Tourism Office during the election gun ban. Before approaching the accused, they observed that he had a suspicious-looking bulge protruding under his shirt and around his waist. Based on the experience of the police officers, a firearm has a distinct contour when tucked in the waist.⁶⁶ The Court concluded that these circumstances led to a reasonable suspicion that the accused was carrying a gun and provided a genuine reason for the police officers to conduct a stop-and-frisk search on the petitioner.⁶⁷

It is apparent in *Solayao*, *Manalili*, and *Manibog* that the accused were already acting suspiciously even before the authorities approached them. To be sure, the following requisites were present and justified in a stop-and-frisk search: (a) there were two or more reasonable suspicious circumstances involving the accused; (b) the arresting officers observed the suspicious circumstances before approaching the accused; and (c) the purpose of the police officers in approaching the accused was to investigate.

⁵⁹ *Manibog v. People*, 850 Phil. 103, 118 (2019) [Per J. Leonen, Third Division]; and *Telen v. People*, 864 Phil. 1103, 1117 (2019) [Per J. Leonen, Third Division].

⁶⁰ *Malacat v. CA*, 347 Phil. 462, 481 (1997) [Per J. Davide, Jr., *En Banc*].

⁶¹ 330 Phil. 811, 818–819 (1996) [Per J. Romero, Second Division].

⁶² 345 Phil. 632, 643–647 (1997) [Per J. Panganiban, Third Division].

⁶³ 850 Phil. 103, 120 (2019) [Per J. Leonen, Third Division].

⁶⁴ 330 Phil. 811, 814–815 (1996) [Per J. Romero, Second Division].

⁶⁵ 345 Phil. 632, 638 (1997) [Per J. Panganiban, Third Division].

⁶⁶ 850 Phil. 103, 107–108 (2019) [Per J. Leonen, Third Division].

⁶⁷ *Id.* at 120.

In contrast, none of these factors exist in Angelito's case. On the first requirement, Angelito's attempt to flee when flagged for a traffic violation cannot be considered a suspicious circumstance as it does not necessarily indicate guilt for concealing any illegal or prohibited item. We cannot discount the possibility that the accused simply did not want to be apprehended for violating the traffic rules because it entails the confiscation of his driver's license and payment of fines.

Similarly, Angelito's act of drawing something from his waist does not constitute a reasonable suspicious circumstance. Neither the RTC nor the CA found that the police officers observed any distinct bulge or contour that could have led them to believe that what Angelito was about to draw was a gun. Thus, their decision to conduct a warrantless search on Angelito was based only on a hunch—not on a reasonable suspicion.

Even if the Court considers these circumstances as reasonably suspicious, the second requirement is still absent because the attempt to flee and draw happened after the police officers approached Angelito. In other words, Angelito's actions were his intuitive response to the conduct of the law enforcers. Unlike in a valid stop-and-frisk case where the accused acted suspiciously even before the authorities approached, Angelito's supposed suspicious deeds merely resulted from the actions of the police officers.


Under the circumstances, the warrantless search and seizure of the firearm from Angelito is deemed invalid. Following the exclusionary rule,⁶⁸ the illegality of the search and seizure means that there is no admissible evidence left to convict Angelito. His acquittal is in order.⁶⁹

ACCORDINGLY, the petition is **GRANTED**. The Decision dated October 4, 2019 and the Resolution dated March 13, 2020 of the Court of Appeals in CA-G.R. CR No. 41204 are **REVERSED** and **SET ASIDE**. Petitioner ANGELITO RIDON y GUEVARRA is **ACQUITTED**.

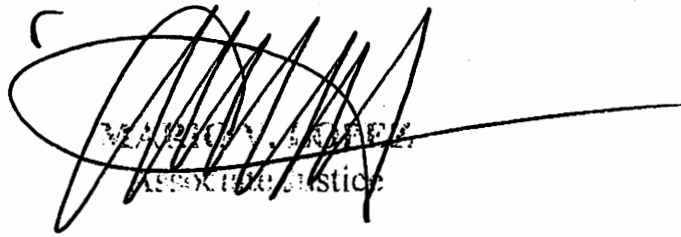
Let entry of judgment be issued immediately.

⁶⁸ CONST., art. III, sec. 3(2).

⁶⁹ *People v. Cogaed*, 740 Phil. 212, 241–242 (2014) [Per J. Leonen, Third Division].

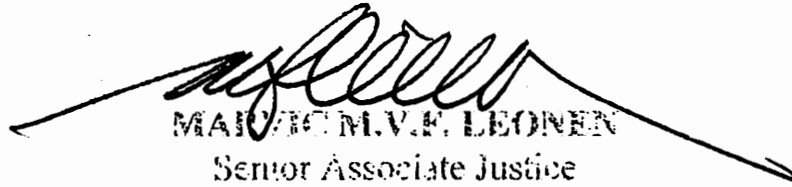


SO ORDERED.




MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



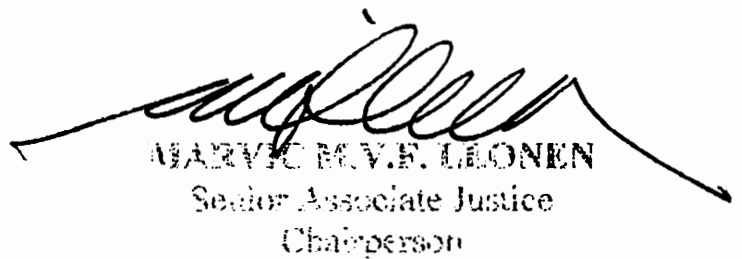
JOSEPH Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

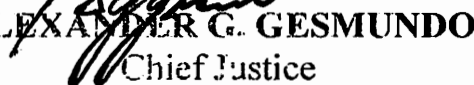
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 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