

How to answer essay questions involving the law

K.Y. Enriquez

CLAC Method

- Categorical Answer
 - Write either Yes or No followed by the question asked.
- Legal Basis
 - Provide the legal or jurisprudential (SC case) basis to support your answer.
- Application
 - Apply and correlate the legal or jurisprudential basis to the facts given in the problem.
- Conclusion
 - One-paragraph wrap-up of your entire answer.

Sample Problem (from Exercise 1)

Police agents of the Mandaue City Anti-Dangerous Drugs Enforcement Unit were on surveillance of Mabuhay Public Cemetery where the sale and use of prohibited drugs were rumored to be rampant. The team of police officers saw Badong, a man with reddish and glassy eyes, walking unsteadily towards them. Badong immediately ran away upon seeing the policemen. A chase ensued, but the team were able to apprehend Badong. The team introduced themselves as police officers and asked Badong what he had in his clenched fist. Because Badong vehemently refused to answer, one of the police officers forcefully pried Badong's fist open and saw a plastic sachet filled with white crystalline substance. The team then took Badong into custody and submitted the contents of the sachet to forensic examination. The white crystalline substance in the sachet turned out to be methamphetamine hydrochloride locally known as shabu. Badong was accordingly charged in court. During the trial, Badong challenged the validity of his arrest on the ground that it was conducted without an arrest warrant issued by a judge. Is Badong's contention correct? Explain

Possible Answer 1 based on CLAC

Yes, Badong's contention that his arrest was invalid for having been made without a warrant is correct. **(C)**

The law provides that a person's right against unreasonable searches and seizures shall be inviolable, and a person may be arrested only on the strength of a valid arrest warrant issued by a judge upon personally determining that there exists probable cause to arrest the accused. **(L)**

In this case, the police officers were not armed with an arrest warrant issued by a judge when they arrested Badong. The arrest of Badong also does not fall under any of the instances when a valid warrantless arrest can be made. That Badong had reddish and glassy eyes and was walking unsteadily towards the police officers do not justify Badong's warrantless arrest as he was not committing any crime and could only have just awakened from a deep slumber. **(A)**

Hence, Badong's warrantless arrest was illegal. **(C)**

Possible Answer 2 based on CLAC

No, Badong's contention that his arrest was invalid for having been made without a warrant is without merit. **(C)**

Section 5, Rule 113 of the Rules of Court (or the law) provides that a police officer can validly arrest a person without a warrant when in his or her presence, the person has committed, is actually committing, or is attempting to commit an offense. **(L)**

In this case, the police saw Badong with reddish and glassy eyes walking unsteadily towards them in Mabuhay Public Cemetery where the sale and use of prohibited drugs were purported to be rampant. Thus, the police had a valid ground to chase and apprehend Badong when the latter tried to scamper away. When the police recovered the plastic sachet with shabu from Badong's fist, Badong was in effect committing a crime in their presence which is illegal possession of a dangerous drug. **(A)**

Hence, the warrantless arrest of Badong was lawful. **(C)**

End

Thank you and study well.