

EXERCISE 2 (30 points)

Instructions: This exercise contains three (3) questions, each worth 10 points, and must be completed within 20 minutes. No extensions will be granted. Write the names of your group members and today's date in the blue notebook separately provided. Carefully read each question and provide clear and concise answers. Do not assume facts not provided in the questions. Your answers should reflect your ability to analyze the given facts, identify the pertinent issues, determine the applicable law, and arrive at a sound and logical conclusion. A mere "Yes" or "No" answer without explanation will not receive any credit. For each question, present your conclusion, the legal basis, and a detailed explanation of how the legal basis applies to the facts provided. Note that this is an essay-type exercise. Hence, your answers should be written in paragraph form. Good luck.

1. Anakin, an ex-convict, was driving a brand-new Toyota Veloz when he was stopped at a military checkpoint by Sergeant Vader. Observing that Anakin appeared anxious and agitated, Sergeant Vader asked him to present his driver's license. Anakin, however, failed to produce it. He admitted that he forgot to bring his license and that he is a former inmate. Sergeant Vader then requested Anakin to step out of the vehicle, and Anakin complied. Noticing a huge bulge in the front of Anakin's pants, Sergeant Vader exclaimed, "*OMG slayyy*" and proceeded to frisk him slowly. During the frisk, an unlicensed .38-caliber pistol was found in Anakin's pocket. Anakin was subsequently arrested, detained, and charged. At trial, Anakin's counsel, Obiwan, argued that military officers at checkpoints are limited to conducting visual searches and are not authorized to order individuals to step out of their vehicles. As such, they cannot perform body searches on drivers or passengers. Moreover, Obiwan contended that the search was unconstitutional, making the gun obtained during the illegal search inadmissible as evidence. He further argued that the arrest was likewise unlawful, as it was based on an invalid search, asserting that an illegal act cannot justify an unlawful arrest. Fiscal Hannah Manglabana, the prosecutor representing Sergeant Vader, countered that the search was supported by probable cause. She contended that Anakin's failure to present a driver's license raised a well-grounded belief that he had ulterior motives for operating the vehicle, as it could have been stolen and driven without the real owner's consent, especially that he was an ex-convict. Moreover, this also constituted an offense committed in *flagrante delicto*, as driving without a license is explicitly prohibited under the law. Consequently, Fiscal Hannah argued that the search was valid, the pistol was lawfully seized, and both the search and Anakin's subsequent arrest were lawful. If you were the judge, explain whether you would uphold the validity of the search and arrest and admit the gun as evidence against Anakin.
2. Cardinal Madz, the Archbishop of Cebu, upon paying his taxes, contributed Five Billion Pesos to the government, on behalf of the Archdiocese of Cebu, through the office of Congressman Gran Sabandaddy, a devout Catholic and representative of the party-list "AKO BISAYA, IKAW DILI," which advocates for the welfare and interests of Bisaya-speaking Filipinos. The contribution was intended for the purchase of a religious image from the Vatican, to be installed at the Cebu Metropolitan Cathedral for the benefit of all Cebuano Catholics. However, to honor a promise made to his best friend Datu Elalto, the Executive Pastor or *Chismoso Mayor* of a religious denomination called "*Ang Katungdanan sa mga Lamiang Papa og Chismis*" (The Ministry of Yummy Daddies and Gossip) or KaLaPaChi, whose followers believe that male bodybuilders with glistening bodies were divinely sent to share juicy gossip for humanity's salvation, Congressman Sabandaddy drafted a bill which earmarked Two Billion Pesos from the contribution, part of which was allocated for the purchase of a 100-hectare property in Iloilo City, a non-Bisaya-speaking area. The remaining funds were designated for developing the property and constructing a mega-structure named the Universal Temple of Humankind, also known as *Templo ni Elalto*. Once completed, the structure would be open to people of all religions, beliefs, and faiths. Devotees and believers, upon securing a government permit, issued free of charge, would be treated equally, without discrimination or favoritism. The structure would also accommodate

activities by individuals who have chosen to embrace agnosticism and atheism, subject to the same permit requirements. Baby Emz, the President of the Philippines, Deputy Executive Pastor or *Chismoso Menor* of KaLaPaChi, and first-degree cousin of Datu Elalto, signed the bill into law, expressing optimism that it would promote national unity and foster harmony and peace among Filipinos, regardless of their religion or belief. However, Congressman Sabandaddy's political rival, Khent Tintin, still bitter over his unexpected defeat in the last election, contested the law. He argued that it was void as it effectively blurred the constitutional line separating the State and Church. In response, Congressman Sabandaddy defended the law, asserting that, consistent with the principle of benevolent neutrality, it fosters religious equality and unity by promoting all beliefs rather than favoring a particular religion. Rule on the law's validity.

3. Jupeta, a handsome male fashion model and student, also serves as a barangay councilor in Banilad, Mandaue City. During a barangay conciliation, he mediated a dispute between Ising and Wang after Ising slapped Wang so hard on both cheeks that Wang's prosthetic teeth fell out and her gums bled. This incident stemmed from Wang calling Ising a *burikat* (prostitute) for sensually dancing to the song *Pony* by Ginuwine during a barangay Zumba session. In resolving the dispute, Jupeta found merit in Wang's side and issued a ruling directing Ising to pay Wang damages amounting to One Hundred Thousand Pesos. Two weeks later, as Jupeta passed by Ising's house on his way to his Social Issues class at USC-DCISM, he overheard Ising yelling from her terrace: "*Hoy animal! Ikaw konsehala ka bogo jud ka. Wa kay grado. Ignorante pa jud kas balaod panuwaya ka! Ang mga tao sa atong barangay magduha-duha pajud og sulod sa imong opisina basta naay mediation kay peste aslom kaayo kag anghit! Naa pay shorts nimong perteng pagkamubua lagom raba kaayo kag bilahan! Dili jud angay sa opisina! Anpropesyunal kaayo ka pakauwaw lang ka unggoya ka!*" (Hey, you animal! You're such a stupid barangay councilor. You're uneducated and ignorant of the law, you devil! The people in our barangay even hesitate to go to your office for mediation because you stink so much! Your shorts are also so incredibly short, and your thighs are so dark! That's not proper for an office! You're so unprofessional, you're a disgrace, you monkey!)

Since the terrace was near the highway, many people, including Ising's four best friends, Tinkerbelly, Rubitusin, and Chakistar, heard Ising's tirade. After Ising's remarks, her friends joined in and shouted:

Tinkerbelly: "*True jud na dai. Go gurl! Merisi ana niya oy.*" (That's really true, girl. Go girl! He deserves that)

Rubitusin: "*Mao jud dam! Daghan pa jud kaayo na siyag kabit. Hapit gani ko nailad anang panuway pero maygani gi-ingnan kong Yngwie nga di ma-fall sa mga fuckboy. Korap sad kayo na, tan-awang balay murag pang-governor nga barangay kagawad raman unta.*" (Exactly madam! And he has so many lovers too. I almost got fooled by that devil, but thankfully Yngwie warned me not to fall for those fuckboys. He's also super corrupt. Look at his house, it's like a governor's mansion, but he's just a barangay councilor)

Chakistar: "*Tinuod jud na bayut! Abi nakog ako ray nakabantay. Iya jung ibuhagay iyang bugan sa opisina nga lagom raba kayo murag kanang paig sa sinugbang isda, pakauwaw lang. Di pa jud kamao murag si Robin Padilla nga magsige rag panudlay sa iyang bungot.*" (That's really true, gay friend! I thought I was the only one who noticed. He really proudly displays his legs in the office, and it's so black, like the charred part of grilled fish, so embarrassing. He doesn't even know how to do his job well, just like Robin Padilla who just constantly combs his beard)

Feeling aggrieved by the remarks and convinced that his reputation as a private citizen had been besmirched, especially since many people heard the offensive statements, Jupeta filed criminal complaints for slander against the four individuals. They countered that there were merely exercising their constitutionally enshrined right to free speech. Are Ising, Tinkerbelly, Rubitusin, and Chakistar liable for the crime charged? Explain.

- Nothing follows -