

How to answer our essay questions

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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 to the facts given**

- 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

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

Suggested Answer based on CLAC

No, Badong's claim that his arrest was invalid due to the absence of a warrant is without merit. **(C)**

Under Section 5, Rule 113 of the Rules of Court, a police officer may lawfully arrest a person without a warrant if the individual has committed, is committing, or is attempting to commit an offense in the officer's presence. **(L)**

In this case, the police observed Badong exhibiting signs of drug use, which are having reddish, glassy eyes and unsteady movement, while in Mabuhay Public Cemetery, a known hotspot for the sale and use of illegal drugs. Hence, when Badong attempted to flee, the police had probable cause to pursue and apprehend him. Upon recovery of a plastic sachet containing shabu from his fist, it became evident that he was committing the crime of illegal possession of dangerous drugs in their presence. **(A)** Thus, Badong's warrantless arrest was valid. **(C)**

Alternative Answer based on CLAC

Yes, Badong's contention that his arrest was invalid due to the lack of an arrest warrant is correct. **(C)**

Section 2, Article III of the 1987 Constitution provides that an arrest may only be conducted pursuant to a valid arrest warrant issued by a judge who must personally determine the existence of probable cause, consistent with the constitutional guarantee against unreasonable searches and seizures. **(L)**

Here, the police officers were not armed with an arrest warrant issued by a judge when they arrested Badong. Additionally, the arrest does not fall within the exceptions that permit warrantless arrests. The fact that Badong had reddish, glassy eyes, was walking unsteadily, and ran away when he saw the officers do not justify his arrest, as there was no indication that he was committing or had committed a crime. **(A)** Therefore, Badong's warrantless arrest was unlawful. **(C)**

End

Thank you and please study well.