

The Moncado Case Revisited

Benedicto Leviste

9 ATENEO L.J. 340 (1960)

SUBJECT(S): CONSTITUTIONAL

KEYWORD(S): ILLEGAL SEARCH AND SEIZURE, ADMISSIBILITY OF EVIDENCE

The Note takes a second look at *Moncado vs. People* (80 Phil. 1 (1960)), a case decided on a 4-4 vote by the Supreme Court concerning the issue of admissibility of evidence illegally seized. Essentially, Leviste is of the admitted view that the dissenting justices are the ones who correctly applied the law. He lays down the opposing rules with respect to the admissibility of such evidence. He identifies Article III, Section 1(3) of the Constitution as the point upon which the case turns. The history of the constitutional provision is essayed briefly. The Author then cited a number of decided cases illustrating the question of admissibility of illegally seized evidence. He demonstrates how the decision of the majority proves to be unfounded on the strength of various precedents. He describes said ruling as rather narrow-minded, saying that the return of documents illegally seized by an officer of the law through over-zeal or indiscretion does not in any way amount to the conferring of immunity against whom the documents are evidence. Neither does it constitute any form of pardon doled out by the State in favor of the offender. The offender, he posits, may still be brought to justice, but only in accordance with the means and processes sanctioned by law.