

People of the philippines vs andre marti

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People vs. Marti 193 SCRA 57 Facts : Andre Marti and his wife went to Manila Packing and Export Forwarders, carrying with them four gift wrapped packages to be delivered to his friend in Zurich, Switzerland. Anita Reyes (wife of the proprietor) asked if she could inspect the packages, however, Marti refused assuring that it only contained books, cigars and gloves as gift to his friend. Before delivery to Bureau of Customs/Posts, the proprietor Job Reyes, following standard operating procedure, opened the boxes for final inspection.

When he opened Marti's boxes, a particular odor emitted therefrom and he soon found out that the boxes contained dried marijuana leaves. He reported the incident to the NBI who acknowledged custody of the incident. Marti was convicted for violation of R. A. 6425, otherwise known as the Dangerous Drugs Act. Constitutional Issues : 1. Marti contends that the evidence had been obtained in violation of his constitutional rights against unreasonable search and seizure and privacy of communication.

Ruling : 1. Evidence sought to be excluded was primarily discovered and obtained by a private person, acting in a private capacity and without the intervention and participation of State authorities. In the absence of governmental interference, the liberties guaranteed by the Constitution cannot be invoked against the State. 2. Mere presence of NBI agents does not convert it to warrantless search and seizure. Merely to look at that which is plain sight is not search.

Having observed that which is open, where no trespass has been committed is not search. Commissioner Bernas : The protection of fundamental liberties in the essence of constitutional democracy... is a protection against the

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State. The Bill of Rights governs the relationship between the individual and the State. Its concern is not the relation between individuals, between a private individual and other individuals. What the Bill of Rights does is to declare some forbidden zones in the private sphere inaccessible to any power holder.