Airport Searches: An Additional Exception to the Search Warrant Requirement?

Aimee Bernadette C. Dabu

48 ATENEO L.J. 53 (2003)

SUBJECT(S): *CONSTITUTIONAL LAW*
KEYWORD(S): *AIRPORT, SEARCH AND SEIZURES*

The right against unreasonable search and seizures is the most fundamental individual right declared and recognized in the codes of civilized nations. While the general rule is that search and seizures are unreasonable unless authorized by a validly issued search warrant or warrant of arrest, the increasing complexities of the modern world and growing need for stricter regulation by the State of its citizens sanctions several exceptions. An example of such exception is the pronouncement in *Terry v. Ohio*, where the "stop and frisk" search was held as valid.

In this Comment, an analysis of *People v. Canton* is presented. In *Canton*, the Court held that airport searches are akin to "stop and frisk" searches and are therefore valid warrantless searches. The analysis questions how the Court, in effect, extended the very specific limits enunciated in *Terry* to cover standard airport security procedures and ruled that "this [search involved in the instant case] constitutes *another exception* to the proscription against warrantless searches and seizures."

The Author concludes that in *Canton*, the Court was faced with the delicate task of determining which of the two interests demanded greater protection. As constitutional freedoms are not absolute, the Court found that public interest of air transportation safety and security, properly served by Republic Act. No. 6235, far outweighed the abridgement of individual privacy expectations.