

Search and Seizure: What Constitutes a “Responsible Officer Authorized by Law”

Regis V. Puno

29 *ATENEO L.J.* 74 (1984)

SUBJECT(S): CONSTITUTION, SEARCH AND SEIZURE

KEYWORD(S): SEARCH, SEIZURE, DELEGATION, DUE PROCESS

One of the significant changes in the 1973 Constitution can be found under the revised search and seizure clause. Here, the authority to determine probable cause is granted to such other officer as may be authorized by law. Consistent with this rule, the President of the Philippines issued an executive order allowing the Chairman of the Presidential Anti-Dollar Salting Task Force to determine probable cause in matters involving dollar blackmarketing charges.

Vis-à-vis questions of neutrality and detachment, capacity to determine probable cause and due process, the Chairman may very well qualify as an effective officer in determining probable cause. Yet the further delegation by him to a fiscal/state prosecutor of such determination is an altogether different matter. Such is the issue discussed by the Author in this Comment.