



Republic of the Philippines
 Supreme Court
 Manila

VERIFIED TRUE COPY

 WILFREDO M. LAPITAN
 Division Clerk of Court
 Third Division

NOV 18 2016

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Petitioner,

G.R. No. 204419

Present:

- versus -

VELASCO, JR.,* *J., Chairperson,*
 PERALTA,**
 PEREZ,
 REYES, and
 JARDELEZA, *JJ.*

HON. EDMAR P. CASTILLO, SR.,
 as Presiding Judge of Branch 6,
 Regional Trial Court, Aparri,
 Cagayan and **JEOFREY JIL**
RABINO y TALOZA,

Promulgated:

Respondents.

November 7, 2016

X----------X

DECISION

PERALTA, J.:

This is to resolve the Petition for *Certiorari* under Rule 65 of the Rules of Court dated November 12, 2012 of petitioner People of the Philippines as represented by Second Assistant Provincial Prosecutor Carlos B. Sagucio, that seeks to reverse and set aside the Regional Trial Court's (*RTC, Branch 6, Aparri, Cagayan*) Joint Resolution¹ dated May 14, 2012 quashing Search Warrant No. 45 issued by the Municipal Trial Court (*MTC*) of Gattaran, Cagayan and eventually dismissing Criminal Case No. II-10881 against private respondent Jeofrey Jil Rabino y Taloza.

The facts follow.

* On official leave.
 ** Acting Chairperson per Special Order No. 2395 dated October 19, 2016.
¹ Penned by respondent Judge Edmar P. Castillo, Sr., *rollo*, pp. 27-30.

On January 13, 2012, Judge Marcelo C. Cabalbag of the MTC of Gattaran, Cagayan issued Search Warrant No. 45, which reads, in part, as follows:

SEARCH AND SEIZURE ORDER

TO ANY OFFICER OF THE LAW:

It appearing to the satisfaction of the undersigned, after examining under oath SPO1 RONEL P. SATURNO of the Regional Intelligence Division based at Regional Office 2, Camp Adduru, Tuguegarao City, the applicant herein, and his witness that there is probable cause to believe that a Violation [of] R.A. 9165 Comprehensive Dangerous Drug, has been and is being committed and there are good and sufficient reasons to believe that JOEFREY JIL RABINO @ JEFF/JEO, a resident of Rizal Street, Maura, Aparri, Cagayan has in his possession or control the following items, to wit:

SHABU (Methamphetamine and PARAPHERNALIAS

you are hereby ordered to make an immediate search at any time of the day or night but preferably at daytime at the afore-stated residential place of JEOFREY JIL RABINO @ JEFF/JEO and its premises and forthwith seize and take possession of the above-described items to immediately bring him, thereafter, to the undersigned to be dealt with in accordance with Section 12, Rule 126 of the December 1, 2000 Rules on Criminal Procedure.

WITNESS MY HAND and SEAL this 13th day of January 2012, at Gattaran, Cagayan.²

Thereafter, to effect the above Search and Seizure Order, a search was conducted by elements of the Philippine Drug Enforcement Agency (*PDEA*) and officers of the Philippine National Police (*PNP*) yielding one (1) sachet containing residue of suspected methamphetamine hydrochloride inside the house of private respondent Rabino located in Aparri, Cagayan. When the confiscated item was submitted to the Regional Crime Laboratory Office No. 2 of the PNP in Tuguegarao City for qualitative examination, the test gave positive result for the presence of methamphetamine hydrochloride, a dangerous drug.³

Thus, an Information⁴ dated January 15, 2012 was filed against private respondent Rabino for violation of Section 11 of Republic Act (*R.A.*) No. 9165, which reads as follows:



² *Rollo*, p. 12.

³ *Id.* at 13.

⁴ *Id.* at 10.

That on or about January 14, 2012, in the Municipality of Aparri, [P]rovince of Cagayan, and within the jurisdiction of this Honorable Court, the above-named accused, without any legal authority thereof, did then and there willfully, unlawfully and feloniously have in his possession and under his control and custody one (1) big zip-lock transparent plastic sachet containing two (2) pieces of transparent plastic sachets containing white crystalline substance, one sachet with traces of said substance gave POSITIVE results to the tests for the presence of Methamphetamine Hydrochloride, commonly known as Shabu, a dangerous drug, while the other sachet gave negative results to said tests, the said accused knowing fully well and aware that it is prohibited for any person to possess or use any dangerous drug regardless of the quality of the purity thereof, unless authorized by law.

CONTRARY TO LAW.

Docketed as Criminal Case No. II-10881, the case was raffled to the RTC, Branch 6, Aparri, Cagayan, presided by respondent Judge Castillo.

Before the case was set for arraignment, or on March 13, 2012, private respondent Rabino filed a Motion to Quash Search Warrant and for Suppression of Illegally Acquired Evidence with the following grounds:

Search Warrant; Issuing Court must have territorial jurisdiction over the place to be searched; No compelling reason for MTC Gattaran to issue warrant

x x x x

No probable cause to issue Search Warrant

x x x x

No searching question elicited from deponent

x x x x

No particularity in the places to be searched

x x x x

Irregularity in the implementation of the search

x x x x

Suppression of Evidence Just and Proper⁵

The RTC, through respondent Judge Castillo, granted the above motion in its Joint Resolution dated May 14, 2012, which partly reads as follows:

⁵ *Id.* at 16-20.

It is indubitable from the foregoing that the minimum penalty for illegal possession of methamphetamine hydrochloride or shabu is imprisonment of twelve (12) years and one (1) day to twenty (20) years, which penalty is way beyond imprisonment of six (6) years. A fortiori, MTC Gattaran did not have jurisdiction to entertain the application for and to issue Search Warrant No. 45. As such, Search Warrant No. 45 is null and void. [Corollary] thereto, all proceedings had in virtue thereof are likewise null and void.

With the foregoing conclusion, any further discussion on the grounds relied upon by the accused to buttress his motion and the opposition interposed by the public prosecutor are deemed mere surplusage.

WHEREFORE, in view of all the foregoing, the motion is GRANTED. Search Warrant No. 45 is hereby ordered QUASHED. Consequently, all evidence obtained in the execution of Search Warrant No. 45 are likewise ordered SUPPRESSED. There being no more evidence to support them, the Informations in the above-captioned cases are hereby dismissed.

SO ORDERED.⁶

Petitioner filed a motion for reconsideration, but it was denied by the same court in its Joint Order⁷ dated September 24, 2012.

Hence, the present petition.

The issue and arguments raised by petitioner are as follows:

With all due respect, the assailed Resolution of May 14, 2012 was issued by respondent Judge Castillo with grave abuse of discretion amounting to lack of jurisdiction and/or is patently erroneous. It is respectfully submitted that the Municipal Trial Court of Gattaran, Cagayan has the authority to issue Search Warrant No. 45 earlier mentioned to search and seize the shabu stated therein in Aparri, Cagayan a place which is within the same second judicial region in violation of R.A. 9165, notwithstanding the fact that the power to hear and try the offense is within the exclusive jurisdiction of the Regional Trial Court.

Private respondent, on the other hand, in his Comment⁸ dated January 25, 2016, claims that the petition was filed in violation of the doctrine of hierarchy of courts. He also argues that the petition should have been filed by the State, through the Office of the Solicitor General, and not petitioner Second Assistant Provincial Prosecutor Carlos B. Sagucio. Lastly, private

⁶ *Id.* at 29-30.

⁷ *Id.* at 35-36.

⁸ *Id.* at 75-82.



respondent insists that the petition does not show that the assailed Joint Resolution of the RTC was issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

This Court finds merit to the petition.

Before proceeding with the discussion on the substantial issue raised in the petition, certain procedural issues have been pointed out by private respondent that need to be tackled. According to the private respondent, the petition for *certiorari* under Rule 65 filed by petitioner before this Court must be struck down as it violates the doctrine on hierarchy of courts. Private respondent further argues that petitioner did not provide any compelling reason that would merit the direct filing with this Court of a petition for *certiorari* under Rule 65. It is also averred that the petition should have been filed by the Office of the Solicitor General and not the Assistant Provincial Prosecutor because the petition is in the nature of an appeal and the former is vested with the power of representing the people before any court.

Rule 65 of the Rules of Court provides as follows:

Section 1. Petition for *certiorari*. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

A petition for *certiorari* under Rule 65 of the Rules of Court is proper when (1) any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction, and (2) there is no appeal, nor plain, speedy and adequate remedy in the ordinary course of law for the purpose of annulling or modifying the proceeding.⁹ Grave abuse of discretion exists when there is an arbitrary or despotic exercise of power due to passion, prejudice or personal hostility; or a whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. For an act to be struck down as having been done with grave abuse of discretion, the abuse of discretion must be patent and gross.¹⁰ On the other hand, a remedy is considered "plain, speedy and adequate" if it will

⁹ *Ang Biat Huat Sons Industries, Inc. v. Court of Appeals*, 547 Phil. 588, 594 (2007).

¹⁰ *Villamueva v. Porrás-Gallardo*, G.R. No. 147688, July 10, 2006.



promptly relieve the petitioner from the injurious effects of the judgment and the acts of the lower court or agency.¹¹ Its principal office is only to keep the inferior court within the parameters of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to lack or excess of jurisdiction.¹²

The special civil action for *certiorari* is the proper recourse availed of by petitioner in questioning the quashal of the search warrant as the petition alleges grave abuse of discretion on the part of the judge that ordered the said quashal. In his allegation that the judge misapplied the rules on jurisdiction or on the proper courts authorized to issue a search warrant, petitioner has shown that the quashal of the search warrant was patently and grossly done. In any case, the Court had allowed even direct recourse to this Court¹³ or to the Court of Appeals¹⁴ via a special civil action for *certiorari* from a trial court's quashal of a search warrant.¹⁵ The general rule is that a party is mandated to follow the hierarchy of courts. However, in exceptional cases, the Court, for compelling reasons or if warranted by the nature of the issues raised, may take cognizance of petitions filed directly before it.¹⁶ In this case, since the pivotal issue raised by petitioner involves an application of a rule promulgated by this Court in the exercise of its rule-making power under the Constitution¹⁷ regarding the jurisdiction of courts in the proper issuance of a search warrant, this Court deems it proper to resolve the present petition.

As such, even if the petitioner in this case, representing the People, is only the Assistant Provincial Prosecutor and not the Office of the Solicitor General, such technicality can be relaxed in the interest of justice. The Court has allowed some meritorious cases to proceed despite inherent procedural defects and lapses. This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice and that strict and rigid application of rules which would result in technicalities that tend to frustrate rather than promote substantial justice must always be avoided.¹⁸ It is a far better and more prudent cause of action for the court to excuse a technical lapse and afford the parties a review of the case to attain the ends of justice, rather than dispose of the case on technicality and cause grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.¹⁹ In certain cases, this Court even

¹¹ *San Miguel Corporation v. Court Of Appeals*, 425 Phil. 951, 956 (2002).

¹² *People of the Philippines v. Court of Appeals*, 468 Phil. 1, 10 (2004).

¹³ See *Columbia Pictures, Inc. v. Flores*, G.R. No. 78631, June 29, 1993, 223 SCRA 761.

¹⁴ See *Washington Distillers, Inc. v. Court of Appeals*, 329 Phil. 650 (1996); *20th Century 3Fox Film Corporation v. Court of Appeals*, Nos. L-76649-51, August 19, 1988, 164 SCRA 655.

¹⁵ *Santos v. Pryce Gases, Inc.*, 563 Phil. 781, 796 (2007).

¹⁶ *United Laboratories, Inc. v. Isip*, 500 Phil. 342, 359 (2005).

¹⁷ Sec. 5, Art. VIII of the Constitution.

¹⁸ *Buscaino v. Commission on Audit*, 369 Phil. 886, 900 (1999).

¹⁹ *Aguam v. Court of Appeals*, G.R. No. 137672, May 31, 2000, 332 SCRA 784 (2000).

allowed private complainants to file petitions for *certiorari* and considered the said petitions as if filed by the Office of the Solicitor General. In *United Laboratories, Inc. v. Isip*,²⁰ this Court ruled that an exception exists to the general rule that the proper party to file a petition in the CA or Supreme Court assailing any adverse order of the RTC in the search warrant proceedings is the People of the Philippines, through the OSG, thus:

The general rule is that the proper party to file a petition in the CA or Supreme Court to assail any adverse order of the RTC in the search warrant proceedings is the People of the Philippines, through the OSG. However, in *Columbia Pictures Entertainment, Inc. v. Court of Appeals*, the Court allowed a private corporation (the complainant in the RTC) to file a petition for *certiorari*, and considered the petition as one filed by the OSG. The Court in the said case even held that the petitioners therein could argue its case in lieu of the OSG:

From the records, it is clear that, as complainants, petitioners were involved in the proceedings which led to the issuance of Search Warrant No. 23. In *People v. Nano*, the Court declared that while the general rule is that it is only the Solicitor General who is authorized to bring or defend actions on behalf of the People or the Republic of the Philippines once the case is brought before this Court or the Court of Appeals, if there appears to be grave error committed by the judge or a lack of due process, the petition will be deemed filed by the private complainants therein as if it were filed by the Solicitor General. In line with this ruling, the Court gives this petition due course and will allow petitioners to argue their case against the questioned order in lieu of the Solicitor General.

The general rule is that a party is mandated to follow the hierarchy of courts. However, in exceptional cases, the Court, for compelling reasons or if warranted by the nature of the issues raised, may take cognizance of petitions filed directly before it. In this case, the Court has opted to take cognizance of the petition, considering the nature of the issues raised by the parties.²¹

Therefore, if this Court had previously considered the petitions filed by private complainants and deemed them as if filed by the Office of the Solicitor General, there is no reason to disallow the petition herein filed by the Assistant Provincial Prosecutor.

Anent the main issue as to whether a municipal trial court has the authority to issue a search warrant involving an offense in which it has no jurisdiction, this Court answers in the affirmative.

²⁰ *Supra* note 16.

²¹ *United Laboratories, Inc. v. Isip, et al., supra*, at 359. (Citations omitted).



Section 2, Article III of the Constitution provides:

SEC. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

The requisites for the issuance of a search warrant are: (1) probable cause is present; (2) such probable cause must be determined personally by the judge; (3) the judge must examine, in writing and under oath or affirmation, the complainant and the witnesses he or she may produce; (4) the applicant and the witnesses testify on the facts personally known to them; and (5) the warrant specifically describes the place to be searched and the things to be seized.²² Necessarily, a motion to quash a search warrant may be based on grounds extrinsic of the search warrant, such as (1) the place searched or the property seized are not those specified or described in the search warrant; and (2) there is no probable cause for the issuance of the search warrant.²³

The respondent RTC judge, in this case, quashed the search warrant and eventually dismissed the case based merely on the fact that the search warrant was issued by the MTC of Gattaran, Cagayan proceeding from a suspected violation of R.A. 9165 or *The Dangerous Drugs Act*, an offense which is beyond the jurisdiction of the latter court. It is therefore safe to presume that the other grounds raised by the private respondent in his motion to quash are devoid of any merit. By that alone, the respondent judge gravely abused his discretion in quashing the search warrant on a basis other than the accepted grounds. It must be remembered that a search warrant is valid for as long as it has all the requisites set forth by the Constitution and must only be quashed when any of its elements are found to be wanting.

This Court has provided rules to be followed in the application for a search warrant. Rule 126 of the Rules of Criminal Procedure provides:

Sec. 2. Court where application for search warrant shall be filed. –
An application for search warrant shall be filed with the following:

²² *People v. Francisco*, 436 Phil. 383, 390 (2002).

²³ *Abuan v. People*, 536 Phil. 672, 692 (2006), citing *Franks v. State of Delaware*, 438 US 154, 98 S.Ct. 2674 (1978); *US v. Leon*, 468 US 897, 104 S.Ct. 3405 (1984); *US v. Mittelman*, 999 F.2d 440 (1993); *US v. Lee*, 540 F.2d 1205 (1976).



- (a) Any court within whose territorial jurisdiction a crime was committed.
- (b) For compelling reasons stated in the application, any court within the judicial region where the crime was committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

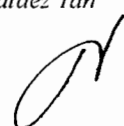
However, if the criminal action has already been filed, the application shall only be made in the court where the criminal action is pending.

Apparently, in this case, the application for a search warrant was filed within the same judicial region where the crime was allegedly committed. For compelling reasons, the Municipal Trial Court of Gattaran, Cagayan has the authority to issue a search warrant to search and seize the dangerous drugs stated in the application thereof in Aparri, Cagayan, a place that is within the same judicial region. The fact that the search warrant was issued means that the MTC judge found probable cause to grant the said application after the latter was found by the same judge to have been filed for compelling reasons. Therefore, Sec. 2, Rule 126 of the Rules of Court was duly complied with.

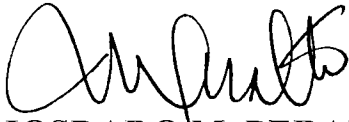
It must be noted that nothing in the above-quoted rule does it say that the court issuing a search warrant must also have jurisdiction over the offense. A search warrant may be issued by any court pursuant to Section 2, Rule 126 of the Rules of Court and the resultant case may be filed in another court that has jurisdiction over the offense committed. What controls here is that a search warrant is merely a process, generally issued by a court in the exercise of its ancillary jurisdiction, and not a criminal action to be entertained by a court pursuant to its original jurisdiction.²⁴ Thus, in certain cases when no criminal action has yet been filed, any court may issue a search warrant even though it has no jurisdiction over the offense allegedly committed, provided that all the requirements for the issuance of such warrant are present.

WHEREFORE, the Petition for *Certiorari* under Rule 65 of the Rules of Court, dated November 12, 2012, of petitioner People of the Philippines is **GRANTED**. Consequently, the Joint Resolution dated May 14, 2012 of the Regional Trial Court, Branch 6, Aparri, Cagayan, insofar as it quashed Search Warrant No. 45 issued by the Municipal Trial Court of Gattaran, Cagayan, is **REVERSED** and **SET ASIDE**, and Criminal Case No. II-10881 against private respondent Jeofrey Jil Rabino y Taloza is **REINSTATED**.

²⁴ *Macondray & Co., Inc. v. Bernabe, et al.*, 67 Phil. 658 (1939); *Co Kim Cham v. Valdez Tan Keh, et al.*, 75 Phil. 113 (1945).



SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

On official leave
PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



JOSE PORTUGAL PEREZ
Associate Justice


BIENVENIDO L. REYES
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

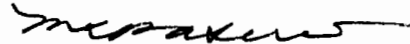
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson, Third Division


CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

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