

Title: Jose Burgos, Sr., et al. vs. The Chief of Staff, Armed Forces of the Philippines, et al.

Facts:

On December 7, 1982, respondent Judge Ernani Cruz-Pano issued two search warrants leading to the search of premises known as 19 Road 3, Project 6, Quezon City, and 784 Units C & D, RMS Building, Quezon Avenue, Quezon City—addresses associated with the “Metropolitan Mail” and “We Forum” newspapers, respectively. Machines, equipment, vehicles, and materials used in printing and publications plus papers and documents were seized. These items were allegedly in the possession of Jose Burgos, Jr., the publisher-editor of “We Forum” and were purportedly used to commit the crime of subversion under P.D. 885.

Petitioners Burgos (Sr. and Jr.), Soriano, and J. Burgos Media Services, Inc. sought the return of the articles through a petition for certiorari, prohibition, and mandamus with preliminary mandatory and prohibitory injunction. The petition was filed on June 16, 1983, challenging the validity of the search warrants, and respondents were ordered to reply.

Petitioners initially sought the return of the equipment through letters to President Marcos and, after awaiting a futile response for five months, decided to approach the Court. Respondents contested the petition on grounds of failure to seek the quashal of the warrants in the issuing court and laches, asserting that the petitioners had delayed in challenging the warrants.

Issues:

1. Whether the search warrants were issued following the constitutional and procedural requirements.
2. Whether the typographical error in the search warrant affected its validity.
3. Whether properties belonging to individuals other than Jose Burgos, Jr. could be seized under the warrants.
4. Whether the search warrants inappropriately authorized the seizure of real properties.
5. Whether the affidavits supporting the search warrant applications established probable cause.
6. Whether the search warrants were impermissibly general in nature.

Court’s Decision:

The Philippine Supreme Court declared the search warrants null and void, set aside, and granted the petitioners’ injunction for the return of the seized properties.

Issue 1: The Court found that the examination of the complainant and his witnesses required by the Constitution was indeed conducted but noted other constitutional issues with the warrants.

Issue 2: The Court ascertained the typographical error was a non-issue since two distinct locations were intended to be searched.

Issue 3: It was ruled that ownership was not a factor as the person against whom the warrant is directed needs only to be in control or possession of the property to be seized.

Issue 4: The equipment remained movable property and could be the object of search warrants since petitioners were not claiming ownership over the buildings or land.

Issue 5: The affidavits that accompanied the search warrant applications were insufficient in establishing probable cause, as required by the Constitution and jurisprudence.

Issue 6: The search warrants were declared akin to general warrants, which are objectionable constitutionally; they lacked specificity and amounted to an overbroad seizure of materials, which was akin to censorship and violated press freedom.

Doctrine:

Probable cause for a search is defined as facts and circumstances that would lead a reasonably discreet and prudent man to believe an offense has been committed and the objects sought are in the place to be searched, especially when the search warrant is directed against a newspaper publisher or editor in connection with subversive materials. The Constitution requires personal knowledge by the complainant or witnesses of the facts, and general warrants are constitutionally objectionable.

Class Notes:

Key Concepts:

- Probable cause requires specific facts; generalizations are insufficient.
- Ownership of seized property is irrelevant; control or possession suffices.
- Real property that is movable by nature remains subject to seizure under a search warrant if not owned by the person against whom the warrant is issued.
- A warrant must particularly describe the items to be seized and be based on personal knowledge of facts by the complainant or witnesses, not just their conclusion.
- General warrants or ones that lack specificity are invalid.

Relevant Statutes:

- Article IV, Section 3 of the 1973 Philippine Constitution, on the requirement of probable cause for issuing search warrants.
- Rule 126 of the Guidelines of Court procedure regarding personal property that can be

seized.

Historical Background:

The case reviews the tension between state security and press freedom during the Martial Law period in the Philippines. It reflects the government's stance on subversion and the suppression of dissenting voices in the press. Following the 1972 declaration of Martial Law by then-President Ferdinand Marcos, actions against the free press, deemed as vehicles for anti-state propaganda, were common. The Burgos case provided a meaningful discourse on the constitutional limits of state action against the press and reinforced the role of the judiciary in upholding constitutional rights amidst political turmoil.