

****Title:**** People of the Philippines v. Court of Appeals and Valentino C. Ortiz

****Facts:****

On August 13, 1992, Philippine National Police-Special Investigation Service Command (PNP-CISC) officers were surveilling suspected drug activity at Regine Condominium, Makati City. They apprehended Valentino C. Ortiz upon observing a suspicious bulge in his pants, finding an unlicensed .25 caliber pistol and ammunition on him. A subsequent vehicle search led to the discovery of methylamphetamine hydrochloride (“shabu”). That day, police applied for and received a search warrant from the Metropolitan Trial Court (MTC) of Parañaque, Branch 77, to search Ortiz’s residence for unlicensed firearms and ammunition. That evening, police executed the warrant, seizing several unlicensed firearms and ammunition, with Ortiz’s wife signing a receipt for the items seized.

Ortiz was charged in the Regional Trial Court of Makati for illegal possession of firearms and ammunition under P.D. No. 1866, despite objections regarding the legality of the search and seizure. Upon denial of motions to reconsider and quash the search warrant, Ortiz appealed to the Court of Appeals, which declared the seized firearms and ammunition inadmissible due to procedural violations. The People of the Philippines then petitioned the Supreme Court for review on certiorari, contesting the appellate court’s decision.

****Issues:****

1. Whether the execution of the search warrant at 7:30 P.M., authorized by the warrant for any reasonable hour, was unreasonable.
2. Whether the search violated Section 7, Rule 126 of the Rules of Criminal Procedure by being conducted without proper witnesses.
3. Whether there was a proper return of the search warrant as required by law.
4. Whether the appellate court erred in requiring proof beyond the search warrant itself for its lawful execution.

****Court’s Decision:****

The Supreme Court granted the petition, reversing the Court of Appeals decision. It held that:

1. Serving the search warrant at 7:30 P.M. was reasonable given the circumstances and did not constitute an unreasonable search time.
2. The search was conducted in compliance with the witness-to-search rule, as the police properly obtained witnesses after Ortiz’s wife and maid refused to participate.
3. The return of the search warrant was appropriately executed, and the appellate court’s

finding to the contrary was incorrect.

4. The appellate court's demand for evidence beyond the search warrant itself to demonstrate its lawful execution was misplaced. The execution complied with legal standards and requirements.

****Doctrine:****

The Supreme Court reaffirmed the principle that searches conducted at any reasonable hour, including nighttime, under a duly issued search warrant, are valid, providing there's compliance with procedural requirements. It also reiterated the validity of using substitute witnesses for the search should the occupant of the premises or their family members decline to witness the search.

****Class Notes:****

1. ****Reasonable Time for Searches:**** Searches may be conducted at any reasonable hour, day or night, if the warrant authorizes it based on sufficient belief that evidence is at the specified location.
2. ****Witness-to-Search Rule:**** In the absence of the lawful occupant or their family, witnesses "of sufficient age and discretion residing in the same locality" may be used to satisfy legal requirements.
3. ****Return of Search Warrant:**** The executing officer must make a detailed return of the search warrant to the issuing judge, listing items seized. This serves as a check against unreasonable searches and seizures.
4. ****Admissibility of Evidence:**** Evidence seized under a duly executed search warrant is admissible in court unless proven that there was a legal violation in its issuance or execution.

****Historical Background:****

The case underscores the balance between the right of the state to enforce laws and the right of individuals against unreasonable searches and seizures. It highlights the judicial standards applied to ensure law enforcement actions do not transgress constitutional rights, specifically underscoring the procedures surrounding the execution of search warrants and the admissibility of evidence obtained through such searches.