

Title: **\*\*Maria Castro and Co Ling vs. Honorable Javier Pabalan and Sgt. Ernesto Lumang (162 Phil. 622)\*\***

**### Facts:**

The case originated from the issuance of a search warrant by the Court of First Instance of La Union, presided by Judge Javier Pabalan, against petitioners Maria Castro and Co Ling on allegations of possessing narcotics and other contraband. Sgt. Ernesto Lumang of the Philippine Constabulary applied for the search warrant, supported by the joint affidavit of Sgt. Francisco C. Molina and Corporal Lorenzo G. Apilado. The application and issuance of the search warrant failed to specify the specific offense committed, failed to provide a thorough examination of the applicant and witnesses by Judge Pabalan, and lacked a detailed description of the place to be searched and the items to be seized.

After the seizure, Castro and Ling filed a petition for certiorari, challenging the search warrant's legality. Respondent Judge Pabalan did not specifically address the allegations in his response, leaving the matter to the Supreme Court's discretion. The procedural journey reached the Supreme Court following the denial of the motions for reconsideration filed by the petitioners at the lower court level.

**### Issues:**

1. Whether the search warrant issued violated the constitutional requirements of specifying the offense, examining the applicant and witnesses, and describing particularly the place to be searched and the things to be seized.
2. Whether the failure to comply with constitutional and procedural standards affects the legality of the seizure of items described as personal effects and contraband.

**### Court's Decision:**

The Supreme Court, in a decision penned by Acting Chief Justice Fernando, granted the writ of certiorari, reversing the lower court's order that upheld the validity of the search warrant. The Court found that the search warrant did indeed violate constitutional and procedural requirements due to its failure to specify the offense, lack of a proper examination by the judge, and the generic description of items to be seized. However, the Court differentiated between personal effects, which were ordered to be returned to the petitioners, and items classified as contraband, the possession of which is prohibited by law and therefore not subject to return despite the search warrant's illegality.

### Doctrine:

This case reiterates the fundamental constitutional doctrines regarding the issuance of search warrants: (1) a warrant must be issued upon probable cause, determined by the judge after examination under oath or affirmation of the complainant and any witnesses; and (2) it must particularly describe the place to be searched and the persons or things to be seized. Further, it emphasized that a search warrant should relate to one specific offense only.

### Class Notes:

- Search Warrant Constitutional Requirements: The issuance must comply with the principles of probable cause, specific offense indication, and particularity in the description of the place and items.
- Contraband and Seized Items: Goods deemed illegal by law may not be returned to the possessor even if seized under an invalid search warrant, distinguishing between personal effects and prohibited items.
- Procedural Posture Importance: Demonstrates the need for detailed adherence to constitutional and procedural laws at every stage of legal proceedings.

### Historical Background:

The case reflects the judiciary's commitment to upholding constitutional safeguards against unreasonable searches and seizures, rooted in the broader context of protecting individual rights against state overreach. It underscores the Philippine legal system's continued reliance on the foundational principles established in landmark cases such as *Stonehill vs. Diokno*, even as it navigated evolving legal standards and procedural rules.