

Title:

Salazar vs. Achacoso: Challenging the Power of Secretary of Labor to Issue Warrants

Facts:

This case is centered around the validity of the Secretary of Labor's power to issue warrants of arrest and seizure under Article 38 of the Labor Code, aimed at barring illegal recruitment activities. Hortencia Salazar, the petitioner, was implicated in an illegal recruitment case following a complaint filed by Rosalie Tesoro alleging failure to facilitate overseas employment despite taking her PECC Card.

On October 21, 1987, Tesoro filed a sworn complaint with the Philippine Overseas Employment Administration (POEA). In response, on November 3, 1987, Atty. Ferdinand Marquez of the POEA summoned Salazar. On the same day, Administrator Tomas D. Achacoso, having found Salazar operating without a license, issued Closure and Seizure Order No. 1205, leading to a seizure operation at Salazar's premises on January 26, 1988.

Subsequently, Salazar's legal representation demanded the return of seized properties, arguing the violation of constitutional rights including due process and protection from unreasonable searches and seizures. Before the POEA could respond, Salazar filed a petition for prohibition with the Supreme Court on February 2, 1988, which was treated as a petition for certiorari due to the significant public interest involved.

Issues:

1. Whether the POEA or the Secretary of Labor may validly issue warrants of search and seizure (or arrest) under Article 38 of the Labor Code, considering the constitutional mandate on the issuance of warrants by judges.
2. The constitutionality of Article 38, paragraph (c) of the Labor Code granting the Secretary of Labor said powers.

Court's Decision:

The Supreme Court ruled in favor of Salazar, holding that the Secretary of Labor, not being a judge, does not have the authority to issue arrest or search warrants, thereby declaring Article 38, paragraph (c), of the Labor Code unconstitutional. The decision rests on the principle that the power to determine probable cause and issue warrants is vested exclusively in judges under the 1987 Constitution. Furthermore, the Court underscored the inappropriateness of a general warrant and reiterated the necessity for warrants to clearly specify the items to be seized.

Doctrine:

The central doctrine established in this case is that only judges have the power to issue warrants for arrest and search, grounding this authority in the constitutional provision which specifies the judicial determination of probable cause.

Class Notes:

- **Warrants**: Only judges may issue warrants of arrest and search, as per Article III, Section 2, of the 1987 Philippine Constitution.
- **Illegal Recruitment as Economic Sabotage**: While addressing economic sabotage through illegal recruitment, enforcement must still conform to constitutional rights.
- **Due Process and Unreasonable Searches**: Actions by the state or its agencies, such as seizures and closures of establishments suspected of illegal activities, must adhere to constitutional safeguards against unreasonable searches and seizures, and must observe due process.

Historical Background:

The case of Salazar vs. Achacoso is illustrative of the judiciary's vigilance in safeguarding constitutional rights against remnants of authoritarian practices, particularly the unconstitutional issuance of warrants by executive officials - a practice hitherto unchecked during the Marcos regime. The ruling reaffirmed the importance of judicial oversight in the issuance of warrants, firmly aligning the powers of the executive branch within the bounds of constitutional mandates post-Martial Law era.