

### Title:

**\*\*Nolasco, Aguilar-Roque, and Tolentino vs. Hon. Ernani Cruz Paño, et al.\*\***

### Facts:

The case involves Cynthia D. Nolasco, Mila Aguilar-Roque, and Willie C. Tolentino (petitioners) challenging the issuance and execution of a Search Warrant. Aguilar-Roque, accused in two separate cases of Rebellion and Subversion but still at large, was arrested with Nolasco on August 6, at 11:30 AM. Subsequently, a search was conducted at a residence identified with Aguilar-Roque without a warrant previously issued against Nolasco. The search led to the seizure of numerous documents and articles.

The search warrant, applied for earlier that day by the CSG (Constabulary Security Group) and issued by Judge Paño, was questioned for lack of particularity and due process in issuance. Following the search, the petitioners were charged, and further motions and amendments related to the seized items and the legality of their seizure proceeded in various judicial instances.

Upon denial of their motion to suppress the evidence obtained through the search warrant in the subversive documents case, petitioners sought the Supreme Court's intervention through a Petition for Certiorari, Prohibition, and Mandamus, aiming to annul the search warrant and related orders.

### Issues:

1. Whether the Search Warrant No. 80-84 was issued with sufficient particularity and due process.
2. Whether probable cause was adequately established for the issuance of the Search Warrant.
3. The legal propriety of retaining the seized items for evidence in pending cases against Aguilar-Roque despite challenges to the legality of the search warrant.

### Court's Decision:

The Supreme Court found merit in the petition, determining that the search warrant was void for being a general warrant and not describing the items to be seized with sufficient particularity, infringing on constitutional mandates against unreasonable searches and seizures. The Court also found that the examination of the applicant's witness was insufficient to establish probable cause.

However, the Court also held that the seized items could be retained by the CSG for

potential evidence in Aguilar-Roque's pending Rebellion case because her arrest itself allowed for a search of her premises without a warrant, given the circumstances of her arrest and the search's timing and proximity to the place of arrest.

### ### Doctrine:

The decision reiterated the constitutional requirement for a search warrant to particularly describe the items to be seized, reinforcing the guard against general warrants. It also elaborated on the conditions under which a warrantless search could be deemed lawful as an incident to an arrest, especially concerning public order crimes such as Rebellion.

### ### Class Notes:

- Particularity Requirement: A search warrant must describe with specificity the items to be seized; general descriptions that allow for discretionary seizures by officers are unconstitutional.
- Warrantless Searches: They may be justified when conducted as an incident to a lawful arrest, emphasizing the need for the search to be immediate and within the premises of the arrest.
- Probable Cause for Warrants: Must be established through particular questioning and evidence that points to specific crimes and items related to those crimes.
- Temporary Restraining Orders: The Supreme Court can issue these to prevent the use of evidence obtained through unconstitutional searches pending judicial resolution.

### ### Historical Background:

This case reflects the tension and legal battles over searches and arrests during a period of political unrest in the Philippines, highlighting the judiciary's role in upholding constitutional rights amid security concerns.