

****Title:** The People of the Philippine Islands vs. Jose M.a Veloso**

****Facts:****

1. ****Background Context:**** In May 1923, the Parliamentary Club, managed by Jose M.a Veloso (a member of the Philippine Legislature), operated at No. 124 Calle Arzobispo, Manila. Veloso was also the manager of the Club.
2. ****Police Investigation:**** The Manila police, having reliable information that this club was a front for a gambling house, verified the illegal activities on May 19, 1923, through J. F. Town-Send, head of the gambling squad.
3. ****Search Warrant Issuance:**** On May 25, 1923, Detective Andres Geronimo, based on confirmed illegal activities, obtained a search warrant from Judge Garduño of the Municipal Court.
4. ****Police Raid:**** The same day, police raided the Parliamentary Club around 3 p.m., encountering closed and barred doors. Using force to enter, they apprehended nearly fifty individuals, including Veloso.
5. ****Resistance on Search:**** Townsend showed Veloso the search warrant, stating Veloso was considered “John Doe.” Veloso resisted being searched, which led to a physical altercation where Veloso injured Police Officer Rosacker.
6. ****Confiscation of Evidence:**** Police confiscated gambling paraphernalia from Veloso and other apprehended individuals.
7. ****Trial and Procedural Posture:**** Initially, all apprehended individuals were charged with gambling in the Municipal Court but were acquitted in the Court of First Instance except Veloso, who was fined P500 for maintaining a gambling house.
8. ****Appeal and Current Case:**** Veloso appealed to the Supreme Court after being found guilty of resisting police authority (Article 252 of the Penal Code) and was sentenced to four months and one day of imprisonment, a fine of P200, and additional penalties.

****Issues:****

1. ****Validity of the John Doe Search Warrant:**** Whether the use of “John Doe” in the search warrant rendered it invalid.
2. ****Right to Resist Search:**** Whether Veloso’s resistance to the search was justified due to the alleged illegality of the search warrant.
3. ****Identification of Person to be Searched:**** Whether the search warrant adequately identified Veloso considering the constitutional requirement for particularity.
4. ****Aggravating Circumstance:**** Whether Veloso’s public office as a member of the House of Representatives should be considered an aggravating circumstance in the sentencing.

Court's Decision:

1. **On the Search Warrant's Validity:** The Court upheld the search warrant as valid. The warrant described the building to be searched specifically and mentioned that "John Doe" controlled it. Despite not naming Veloso, it described the premises clearly enough for police action.
2. **Right to Resist Search:** The Court ruled Veloso's resistance was not justified. While the accused might protest an illegal search, excessive violence was deemed unjustified in this context.
3. **Identification Adequacy:** The Court accepted that the warrant sufficiently allowed the police to identify Veloso as "John Doe," given their prior investigation and the premises' specific description.
4. **Aggravating Circumstance:** The Court modified the trial court's decision considering Veloso's public position not as an aggravating circumstance. He was re-sentenced to two months and one day of imprisonment without considering his position as an aggravating factor.

Doctrine:

- **Particularity in Search Warrants:** A search warrant must describe the place to be searched and the persons or things to be seized with enough specificity to enable identification.
- **Legality of John Doe Warrants:** Such warrants are valid if they include a sufficient description enabling identification.
- **Resistance to Illegal Search:** Excessive violence in resistance to a purportedly illegal search is not warranted. Protest should align with the degree of unlawful action.

Class Notes:

- **Elements of Valid Search Warrant:** Requires particular description of place and people/things to be seized (Philippine Bill of Rights, Philippine Code of Criminal Procedure §§97, 98, 99).
- **Resisting Arrest:** The right to resist is constrained by the necessity of force proportionality and clear illegality of the officer's action.
- **Use of Public Office in Crimes:** Public office shouldn't aggravate the penalty unless the office provided a clear advantage.

Historical Background:

- **Context:** This case took place against the backdrop of increasing efforts to curb illegal activities, including gambling, during the American colonial period in the Philippines.

- ****Legislative Climate:**** Reflects the interplay between emergent democratic institutions (like the Philippine Legislature) and colonial judicial practices influenced by American constitutional principles.

This landmark decision clarified applicable principles in handling “John Doe” search warrants and the judicial stance on resistance to searches perceived as illegal in the context of the Philippine legal framework.