

**\*\*Title:\*\***

Yee Sue Koy & Yee Tip, et al. vs. Mariano G. Almeda & Jose Estrada, et al. (70 Phil. 141)

**\*\*Facts:\*\***

On May 5, 1938, Mariano G. Almeda, chief agent of the Anti-Usury Board, filed a sworn application for a search warrant before the justice of the peace of Sagay, Occidental Negros. The warrant sought to search the premises of Sam Sing & Co. for documents related to alleged usurious money lending activities. This application was supported by the testimony of Jose Estrada, a special agent of the Anti-Usury Board. The same day, a search was conducted by Almeda, Estrada, two internal revenue agents, and two members of the Philippine Army. Various documents, including receipt books and promissory notes, were seized. An inventory receipt was issued by Almeda.

After the seizure, Almeda filed a return with the justice of the peace and requested to retain the items for examination per Act No. 4109, which request was granted.

Sam Sing & Co.'s attorney, Godofredo P. Escalona, unsuccessfully requested the return of the seized items on March 4, 1939. Subsequently, on March 11, 1939, Escalona filed a motion in the Court of First Instance of Occidental Negros to declare the search warrant and seizure illegal. This motion was denied on July 24, 1939. Another similar motion was filed with the justice of the peace of Sagay on October 27, 1939, and was denied the following day.

On September 30, 1939, an information was filed in the Court of First Instance of Occidental Negros charging Yee Fock alias Yee Sue Koy, Y. Tip, and A. Sing with violating Act No. 2655.

Before the criminal case could proceed, the petitioners sought relief from the Philippine Supreme Court on November 6, 1939, seeking to have the search warrant and seizure declared illegal, and requesting the return of their documents. They also requested that the items not be used as evidence in the upcoming trial scheduled for November 13, 1939.

**\*\*Issues:\*\***

1. Was the search warrant issued by the justice of the peace of Sagay on May 5, 1938, legal and valid?
2. Was the seizure of documents and items from Sam Sing & Co. constitutional, considering

they were to be used as evidence in a criminal prosecution?

3. Were petitioners entitled to the return of the seized items?

**\*\*Court's Decision:\*\***

**\*\*1. Validity of the Search Warrant:\*\***

The petitioners claimed that the search warrant was invalid because it was allegedly issued three days before the application and supporting affidavit were signed. The court found no basis for this claim as the supporting documents referred to the issuance date as May 5, 1938, indicating compliance with the formal requirements specified in the Constitution and General Orders No. 58. The court held that the formalities required for issuing a search warrant were strictly observed. Both Almeda and Estrada's testimonies were found sufficient to establish probable cause.

**\*\*2. Constitutionality of the Seizure:\*\***

The petitioners argued that using the seized items as evidence in a criminal case would make the search warrant unreasonable and violate constitutional protections against self-incrimination. While the court recognized the general principle prohibiting the use of seized items as evidence against their owner in criminal proceedings (Rodriguez et al. vs. Villamiel, Uy Kheytn vs. Villa-Real, etc.), it noted that in this specific instance, the items were seized as part of the Anti-Usury Board's investigative duties, not primarily for evidence gathering. Therefore, the general rule was inapplicable.

**\*\*3. Return of Seized Items:\*\***

The respondents argued that the seized items constituted the corpus delicti of the usury law violation, which, if true, meant they could not be returned to petitioners. The court, finding no conclusive grounds for the petitioners' claim to the immediate return, refused to order the return of the items. The court also accepted the argument that the items were seized to prevent further violations of the law.

**\*\*Doctrine:\*\***

The case reaffirms that search warrants and the seizure of items must meet constitutional formalities, and asserts the conditional circumstances under which such items can be retained by authorities. It delineates the balance between law enforcement's right to seize items for preventing continuing violations and protecting individual rights against unreasonable searches and seizures.

**\*\*Class Notes:\*\***

- **\*\*Search Warrant Validity:\*\*** To be valid, search warrants must comply with procedural requirements, supported by affidavits showing probable cause.
- **\*\*Constitutional Protections:\*\*** Items cannot ordinarily be seized to be used as evidence against the possessor; this constitutes an unreasonable search.
- **\*\*Corpus Delicti:\*\*** Items constituting the corpus delicti of a crime cannot be returned if they further/prevent continuing illegal activity.
- **\*\*Statutory References:\*\***
- **\*\*Philippine Constitution, Art. III, Sec. 1, par. 3:\*\*** Requires probable cause for the issuance of warrants.
- **\*\*General Orders No. 58, Sec. 97:\*\*** Describes formal requirements for warrant issuance.
- **\*\*Act No. 4109:\*\*** Governs the powers and duties of the Anti-Usury Board.

**\*\*Historical Background:\*\***

The case took place in the context of the Commonwealth of the Philippines, where significant emphasis was placed on regulating economic activities, such as usurious lending practices, through statutory mechanisms like the Anti-Usury Law. This case reflects the judiciary's role in balancing government regulatory efforts and individual constitutional rights during a period of significant legal development and codification in the Philippines.