

**Title:** Honesto Ogayon y Diaz v. People of the Philippines

**Facts:**

1. **December 1, 2003:** Information filed against Honesto Ogayon for violations of the Comprehensive Dangerous Drugs Act (RA 9165).
  - **Criminal Case No. 4738:** Illegal possession of drug paraphernalia.
  - **Criminal Case No. 4739:** Possession of methamphetamine hydrochloride (shabu).
2. **January 21, 2004, March 17, 2004:** Ogayon was arraigned, pleaded “not guilty.”
3. **May 5, 2004:** Joint pre-trial conference confirming the identity of the accused.
4. **October 2, 2003:** Execution of a search warrant by Albay Provincial Police in Ogayon’s house, resulting in the seizure of drug paraphernalia and shabu.
  - **Search Procedure:**
    - Items found in comfort room five meters from his house.
    - Seized items included drug paraphernalia and sachets of shabu.
    - Ogayon claims he was unaware of the drugs found.
5. **September 5, 2007:** RTC Ligao convicted Ogayon:
  - **Criminal Case No. 4738:** Guilty of violating Section 12, RA 9165.
  - **Criminal Case No. 4739:** Guilty of violating Section 11, RA 9165.
  - Ogayon sentenced to imprisonment and fines for each charge.
6. **Ogayon’s Appeal:** Questioned the validity of the search warrant, claimed irregular search procedure.
7. **March 31, 2009:** CA affirmed RTC’s decision, declared search warrant valid (despite Ogayon’s objections). Relied on presumption of regularity, held Ogayon responsible due to exclusive control of premises.
8. **July 10, 2009:** CA denied Ogayon’s motion for reconsideration.

**Issues:**

1. Whether Ogayon waived his right to question the legality of the search warrant by not objecting to it in a timely manner.
2. Whether the search conducted under a defective search warrant was highly irregular,

rendering the seized items inadmissible.

**Court's Decision:**

**1. Waiver of Right to Question Search Warrant:**

- The Court debunked that Ogayon waived his right to question the search warrant by failing to object during trial. It emphasized the protection of fundamental rights over procedural missteps, noting that the seriousness of constitutional rights demanded vigilance.
- The Supreme Court highlighted that procedural rules cannot diminish the importance of a constitutional guarantee, favoring the preservation of fundamental rights over procedural compliance.

**2. Validity of the Search Warrant and Evidence Seized:**

- **Defective Search Warrant:** The Court found the search warrant defective due to lack of evidence showing the issuing judge conducted a necessary personal examination of the complainant and witnesses, as mandated by the Constitution.
- **Null and Void Search and Seized Evidence:** The Court voided the search conducted on the back of a defective search warrant, leading to the inadmissibility of the seized items in evidence, under the "fruit of the poisonous tree" doctrine.

**Reversal of Conviction:** With the invalidation of the search warrant and the subsequent inadmissibility of evidence seized, the Supreme Court acquitted Ogayon due to the absence of substantial evidence.

**Doctrine:**

1. **Rule 126, Sec. 5, Rules of Court (Examination of Complainant):** Establishes that a judge must personally examine the applicant and witnesses for a search warrant under oath through searching questions and answers, recorded in writing.
2. **Constitutional Right against Unreasonable Searches and Seizures:** Emphasizes the Supreme Court's stand on the inviolability of this right and the strict parameters for issuing a search warrant based on personal examination and determination of probable cause by the judge.

**Class Notes:**

1. **Key Elements/Central Concepts:**

- **Search Warrant Requirements:** Personal examination, writing requirement, probable cause.
- **Rejection of Procedural Waivers of Constitutional Rights:** Procedural lapses do not override fundamental rights.
- **Doctrine of the Poisonous Tree:** Evidence seized from an invalid warrant is inadmissible.

2. **Related Statutory Provisions:**

- **Section 2, Article III, 1987 Constitution:** Right against unreasonable searches and seizures.
- **Rule 126, Sec. 5, Rules of Court:** Rules on the examination of the complainant for a search warrant.

**Historical Background:**

- The 1987 Philippine Constitution reflects a continuity of protection from unreasonable searches and seizures dating back to earlier constitutional and legislative frameworks (Malolos Constitution, 1935 and 1973 Constitutions, US-administered regulations).
- The fundamental right against unreasonable search and seizure has historically been integral to protecting privacy and property, influenced by international human rights standards.

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This comprehensive analysis and detailed case brief outline the significant procedural and substantial rights involved and the jurisprudential principles underscored by the Philippine Supreme Court in *Honesto Ogayon y Diaz v. People of the Philippines*.