

****Title:**** Pilipinas Shell Petroleum Corporation and Petron Corporation v. Romars International Gases Corporation

****Facts:****

Petitioners, Pilipinas Shell Petroleum Corporation and Petron Corporation, received information that respondent, Romars International Gases Corporation, was illegally refilling steel cylinders bearing trademarks of Petron and Shell without authorization. To verify these allegations, Petron employed a paralegal team who conducted an undercover operation where they had empty LPG cylinders refilled at Romars' facility. The LPG cylinders from Shellane, Gasul, Total, and Superkalan were refilled at Romars' refilling station.

Subsequently, Petron confirmed that Romars was not authorized to distribute or use Petron's LPG products and trademarks. Petron and Shell requested an investigation by the National Bureau of Investigation (NBI), which led to the NBI finding commercial quantities of Petron Gasul and Shellane cylinders at Romars' warehouse. The NBI also witnessed trucks transporting refilled cylinders to various locations, including a store named Edrich Enterprises, from which they purchased LPG cylinders and obtained official receipts.

Based on these findings, the NBI filed applications for search warrants with the Regional Trial Court (RTC) of Naga City for violations of the Intellectual Property Code of the Philippines (R.A. 8293) and R.A. 623. The RTC-Naga issued Search Warrant Nos. 2002-27 and 2002-28, which were served, resulting in the peaceful seizure of the items described.

On November 4, 2002, Romars filed a motion to quash the search warrants, arguing no probable cause, lapse of time between test-buy and search, ownership issues, and authorized outlets. The RTC-Naga denied the motion to quash on February 21, 2003. Later, Romars' new counsel filed a motion for reconsideration, arguing improper venue as the application should have been filed in RTC-Iriga City, where the alleged crime occurred. The RTC-Naga granted the reconsideration and quashed the search warrants on July 28, 2003.

Petitioners appealed to the Court of Appeals (CA), which affirmed the RTC-Naga's decision. Petitioners' motion for reconsideration was denied.

****Issues:****

1. ****Whether venue in an application for a search warrant is jurisdictional.****

2. **Whether the issue of improper venue was waived by not being raised in the initial motion to quash and can be raised for the first time on appeal.**

Court's Decision:

1. **Venue and Jurisdiction in Search Warrant Applications:**

The Supreme Court ruled that an application for a search warrant is not a criminal action but a special criminal process. Thus, the rule that venue is jurisdictional in criminal cases does not apply to search warrant applications. Accordingly, the RTC-Naga's failure to state compelling reasons for filing the application outside RTC-Iriga's jurisdiction did not involve a question of jurisdiction.

2. **Omnibus Motion Rule:**

The Court emphasized that the omnibus motion rule applies to motions to quash search warrants. According to this rule, all available objections must be raised in a single motion, or they are deemed waived, with exceptions for jurisdiction over the subject matter, pending actions, or prior judgments/statute limitations. As the respondent's venue objection was available and existent during the initial motion to quash, it was waived since it did not involve jurisdiction over the subject matter.

Conclusively, the Supreme Court determined RTC-Naga had jurisdiction to issue the search warrants and deemed it improper for RTC-Naga to consider the venue objection raised for the first time on a motion for reconsideration.

Doctrine:

This case establishes that search warrant applications are special criminal processes and not criminal actions, thus nullifying the application of venue as a jurisdictional element. Additionally, the adherence to the omnibus motion rule signifies that objections not initially stated are waived, unless involving specific exceptions.

Class Notes:

- **Search Warrant Applications:** Classified as special criminal processes, not criminal actions. Thus, jurisdictional requirements of venue do not apply.
- **Omnibus Motion Rule (Sec. 8, Rule 15):** All available objections must be raised simultaneously; otherwise, they are waived, except for:
 1. Lack of jurisdiction over subject matter

2. Existence of a pending action between the same parties for the same cause
3. Bar by a prior judgment/statute of limitations

****Relevant Legal Provisions:****

- ****1987 Constitution, Article III, Section 2:**** Protects against unreasonable searches and seizures.
- ****Revised Rules of Criminal Procedure, Rule 126, Section 2:**** Guides the filing of applications for search warrants.
- ****Republic Act No. 8293 (Intellectual Property Code):**** Addresses violations concerning intellectual property rights.
- ****Republic Act No. 623:**** Regulates the use of marked containers without consent.

****Historical Background:****

This case is set against a backdrop of enforcing intellectual property rights in the Philippines, emphasizing strict procedural adherence regarding search warrants due to the constitutional safeguards against unreasonable searches. The ruling reiterates the careful balancing of state authority and individual rights within the legal framework.