

ALDIN JULATON Y YANCHA, ROMEO JULATON Y YANCHA, AND ARIS JULATON Y YANCHA, PETITIONERS, VS. THE HONORABLE JUDGE SEVERINO B. DE CASTRO, JR., AND PEOPLE OF THE PHILIPPINES, RESPON...

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

Before this Court is a Petition for Certiorari under Rule 65 of the 1997 Revised Rules of Civil Procedure assailing the Orders dated July 27, 2012[1] and March 5, 2013[2] of the Regional Trial Court (RTC), National Capital Judicial Region, Branch 82, Quezon City in Criminal Case No. Q-11-168985-86 entitled “PEOPLE OF THE PHILIPPINES, Plaintiff, versus ALDIN JULATON y YANCHA, ROMEO JULATON y YANCHA, ARIES JULATON y YANCHA, Accused.”, the dispositive portions of which read:

Order dated July 27, 2012

“WHEREFORE, premises considered the Motion To Quash Search Warrant dated October 3, 2011 filed by counsel for the accused is hereby DENIED for lack of merit.

SO ORDERED.”[3]

Order dated March 5, 2013

“Acting on the Motion for Reconsideration etc. dated November 27, 2012 filed by counsel for the accused herein, and finding that the allegations advanced in support thereof have already been considered and passed upon by the Court when it issued the assailed Order, the same is hereby DENIED for lack of merit.

SO ORDERED.”[4]

The facts are:

On February 15, 2011, Special Investigator 2 Juancho L. Esteban (SI2 Esteban for brevity) of the Metro Manila Regional Office (MMRO), Philippine Drug Enforcement Agency (PDEA) filed an Application for Search Warrant[5] with the Regional Trial Court (RTC) of Manila stating that: he was informed that petitioner Aldin Julaton, resident of D-29, NIA Road, Barangay Pinyahan, Quezon City, had in his possession and control an undetermined quantity of shabu/dangerous drugs as well as assorted drug paraphernalia which he kept in the said premises; the application for issuance of a Search Warrant was founded on personal knowledge acquired after conducting thorough investigation, surveillance, verification, and test buy; the application was being filed before the RTC of Manila as petitioner Aldin Julaton has strong connections with some influential individuals in the locality, hence, leakage of information was possible; and, under A.M. No. 03-8-02-SC, the Executive Judges of the Regional Trial Courts of Quezon City and Metro Manila are authorized to issue Search Warrants enforceable anywhere in the Philippines in cases involving Violations of Republic Act No. 9165.

On even date, SI2 Esteban testified before Executive Judge Amor A. Reyes of the RTC, Branch 21, Manila.[6] A

Deposition[7] was likewise executed by Intelligence Officer 1 Mark Junef P. Avenido (IO1 Avenido for brevity).

Consequently, Search Warrant No. 11-17262[8] dated February 15, 2011 was issued by the RTC, Branch 21, Manila ordering any peace officer to search D-29, NIA Road, Barangay Pinyahan, Quezon City, as there is probable cause to believe that Violation of Sections 11 and 12 of Republic Act No. 9165 was committed or about to be committed, and that there are good and sufficient reasons to believe that petitioner Aldin Julaton had in his possession an undetermined quantity of shabu/dangerous drugs and assorted drug paraphernalia. The Search Warrant was implemented on February 16, 2011.[9]

Thereafter, on February 24, 2011, Assistant City Prosecutor Alessandro D. Jurado of Quezon City filed two (2) separate Informations[10] for Violation of Sections 13 and 14 of Republic Act No. 9165 against petitioners Aldin Julaton, Romeo Julaton, and Aries Julaton, the accusatory portions of which read:

Violation of Section 13, Article II of Republic Act No. 9165

“That on or about the 16[th] day of February 2011, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, not being authorized by law to possess or use any dangerous drugs, did then and there, wilfully, unlawfully and feloniously and knowingly have in their possession and control (0.1376); (0.1106) and (0.0469) grams of Methamphetamine Hydrochloride, a dangerous drugs; one (1) improvised burner; one (1) disposable lighter and one (1) used tin foil containing traces of Methamphetamine Hydrochloride, a dangerous drug during party, social gathering or meeting of (sic) in the proximate company of at least 2 persons, in violation of said law.

Contrary to law.”[11]

Violation of Section 14, Article II of Republic Act No. 9165

“That on or about the 16th day of February 2011, in Quezon City, Philippines, the above-named accused, conspiring, confederating with and mutually helping one another, without authority of law, did then and there, wilfully, unlawfully and knowingly use/possess and under their control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting or introducing any dangerous drug into the body, such as: one (1) improvised burner; one (1) disposable lighter and one (1) used tin foil with traces of Methamphetamine Hydrochloride, a dangerous drug during parties, social gathering or meeting or in the proximate company of at least two (2) persons, in violation of said law.

Contrary to law.”[12]

The said cases were raffled to the RTC, Branch 82, Quezon City.

On October 3, 2011, the petitioners through the U.P. Office of Legal Aid filed a Motion to Quash Search Warrant[13] averring that: Search Warrant No. 11-17262 was procured without probable cause in view of the absence of sufficiently searching questions; the Search Warrant violates the constitutional right of the petitioners; the questions propounded by a judge must be more than merely perfunctory; the questions propounded by the RTC, Branch 21, Manila (issuing court) are obviously inadequate to establish probable cause; while the applicant, SI2 Esteban, may have personal knowledge in relation to Yolanda Mendegoria, he has none with respect to petitioner Aldin Julaton; leading questions alone cannot be the basis of probable cause; and, the Search Warrant is clearly defective for want of probable cause, and must be declared void and without legal effect.

The prosecution, for its part, filed an Opposition[14] arguing that: the petitioners belatedly seek the quashal of the subject Search Warrant; all of them had already been arraigned, which constituted an implied waiver of whatever procedural defects attending their arrest; in the issuance of search warrants, there is a presumption of regularity in the performance of official duty by the issuing authority; the factors for a valid search warrant have been

substantially complied with; Judge Amor Reyes issued the Search Warrant after her examination under oath of SI2 Esteban; the subject warrant described with particularity the place to be searched and the persons or things to be seized; and, there is no cogent or compelling reason for the quashal of the Search Warrant.

Petitioners answered with their “Reply to Comment”.[15]

In the assailed Order[16] dated July 27, 2012, the lower court, through respondent Judge Severino B. De Castro, Jr., denied petitioners' Motion to Quash Search Warrant for lack of merit. According to the lower court, it is undisputed that the judge who issued the search warrant conducted a prior formal inquiry by examining the applicant. The determination of the existence of probable cause is the sole prerogative of the issuing judge, and not any other person, much less the counsel for the petitioners. There was no irregularity attributed to the proceedings conducted by the issuing judge.

Aggrieved, petitioners filed a Motion for Reconsideration[17], which the prosecution countered with an Opposition.[18]

On March 5, 2013, the lower court issued the assailed Order[19] denying petitioners' Motion for Reconsideration.

Hence, this petition for certiorari raising a lone argument[20]:

THE HONORABLE JUDGE GRAVELY ABUSED HIS DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DENYING THE MOTION TO QUASH THE SEARCH WARRANT AND IN DENYING THE MOTION FOR RECONSIDERATION FOR FAILURE TO FIND THAT THE SEARCH WARRANT WAS ISSUED WITHOUT PROBABLE CAUSE CONSIDERING THAT THE ISSUING JUDGE TO (sic) FAILED [to] ASK SEARCHING QUESTIONS.

The petition is meritorious.

In essence, petitioners contend that: the issuing Judge[21] failed to ask searching questions adequate to determine probable cause with regard to petitioner Aldin Julaton; the questions pertained mostly to another person, Yolanda Mendegoria; the applicant for the Search Warrant did not have personal knowledge of the facts; the issuing Judge conducted the examination in a general manner and merely asked leading questions; and, the issuing Judge failed to ask the deponent why the PDEA decided to apply for a search warrant if they could have already conducted a warrantless search incidental to an arrest.

The Office of the Solicitor General (OSG), on the other hand, maintains that: the testimonies of SI2 Esteban and IO1 Avenido, coupled with the object and documentary evidence, are sufficient to establish probable cause; great deference should be accorded to the judge's determination; probable cause exists if a practical, common-sense evaluation of the facts and circumstances show a fair possibility that dangerous drugs will be found in the asserted location; and, the Executive Judge complied with all the procedural and substantive requirements for the issuance of the Search Warrant.

The focal issue in this case, therefore, is whether the examination of the applicant and his witness by the Executive Judge can be deemed as sufficient compliance with the Rules for the issuance of a search warrant.

The pertinent provisions of Rule 126 of the 2000 Revised Rules of Criminal Procedure state that:

“SEC. 4. Requisites for issuing search warrant. — A search warrant shall not issue except upon probable cause in connection with one specific offense to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the things to be seized which may be anywhere in the Philippines.

SEC. 5. Examination of complainant; record. — The judge must, before issuing the warrant, personally examine

in the form of searching questions and answers, in writing and under oath, the complainant and the witnesses he may produce on facts personally known to them and attach to the record their sworn statements, together with the affidavits submitted.” (Emphasis supplied)

It has been said that of all the rights of a citizen, few are of greater importance or more essential to a person's peace and happiness than the right of personal security, and that involves the exemption of his or her private affairs, books and papers from inspection and scrutiny of others. While the power to search and seize is necessary to the public welfare, still it must be exercised without transgressing the constitutional rights of the citizens, for the enforcement of no statute is of sufficient importance to justify indifference to the basic principles of government.[22] Zeal in the pursuit of criminals cannot ennoble the use of arbitrary methods that the Constitution itself abhors.[23]

Thus, in issuing a search warrant, the judge must strictly comply with the constitutional and statutory requirement that he or she must determine the existence of probable cause by personally examining the applicant and the witnesses in the form of searching questions and answers. Failure to comply with this requirement constitutes grave abuse of discretion.[24]

After a careful review of the record, particularly the Transcript of Stenographic Notes[25] of the testimony of SI2 Esteban and the Deposition[26] of IO1 Avenido, this Court finds that the quashal of Search Warrant 11-17262[27] is in order. Succinctly, SI2 Esteban had no personal knowledge of the incidents which would implicate petitioner Aldin Julaton for violation of Sections 11 and 12[28] of Republic Act No. 9165. The deposition of IO1 Avenido, meanwhile, clearly falls short of the required personal examination by a judge through searching questions and answers.

It should be emphasized that the application of SI2 Esteban, for which he gave a single testimony, pertains to three (3) persons[29] who resided at different locations in NIA Road, Barangay Pinyahan, Quezon City, as indicated in the sketch map.[30] A look at the said map shows that the respective residences of Yolanda Mendegoria, Benny Ballad, and petitioner Aldin Julaton are relatively far from one another. These were subjects of three (3) separate search warrants: Search Warrant No. 11-17260[31] for Mendegoria, Search Warrant No. 11-17261[32] for Ballad, and the subject Search Warrant No. 11-17262[33] for petitioner Aldin Julaton. Likewise, the alleged test-buy operations transpired on different dates[34]: February 2, 2011 with respect to Mendegoria; February 10, 2011 for Ballad; and February 11, 2011 with respect to petitioner Aldin Julaton.

Under the foregoing circumstances, it goes without saying that probable cause should have been established for each and every person subject of the search warrants, in relation to each of the three (3) residences situated between the DOJ Agencies Building and the Quezon City Central Post Office. However, it can be easily gleaned from a perusal of SI2 Esteban's lone testimony[35], which was conducted for all three, that the questions of the issuing Judge focused on only one person, Yolanda Mendegoria. Very few questions, which are far from probing, were asked with respect to petitioner Aldin Julaton. In fact, there was no mention in SI2 Esteban's testimony of details pertaining to petitioner Aldin Julaton's residence, which is particularly material being the very subject of the warrant, nor of the incidents surrounding the alleged test-buy operation that transpired on February 11, 2011. SI2 Esteban's testimony is therefore utterly insufficient to show probable cause that petitioner Aldin Julaton had in his control and possession dangerous drugs and paraphernalia in his residence at D-29, NIA Road, Barangay Pinyahan, Quezon City.

More importantly, aside from zeroing in only on Yolanda Mendegoria, a scrutiny of the transcript reveals that SI2 Esteban had no personal knowledge of the test-buy operation from which the finding of probable cause is based. It bears stressing that before issuing a search warrant, the complainant and the witnesses should be personally examined by the issuing Judge, in the form of searching questions and answers, on facts personally

known to them.[36] Here, the application for search warrant indicates that SI2 Esteban was merely “informed”.[37] Unsurprisingly, when asked by the issuing Judge, SI2 Esteban could not describe any of the three (3) locations and admitted that it was IO1 Avenido who purportedly bought the shabu. SI2 Esteban said that only IO1 Avenido knew the exact location of these houses as he was the one who actually conducted the test-buy. Thus, SI2 Esteban's testimony had no weight at all, for lack of personal knowledge about any offense that was committed by petitioner Aldin Julaton.[38]

When the law speaks of facts, the reference is to facts, data or information personally known to the applicant and the witnesses he may present. Absent the element of personal knowledge by the applicant or his witnesses of the facts upon which the issuance of a search warrant may be justified, the warrant is deemed not based on probable cause and is a nullity, its issuance being, in legal contemplation, arbitrary. Testimony based on what is supposedly told to a witness, being patent hearsay and, as a rule, of no evidentiary weight or probative value, whether objected to or not, would, alone, not suffice under the law on the existence of probable cause.[39]

On that note, it is IO1 Avenido not SI2 Esteban who should have been personally examined by the issuing Judge through probing questions. The examination of SI2 Esteban regarding the relevant incidents which tend to show probable cause is practically useless as he did not have personal knowledge. The basis for probable cause, then, boils down to the sufficiency of the issuing Judge's examination of IO1 Avenido.

IO1 Avenido, however, merely executed a Deposition[40], which cannot be considered as sufficient compliance with the requirements of the law considering that it was only he who had personal knowledge of the alleged test-buy. Such procedural shortcuts should not be countenanced especially since what is at stake here is no less than the constitutional right against unreasonable search and seizure. As members of the PDEA, which is the lead agency in the investigations and prosecutions of drug-related cases, they should have seen to it that proper procedure was followed. While the objective to curb the proliferation of drugs is laudable, constitutional rights cannot be compromised and the safeguards provided to protect the same should always be strictly observed.

It appears that personal examination in the form of searching questions and answers was conducted by the issuing Judge only on SI2 Esteban, and only insofar as Yolanda Mendegoria is concerned, as earlier discussed. A comparison[41] of IO1 Avenido's Deposition and SI2 Esteban's testimony reveals a striking disparity in the nature of the questions and the extent of the examination made. Indeed, the practice of relying mainly on affidavits is frowned upon, and the examining judge must not simply rehash its contents but must make his or her own inquiry.[42]

On this matter, noteworthy is the pronouncement of the Supreme Court in *Erle Pendon v. Court of Appeals, et al.*[43]:

“In this case, We find that the requirement mandated by the law and the rules that the judge must personally examine the applicant and his witnesses in the form of searching questions and answers before issuing the warrant, was not sufficiently complied with. The applicant himself was not asked any searching question by Judge Magallanes. The records disclose that the only part played by the applicant, Lieutenant Rojas, was to subscribe the application before Judge Magallanes. The application contained pre-typed questions, none of which stated that applicant had personal knowledge of a robbery or a theft and that the proceeds thereof are in the possession and control of the person against whom the search warrant was sought to be issued. In the case of *Roan v. Gonzales*, G.R. No. 71410, Nov. 25, 1986, 145 SCRA 687, citing the case of *Mata v. Bayona*, G.R. No. 50720, March 26, 1984, 128 SCRA 388, where the applicant himself was not subjected to an interrogation but was questioned only “to ascertain, among others, if he knew and understood (his affidavit) and only because the application was not yet subscribed and sworn to,” We held that:

“Mere affidavits of the complainant and his witnesses are thus not sufficient. The examining Judge has to take

depositions in writing of the complainant and the witnesses he may produce and attach them to the record. Such written deposition is necessary in order that the Judge may be able to properly determine the existence or non-existence of the probable cause, to hold liable for perjury the person giving it if it will be found later that his declarations are false.'

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"It is axiomatic that the examination must be probing and exhaustive, not merely routinary or pro forma, if the claimed probable cause is to be established. The examining magistrate must not simply rehash the contents of the affidavit but must make his own inquiry on the intent and justification of the application." (Emphasis supplied)

Likewise, the joint deposition made by the two (2) witnesses presented by the applicant can hardly satisfy the same requirement. The public respondent prosecutor admitted in his memorandum that the questions propounded were pre-typed." (Emphasis supplied)

In any case, granting that there was personal examination of SI2 Esteban, a reading of IO1 Avenido's two-page Deposition evidently shows that the questions therein are not probing and exhaustive. The deposition is too short and appears to be made merely to comply with a formality, which is not in accord with a judge's mandate to conduct a full and searching examination of the complainant and the witnesses he or she may produce.⁴⁴ In brief, the issuing Judge did not examine IO1 Avenido in the form of searching questions and answers.

The initial questions^[45] pertaining to the place to be searched, which is D-29, NIA Road, Barangay Pinyahan, Quezon City, as well as the matter of personal knowledge are patently leading. From a jurisprudential point of view, the nature of these questions are similar to those propounded in *Erle Pendon v. Court of Appeals, et al.*^[46], *Nemesio Prudente v. Judge Abelardo Dayrit, et al.*^[47], and *Nicomedes Silva, et al. v. RTC of Negros Oriental, Branch XXXIII, Dumaguete City*^[48], which the Supreme Court struck down as insufficient. Needless to state, the place to be searched is of paramount importance in the application for a search warrant, and for obvious reasons, such essential matter should not be elicited from a leading question. It is interesting to note that after the said leading questions, details pertaining to the location were no longer discussed, despite the fact that when SI2 Esteban testified, the issuing Judge repeatedly asked him about the same and was not able to get an answer as he just kept referring to IO1 Avenido. Otherwise stated, a reading of SI2 Esteban's testimony leads to the inference that IO1 Avenido should have been asked more questions, and not the other way around. Anent the subsequent questions, these are all essentially "What happened next?"^[49] This Court cannot fathom how a mere repetition of this question can, in any way, be considered as probing. There is simply no way to ascertain or verify information on such kind of questioning. Probable cause for the issuance of a search warrant should not be established with such ease and triviality, otherwise the requirement of personal examination through searching questions and answers would be reduced to a useless formality.

Mere generalization will not suffice and does not satisfy the requirements of probable cause upon which a warrant may issue.^[50] It is important that the examination or investigation is not merely routinary but one that is thorough and could elicit the required information.^[51] In fine, the questions on IO1 Avenido's deposition are routinary, pro forma, and superficial. Incidentally, in *People v. Cesar Delos Reyes*^[52], the examination therein is way more probing than in the instant case, but the Supreme Court still found the questioning as insufficient. Indeed, the right against unreasonable search of one's home cannot be defeated on the basis of flimsy and unsubstantiated grounds.

In rendering the assailed Orders, the lower court ratiocinated that the determination of probable cause is the sole prerogative of the issuing Judge. Be that as it may, it bears emphasis that such prerogative is not unbridled lest the express provisions of Revised Rules of Court as well as jurisprudential doctrines on the matter be put to naught.

It has been held that proceedings upon search warrants must be absolutely legal, for there is not a description of process known to law, the execution of which is more distressing to the citizen, in view of its humiliating and degrading effect. No presumptions of regularity are to be invoked in aid of the process when an officer undertakes to justify it.[53]

Liberal construction should be given in favor of the individual to prevent stealthy encroachment upon, or gradual depreciation of the rights secured by the Constitution.[54] Article III of the 1987 Constitution provides:

"Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

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Section 3. (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible in evidence for any purpose in any proceeding." (Emphasis supplied)

Thus, the settled rule is that where entry into the premises to be searched was gained by virtue of a void search warrant, prohibited articles seized in the course of the search are inadmissible against the accused.[55] No matter how incriminating the articles taken from the petitioners may be, their seizure cannot validate an invalid warrant.[56]

To reiterate, the requisites for the issuance of a search warrant must be followed strictly. Where the judge fails to personally examine the applicant for a search warrant and the latter's witnesses, or where the witnesses testify on matters not of their own personal knowledge, both of which are attendant in this case, the search warrant must be struck down.[57]

All told, the lower court erred in denying petitioners' Motion to Quash Search Warrant as the issuing Judge failed to thoroughly examine the applicant and his witnesses, particularly IO1 Avenido, in a manner that would sufficiently establish the existence of probable cause. It should be borne in mind that no matter how humble, a man's home is his castle. Be it a palace or a hovel, only the law, by authoritative process, bids open the closed door of a home.[58]

WHEREFORE, premises considered, the instant petition for certiorari is hereby GRANTED. The assailed Orders dated July 27, 2012 and March 5, 2013 of the RTC, Branch 82, Quezon City in Criminal Case No. Q-11-168985-86 are hereby REVERSED and SET ASIDE. The articles seized by virtue of Search Warrant No. 11-17262 dated February 15, 2011 are declared inadmissible in evidence.

No costs.

SO ORDERED.**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Bruselas, Jr., A.D., and Gaerlan, S.H., JJ., concur.

[1] Rollo, pp. 109-111, penned by Judge Severino B. De Castro, Jr.

[2] Rollo, p. 127

[3] Rollo, p. 111

[4] Rollo, p. 127

[5] Rollo, pp. 128-130

[6] Rollo, pp. 131-137

[7] Rollo, pp. 138-140

[8] Rollo, p. 141

[9] Rollo, pp. 143-153

[10] Rollo, pp. 155-158

[11] Rollo, p. 155

[12] Rollo, p. 157

[13] Rollo, pp. 81-86

[14] Rollo, pp. 103-104

[15] Rollo, pp. 105-108

[16] Rollo, pp. 109-111

[17] Rollo, pp. 112-120

[18] Rollo, pp. 124-126

[19] Rollo, p. 127

[20] Rollo, p. 63

[21] Executive Judge Amor A. Reyes of the Regional Trial Court of Manila

[22] Erle Pendon v. Court of Appeals, et al., G.R. No. 84873. November 16, 1990.

[23] Leon Tambasen v. People of the Philippines, et al., G.R. No. 89103. July 14, 1995; Nonillon A. Bagalihog v. Judge Gil Fernandez, et al., G.R. No. 96356. June 27, 1991.

[24] Nicomedes Silva, et al. v. RTC of Negros Oriental, Branch XXXIII, Dumaguete City, G.R. No. 81756. October 21, 1991 citing Marcelo vs. De Guzman, G.R. No. L-29077, June 29, 1982, 114 SCRA 667.

- [25] Rollo, pp. 131-137
- [26] Rollo, pp. 138-140
- [27] Rollo, p. 141
- [28] Rollo, p. 141
- [29] See Rollo, p. 131
- [30] Rollo, p. 154
- [31] See Rollo, pp. 132, 137
- [32] See Rollo, p. 136
- [33[]] Rollo, pp. 136, 141
- [34] Rollo, p. 137
- [35] Rollo, pp. 131-137
- [36] Rule 126, Section 5, 2000 Revised Rules of Criminal Procedure; *People of the Philippines v. Cesar O. Delos Reyes*, G.R. No. 140657. October 25, 2004.
- [37] Rollo, p. 128
- [38] See *Eduardo Quintero v. National Bureau of Investigation, et al.*, G.R. No. L-35149. June 23, 1988.
- [39] *Sony Music Entertainment (Phils.) Inc., et al. v. Judge Dolores Español, et al.*, G.R. No. 156804. March 14, 2005.
- [40] Rollo, pp. 138-140
- [41] Rollo, pp. 131-137; 138-140
- [42] *Paper Industries Corp. of the Philippines, et al. v. Maximiano Asuncion, et al.*, G.R. No. 122092. May 19, 1999.
- [43] G.R. No. 84873. November 16, 1990.
- [44] *People of the Philippines v. Cesar O. Delos Reyes*, G.R. No. 140657. October 25, 2004.
- [45] Rollo, p. 138
- [46] G.R. No. 84873. November 16, 1990.
- [47] G.R. No. 82870. December 14, 1989.
- [48] G.R. No. 81756. October 21, 1991.
- [49] Rollo, p. 139
- [50] *Cynthia Nolasco, et al. v. Ernani Cruz Paño, et al.*, G.R. No. L-69803. October 8, 1985.
- [51] *Soriano Mata v. Josephine Bayona, et al.*, G.R. No. 50720. March 26, 1984.
- [52] G.R. No. 140657. October 25, 2004.
- [53] *Ariel Vallejo v. Court of Appeals, et al.*, G.R. No. 156413. April 14, 2004.

[54] *People of the Philippines v. Cesar O. Delos Reyes*, G.R. No. 140657. October 25, 2004.

[55] *Bernard Nala v. Jesus Barroso, Jr.*, G.R. No. 153087. August 7, 2003.

[56] *Erle Pendon v. Court of Appeals, et al.*, G.R. No. 84873. November 16, 1990.

[57] *Paper Industries Corp. of the Philippines, et al. v. Maximiano Asuncion, et al.*, G.R. No. 122092. May 19, 1999.

[58] See Separate Opinion of Puno, J. in *Republic of the Philippines v. Sandiganbayan, et al.*, G.R. No. 104768. July 21, 2003.

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