ERIC C. ONG, PETITIONER, VS. HON. COURT OF APPEALS AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 132839. November 21, 2001

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This petition assails the decision dated October 29, 1997, of the Court of Appeals in CA-G.R. No. S.P. 43397, and its resolution dated February 27, 1998, denying the motion for reconsideration.[1] Said decision set aside the resolution dated April 16, 1996, and the order dated June 18, 1996, of the Regional Trial Court of Batac, Ilocos Norte,[2] Branch 17, granting the recall of the search warrant issued against petitioner Eric C. Ong.

The facts of the case as found by the Court of Appeals are as follows:

> On July 4, 1995, respondent Judge Ariston Rubio of the Regional Trial Court (RTC) Branch 17 of Batac Ilocos Norte issued search warrant no. 17 against private respondent Eric Ong. On the basis of the search warrant, the PNP stationed in Laoag searched the house of Ong, resulting in the confiscation of several firearms, parts of firearms and ammunitions including five live ammunitions for caliber 9 mm.
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> Subsequently, finding that a prima facie case exists against private respondent, an information was filed against him in the RTC Branch 15 of Laoag City.
>
> On November 13, 1995, private respondent filed with RTC Branch 17 of Batac (the court which issued the warrant), a Motion to Recall the search warrant and to release seized items.
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> Later, on November 14, 1995, private respondent filed before the criminal court (RTC Branch 15) a Motion for Reinvestigation and suspension of proceedings in said criminal case. The court granted private respondent's motion and directed the Provincial Prosecutor of Ilocos Norte to conduct a reinvestigation and to submit to the court the result thereof within 30 days.
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> On April 16, 1996, respondent Judge Rubio issued the first assailed resolution granting private respondent's Motion to Recall search warrant no. 17 and to release seized items.
>
> The Provincial Prosecutor of Ilocos Norte filed a motion for reconsideration of respondent Judge's order on the ground that the RTC Branch 17 has no more jurisdiction to act on the Motion to Recall because there is already a pending criminal case against private respondent arising therefrom filed in another court. Respondent Judge however denied the motion for reconsideration in an order dated June 18, 1996.

With the denial of the motion for reconsideration, the prosecution, through the Office of the Solicitor General, filed with the Court of Appeals a petition for certiorari seeking to annul Judge Rubio's resolution as well as his order denying the motion for reconsideration.[3]

On November 3, 1997, the Court of Appeals in its Decision dated October 29, 1997, gave due course to the petition and set aside the assailed resolution and the aforementioned order.[4] It held that the court in which the criminal case was being heard had jurisdiction over a motion questioning the validity of the search warrant. Citing

People vs. Bans, 239 SCRA 48, 54 (1994), the CA ruled that if the court that issued the search warrant were allowed to resolve the motion to quash such warrant despite the pendency before another court of a criminal case arising therefrom, an absurd situation would arise where the judge hearing the criminal case would be bound by the issuing court's ruling that the search warrant is invalid. He would be unable to review said ruling and would find it impossible to make an independent assessment of the evidence before him.

The CA denied reconsideration of its decision in a resolution dated February 27, 1998.

Before us now, petitioner assigns the following errors:

> I
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> THE COURT OF APPEALS ERRED WHEN IT COMPLETELY DISREGARDED THE MORE RECENT DOCTRINE IN PEOPLE VERSUS WOOLCOCK [244 SCRA 235 (1995)] AND, INSTEAD, RELIED UPON THE OLD DOCTRINE IN PEOPLE VERSUS BANS [239 SCRA 48 (1994)] WHICH THIS HONORABLE COURT HAD ALREADY DEEMED SUPERSEDED AND OBVIOUSLY ABANDONED.
>
> II
>
> THE COURT OF APPEALS ERRED IN GIVING MORE IMPORTANCE ON TECHNICALITIES AND PROCEDURAL NICETIES RATHER THAN PROTECTING THE PRIMORDIAL CONSTITUTIONAL RIGHTS OF THE PETITIONER.[5]

Two issues are now for resolution: (1) Which court has jurisdiction over a motion questioning the illegality of a search warrant? Is it the court hearing the criminal case as enunciated in People vs. Bans, or the court that issued the warrant, as held in People vs. Woolcock? (2) Did respondent Court of Appeals violate petitioner's constitutional rights?

On the first issue, petitioner asserts that respondent Court of Appeals erred in relying on Bans, in total disregard of Woolcock. He avers that the Court abandoned in Woolcock the doctrine it enunciated in Bans. He argues that the Court in Woolcock clearly prescribed that the issuing court had jurisdiction to rule on the validity of a search warrant. Bans, on the other hand, merely set the criterion to be followed where a court is called upon to rule on the validity of a search warrant when the consequent criminal case had already been filed in another court. Petitioner contends that the CA failed to distinguish between validity of a search warrant and admissibility of the evidence seized under the search warrant. Petitioner claims he risks the chance of wrongful conviction based on illegally seized evidence, if he did not question and ask for the recall of the warrant.

Aside from the doctrine enunciated in Woolcock, petitioner asserts that the policy guidelines on the issuance of search warrants enumerated in Malaloan vs. Court of Appeals, 232 SCRA 249 (1994), are likewise applicable to the present case.

In its Comment, the Solicitor General contends that respondent appellate court correctly applied Bans. The Solicitor General stresses that as held in Bans, if the criminal case resulting from the search warrant is raffled to a different branch, all incidents relating to the validity of said warrant should be consolidated and under the jurisdiction of the branch trying the criminal case. This is necessary to avoid confusion and to promote the orderly administration of justice.[6]

The OSG avers that the apparent conflict between Bans and Woolcock is easily resolved by referring to Article VIII, Sec. 4(3) of the 1987 Constitution. This section states that only the Supreme Court sitting en banc may modify or reverse a doctrine laid down by the Court in a decision rendered en banc or in division. Woolcock was decided by a division of the Court while Bans was rendered en banc. Thus, Woolcock could not have reversed or modified the ruling in Bans.

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The OSG points out that Woolcock merely restated the rule in Templo v. De la Cruz, 60 SCRA 295 (1974), which involved facts different from those in the present case. Moreover, the trial court in Woolcock denied the motion to quash, unlike in the present case where the issuing court recalled the search warrant and ordered the return of the items which are the main evidence in the criminal case.[7] There were also circumstances in Woolcock that would justify a warrantless search, but apparently not so in the present case.

The OSG submits that Malaloan does not apply to this case since the issue resolved therein was whether a court can issue a search warrant to be implemented outside its territorial jurisdiction.

On the first issue, we agree with the OSG that our ruling in People v. Woolcock could not be deemed to be an abandonment of our ruling in the earlier case of People v. Bans. First, the facts in these two cases differ as to preclude the application of the doctrine enunciated in one to the other. Second, as correctly pointed out by the OSG, the Constitution provides that decisions by this Court rendered en banc or in division may only be modified or reversed by a decision rendered en banc.

At any rate, the Woolcock ruling does not apply to the present case. In Woolcock, search warrants were issued by the Regional Trial Court of Caloocan City by virtue of which heroin was seized from Woolcock and her co-accused. A criminal case was subsequently filed with the Regional Trial Court of Pasay City. Woolcock and her companions moved for the quashal of the search warrants before the Caloocan court, which denied the motion. The accused again assailed the search warrants before the Pasay court, which, however, in effect declined to resolve that issue for the second time.

Petitioner invokes Woolcock without stating that the motion to quash the search warrant in that case was denied on the authority of Nolasco v. Paño, 139 SCRA 152 (1985).[8] In Nolasco, a search warrant was issued by RTC-QC, Branch 88, while the subsequent criminal case was filed with MTC-QC, Branch 42. Nolasco and her co-accused filed a motion to suppress in Branch 42, which denied the same and ruled that issues involving the search warrant must be filed in Branch 88. Earlier, in Branch 88, the court admitted an amended return (of the search warrant) and ruled that the documents seized should be subject to the disposition of the court trying the criminal case, i.e. Branch 42. We said in Nolasco that the pendency of a search warrant case and a criminal case in two different courts is not conducive to the orderly administration of justice. Further, we declared,

> It should be advisable that whenever a Search Warrant has been issued by one Court, or Branch, and a criminal prosecution is initiated in another Court, or Branch, as a result of the service of the Search Warrant, the SEARCH WARRANT CASE should be consolidated with the criminal case for orderly procedure. The later criminal case is more substantial that the Search Warrant proceeding, and the Presiding Judge in the criminal case should have the right to act on petitions to exclude evidence unlawfully obtained.[9]

It is this ruling in Nolasco that was reiterated in Bans, on whose authority the CA relied in reversing the recall of the assailed search warrant. Petitioner Ong's reliance on Woolcock is clearly misplaced. In this particular instance, the court trying the criminal case should be the one to rule on the validity of the search warrant, to avoid any confusion regarding jurisdiction and to promote the orderly administration of justice.

We are unable to agree with petitioner that the guidelines in Malaloan are applicable in the instant case. Said guidelines envision a situation where there is already a pending criminal case and a search warrant becomes subsequently necessary to procure evidence. This is not the situation in the present case, where a search warrant was first issued and a criminal case was later filed.

On the second issue, petitioner contends that the CA, in striking down the recall order of the issuing court, gave more importance to procedural niceties than to petitioner's substantive rights, such as the constitutional guarantees against an illegal search and seizure. This contention has no merit. Adherence to the rules is not a mere nicety.

Due process demands proper obedience to procedural rules, especially when the subject matter of the motion to quash is a search warrant.[10] Moreover, petitioner still has the remedy of filing before the court hearing the criminal case a motion to suppress the evidence seized under the search warrant. Petitioner's claim that he risks the chance of being wrongfully convicted if he did not question the search warrant before the issuing court is evidently without basis.

WHEREFORE, the instant petition is DENIED. The assailed decision of respondent Court of Appeals promulgated on October 29, 1996, and its resolution dated February 27, 1998, are AFFIRMED.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.
Buena, J., no part having concurred in the Court of Appeals decision.

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[1] Rollo, pp. 38-45.

[2] Id. at 72-79, 97; then presided by Judge Ariston Rubio, now deceased as a result of an ambush on October 31, 2001.

[3] Id. at 98-114.

[4] Id. at 38-43.

[5] Id. at 18.

[6] Rollo, p. 147.

[7] Id. at 150.

[8] Cited in People v. Woolcock, G.R. No. 110658, 244 SCRA 235, 252 (1995).

[9] Nolasco v. Paño, G.R. No. L-69803, 139 SCRA 152, 164 (1985).

[10] Meris v. Ofilada, A.M. No. RTJ-97-1390, 293 SCRA 606, 615 (1998).

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