

ARIEL C. VALLEJO, PETITIONER, VS. HONORABLE COURT OF APPEALS, FORMER SPECIAL FIFTEENTH DIVISION, JUDGE ISAAC R. DE ALBAN, REGIONAL TRIAL COURT, ILAGAN, ISABELA, BRANCH 16, AND F...

G.R. No. 156413. April 14, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a special civil action for certiorari under Rule 65 of the Revised Rules of Court, as amended, to review and reverse the Resolution[1] of the Court of Appeals in CA-G.R. No. 24265 dismissing the petitioner's petition as well as its Resolution dated November 28, 2002 denying the motion to admit petition for certiorari.

Factual Antecedents

The petitioner is a lawyer in the Register of Deeds of the province of Isabela. On February 16, 2000, National Bureau of Investigation (NBI) Agent, Franklin M. Javier, filed a sworn application for search warrant before the Regional Trial Court of Iligan, Isabela, Branch 16, worded as follows:

COMES NOW the undersigned HEAD AGENT of the National Bureau of Investigation, Cagayan Valley Regional Office Ilagan, Isabela hereby requests that a Search Warrant be issued on the Office of the Registry (sic) of Deeds, Provincial Capitol, Alibaga, Ilagan for the purpose of seizing the following documents, to wit:

01. Undetermined number of FAKE LAND TITLES, Official Receipts in the Cashier's Office, Judicial Form No. 39 known as Our Primary Entry Book under no. 496 and other pertinent documents related therewith;
02. Blank Forms of Land Titles kept inside the drawers of every table of employees of the Registry (sic) of Deeds;
03. Undetermined number of Land Transfer transactions without the corresponding payment of Documentary Stamps and Capital Gains Tax.

all of which documents are being used or intended to be used in the commission of a felony that is FALSIFICATION OF LAND TITLES under Article 171, Revised Penal Code, Article 213, RPC and R.A. 3019 (Anti-Graft) and are hidden or being kept in the said office.

This application is founded on a confidential information received by the undersigned, a peace officer, on information which I have personally investigated and founded as follows: The Office of the Registry (sic) of Deeds of Isabela is keeping and hiding Fake Land Titles, and embezzling or stealing from the government thru non-payment of Capital Gains Tax and Documentary Stamps.

That upon the facts above-stated, I have caused to believe and verily believe that the said Office of the Registry (sic) of Deeds located at the Provincial Capital, Alibagu, Ilagan, Isabela and/or in the said Office of the Registry (sic) of Deeds the above-described documents are hidden and kept.[2]

On the same date, Presiding Judge Isaac R. de Alban issued Search Warrant No. 2000-03 against the petitioner,

thusly worded:

TO ANY PEACE OFFICER:

GREETINGS:

It appearing to the satisfaction of the undersigned after examining under oath NBI Head Agent Franklin M. Javier and his witness that there are reasonable grounds to believe that Falsification of Land Titles under Art. 171, Revised Penal Code, Article 213, RPC and R.A 3019 (Anti-Graft) has been committed or is about to be committed and that there are good and sufficient reasons to believe that the Registry (sic) of Deeds, Provincial Capitol, Alibagu, Ilagan, Isabela has in its possession and control the following:

- Undetermined number of Fake Land Titles, Official Receipts in the Cashier's Office, Judicial Form No. 39 known as Primary Entry Book under No. 496 and other pertinent documents related therewith;
- Blank Forms of Land Titles kept inside the drawers of every table of employees of the Registry (sic) of Deeds;
- Undetermined number of land Transfer transactions without the corresponding payment of Capital Gains Tax and payment of documentary Stamps.

You are hereby commanded to make an immediate search anytime of the day or night of the premises above-mentioned and forthwith seize and take possession of the above mentioned documents/subject of the offense and bring to this court said documents and persons to be dealt with as the law may direct. You are further directed to submit return within 10 days from today.[3]

On February 17, 2000, the petitioner filed a motion to quash the search warrant, which the trial court denied in its Order dated February 29, 2000. The petitioner filed a motion for reconsideration of the said order on the ground that the questioned search warrant was in the form of a general warrant for failure to describe the persons or things to be seized and was violative of the Constitution; hence, null and void. The motion was, likewise, denied for lack of merit.

On May 4, 2000, the petitioner filed a notice of appeal and prayed that the entire record of the case be elevated to the Court of Appeals. The case was docketed as CA-G.R. CR No. 24265.

In a Resolution dated September 6, 2000, the appellate court dismissed the petitioner's appeal as follows:

The appealed order denying a motion to quash the search warrant is interlocutory and not appealable. Accordingly, the appeal is hereby DISMISSED. (Rule 41, Sec. 1 (c); Rule 50, Sec. 1 (i) and Sec. 2, 2nd paragraph, in relation to Rule 124, Sec. 18, Revised Rules of Court).

SO ORDERED.[4]

The petitioner filed a motion to admit petition for certiorari on August 29, 2000 before the Court of Appeals.

Respondent Franklin M. Javier, for and in behalf of the NBI, filed his comment on the petition where he alleged his version of the facts as follows:

4.1 On 08 December 1999, the undersigned received a "tip-off" (i.e. from the respondent himself, ATTY. ARIEL VALLEJO) about the presence of "fixers" who were allegedly submitting to him fake titles;

4.2 The undersigned together with other operatives of the Cagayan Valley Regional Office (CAVRO) NBI, Isabela, Ilagan, conducted surveillance and entrapment operations to confirm the veracity of reported, (sic) As a result thereof, the "fixer" was later apprehended in "flagrante delicto" and was subjected to investigation together with other employees of the Register of Deeds of Ilagan, Isabela;

4.3 Thereafter a certain, MS. REMEDIOS BIRI, a clerk assigned at the Register of Deeds of Isabela, volunteered to provide CAVRO operatives vital information and later on turned witness considering her knowledge of the “scheme” being used by corrupt employees assigned at the said office;

4.4. On 16 February 2000, after confirming information relayed to us by witness MS. REMEDIOS BIRI, the undersigned applied for a search warrant against the Office of the Register of Deeds, Ilagan, Isabela for Falsification of Public Document under Art. 171 of the Revised Penal Code. The respondent presiding Judge HON. ISAAC DE ALBAN of the Regional Trial Court, Branch 16, Isabela, Ilagan finding the existence of “probable cause” issued Search Warrant No. 2000-03;

4.5 On 16 February 2000, operatives of CAVRO headed by the undersigned served aforecited search warrant. Found and seized inside the premises of the Register of Deeds if Ilagan, Isabela were several fake titles/documents; On 2 March 2000, a Return of the search warrant was made informing the respondent presiding judge of its positive findings; ...[5]

Respondent Javier asserted that contrary to the position of the petitioner, the things to be seized were particularly described in the questioned warrant. Furthermore, considering the volume of the documents to be seized, it would be difficult, if not impossible, to provide the court with the technical descriptions of all the official receipts and the titles, including the reference number or mark of the documents. To require such task is to render the application of the search warrant nil, as no such search warrant could be granted. According to respondent Javier, there was no way that the court could determine with precision the exact details of the things to be seized. The law does not require that the things to be seized must be described in precise and minute details as to leave no room for doubt on the part of the searching authorities.[6] Respondent Javier also posited that the article “Judicial Form No. 39 known as the Primary Entry Book” could not or would not have been mistaken for any other documents; similarly the “Blank Forms of Land Titles kept inside the drawer of every table of employees of the Register of Deeds” clearly indicates the documents to be seized.[7]

The Court of Appeals denied the petitioner’s motion in its Resolution dated November 28, 2002 on the following grounds:

First. We earlier dismissed movant’s appeal because it was a wrong choice of remedy to assail an order denying a motion to quash the search warrant. Movant himself has conceded that: “the relief that was resorted to by your appellant from the denial of his motion to quash search warrant subject of the case was under the imports of an ordinary appeal and that it was not the proper remedy under the premises.”

Second. Movant’s petition for certiorari under rule 65 of the 1997 Rules of Civil Procedure purportedly to cure the procedural defect he incurred cannot be countenanced. He admitted that his petition was filed beyond the reglementary period. The correct dismissal of an appeal becomes a final judgment of the appellate court after the lapse of 15 days from service of a copy thereof upon the accused or his counsel.

Third. Movant cannot simultaneously or alternately resort to a petition for review under Rule 45 (ordinary appeal) and/or petition for certiorari under Rule 65 (special civil action). They are mutually exclusive remedies having different legal grounds for their availment. Thus, the dismissed appeal cannot be incorporated with movant’s petition for certiorari which should have been first resorted to upon denial of his motion to quash and docketed as a special civil action (SP).

ACCORDINGLY, the motion for reconsideration and the motion to admit petition for certiorari are DENIED for lack of merit.

SO ORDERED.[8]

Hence, the instant petition.

The Petitioner's Arguments

The petitioner asserts that the Court of Appeals committed grave abuse of discretion amounting to lack or excess of jurisdiction in committing the following:

- DENYING PETITIONER'S MOTION FOR RECONSIDERATION ON THE RESOLUTION OF THE RESPONDENT HON. COURT OF APPEALS DISMISSING PETITIONER'S APPEAL ON THE RESPONDENT'S REGIONAL TRIAL COURT'S ORDER DENYING PETITIONER'S MOTION TO QUASH SEARCH WARRANT;
- DENYING PETITIONER'S MOTION TO ADMIT PETITION FOR CERTIORARI UNDER RULE 65 OF THE REVISED RULES OF COURT, SEEKING TO CORRECT THE ERROR OF JURISDICTION COMMITTED BY THE RESPONDENT REGIONAL TRIAL COURT, AS THERE WAS GRAVE ABUSE OF JUDICIAL DISCRETION AMOUNTING TO EXCESS OR LACK OF JURISDICTION IN DENYING PETITIONER'S MOTION FOR RECONSIDERATION OF THE SAID REGIONAL TRIAL COURT'S ORDER DENYING THE MOTION TO QUASH SEARCH WARRANT;
- FAILING TO APPRECIATE AND CONSIDER SUBSTANTIAL JUSTICE ON PETITIONER'S APPEAL OR CASE, AND BY REASON OF THIS FAILURE SUBSTANTIAL JUSTICE IS SERIOUSLY INJURED AND MADE SUBSERVIENT TO THE TECHNICALITY OF THE RULES;
- FAILING TO ACT UPON PETITIONER'S PETITION FOR CERTIORARI AND MAKE A RULING ON THE MATTER OF THE PATENT NULLITY OF THE SEARCH WARRANT ISSUED BY THE RESPONDENT REGIONAL TRIAL COURT THAT IN ITS EXECUTION EXTREME PREJUDICE RESULTED AND THAT BY REASON FOR WHICH RELIEF IS EXTREMELY URGENT;[9]

According to the petitioner, by its failure to consider the petition on the merits, the Court of Appeals allowed technicality rather than substantial justice to prevail, considering that the issue involved is a constitutional right, no less than the right of one to be secure against unreasonable searches and seizures.

The petitioner claims that in the implementation of the questioned search warrant, damages of far reaching implications were sustained not only in the functional operations of the Office of the Register of Deeds, but also in the business transactions involving lands in the province of Isabela. According to the petitioner, millions of documents of various nature were seized and hauled out of the premises of the office by the respondent Javier, which continue to be in the latter's custody.

The petitioner further asserts that the search warrant issued by the RTC is in the nature of a general warrant. There was no particularity as to what documents were to be searched and seized. While the warrant made mention of "fake land titles," there was no mention of which titles were spurious. The petitioner points out that the Register of Deeds is the repository of all land titles within the territorial jurisdiction of the province of Isabela, and millions of such titles are kept thereat. The phrase "undetermined number of land transfer transactions without the corresponding payment of capital gains tax and payment of documentary stamps" is, likewise, a dangerous supposition, as there are millions of documents on various land transactions kept in the registry. Anent the phrase "blank forms of land titles kept inside the drawers of every table of employees of the Register of Deeds," the petitioner asserts that no conceivable wrong could have been committed therein, as it was the normal practice for employees to have such blank forms in hand, in preparation for their issuance after thorough examination of the propriety of documents submitted in support thereof. However, the petitioner asserts that not every employee can

take hold of such blank forms but only those designated as examiners. There was no mention in the warrant of the names of the employees who purportedly kept the blank forms.

According to the petitioner, the warrant was a wanton, sweeping authority for the NBI agents who raided the Registry Offices and confiscated and seized every document in sight. It was a “fishing expedition” for the raiding party to obtain any kind of conceivable evidence to support the offense for which it was applied.

The petitioner also contends that the warrant is patently objectionable for having been issued despite the fact that the application therefor contained more than one offense, in violation of Article III, Section 2, of the 1987 Constitution.

The petitioner concludes that the search warrant in question, being in the nature of a general warrant, violated the constitutional as well as the statutory requirements for its issuance, and as such, is null and void.

The Position of the Office of the Solicitor General [10]

The Office of the Solicitor General, for its part, agrees with the petitioner and opines that the strict application of the rules of procedure should be relaxed in this case.

The OSG also asserts that it cannot sustain the questioned CA Resolutions of September 6, 2000 and November 28, 2002 for the reason that the subject search warrant is a patent nullity. It submitted the following reasons for such conclusion:

First. The subject search warrant issued by the RTC was not just for one offense, but for at least three offenses, namely: violation of a) Article 171 of the Revised Penal Code (Falsification by public officer, employee or notary or ecclesiastical minister); b) Article 213 of the same Code (Frauds against the public treasury and similar offenses); and, c) Rep. Act No. 3019 (Anti-Graft and Corrupt Practices Act).

Second. The things to be seized were not particularly described in the search warrant, leaving the officer of the law with limitless discretion in its implementation on what articles to seize.

Third. From the contents of the search warrant itself, the raiding team could not have distinguished which of the land titles kept in the custody of the Register of Deeds in Iligan, Isabela were fake, and which of them were genuine. The warrant did not define the parameters upon which the fake land titles could be gauged with sufficient clarity and definiteness, such as distinguishing marks.

Fourth. The issue regarding the validity of a Torrens title is a judicial question.

Thus, the OSG prays that the instant petition be granted.

The Court's Ruling

The issues in this case are as follows: a) whether or not the technical rules of procedure may be relaxed in the case at bar; and, if so b) whether or not the warrant issued by the RTC was valid.

A Relaxation of Technical Rules

Is Warranted in this Case

According to the OSG, the petitioner's motion to admit petition for certiorari was filed beyond the sixty-day reglementary period. The petitioner received a copy of the trial court's Order dated February 29, 2000 denying the motion to quash search warrant on March 6, 2000. Thus, he had only until May 5, 2000 within which to file a petition for certiorari. Realizing that the appeal under Rule 45 of the Rules of Court he earlier filed with the Court of Appeals was not the proper remedy, the petitioner filed his motion to admit petition for certiorari only on

August 29, 2000, way beyond the reglementary period. However, considering that the petitioner has presented a good cause for the proper and just determination of his case, the appellate court should have relaxed the stringent application of technical rules of procedure and yielded to considerations of substantial justice.

We agree. The Court has allowed some meritorious cases to proceed despite inherent procedural defects and lapses. This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice and that strict and rigid application of rules which would result in technicalities that tend to frustrate rather than promote substantial justice must always be avoided.[11] It is a far better and more prudent cause of action for the court to excuse a technical lapse and afford the parties a review of the case to attain the ends of justice, rather than dispose of the case on technicality and cause grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.[12]

The issue involved in this case is no less than the legality of the issuance of a warrant of arrest.[13] It behooved the Court of Appeals to look past rules of technicality and to resolve the case on its merits, considering that the petitioner therein was invoking a constitutional right. The appellate court should have, thus, considered the petitioner's appeal under Rule 45 of the Rules of Court, as a special civil action for certiorari under Rule 65 of the said Rules. Thus, in dismissing the petitioner's appeal, and, thereafter, the motion to admit petition for certiorari, the appellate court gravely abused its discretion. Indeed, the court has discretion to dismiss or not to dismiss an appeal, but such discretion must be a sound one, to be exercised in accordance with the tenets of justice and fair play, having in mind the circumstances obtaining in each case.[14]

The consequence of our ruling would be for the Court to direct the Court of Appeals to resolve on its merits CA-G.R. No. 24265 by delving into and resolving the issue raised therein on whether or not Judge de Alban of the RTC of Isabela, Branch 16, committed grave abuse of discretion in issuing Search Warrant No. 2000-03. However, such step would unduly prolong the resolution of the case. We shall act on the petition, considering that the lone issue raised is one of law, and an invocation of a constitutional right at that. It is an accepted rule that the Court may resolve the dispute and serve the ends of justice instead of remanding the case to the lower court for further proceedings, if, based on the records, pleadings, and other evidence, the matter can readily be ruled upon.[15] We take cognizance of this petition in view of the seriousness and urgency of the constitutional issues raised.[16]

The Search Warrant in Question
is Constitutionally Infirm; Void
for Lack of Particularity

Section 2, Article III of the 1987 Constitution guarantees the right to be free from unreasonable searches and seizures.

Sec 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 such 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.

Furthermore, Rule 126 of the Revised Rules of Criminal Procedure provides the requisites for the issuance of a search warrant, viz.:

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.

Thus, in issuing a search warrant, the judge must strictly comply with the foregoing constitutional and statutory requirements; failure to comply therewith constitutes grave abuse of discretion.[17]

The things to be seized must be described with particularity. Technical precision of description is not required. It is only necessary that there be reasonable particularity and certainty as to the identity of the property to be searched for and seized, so that the warrant shall not be a mere roving commission.[18] Indeed, the law does not require that the things to be seized must be described in precise and minute detail as to leave no room for doubt on the part of the searching authorities. If this were the rule, it would be virtually impossible for the applicants to obtain a warrant as they would not know exactly what kind of things to look for.[19] Any description of the place or thing to be searched that will enable the officer making the search with reasonable certainty to locate such place or thing is sufficient.[20]

However, the requirement that search warrants shall particularly describe the things to be seized makes general searches under them impossible and prevents the seizure of one thing under a warrant describing another. As to what is to be taken, nothing is left to the discretion of the officer executing the warrant.[21] Thus, the specific property to be searched for should be so particularly described as to preclude any possibility of seizing any other property.[22]

A perusal of the tenor of the search warrant in question readily shows that it failed to pass this test of particularity. The questioned warrant directed the peace officers to search and seize the following in the petitioner's office at the Register of Deeds of Isabela:

4. Undetermined number of Fake Land Titles, Official Receipts in the Cashier's Office, Judicial Form No. 39 known as Primary Entry Book under No. 496 and other pertinent documents related therewith;
5. Blank Forms of Land Titles kept inside the drawers of every table of employees of the Registry of Deeds;
6. Undetermined number of land Transfer transactions without the corresponding payment of Capital Gains Tax and payment of Documentary Stamps.[23]

As correctly pointed out by the petitioner and the OSG, the terms expressly used in the warrant were too all-embracing, with the obvious intent of subjecting all the records pertaining to all the transactions of the petitioner's office at the Register of Deeds to search and seizure. Such tenor of a seizure warrant contravenes the explicit command of the Constitution that there be a particular description of the things to be seized.[24] The executing officer's sole function is to apply the description to its subject matter, which function may frequently involve the exercise of limited discretion in identifying the property described. A description of such generality, however, as to lodge in the executing officer virtually unlimited discretion as to what property shall be seized, is repugnant to the Constitution.[25] As we held in the early case of *People v. Veloso*: [26]

A search warrant must conform strictly to the requirements of the constitutional and statutory provisions under which it was issued. Otherwise, it is void. The proceedings upon search warrants, it has rightly been held, 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. Perhaps there is none which excites such intense feeling in consequence of its humiliating and degrading effect. The warrant will always be construed strictly without, however, going into the full length of requiring technical accuracy. No presumptions of regularity are to be invoked in aid of the

process when an officer undertakes to justify under it.[27]

The Search Warrant Must
Be Issued for One Specific
Offense

The questioned warrant in this case is a scatter-shot warrant[28] for having been issued for more than one offense - Falsification of Land Titles under Article 171 and Article 213 of the Revised Penal Code, and violation of Rep. Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act. A warrant must be issued upon probable cause in connection with one specific offense.[29] In fact, a careful perusal of the application for the warrant shows that the applicant did not allege any specific act performed by the petitioner constituting a violation of any of the aforementioned offenses..

Thus, the questioned warrant must be struck down for having been issued in contravention of the 1987 Constitution, the Rules of Criminal Procedure, and existing jurisprudence. As the Court, through Justice Concepcion held in the landmark case of *Stonehill v. Diokno*: [30]

To uphold the validity of the warrant in question would be to wipe out completely one of the most fundamental rights guaranteed in our Constitution, for it would place the sanctity of the domicile and the privacy of communication and correspondence at the mercy of the whims, caprice, or passion of peace officers. This is precisely the evil sought to be remedied by the constitutional provision above-quoted – to outlaw the so-called general warrants. It is not difficult to imagine what would happen, in times of keen political strife, when the party in power feels that the minority is likely to wrest it, even though by legal means. [31]

WHEREFORE, the Resolutions of the Court of Appeals dated September 6, 2000 and November 28, 2002 are SET ASIDE AND REVERSED. The respondent National Bureau of Investigation is hereby ORDERED to return to the petitioner all items seized from the subject premises.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez and Tinga, JJ., concur.

[1] Penned by Associate Justice Ruben T. Reyes, with Associate Justices Andres B. Reyes, Jr. and Josefina Guevarra-Salonga concurring.

[2] Annex “B,” CA Rollo, p. 47 (Emphasis supplied).

[3] Annex “B,” Rollo, p. 50 (Emphasis supplied).

[4] Annex “F,” Rollo, p. 99.

[5] Rollo, pp. 111-112.

[6] Id. at 113.

[7] Id. at 114.

[8] Id. at 47-48.

[9] Id. at p. 19.

[10] Manifestation and Motion dated June 16, 2003.

[11] *Buscaino v. Commission on Audit*, 310 SCRA 635 (1999).

- [12] *Aguam v. Court of Appeals*, 332 SCRA 784 (2000).
- [13] In *Uy v. Bureau of Internal Revenue*, *supra*, the Court, speaking through Associate Justice Santiago M. Kapunan, pointed out a plethora of cases where the Court took cognizance of, and resolved, without regard to the question of whether the special civil action (not an appeal) was employed as the appropriate remedy.
- [14] *Aguam v. Court of Appeals*, *supra*.
- [15] See *San Luis v. Court of Appeals*, 365 SCRA 279 (2001).
- [16] See *Roan v. Gonzales*, 145 SCRA 687 (1986).
- [17] *Uy v. Bureau of Internal Revenue*, 344 SCRA 36 (2000), citing *Silva v. Presiding Judge, RTC of Negros Oriental*, Br. XXXIII, 203 SCRA 140 (1991).
- [18] *United States v. Quantity of Extracts, Bottles, Etc.*, 54 F. 2d 643 (1931).
- [19] *Kho v. Macalintal*, 306 SCRA 70 (1999).
- [20] *Borders v. State*, 104 So.145 (1925)
- [21] *Stanford, Jr. v. Texas*, 379 US 476 (1965), 13 L ed 2d 431.
- [22] *Lea v. State*, 181 S.W. 2d 351 (1944).
- [23] Annex "B," Rollo, p. 50.
- [24] *Republic v. Sandiganbayan*, 255 SCRA 438 (1996).
- [25] *Supra* at note 16.
- [26] 48 Phil. 169 (1925).
- [27] *Id.* at 176.
- [28] *People v. Court of Appeals*, 216 SCRA 101 (1992).
- [29] Section 4, Rule 126, Revised Rules of Criminal Procedure.
- [30] 20 SCRA 383 (1967).**
- [31] *Id.* at 392.

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