

**SPOUSES JOEL AND MARIETTA MARIMLA, PETITIONERS, VS.
PEOPLE OF THE PHILIPPINES AND HON. OMAR T. VIOLA, RTC
JUDGE, BRANCH 57, ANGELES CITY, RESPONDENTS.**

G.R. No. 158467. October 16, 2009

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before the Court is a petition for certiorari under Rule 65 of the Rules of Court. It seeks to annul the Order[1] dated September 6, 2002 of the Regional Trial Court (RTC) of Angeles City, Branch 57, denying petitioner spouses Joel and Marietta Marimla's Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized, and the Order[2] dated April 21, 2003 denying the Motion for Reconsideration thereof.

The facts, as culled from the records, are as follows:

On February 15, 2002, Special Investigator (SI) Ray C. Lagasca of the NBI Anti-Organized Crime Division filed two (2) applications for search warrant with the RTC of Manila seeking permission to search: (1) petitioners' house located on RD Reyes St., Brgy. Sta. Trinidad, Angeles City[3] and (2) the premises on Maria Aquino St., Purok V, Brgy. Sta. Cruz, Porac, Pampanga,[4] both for Violation of Section 16, Article III of Republic Act (R.A.) No. 6425, as amended. The said applications uniformly alleged that SI Lagasca's request for the issuance of the search warrants was founded on his personal knowledge as well as that of witness Roland D. Fernandez (Fernandez), obtained after a series of surveillance operations and a test buy made at petitioners' house. The purpose of the application for search warrants was to seize the following articles/items:

Undetermined amount of Methamphetamine Hydrochloride, popularly known as "SHABU," "MARIJUANA," weighing scale, plastic sachets, tooters, burner, rolling papers, and paraphernalia, all of which articles/items are being used or intended to be used in Violation of Republic Act 6425 as amended, and are hidden or being kept in said house/premises. [5]

Executive Judge Mario Guariña III (Judge Guariña III) examined in writing and under oath SI Lagasca and Fernandez, in the form of searching questions and answers, and found that based on facts personally known to SI Lagasca and Fernandez, petitioners had in their possession and control, inside their house located on RD Reyes St., Brgy. Sta. Trinidad, Angeles City, an undetermined amount of methamphetamine hydrochloride known as shabu and marijuana. Pursuant these findings, Judge Guariña III issued a search warrant docketed as Search Warrant No. 02-2677, which commanded any peace officer "to make immediate search, at any time of the day or night, not beyond 10 days from date hereof, of the premises above-mentioned and forthwith seize and take possession of the properties subject of the offense and bring to his court said properties to be dealt with as the law directs." [6]

On the strength of this warrant, members of the NBI Anti-Organized Crime Division, namely, SI Lagasca, Primitivo M. Najera, Jr., Jesusa D. Jamasali, Horten Hernaez, and Ritche N. Oblanca, in coordination with the Philippine National Police of Angeles City, searched petitioners' house on February 19, 2002 at around 5:00 in the

morning.[7] They were able to seize cash in the amount of P15,200.00[8] and the following items:

- One (1) brick of dried flowering tops wrapped in a packing tape marked "RCL-1-2677," (net weight - 915.7 grams);
- One (1) small brick of dried flowering tape wrapped in a newsprint marked "RCL-2-2677" (net weight - 491.5 grams);
- Dried flowering tops separately contained in sixteen (16) transparent plastic bags, altogether wrapped in a newsprint marked "RCL-3-2677" (net weight - 127.9 grams); and
- Dried flowering tops separately contained in nine (9) plastic tea bags, altogether placed in a yellow plastic bag marked "RCL-4-2677" (net weight - 18.2736 grams).[9]

On February 20, 2002, an Information[10] for Violation of Section 8, Article II of R.A. No. 6425, as amended by R.A. No. 7659, was filed against petitioners before the RTC of Angeles City, Branch 57, presided by herein respondent Judge Omar T. Viola.

On March 25, 2002, petitioners filed a Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized[11] on the following grounds: (1) the application for search warrant was filed outside the territorial jurisdiction and judicial region of the court where the alleged crime was committed; (2) the court which issued the questioned search warrant committed grave abuse of discretion when it issued the same because under the law it cannot issue a search warrant outside its territorial jurisdiction; (3) the questioned search warrant is void ab initio; and (4) the evidence illegally seized by virtue of the questioned search warrant is therefore inadmissible in evidence.

In support of the above motion, petitioners filed a Motion to Admit Documentary Evidence,[12] asking the court to admit the following documents: (1) application for Search Warrant No. 02-2677; (2) authorization letter dated February 12, 2002 with the signature of NBI Director Reynaldo G. Wycoco (Director Wycoco); (3) NBI ID No. 5370 of Agent Victor Emmanuel G. Lansang with the Signature of Director Wycoco; and (4) Administrative Matter (A.M.) No. 00-5-03-SC (Re: Proposed Revised Rules of Criminal Procedure [Rules 110-127, Revised Rules of Court]). Petitioners claim that the issuance of Search Warrant No. 02-2677 was "defective considering the application was not personally endorsed by [Dir.] Wycoco," and that the latter's signature in the authorization letter is different from that as appearing in the identification card, and therefore it is "not the true and genuine signature of [Dir.] Wycoco." [13]

In its Comment/Opposition to the Motion to Quash,[14] the Office of the City Prosecutor, Angeles City claims that the questioned search warrant does not fall within the coverage of Sec. 2 of Rule 126 of the Revised Rules on Criminal Procedure, but under A.M. No. 99-10-09-SC,[15] which authorizes the Executive Judges and Vice Executive Judges of the RTCs of Manila and Quezon City to act on all applications for search warrants involving dangerous drugs, among others, filed by the NBI, and provides that said warrants may be served in places outside the territorial jurisdiction of the RTCs of Manila and Quezon City.

On August 14, 2009, SI Lagasca filed his Opposition and/or Answer to the Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized.[16] He avers that Judge Guariña III issued Search Warrant No. 02-2677 by virtue of Administrative Order No. 20-97[17] issued on February 12, 1997. He also claims that it was NBI Deputy Director for Special Investigation Fermin Nasol who signed the authorization letter in behalf of Director Wycoco, for him to apply for a search warrant in the house/premises of petitioners on RD Reyes St., Brgy. Sta. Trinidad, Angeles City and Maria Aquino St., Purok V, Brgy. Sta. Cruz, Porac, Pampanga for violation of R.A. No. 6425.

In an Order^[18] dated September 6, 2002, Judge Omar T. Viola denied petitioners' Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized for lack of merit, ratiocinating as follows:

The public prosecutor was able to point out that the search warrant issued by Judge Mario Guariña III, the Executive Judge of the Manila Regional Trial Court, is in order considering that AM 99-10-09-SC allows or authorizes executive judges and vice executive judges of the Regional Trial Court of Manila and Quezon City to issue warrants which may be served in places outside their territorial jurisdiction in cases where the same was filed and, among others, by the NBI.

The NBI also was able to explain that the authority to apply search warrant was personally signed by Deputy Director for Special Investigation Fermin Nasol who is authorized to sign and that he was delegated the authority to sign for and in behalf of the NBI Director on documents of this like. Deputy Director Fermin Nasol having that authority to sign for and in behalf of the NBI Director, Reynaldo Wycoco, there is, therefore, compliance with the law regarding the issuance of authority to apply search warrant.

WHEREFORE, in view of the revelation, the Court has no other recourse but to agree with the views of the prosecution as well as the NBI. And this being so, the Court finds not enough ground to quash the search warrant issued against Spouses Joel and Marietta Marilma.

The motion filed by them and their supplement, is therefore denied, for lack of merit.

SO ORDERED.^[19]

On September 23, 2002, petitioners filed a Motion for Reconsideration^[20] on the ground that the denial of their Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized is not in accordance with the law and existing jurisprudence. They claim that no evidence was presented by Deputy Director Nasol that he was authorized to sign for and in behalf of Director Wycoco.

Said Motion for Reconsideration was likewise denied by respondent court on the ground that the issues raised therein were mere reiterations of petitioners' arguments that had already been considered and passed upon in the Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized. Respondent court added:

To elaborate, this Court believes and is of the opinion that the Deputy Director of the NBI possesses the authority to sign for and in behalf of the NBI Director requesting for the issuance of a search warrant and nothing in the Administrative Matter 99-10-09 prohibits the delegation of such ministerial act to the Deputy Director who is an alter ego of the NBI Director. It is also quite clear that the NBI Director approved said authorization for SI Ray Lagasca to apply for a search warrant because said document was never recalled or amended by the Office of the Bureau Director up to the present.

The Court is also of the view that A.M. 99-10-09 is still valid, binding and legal by virtue of the fact that not even the Supreme Court (sic) did not make any pronouncement ... withdrawing and or declaring the same ineffective, hence, until such order is issued, this Court must interpret and rule for its continued validity and applicability.^[21]

Hence, this petition.

Petitioners claim that the search warrant was issued in violation of A.M. No. 99-10-09-SC and Section 2 of Rule 126 of the Revised Rules on Criminal Procedure.

The pivotal issue to be resolved in this petition is whether or not the respondent court acted with grave abuse of discretion amounting to lack or in excess of jurisdiction in issuing the assailed Orders dated September 6, 2002 and April 21, 2003, denying petitioners' Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized and their Motion for Reconsideration, respectively.

At the onset, the Office of the Solicitor General (OSG) prays for the dismissal of this petition on the ground that the filing of the said petition directly with this Court runs afoul of the doctrine of hierarchy of courts. The OSG argues that while this Court has concurrent jurisdiction with the Court of Appeals (CA) over petitions for certiorari, this petition should have been filed with the CA. The OSG contends that the petitioners have not shown any compelling reason to justify the filing of the petition directly with this Court.

The general rule is that a party is mandated to follow the hierarchy of courts. However, in exceptional cases, the Court, for compelling reasons or if warranted by the nature of the issues raised, may take cognizance of petitions filed directly before it.[22] In this case, the Court opts to take cognizance of the petition, as it involves the application of the rules promulgated by this Court in the exercise of its rule-making power under the Constitution.[23]

At the heart of the present controversy are A.M. No. 99-10-09-SC, Clarifying the Guidelines on the Application for the Enforceability of Search Warrants, which was enacted on January 25, 2000; and A.M. No. 00-5-03-SC, the Revised Rules on Criminal Procedure, which took effect on December 1, 2000, specifically, Section 2, Rule 126 thereof. We quote the pertinent portions of the two issuances below:

Administrative Matter No. 99-10-09-SC

Resolution Clarifying the Guidelines on the Application for the Enforceability of Search Warrants

In the interest of an effective administration of justice and pursuant to the powers vested in the Supreme Court by the Constitution, the following are authorized to act on all applications for search warrants involving heinous crimes, illegal gambling, dangerous drugs and illegal possession of firearms.

The Executive Judge and Vice Executive Judges of Regional Trial Courts, Manila and Quezon City filed by the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Presidential Anti-Organized Crime Task Force (PAOC-TF) and the Reaction Against Crime Task Force (REACT-TF) with the Regional Trial Courts of Manila and Quezon City.

The applications shall be personally endorsed by the Heads of the said agencies, for the search of places to be particularly described therein, and the seizure of property of things as prescribed in the Rules of Court, and to issue the warrants of arrest, if justified, which may be served in places outside the territorial jurisdiction of said courts.

The authorized judges shall keep a special docket book listing the details of the applications and the result of the searches and seizures made pursuant to the warrants issued.

This Resolution is effective immediately and shall continue until further orders from this Court and shall be an exemption to the provisions of Circular No. 13 dated 1 October 1985 and Circular No. 19 dated 4 August 1987.

x x x

A.M. No. 00-5-03-SC

Revised Rules on Criminal Procedure

Rule 126

SEARCH AND SEIZURE

Sec. 2. Court where application for search warrant shall be filed. - An application for search warrant shall be filed with the following:

(a) Any court within whose territorial jurisdiction a crime was committed.

(b) For compelling reasons stated in the application, any court within the judicial region where the crime was

committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

However, if the criminal action has already been filed, the application shall only be made in the court where the criminal action is pending.

From the above, it may be seen that A.M. No. 99-10-09-SC authorizes the Executive Judge and Vice Executive Judges of the RTCs of Manila and Quezon City to act on all applications for search warrants involving heinous crimes, illegal gambling, dangerous drugs and illegal possession of firearms on application filed by the PNP, NBI, PAOC-TF, and REACT-TF. On the other hand, Rule 126 of the Revised Rules on Criminal Procedure provides that the application for search warrant shall be filed with: (a) any court within whose territorial jurisdiction a crime was committed, and (b) for compelling reasons, any court within the judicial region where the crime was committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

Petitioners contend that the application for search warrant was defective. They aver that the application for search warrant filed by SI Lagasca was not personally endorsed by the NBI Head, Director Wycoco, but instead endorsed only by Deputy Director Nasol and that while SI Lagasca declared that Deputy Director Nasol was commissioned to sign the authorization letter in behalf of Director Wycoco, the same was not duly substantiated. Petitioners conclude that the absence of the signature of Director Wycoco was a fatal defect that rendered the application on the questioned search warrant void per se, and the issued search warrant null and void "because the spring cannot rise above its source." [24]

We disagree. Nothing in A.M. No. 99-10-09-SC prohibits the heads of the PNP, NBI, PAOC-TF and REACT-TF from delegating their ministerial duty of endorsing the application for search warrant to their assistant heads. Under Section 31, Chapter 6, Book IV of the Administrative Code of 1987, an assistant head or other subordinate in every bureau may perform such duties as may be specified by their superior or head, as long as it is not inconsistent with law. The said provision reads:

Chapter 6 - POWERS AND DUTIES OF HEADS OF
BUREAUS AND OFFICES

Sec. 31. Duties of Assistant Heads and Subordinates. - (1) Assistant heads and other subordinates in every bureau or office shall perform such duties as may be required by law or regulations, or as may be specified by their superiors not otherwise inconsistent with law.

(2) The head of bureau or office may, in the interest of economy, designate the assistant head to act as chief of any division or unit within the organization, in addition to his duties, without additional compensation, and

(3) In the absence of special restriction prescribed by law, nothing shall prevent a subordinate officer or employee from being assigned additional duties by proper authority, when not inconsistent with the performance of the duties imposed by law.

Director Wycoco's act of delegating his task of endorsing the application for search warrant to Deputy Director Nasol is allowed by the above quoted provision of law unless it is shown to be inconsistent with any law. Thus, Deputy Director Nasol's endorsement had the same force and effect as an endorsement issued by Director Wycoco himself. The finding of the RTC in the questioned Orders that Deputy Director Nasol possessed the authority to sign for and in behalf of Director Wycoco is unassailable.

Petitioners also assert that the questioned Search Warrant was void ab initio. They maintain that A.M. No. 99-10-09-SC, which was enacted on January 25, 2000, was no longer in effect when the application for search

warrant was filed on February 15, 2002. They argue that the Revised Rules on Criminal Procedure, which took effect on December 1, 2000, should have been applied, being the later law. Hence, the enforcement of the search warrant in Angeles City, which was outside the territorial jurisdiction of RTC Manila, was in violation of the law.

The petitioners' contention lacks merit.

A.M. No. 99-10-09-SC provides that the guidelines on the enforceability of search warrants provided therein shall continue until further orders from this Court. In fact, the guidelines in A.M. No. 99-10-09-SC are reiterated in A.M. No. 03-8-02-SC entitled Guidelines On The Selection And Designation Of Executive Judges And Defining Their Powers, Prerogatives And Duties, which explicitly stated that the guidelines in the issuance of search warrants in special criminal cases by the RTCs of Manila and Quezon City shall be an exception to Section 2 of Rule 126 of the Rules of Court, to wit:[25]

Chapter V. Specific Powers, Prerogatives and Duties of
Executive Judges in Judicial Supervision

Sec. 12. Issuance of search warrants in special criminal cases by the Regional Trial Courts of Manila and Quezon City. - The Executive Judges and, whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges of the RTCs of Manila and Quezon City shall have authority to act on applications filed by the National Bureau of Investigation (NBI), the Philippine National Police (PNP) and the Anti-Crime Task Force (ACTAF), for search warrants involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions as well as violations of the Comprehensive Dangerous Drugs Act of 2002, the Intellectual Property Code, the Anti-Money Laundering Act of 2001, the Tariff and Customs Code, as amended, and other relevant laws that may hereafter be enacted by Congress, and included herein by the Supreme Court.

The applications shall be personally endorsed by the heads of such agencies and shall particularly describe therein the places to be searched and/or the property or things to be seized as prescribed in the Rules of Court. The Executive Judges and Vice-Executive Judges concerned shall issue the warrants, if justified, which may be served in places outside the territorial jurisdiction of the said courts.

The Executive Judges and the authorized Judges shall keep a special docket book listing names of Judges to whom the applications are assigned, the details of the applications and the results of the searches and seizures made pursuant to the warrants issued.

This Section shall be an exception to Section 2 of Rule 126 of the Rules of Court. (*italics ours*)

In sum, we cannot find any irregularity or abuse of discretion on the part of Judge Omar T. Viola for denying petitioners' Motion to Quash Search Warrant and to Suppress Evidence Illegally Seized. On the contrary, Judge Guariña III had complied with the procedural and substantive requirements for issuing the questioned search warrant.

WHEREFORE, the petition for certiorari is hereby DISMISSED. The Orders dated September 6, 2002 and April 21, 2003, both issued by respondent Judge Omar T. Viola of the RTC of Angeles City, Branch 57, are hereby AFFIRMED.

SO ORDERED.

Nachura*, Brion***, Peralta**** and Bersamin, JJ., concur.

* Additional member as per Special Order No. 740.

** Acting Chairperson as per Special Order No. 739.

*** Additional member as per Special Order No. 751.

**** Additional member as per Special Order No. 754.

[1] Rollo, pp. 29-32.

[2] Id. at 33-34.

[3] Id. at 51.

[4] RTC Record, p. 61.

[5] See Notes 3 and 4.

[6] RTC Record, p. 11.

[7] Id. at 12-13.

[8] Believed as proceeds from the earlier sale of prohibited drugs.

[9] RTC Record, p. 14.

[10] Id. at 1.

[11] Rollo, p. 35.

[12] Id. at 53-58.

[13] Id. at 53-54.

[14] Id. at 39

[15] Promulgated on January 25, 2000.

[16] Rollo, pp. 59-60.

[17] Administrative Order No. 20-97

In the interest of an effective administration of justice and pursuant to the powers vested in the Supreme Court by the Constitution, the Hon. Roberto A. Barrios, Executive Judge of the Regional Trial Court of Manila and in his absence the Hon. Rebecca de Guia Salvador, Presiding Judge, Regional Trial Court, Branch 1, Manila, the Hon. Maximo A. Savellano, Jr., Presiding Judge, Regional Trial Court, Branch 53, Manila and the Hon. Edgardo P. Cruz, Presiding Judge Regional Trial Court, Branch 27, Manila are hereby authorized to act on all applications for search warrants filed by the National Bureau of Investigation (NBI) by the Presidential Anti-Crime Commission (PACC) and by the Public Assistance and Reaction Against Crime (PARAC), duly certified by the legal officers and personally endorsed by the Heads of the said agencies, with the Regional Trial Court of Manila, for the search of places to be particularly described therein, and the seizure of property or things as prescribed in the Rules of Court, and to issue the warrants, if justified, which may be served in places even outside the territorial jurisdiction of said courts. This order is effective immediately and shall continue until further orders from this Court and shall be an exception to the provisions of Circular 13 dated October 1, 1985 and Circular No. 19 dated August 4, 1987. The authorization herein granted shall cover applications for search warrants involving illegal gambling, dangerous drugs, illegal possession of firearms and other major crimes. The authorized Judges shall keep a special docket book listing the details of the applications and the result of the searches and seizures made pursuant to the warrants issued.

[18] Rollo, pp. 29-32.

[19] Id. at 31-32.

[20] Id. at 46-49.

[21] Id. at 33-34.

[22] United Laboratories, Inc. v. Isip, G.R. No. 163858, June 28, 2005, 461 SCRA 574, 593.

[23] Sec. 5, Art. VIII of the Constitution.

[24] Rollo, p. 14.

[25] Effectivity date is February 15, 2004.

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