

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROBERT CHIU Y WAN AND MARK ANTHONY MOLINA Y DELA PEÑA, ACCUSED. ROBERT CHIU Y WAN, APPELLANT.

G.R. Nos. 142915-16. February 27, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is an appeal from the Decision[1] of the Regional Trial Court of Quezon City, Branch 95, convicting the appellant Robert Chiu y Wan a.k.a. Robert Chu in Criminal Case No. 98-79368 for violation of Section 16 of Republic Act No. 6425, as amended by Republic Act No. 7659 (possession of methylamphetamine hydrochloride, otherwise known as shabu) and sentencing him to suffer the penalty of reclusion perpetua and to pay a fine of P1,000,000, and convicting him and accused Mark Anthony Molina in Criminal Case No. 98-79369 for violation of Section 15 of Republic Act No. 6425, as amended by Republic Act No. 7659, involving the sale of 1.13 grams of methylamphetamine hydrochloride and sentencing them to suffer the indeterminate penalty from two (2) years, four (4) months, and one (1) day of prision correccional medium, as the minimum penalty, to six (6) years of prision correccional maximum, as the maximum penalty.[2]

The Indictments

On November 3, 1998, appellant Robert Chiu was charged of violating Section 16, Article III in relation to Section 2(e)(2), Article 1 of Rep. Act No. 6425, as amended by Rep. Act No. 7659, in an Information docketed as Criminal Case No. 98-79368. The accusatory portion of the said Information reads:

That on or about the 1st day of November 1998, in Quezon City, Philippines, the said accused, did then and there, wilfully, unlawfully and knowingly possess and/or use 220.40 grams of white crystalline substance containing Methylamphetamine Hydrochloride known as Shabu, a regulated drug without the necessary license and/or prescription, therefore, in violation of said law.[3]

On the same date, another Information docketed as Criminal Case No. 98-79369 was filed, charging the appellant and Mark Anthony Molina for violation of Section 15, Article III in relation to Section 2(e)(f)(o), Article 1 of Rep. Act No. 6425, as amended by Rep. Act No. 7659. The accusatory portion of the Information reads:

That on or about the 1st day of November 1998, in Quezon City, Philippines, the said accused, conspiring, confederating and mutually helping each other, not having been authorized by law to sell, dispense, deliver, transport or distribute any regulated drug, did then and there wilfully and unlawfully sell or offer for sale 1.13 grams of white crystalline substance containing Methylamphetamine Hydrochloride known as Shabu, which is a regulated drug.[4]

The appellant and Mark Anthony Molina were arraigned, assisted by counsel, and pleaded not guilty to the charges against them.

The Case for the Prosecution[5]

Sometime in September 1998, the Central Police District Criminal Investigation Unit, Special Operations Group, headed by SPO1 Edgardo G. Fernandez and PO1 Jose R. Salazar, conducted surveillance operations on a suspected shabu dealer, Daniel Henares. In a test-buy operation held on October 5, 1998, Salazar, with the assistance of a civilian informant, bought a sachet of shabu worth P2,000.00 from Henares at his residence in San Juan, Metro Manila. A few days later, on October 11, 1998,[6] Henares was apprehended for the said sale.[7]

During the tactical interrogation conducted by the policemen, Henares admitted that he acquired the illegal drugs from appellant Robert Chiu, a resident of No. 29 North Road, Barangay Bagong Lipunan, Cubao, Q.C.[8] Fernandez and other police officers of the Special Operations Group conducted surveillance operations at the appellant's residence. They learned that Molina's father owned the house that the appellant was renting.[9] The police officers then decided to conduct a test-buy operation against the appellant. Fernandez and Salazar were designated as the poseur-buyers. A female informant, who also happened to be a "close friend" of the appellant, would then introduce them to the latter.

At about 8:00 p.m. of October 19, 1998, Fernandez and Salazar, together with the female informant, proceeded to the house at No. 29 North Road, Barangay Bagong Lipunan, Cubao, Quezon City. When the guard on duty saw the female informant, he opened the gate and led her, Salazar and Fernandez to the house, which was approximately fifteen meters from the road. The informant introduced Fernandez and Salazar to the appellant as buyers of shabu. Salazar was able to purchase P3,000.00 worth of the prohibited drug from the appellant. PNP Forensic Chemist Edwin Zata examined the drugs and submitted Physical Sciences Report No. D-3418-98, which stated that the drug gave positive results for methylamphetamine hydrochloride, a regulated drug.[10]

On October 26, 1998, Fernandez filed with the RTC of Pasay City an application for a search warrant for the search of the house at No. 29 North Road, Barangay Bagong Lipunan (Crame), Cubao, Quezon City, entitled and docketed as *People vs. Robert Chiu*, Search Warrant No. 98-0059.[11] Attached to the application were the following: (a) Fernandez' affidavit showing that the house subject of the search was occupied by the appellant; (b) the deposition of Salazar;[12] (c) the request for the examination of 2.19 grams of shabu earlier purchased from the appellant; (d) the results of the forensic examination;[13] and, (e) a sketch of the house, prepared by Salazar.[14]

On October 26, 1998, Executive Judge Lilia C. Lopez of the RTC of Pasay City, Branch 109, conducted an inquiry into the application. Fernandez testified that although the subject of the search and the objects to be seized were located in Quezon City, the application for the search warrant was filed in Pasay City because of the possibility that the regulated drug would be removed therefrom by the appellant.[15] Moreover, there was a need for confidentiality; if the policemen filed their application in the RTC of Quezon City, there was a possibility that the information would reach Molina and the appellant. Salazar gave the same response when questioned by the court.[16] The court then issued an Order granting the application and issued Search Warrant No. 98-0059[17] which commanded the search any time of the day or night of the house at No. 29 North Road, Barangay Bagong Lipunan (Crame), Cubao, Quezon City, and to seize the substances, articles and objects therein described.[18]

To make certain that the appellant was in the house to be searched when the search warrant was to be implemented, police operatives led by Fernandez and Salazar decided to conduct another buy-bust operation against the appellant. Fernandez prepared a P1,000.00 peso bill for the purchase of shabu and placed his initials thereon.[19]

On November 1, 1998, Fernandez, Salazar, two other officers and the female informant, stationed themselves at the Petron gasoline station located two blocks from the subject premises. At about 9:00 a.m., Salazar and the lady

informant proceeded to the house at No. 29 North Road, Barangay Bagong Lipunan, Cubao, Quezon City. The security guard opened the gate and led the two inside. Salazar informed the appellant that he wanted to buy shabu worth P1,000.00 because he had a prospective buyer. The appellant asked Molina to get the shabu from the room upstairs. The latter did as he was told and when he returned, handed over to the appellant a plastic sachet containing approximately 1.13 grams of the white crystalline substance which, in turn, was handed over to Salazar.[20] Salazar later reported to Fernandez that the appellant was in the house. Armed with the search warrant, Fernandez, Salazar, PO1 Gerardo Granado, PO1 Corpuz and other police operatives forthwith proceeded to the house. The appellant was just about to leave. Fernandez and the members of the team identified themselves as police officers and told the appellant that they were in the house to execute the search warrant issued by Judge Lopez. They showed the warrant to the appellant. After the appellant read the same, Fernandez suggested that the appellant voluntarily surrender the articles and substances listed therein. The appellant accompanied Salazar and Fernandez to the second floor and pointed to his room where the shabu was kept.[21]

Fernandez had Barangay Chairman Emmanuel Gozun and Barangay Kagawad Oscar Joves summoned to the house to witness the search to be conducted. When the barangay officials arrived, Fernandez, Salazar and the other police officers, accompanied by the barangay officials, searched the rooms of the house and found a Giordano bag containing the following items:

1. undetermined quantity of white crystalline granules placed inside a transparent plastic envelope;
2. one (1) pc. weighing scale;
3. one (1) cal. .38 revolver "ARMSCOR" bearing SN 71539;
4. five (5) rds. of cal. 38 ammunitions;
5. two (2) rolls of aluminum foils;
6. seven (7) pcs. tooter;
7. one (1) pc. forceps.
8. one (1) bottle of ethyl alcohol;
9. seven (7) pcs. lighter;
10. several pcs. of transparent plastic envelopes;
11. three (3) pcs. (sic) of scissors.[22]

During the search, the appellant and Mark Anthony Molina stayed in the sala. The appellant and Mark Anthony Molina were brought to Camp Karingal, Quezon City, where they were detained. An Inventory[23] of the articles seized based on the search warrant was prepared in the presence of the barangay officials. The appellant did not sign the inventory but signed an Affidavit of Orderly Search[24] in the presence of the barangay chairman and barangay kagawad. Fernandez, Salazar and Granado executed a Joint Affidavit of Apprehension.[25]

On November 1, 1998, Police Superintendent Cecilio Aguila transmitted to the PNP Crime Laboratory two heat-sealed plastic bags containing white crystalline substances weighing 1.13 grams,[26] and another sachet containing white crystalline substances weighing 220.40 grams.[27] The first sachet contained the shabu purchased by Salazar on November 1, 1998 while the second sachet contained the shabu which Fernandez and Salazar found when the search warrant was implemented. As requested, Forensic Chemist Isidro Cariño conducted a qualitative examination[28] of about 10 grams of the 220.40 grams contained in the second sachet and of the substances contained in the first sachet. He signed Physical Sciences Report No. D-3594-98 stating that the specimens gave positive results for methylamphetamine hydrochloride.[29]

The Case for the Appellant

The appellant testified and adduced documentary evidence that he and his wife, Macrina Chiu, were residents of No. 29-B Times Street, West Triangle, Quezon City. He was a naturalized Filipino citizen. He and his wife had

been renting the said house from its owner, Aurora Perez, since November 1, 1987.[30] However, when they could no longer afford to pay the monthly rental, he and his family were impelled to transfer to his parents' house at Estacio Street, Sta. Mesa Heights, Quezon City. His wife operated a beauty parlor while he was engaged in the business of buying and selling motor vehicles, motorbikes and generators for which he earned between P40,000.00 to P60,000.00 a month. The appellant first met Mark Anthony Molina in 1997, and thereafter, was a frequent visitor at No. 29 North Road, Barangay Bagong Lipunan, Cubao, Quezon City. He had sold Molina's motorbike but had not yet taken delivery thereof because it needed some repairs.

The appellant testified that he was out with friends in the evening of October 31, 1998. At about 5:00 a.m. the next day, or on November 1, 1998, he was on his way home. However, since the members of his household were probably still asleep and no one would open the gate for him, he decided to go to Molina's house at North Road and find out how the repairs on the motorcycle were coming along. He stayed there until late that morning. He had P5,000.00 in his wallet which he intended to lend to his friend who lives in the Molina compound. He also intended to visit the graves of his loved ones at the cemetery.

When the appellant was about to leave at 8:30 a.m., Fernandez and Salazar barged into the house, identified themselves as policemen and demanded to know if he was Robert Chiu. When he replied that he was, the policemen handcuffed him. The police officers went to the second floor where they herded Molina, his son and his girlfriend to the ground floor. The policemen were carrying a Giordano bag. Fernandez had Salazar fetch Barangay Chairman Gozun and Barangay Kagawad Joves. The appellant then signed the Inventory Report and the Affidavit of Orderly Search. The policemen confiscated two guns, one of which was placed in a box. The appellant and Molina were then brought to Camp Karingal on board the latter's L-300 van. Fernandez then divested him of his wallet, and was told that he would be released if he could furnish information on the dealings and whereabouts of a drug pusher named Palit Ulo. He pleaded to Fernandez to return the P5,000.00 to him, but Fernandez got a chair and hit him with it. The appellant parried the chair with his left elbow. Fernandez then brought him out of the room. When he asked Fernandez what he wanted, the latter remained silent. Fernandez later returned him to the sala. At 9:30 p.m. that evening, he and Molina were brought to the police station for inquest.

The appellant further testified that on October 19, 1998, he was in Alabang visiting a friend. He denied selling shabu to Salazar in the house at North Road.

The Case for the Accused Mark Anthony Molina

Molina testified that he was the Vice-President for Operations of the ARB Construction Company, a family corporation which developed residential subdivisions in Las Piñas, Cavite, Novaliches and Muntinlupa. He was also a member of the Board of Directors of the Immaculada Concepcion Colleges in Bacoar, Cavite, also owned and controlled by his family. As vice-president of the ARB Construction Company, he received P20,000.00 a month, and as a member of the Board of Directors of the school, he received P12,000.00 a month. He had a six-bedroom house in Soldier's Hill, Muntinlupa City, constructed on a 1,400-square-meter lot. He had it rented for P20,000.00 a month since 1994 as he and his wife Ditas Alcorez had by then separated. He and his four-year-old son lived with his parents at No. 54 Van Durren, North Greenhills, San Juan, Metro Manila.

The office of the ARB Construction Company was located at No. 27 North Road, Barangay Bagong Lipunan, Cubao, Q.C., adjacent to the office at No. 29 North Road, was a two-storey house owned by the company. There were two bedrooms in the second floor where he and his son Miguel Raphael and his girlfriend Rosemarie "Pinky" Abaya slept. There was a sala and a kitchen on the ground floor, and there was a motor pool beside the house. The ARB Construction Company engaged the services of the Viscayno Security Agency to provide

security services to the office. Rodelito Adriano was assigned to guard the house at No. 29 North Road.

Molina stated that he met the appellant Chiu for the first time when they were introduced to each other by Chester Tan, a dealer of computer equipments. As the appellant was an electrician and a very good salesman of used cars, they became business partners. The appellant often went to his house at No. 29 North Road, and even used to sleep there two or three times a week. Molina confirmed that the appellant had just sold his 1957 Model EMW motorcycle.

In the afternoon of October 30, 1998, a certain Mang Elio visited Molina at No. 29 North Road. He was carrying a plastic bag and wanted to see the motorcycle in the garage. Shortly after midnight, Mang Elio told Molina that he was leaving to visit a relative. Mang Elio left his plastic bag, and Abaya later took it. In the meantime, Molina sought the appellant's help in putting up his 1957 Model EMW motorcycle for sale. The appellant arrived in the house in the early morning of November 1, 1998. Molina, his son, and Abaya, were still asleep in one of the rooms at the second floor. At about 9:00 a.m., Fernandez suddenly barged into the room and identified himself as a policeman. Fernandez pointed a gun at Molina and ordered the three of them to go downstairs. They did as they were told and in the sala, saw Salazar, security guards Adriano and Cortes, and the appellant, who was already handcuffed.

Fernandez showed Molina the search warrant issued by Judge Lopez. Momentarily, Joves and Gozun arrived and witnessed the police officers search the two bedrooms in the second floor. After thirty minutes, the barangay officials and the police officers came down, carrying with them the Giordano bag left by Mang Elio. The policemen prepared an inventory of the items contained in the bag.

Molina complained that one of his guns which was taken by the policemen was not included in the inventory. The policemen demanded P200,000.00 from him, and had him call his mother, but the latter refused to give money. Molina, his maid, the appellant, and Abaya, were brought to Camp Karingal on board the L-300 van owned by the ARB Construction Company. Fernandez later asked him to testify against the appellant and declare that the latter owned the plastic bag. Fernandez warned that he would be charged for the sale of shabu if he refused to do so. Molina did not accept Fernandez' offer.

Molina testified that he had no idea whether shabu was sold to Salazar in the morning of November 1, 1998.

On January 27, 2000, the trial court promulgated a decision finding the appellants guilty as charged. The dispositive portion reads:

WHEREFORE, judgment is hereby rendered in the following:

1. In Crim. Case No. Q-98-79368, the Court finds the accused Robert Chiu y Wan GUILTY beyond reasonable doubt of the offense of Violation of Section 16 of Republic Act 6425, as amended by Republic Act 7659, involving the illegal possession of 220.40 grams of Methylamphetamine Hydrochloride locally known as "shabu," a regulated drug, and is hereby sentenced to suffer the penalty of reclusion perpetua and to pay a FINE of One Million Pesos; and
2. In Crim. Case No. Q-98-79369, the Court finds both accused, Robert Chiu y Wan and Mark Anthony Molina y dela Pe×ja, GUILTY beyond reasonable doubt of the offense of Violation of Section 15 of Republic Act 6425, as amended by Republic Act 7659, involving the sale of 1.13 grams of Methylamphetamine Hydrochloride locally known as "shabu," a regulated drug, and are hereby sentenced each to suffer the indeterminate penalty of from two (2) years, four (4) months, and one (1) day of prision correccional medium, as the minimum penalty, to six (6) years of prision correccional maximum, as the maximum penalty.

Both accused are hereby ordered to pay the costs.

The plastic sachets containing Methylamphetamine Hydrochloride, locally known as "shabu" (Exhs. "D-1"

and “D-2”) are hereby forfeited in favor of the government and the Branch Clerk of Court is hereby ordered to deliver or cause the safe delivery of the said items to the Dangerous Drugs Board for safekeeping and disposition after the finality of this judgment.[31]

The appellant filed a motion for the reconsideration of the decision. According to the appellant, Fernandez and Salazar did not adduce evidence before Pasay City Judge Lopez to prove the urgency of issuing a search warrant in a court having jurisdiction other than the place where the said warrant would be enforced. Consequently, any evidence obtained based on the said search warrant was inadmissible. Furthermore, the search warrant was antedated. It was, likewise, asserted that the Physical Sciences Report submitted by Forensic Chemist Isidro Cariño was unreliable because of the court’s failure to conduct a qualitative examination of the specimen.

The appellant contended that the prosecution failed to prove his guilt beyond reasonable doubt for the crime charged because (a) Forensic Chemist Edwin Zata did not testify and identify Physical Sciences Report No. D-3418-98;[32] (b) the appellant signed the Affidavit of Orderly Search[33] but did not sign the Inventory Receipt;[34] (c) the appellant was a victim of extortion perpetrated by Fernandez and Salazar; (d) the collective testimonies of Fernandez and Salazar were incredible; and, (e) Daniel Henares was not informed of his constitutional rights when he was interrogated by the policemen.

The trial court issued an order denying the appellant’s motion. He then appealed the decision. The accused Mark Anthony Molina did not appeal the decision.

In his Brief, the appellant reiterated the grounds in his motion for the reconsideration of the trial court’s decision and assigned the same grounds as errors which merit the Court’s perusal.

The appellant asserts that there was no compelling reason for Fernandez and Salazar to apply for and secure a search warrant from the Executive Judge of the Pasay City RTC. The appellant asserts that confidentiality is not a compelling consideration for urgency contemplated in SC Circular No. 19 dated August 4, 1987, and as held by this Court in *Malaloan vs. Court of Appeals*,[35] and *Ilano vs. Court of Appeals*. [36] The appellant finally posits that the application for a search warrant should have been filed in the RTC of Quezon City which had primary jurisdiction over the matter. Consequently, the appellant insists, the search warrant issued by Judge Lopez was defective and the articles/objects seized on the basis thereof were inadmissible in evidence.

For its part, the Office of the Solicitor General asserts that:

The Regional Trial Court of Pasay City correctly issued the search warrant in this case, albeit it was served in Quezon City. It has been settled that there is no law or rule which prohibits a branch of a regional trial court to issue a warrant for the search of a place outside its territorial jurisdiction. After all, a search warrant is in the nature of a criminal process akin to a writ of discovery, and not a criminal action to be entertained by a court pursuant to its original jurisdiction. Thus, in *Ilano v. Court of Appeals* (244 SCRA 346 [1995]), this Honorable Court reiterating the ruling in *Malaloan, et al. v. Court of Appeals, et al.* (232 SCRA 249 [1994]) held that when necessitated and justified by compelling considerations of urgency, subject, time and place, a court may issue a search warrant covering a place outside its territorial jurisdiction. What is important is the strict implementation of the search warrant within the premises specifically described therein which may or may not be within the territorial jurisdiction of the issuing court (Florenz D. Regalado, *Remedial Law Compendium*, Volume Two, 1995 Edition, pp. 533-535).[37]

The contention of the appellant is barren of merit.

Section 1, SC Circular No. 19 dated August 4, 1987, which was in force when the application for a search warrant was filed, provides viz:

1. All applications for search warrants relating to violations of the Anti-subversion Act, crimes against public

order as defined in the Revised Penal Code, as amended, illegal possession of firearms and/or ammunitions and violations of the Dangerous Drugs Act of 1972, as amended, shall no longer be raffled and shall immediately be taken cognizance of and acted upon by the Executive Judge of the Regional Trial Court, Metropolitan Trial Court, and Municipal Trial Court under whose jurisdiction the place to be searched is located.

In *Malaloan vs. Court of Appeals*,^[38] we held that a search warrant is merely a judicial process designed by the Rules to respond only to an incident in the main case, if one has already been instituted, or in anticipation thereof. In the latter contingency, such application for a search warrant may be filed in territorial jurisdiction other than where the illegal articles sought to be seized are located. We also held that Circular No. 19^[39] was never intended to confer exclusive jurisdiction on the Executive Judge mentioned therein; it is not a mandate for the exclusion of all other courts and that a court whose territory does not embrace the place to be searched may issue a search warrant where the application is necessitated and justified by compelling consideration of urgency, subject, time and place, thus:

Evidently, that particular provision of Circular No. 19 was never intended to confer exclusive jurisdiction on said executive judges. In view of the fact, however, that they were themselves directed to personally act on the applications, instead of farming out the same among the other judges as was the previous practice, it was but necessary and practical to require them to so act only on applications involving search of places located within their respective territorial jurisdictions. The phrase above- quoted was, therefore, in the nature of an allocation in the assignment of applications among them, in recognition of human capabilities and limitations, and not a mandate for the exclusion of all other courts...^[40]

“Urgent” means pressing; calling for immediate attention.^[41] The court must take into account and consider not only the “subject” but the time and place of the enforcement of the search warrant as well. The determination of the existence of compelling considerations of urgency, and the subject, time and place necessitating and justifying the filing of an application for a search warrant with a court other than the court having territorial jurisdiction over the place to be searched and things to be seized or where the materials are found is addressed to the sound discretion of the trial court where the application is filed, subject to review by the appellate court in case of grave abuse of discretion amounting to excess or lack of jurisdiction.

In this case, Fernandez filed the application for a search warrant with the Pasay City RTC instead of the Quezon City RTC because of the possibility that the shabu would be removed by the appellant from No. 29 North Road, Barangay Bagong Lipunan, Cubao, Quezon City. Indeed, as shown by the evidence, the appellant had a residence other than No. 29 North Road where he sold shabu. There was also the pervading concern of the police officers that if they filed the application in Quezon City where the appellant plied his illicit activities, it may somehow come to the knowledge of Molina and the appellant, thus, rendering the enforcement of any search warrant issued by the court to be a useless effort. We find and so hold that Judge Lopez did not err in taking cognizance of and granting the questioned application for a search warrant.

Additionally, the appellant did not raise, at the trial court, the issues of the validity of the search warrant, the propriety of its enforcement in Quezon City, as well as the admissibility of the shabu against him on the ground that it had been illegally seized. The appellant’s objection to the admissibility of the search warrant was grounded merely on the “lack of veracity (sic)” thereof. Such omission constituted a waiver by the appellant of the protection under Section 2, Article II of the Constitution.^[42]

The appellant’s contention that the date of the trial court’s issuance of the search warrant which appears to be “October 21, 1998” was altered and made to appear “October 26, 1998” without authority from the issuing judge is belied by the records. Even a cursory reading of the search warrant will readily show that the date “October 21, 1998” originally typewritten on the search warrant was altered and changed with the authority of Judge Lopez as

shown by the latter's initials beside the date "26th day of October 1998." The alteration was authenticated by no less than the Executive Judge herself.

Case law has it that the forensic chemist is not mandated to examine the entire mass of shabu confiscated by the policemen, in this case, 220.40 grams. It is enough that a sample of the said substance be subjected to qualitative examination. In *People vs. Julian Fernandez*,^[43] and *People vs. Medenilla*,^[44] we held that a sample taken from one package is logically presumed to be representative of the entire contents of the package unless proven otherwise by the accused himself. The appellant failed to adduce such evidence.

There was no need for the prosecution to present Forensic Chemist Edwin Zata because the shabu he examined was not the subject of the cases filed against the appellant in the trial court. The prosecution presented Forensic Chemist Isidro Cariño who affirmed the veracity of his report on his examination of the shabu subject of the charges against the appellant.

The bare fact that Daniel Henares was not informed of his constitutional rights when he confessed to the police officers that the shabu he had sold to Salazar on October 19, 1998 was from the appellant, is irrelevant in this case. The appellant was not arrested on the basis of the information relayed by Daniel Henares to the police officers. A "test-buy" operation was conducted against the appellant on October 19, 1998 before the application for a search warrant was filed by the police officers with Judge Lopez on October 26, 1998. The appellant was arrested by the police officers only after the sale of shabu by the appellant to Salazar on March 1, 1998 and the subsequent implementation of the search warrant on the said date.

IN LIGHT OF ALL THE FOREGOING, the appeal is DISMISSED. The Decision of the Regional Trial Court of Quezon City, Branch 95, in Criminal Cases Nos. 98-79368 and 98-79369 is AFFIRMED. Costs against the appellant.

SO ORDERED.

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

Puno, (Chairman), J., on leave.

[1] Penned by Judge Diosdado Madarang Peralta, now Associate Justice of the Sandiganbayan, promulgated on January 27, 2000.

[2] Rollo, p. 66.

[3] Records, p. 1.

[4] Id. at 199.

[5] The prosecution presented Forensic Chemist Isidro Cariño, SPO1 Edgardo C. Fernandez and PO1 Jose Salazar.

[6] TSN, 21 January 1999, p. 21.

[7] Exhibit "W," Folder of Exhibits, pp. 54-55.

[8] TSN, 21 January 1999, p. 20.

[9] TSN, 9 February 1999, p. 11.

[10] Exhibit "I," Folder of Exhibits, p. 61.

- [11] Exhibit “E,” Id. at 57.
- [12] Exhibit “G,” Id. at 59.
- [13] Exhibits “H” to “H-3” and “I.”
- [14] Exhibit “J.”
- [15] Exhibit “N-2.”
- [16] Exhibit “N-4.”
- [17] Exhibit “M.”
- [18] Exhibit “K.”
- [19] Exhibit “U-1.”
- [20] TSN, 2 February 1999, p. 30 (PO1 Jose Salazar).
- [21] Exhibit “D-2.”
- [22] Exhibit “S.”
- [23] Ibid.
- [24] Exhibit “T.”
- [25] Exhibit “R.”
- [26] Exhibit “C-1.”
- [27] Exhibits “D-1” and “D-2.”
- [28] Exhibit “A.”
- [29] Exhibit “C.”
- [30] Exhibit “8.”
- [31] Records, pp. 133-134.
- [32] Exhibit “I.”
- [33] Exhibit “T.”
- [34] Exhibit “S.”

[35] 232 SCRA 249 (1994).

[36] 244 SCRA 346 (1995).

- [37] Rollo, pp. 131-132.
- [38] Supra.

[39] The Revised Rules of Criminal Procedure which took effect on December 1, 2000, provides that:

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.

[40] *Malaluan vs. CA*, supra, pp. 261-262.

[41] *City of Lakewood vs. Mormayer*, 154 Northern Reporter 20, p. 77 (1958).

[42] *People vs. Mantung*, 310 SCRA 819 (1999).

[43] 372 SCRA 608 (2001).

[44] 355 SCRA 172 (2001).

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