

ROBERTO S. OCA, ET AL., PETITIONERS, VS. HON. LAURO MAIQUEZ, PRESIDING JUDGE OF THE NIGHT BRANCH, MUNICIPAL COURT OF MANILA, ET AL., RESPONDENTS. ASSOCIATED WORKERS CONSUMERS CO...

G.R. Nos. 20749 and 20823. July 30, 1965

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

The Legal Officer of the Department of Labor applied on November 27, 1962 in the Municipal Court of Manila for search warrants over the premises of Room 512 Garcia Building, Rizal Avenue, Manila and Transport Hall, 13th and Boston Sts., Port Area, Manila.

Said applicant alleged under oath that Roberto S. Oca, Donato Alarcon, Flaviano Miralles, Lauro Magsaysay, Oswaldo Agoncillo and Mariano Costes were officers of the Philippine Transport and General Workers Organization (PTGWO) and the Associated Workers Union (AWU); that as such they had in their possession, custody and control in the aforementioned premises books of accounts and allied papers of the PTGWO and the AWU; that said books of accounts and papers were being used or intended to be used as means of committing the offenses of misappropriation of union funds, falsification of public and/or private documents, defined and penalized by the Revised Penal Code, and violation of labor laws, rules and regulations. The receipts, vouchers, minutes, books of accounts, lists of properties, records, etc. sought to be seized were therein specifically described.

The depositions of David P. San Pedro and Vidal T. Roman, both of the Department of Labor, supporting the foregoing applications on the basis of personal knowledge, were taken.

At around midnight of November 27, 1962, Presiding Judge Lauro Marquez of the court's night division issued the search warrants prayed for.

At 8:00 A.M. of November 28, 1962, by virtue of the aforementioned warrants, a team of combined law-enforcement agents searched the premises specified therein and from said premises seized documents and papers, issuing receipts for the same. Subsequently, an inventory of the seized properties was filed with the court.

Furthermore, at about 2:00 P.M. of November 29, 1962, a private car loaded with several sacks containing documents taken from Transport Hall was intercepted by police officers near Chicago and 14th Streets, Port Area, Manila. Since the documents were found related to the papers seized from Transport Hall the previous day, they were turned over to the team that effected the previous seizures. An inventory and a receipt therefor were likewise made.

The Department of Labor officer who secured the warrants, assigned as special prosecutor with the Presidential Anti-Graft Committee, filed charges on December 3, 1962 in the Office of the City Fiscal of Manila against the union officers mentioned in the search warrant applications, for "Estafa, Falsification of Public and Private

Documents, Violation of the Minimum Wage Law Section 10 thereof, Violation of Section 17, RA 875 and other Labor Regulations, Violations of the Internal Revenue Code, and the Bookkeeping Law—1957-1958".

Roberto S. Oca and the other union officers named in the search warrant applications, as well as charged before the City Fiscal's Office, filed on December 4, 1962 in the Municipal Court of Manila a petition to quash the search warrants and to recover the documents and effects seized by virtue of them.

The Associated Workers Consumers Cooperative Association, Inc. and the Associated Workers Cooperative Credit Union, Inc., also filed, on December 4, 1962, a petition in the Municipal Court of Manila alleging that the records and documents seized from the car on November 29, 1962 belonged to them and were under their control at the time of seizure and praying that the seizure be declared illegal and the documents and records be returned to them immediately.

The court, on December 14, 1962, denied both petitions. Accordingly, the present suits for certiorari, prohibition and mandamus with preliminary injunction were filed here in, G. R. No. L-20749 with respect to the properties taken from Garcia Building and Transport Hall and G. R. No. L-20823 as to the properties taken from the private car.

Petitioners in L-20749 would question the search warrants' validity on the ground that the judge did not follow the procedure laid down by Section 3, Rule 122, Old Rules of Court, Specifically, their objection is premised on the contention that the affidavits of witnesses and the search warrants themselves were pre-typewritten by the law-enforcement agents. Suffice it to state on this point that, as clearly shown in the record, said affidavits were subscribed and sworn to before the judge, who personally examined the affiants, thereby satisfying himself of the existence of probable cause. Neither the Rules of Court nor the Constitution require that the physical act of typing the affidavits be done by or before the judge. Similarly, the search warrants were clearly issued and signed by the judge. Again, the judge need not personally type out each and every word on the warrants. As ruled in *Alvarez vs. CFI of Tayabas*, 64 Phil., 33, what the law seeks, in requiring the judge to examine the witnesses under oath, is to enable him to determine for himself that probable cause exists, and said purpose is attained, as in this case, without requiring of the judge the mechanical act of personally typing the affidavits and search warrants.

Petitioners in L-20749 would also argue that the search warrants were general in tenor and character and for this reason, invalid. Section 3 of Rule 122, Old Rules of Court requires Search warrants to particularly describe the place to be searched and the things to be seized. Said provision was more than amply met by the search warrants in question, which detailedly set forth the articles to be seized as well as the buildings and addresses of the places to be searched. (Petition, Annexes C and D).

The decision herein has applied the provisions of the Old Rules of Court since this case arose under said Rules. Attention of the Bench and Bar is however called to the fact that effective January 1, 1964 the issuance of search warrants is governed by Section 3, Rule 126 of the Revised Rules of Court which among other things requires that a search warrant must be in connection with one specific offense.

Petitioners in L-20823 seek mainly the return of the documents and papers taken from the car on November 29, 1962. Respondents, however, offered to return the same to them, through the latter's counsel, as early as January 24, 1963 (Answer, Annex 3) and are still so offering (Answer, Par. 4 of Affirmative Defenses). It follows that the case for the return of said articles has become moot and academic. As to their use in evidence, the same likewise need not be resolved for the present since with the return of said articles the evidence would be in petitioners', not respondents', possession and custody.

Wherefore, the petition in G. R. No. L-20749 is hereby denied, with costs against petitioners and the petition in G.

R. No. L-20823 is hereby dismissed for being now moot and academic, in view of respondents' offer to return the properties taken, which respondents are hereby ordered to immediately accomplish, without costs. It is so ordered.

Bengzon, C. J., Bautista Angelo, Reyes, J. B. L., Paredes, Dizon, Regala, Makalintal, and Zaldivar, JJ., concur.

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