

## SECOND DIVISION

[ G.R. No. 216922, April 18, 2018 ]

**JAYLORD DIMAL AND ALLAN CASTILLO, PETITIONERS, VS.  
PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**PERALTA, J.:**

This is a petition for review on *certiorari* under Rule 45 of the Rules of Court, seeking to reverse and set aside the Court of Appeals (CA) Decision<sup>[1]</sup> dated August 27, 2014 and Resolution<sup>[2]</sup> dated February 4, 2015 in CA-G.R. SP No. 128355. The CA dismissed the petition for *certiorari* under Rule 65, assailing the Order<sup>[3]</sup> of the Regional Trial Court (RTC) of Quezon City, Branch 87, which denied the Omnibus Motion (Motion to Quash Search Warrant No. 10-11, to Declare the Seized Items as Inadmissible in Evidence) in Criminal Cases Nos. Q-12-175369 to Q-12-175371.

#### *The Facts*

At around 6:00 p.m. of September 6, 2010, Lucio Pua, Rosemarie Pua and Gemma Eugenio were scheduled to visit the compound of petitioner Jaylord A. Dimal in Echague, Isabela, to negotiate for the sale of *palay*. At around 7:30 p.m., Lucio's nephew, Edison Pua, went to Dimal's compound, asking for information as to the whereabouts of Lucio, Rosemarie and Gemma. Dimal informed Edison that they had left an hour ago. Unable to locate his relatives, Edison went to the police station in Alicia, Isabela, to report that they were missing, then proceeded to seek assistance from the police station in Echague.

Thereafter, Edison was escorted by two policemen to Dimal's compound, where they allegedly stayed and observed the premises in the absence of Dimal until September 7, 2010. On even date at around 5:30 a.m., Edison and the two policemen supposedly searched without a warrant Dimal's compound, but found no evidence linking him to the disappearances.

On September 24, 2010, petitioner Allan Castillo was accosted by the Echague Police, and allegedly tortured to implicate Dimal in the killing of Lucio, Rosemarie and Gemma. On September 25, 2010, a certain Eduardo Sapipi was arrested due to the supposed statement made by Castillo. Sapipi purportedly made an uncounseled confession that Dimal shot the three victims, and ordered him, Castillo and one Michael Miranda to cover up the crime by throwing the bodies in a river.

On September 26, 2010, Dimal was arrested by the Echague Police. On September 27, 2010, the Echague Police filed with the Office of the Provincial Prosecutor of Hagan, Isabela, a criminal complaint for Kidnapping for Ransom and Multiple Murder against Dimal, Castillo, Sapipi, Miranda, Marvin Guiao and Robert Baccay.

On October 8, 2010, Police Inspector (*P/Insp.*) Roy Michael S. Malixi, a commissioned officer of the Philippine National Police assigned with the Police Anti-Crime and Emergency Response in Camp Crame Quezon City, filed an Application for the Issuance of a Search Warrant<sup>[4]</sup> before the RTC Hagan, Isabela, Branch 17, in connection with the kidnapping and multiple murder of Lucio, Rosemarie and Gemma.

In his application for search warrant, P/Insp. Malixi stated that "he was informed, and verily believed that JAYLORD ARIZABAL DIMAL @ JAY, 28 years old, a resident of Felix Gumpal Compound, Ipil Junction, Isabela and CMJ Building Dubinan East, Santiago City, has in control of the following items" in the said address, to wit:

- a. Personal belongings such as:
  1. Driver's License of Lucio Pua;
  2. Alien Certificate of Registration Identification cards of Lucio Pua and Rosemarie Pua;
  3. ATM Cards such as BDO under Lucio Pua's accounts;
  4. Deposit Slips in BDO accounts of Lucio Pua;
  5. Receipts of the palay delivered;
  6. Blood-stained clothes of the victims:
    - 6.1 Rosemarie Pua's green inner garment with black blazer and brownish pedal pants;
    - 6.2 Lucio Pua's black short and pink polo shirt;
    - 6.3 Gemma Eugenio y Estrada's maong pants, faded pink long sleeves jacket, black striped t-shirt and a shoulder bag;
    - 6.4 Polo t-shirt and faded pink jacket seen beside the comfort room inside the compound of the warehouse of Jayson Dimal.
  7. Picture of Shaira Mae Eugenio's youngest sister (Queen Sean Eugenio) seen inside the shoulder bag of the victim, Gemma Eugenio.
- b. 1,600 sacks of palay inside a warehouse found in the Felix Gurnpal Compound, Ipil Junction, Echague, Isabela;
- c. Long bolo approximately 16 inches in length; and
- d. Glock 9mm caliber pistol.<sup>[5]</sup>

P/Insp. Malixi stressed that he has personally verified and ascertained the veracity of the information and found the same to be true and correct, as narrated and sworn to by Ernesto Villador, a long-time employee of Dimal, Edison Uy Pua, the nephew of the victims Lucio and Rosemarie Pua, and Shaira Mae Eugenio, daughter of the victim Gemma Eugenio. P/Insp. Malixi claimed that the application was founded on his personal knowledge and that of his witnesses, acquired after conducting surveillance and investigation. P/Insp. Malixi attached to the application as Annexes "A", "B", "C" and "D" the Vicinity/Location and Floor Map.

After the hearing of the application on October 8, 2010, Judge Bonifacio T. Ong of the RTC of Ilagan, Isabela, Branch 17, issued a Search Warrant, which reads:

The undersigned Presiding Judge personally examined in the form of questions and answers in writing and [under oath], the applicant Police Senior Inspector Roy Michael S. Malixi and the witnesses, namely: Edison Pua, Shaira Mae Eugenio, and Ernesto Villador, who all collaborated to the

fact of death of Lucio Pua, Rosemarie Pua and Gemma Eugenio in Echague, Isabela. That witness Edison Pua went to the house of Jaylord Dimal after the commission of the crime and was able to see the blood-stained clothes of the victims:

- 1) Lucio Pua's clothes; and 2) [Rosemarie] Pua's clothes;

On the part of Shaira Mae Eugenio, she testified that before her mother Gemma Eugenio left her house, she wore faded pink long sleeves jacket and black T-shirt, and brought with her a shoulder bag and two (2) cellphones which probably are in the house of Jaylord Dimal. In the case of Ernesto Villador, he testified that he saw Jaylord Dimal holding a 9mm caliber pistol and testified that he usually keep said firearm under the computer table or drawers. He likewise testify (sic) that there were 1,600 sacks of palay sold by the victims and brought to the Felix Gumpal Compound.

With the testimony of said witnesses and their Sinumpaang Salaysay and deposition of witness, it would readily show that there is probable cause to believe that in the house, particularly the Felix Gumpal Compound of Jaylord Dimallocated at Ipil Junction, Echague, Isabela, said items, to wit: blood-stained clothes of the victims, 1,600 sacks of palay inside the warehouse in the Felix Gumpal Compound and 9mm cal. pistol are found.

The said Application for Search Warrant was filed before this Court due to compelling reasons for security and confidentiality purposes, considering that possibility of leakages of information once the application for search warrant is filed with the court within the area having territorial jurisdiction over it.

In view thereof, you are hereby commanded to search at any time of the day or night the premises of Felix Gumpal Compound located at Ipil Junction, Echague, Isabela, and forthwith seize and take possession of the following properties: blood-stained clothes of Rosemarie Pua, Lucio Pua, and Gemma Eugenio, either to take the 1,600 sacks of palay or just to photograph the same, and the 9mm caliber pistol, and to bring the said articles to the custody of the Provincial Director of Isabela at the Provincial Police Office of Isabela under *custodia legis*, to be dealt with according to law.<sup>[6]</sup>

In the Return on the Search Warrant, P/Insp. Gary Halay-ay Macadangdang, Deputy Chief of Police, Echague Police Station, Echague, Isabela," manifested that (1) Search Warrant No. 10-11 was served at the premises of Dimal at Barangay Ipil, Echague, Isabela, on October 9, 2010 at about 9:00 a.m., and (2) the search was conducted in an orderly manner and in the presence of owner/custodian Carlos Dimal, *Barangay* Captain Florencio Miguel, *Barangay Kagawads* Rodolfo Vergara and Mariano Seriban, and BOMBO Radyo reporter Romy Santos. P/Insp. Macadangdang enumerated the items recovered:

The following articles, subject of the warrant, were found by the said Office during the search:

- a. Extracted suspected Blood stain (Mark as E-24 with JAM markings)

- b. Extracted suspected Blood stain (Mark as E-25 with JAM markings)
- c. One (1) Black T-Shirt with suspected blood stain (Mark as E-26 with JAM markings)
- d. One (1) Black T-Shirt with red lining with suspected blood stain (Mark as E-15 with JAM markings)
- e. One (1) Bra color brown (tiger) (Mark as E-14 with JAM markings)
- f. One (1) cell phone spare part (mark as E-16 with JAM markings)
- g. One (1) cell phone spare part (mark as E-17 with JAM markings)
- h. Palay husk with suspected blood stain (mark as E-28 with JAM markings)
- i. Suspected blood stain (mark as E-25-A with JAM markings)

The articles recovered/seized in plain view during the conduct of search are the following:

- a. One (1) pc torn cloth (Mark as E-1 with JAM markings)
- b. One (1) pc torn cloth (Mark as E-2 with JAM markings)
- c. One (1) pc torn cloth (Mark as E-3 with JAM markings)
- d. One (1) pc spent shell of caliber 22 (Mark as E-4 with JAM markings)
- e. One (1) bag pack color black (Mark as E-5 with JAM markings)
- f. One spent shell of caliber 22 (Mark as E-6 with JAM markings)
- g. One spent shell of caliber 22 (Mark as E-7 with JAM markings)
- h. One spent shell of caliber 22 (Mark as E-8 with JAM markings)
- i. One spent shell of caliber 22 (Mark as E-9 with JAM markings)
- j. One spent shell of caliber 22 (Mark as E-10 with JAM markings)
- k. One spent shell of caliber 22 (Mark as E-11 with JAM markings)
- l. One spent shell of caliber 22 (Mark as E-12 with JAM markings)
- m. One spent shell of caliber 22 (Mark as E-13 with JAM markings)
- n. Two (2) Alien Certificate of Registration of Lucio Pua and Rosemarie Pua, and One (1) BDO Passbook in the name of Lucio Pua (mark as E-15 with JAM markings)

- o. One spent shell of caliber 22 (Mark as E-18 with JAM markings)
- p. One (1) piece gold-plated earring (mark as E-19 with JAM markings)
- q. Suspected human hair (mark as E-20 with JAM markings)
- r. A piece of embroider[ed] cloth (mark as E-22 with JAM markings)
- s. Three (3) burned Tire wires (mark as E-23 with JAM markings)
- t. One (1) empty plastic bottle of Gleam muriatic acid (mark as E-27 with JAM markings)
- u. One (1) live ammo of caliber 22 (mark as E-29 with JAM markings)
- v. One (1) color white t-shirt (mark as E-30 with JAM markings).<sup>[7]</sup>

On February 20, 2012, petitioners Dimal and Castillo, together with Michael Miranda, filed an Omnibus Motion<sup>[8]</sup> to quash Search Warrant No. 10-11 and to declare the seized items as inadmissible in evidence. They argued that the search warrant is invalid because it was issued in connection with, not just one single offense, but two crimes, *i.e.*, kidnapping and multiple murder. They also contended that except for witness Ernesto Villador, applicant P/Insp. Malixi and witnesses Edison and Shaira Mae have no personal knowledge surrounding the two crimes committed; hence, their statements did not provide basis for a finding of probable cause, much less for the issuance of a search warrant. With respect to Villador, petitioners assert that his sworn statement is incredible because he is just an ordinary laborer, who is unfamiliar with the English language, and there is no showing that the contents of his statement were fully explained to him by the Judge who issued the search warrant. Petitioners further posit that the search warrant was invalidly implemented because the raiding team failed to comply with Section 8, Rule 127 of the Rules of Court on the requisite presence of two witnesses during a search of premises, and with Section 10, Rule 126 on the issuance of a receipt of seized properties. Finally, petitioners sought that the items seized which are not covered by the search warrant, should be declared inadmissible in evidence and be ordered returned to the accused.

Meanwhile, on November 22, 2010, three (3) criminal Informations for Kidnapping for Ransom, as defined and penalized under Article 267, paragraph 4 of the Revised Penal Code, as amended by R.A. No. 7659, were filed against petitioners before the RTC of Echague, Isabela, Branch 24, and later re-raffled to the RTC of Ilagan, Isabela, Branch 17. The accusatory portion of the Informations similarly read, save for the names of the 3 victims, as follows:

That on or about the 6<sup>th</sup> day of September 2010, and for sometime thereafter, in the Municipality of Echague, Province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the accused Jaylord Arizabal Dimas (sic) and Allan Castillo y Marquez, being the principals therein, conspiring, confederating together and helping one another, did then and there, willfully, unlawfully and feloniously, kidnap and detain one **Lucio Uy Pua (Chinese name: Xinyi Pan)**<sup>[9]</sup> for the purpose of