

SPECIAL SECOND DIVISION

[G.R. No. 124461, June 26, 2000]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. JUDGE
ESTRELLA T. ESTRADA, PRESIDING JUDGE, RTC BR. 83, QUEZON
CITY & AIDEN LANUZA, RESPONDENTS.**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

In a decision promulgated on September 25, 1998, this Court denied the petition questioning the trial court's order which quashed the search warrant it issued and ordered the return of the seized goods on the ground that the warrant failed to satisfy the constitutional requirements for issuance of warrants. Petitioner now seeks a partial reconsideration of the said decision arguing that the seized drugs subject of the void warrant can no longer be returned because the same are contraband goods. In its motion for reconsideration, petitioner attached annexes purporting to show that the 52 boxes of medicines seized under the void warrant, upon laboratory examinations, were found genuine but were illegally imported.

Even if the medicines or drugs seized were genuine and even if they contain the proper chemicals or ingredients for their production or manufacture, if the producer, manufacturer or seller has no permit or authority from the appropriate government agency, the drugs or medicines cannot be returned although the search warrants were declared illegal. It might be the burden of the party seeking issuance of a warrant to convince the issuing magistrate that probable cause exists, and to procure the proper admissible evidence to show that the party against whom the warrant is directed is not duly authorized by the Bureau of Foods and Drugs (BFAD). However, if there is an allegation that the possession of the goods or things seized were illegal for lack of appropriate permit from the duly authorized agencies, the party seeking the return of her seized properties must show the corresponding permits or authority to manufacture, sell or possess the same. The pharmaceutical genuineness of the drugs or medicines is not a sufficient justification to demand its return. There must be compliance with requirements of the law regarding permits and licenses. Knowledge in the production of medicines and drugs can easily be acquired and disseminated but such knowledge is not available to the public who commonly relies on the medical prescription and its availability in the drug stores. Obviously, of course, only those who are fortunate enough to have been thoroughly exposed to the study of the preparation, composition, and nature of this drug in the wider fields of medicine, pharmacology and forensic chemistry have a clear grasp of the effects of a medicine and what it consists of (See *People vs. Angeles*, 209 SCRA 799 [1992]). People do not scrutinize the chemical composition of the medicines or drugs they take or use but simply rely on the drug's name, whether branded or generic, and its conformity to the prescription name given by their physician. A laboratory examination is still necessary to determine the genuineness of medicines. The therapeutic quality of drug products is not evident to the unsuspecting end-