390 Phil. 586

SECOND DIVISION

[G.R. No. 135503, July 06, 2000]

WILLIAM A. GARAYGAY, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

BELLOSILLO, J.:

WHICH COURT should resolve the motion to quash search warrant in a case where the court that issued it is not the court with which the case is filed as a consequence of the service of the warrant?

On 30 July 1996 the Executive Judge of the Regional Trial Court of Manila, presiding over Branch 23, issued Search Warrant No. 96-505[1] upon application of the Presidential Task Force on Intelligence and Counter-Intelligence (PTFIC). The warrant authorized a search of the house of petitioner William A. Garaygay located in Marigondon, Lapu-Lapu City, a place outside the territorial jurisdiction of the issuing court. Thereafter the PTFIC through its Regional Task Group conducted a raid on the house of petitioner resulting in the seizure of several items of firearms, explosives, ammunition and other prohibited paraphernalia.

On 7 August 1996 an Information for violation of PD 1866[2] was filed before the Regional Trial Court of Lapu-Lapu City[3] against petitioner who upon being arraigned pleaded not guilty.

Subsequently, petitioner filed with the Regional Trial Court of Lapu-Lapu City a *Motion to Quash Search Warrant and To Exclude Illegally Seized Evidence* dated 26 September 1996 on the ground that the search warrant was issued in violation of Supreme Court Circular No. 19,[4] and that it was a general warrant.

On the other hand, the prosecution argued that the motion to quash should have been filed with the RTC of Manila which issued the warrant. But petitioner reminded the trial court of *People v. Bans*[5] where we ruled -

> Generally, an order of a court of competent jurisdiction may not be modified or altered by any court of concurrent jurisdiction. Given the facts of this case, however, this rule cannot be applied.
>
> There could have been no problem had the court which issued the search warrant was likewise the same court before which the criminal case is pending as a result of its issuance. But if the criminal case which was subsequently filed by virtue of the serach warrant is raffled off to a different branch, all incidents relating to the validity of the warrant issued should be consolidated with that branch trying the criminal case (see Nolasco v. Paño, 139 SCRA 152 [1985]), the rationale is to avoid

confusion as regards the issue of jurisdiction over the case and to promote an orderly administration of justice.

Treating the argument of the prosecution as a prejudicial question, the trial court resolved the same ahead of the merits of petitioner's motion to quash and held -

> x x x x Thus, the Court cannot afford to ignore the long established rule that "**courts of equal rank and jurisdiction are proscribed from interfering with or passing upon the orders or processes of its coordinate counterpart, except in extreme situations authorized by law,**" *People vs. Woolcock, et al., May 22, 1995, 244 SCRA 235.* Further, in the light of the guidelines laid down by the Supreme Court in *Malaloan v. Court of Appeals, May 6, 1994, 232 SCRA 249,* this present motion under consideration should have been filed with the RTC-Branch 23 of Manila. Said guidelines are quoted below, thus:
>
> *1) The court wherein the criminal case is pending shall have primary jurisdiction to issue search warrants necessitated by and for purposes of said case. An application for a search warrant may be filed with another court only under extreme and compelling circumstances that the applicant must prove to the satisfaction of the latter which may or may not give due course to the application depending on the validity of the justification offered for not filing the same in the court with primary jurisdiction thereover.*
>
> 2) ***When the latter court issues the search warrant, a motion to quash the same may be filed in and shall be resolved by said court, without prejudice to any proper recourse to the appropriate high court by the party aggrieved by the resolution of the issuing court****. All grounds and objections then available, existent or known shall be raised in the original or subsequent proceedings for the quashal of the warrant, otherwise they shall be deemed waived* (emphasis supplied).
>
> x x x x Moreover x x x x we are of the considered view that the issuing court (RTC-Br. 23, Manila) is in a vantage position to resolve this instant motion inasmuch as it has in its possession all the available records and can, therefore, make an intelligible assessment of the evidence on hand. [6]

On 17 January 1997 the trial court thus denied petitioner's motion to quash and ordered the Branch Clerk of Court to set the case for pre-trial conference.[7]

Petitioner questioned the denial of his motion to quash in a petition for *certiorari* before the Court of Appeals. In its assailed Decision of 18 May 1998 the appellate court dismissed the petition and on 11 September 1998 rejected likewise his motion for reconsideration. The Court of Appeals explained -

> x x x x This ruling (*People v. Bans*) is, however, applicable only when, as in the *Bans* case, two different branches of the same Regional Trial Court are involved. With regard to the case at bar, the search warrant was issued by the Regional Trial Court of Manila (Branch 23). On the other hand, the criminal case is pending before the Regional Trial Court of

> Lapu-Lapu City (Branch 54). Thus, the ruling in the case of *People v. Woolcock, 244 SCRA 235,* is applicable. That case involved two courts having different geographical jurisdictions x x x x[8]

For resolution now before this Court are these issues: (a) whether the trial court of Lapu-Lapu City where the criminal case was filed is clothed with authority to resolve the *Motion to Quash Search Warrant* . . . ; and, (b) whether the search warrant issued by the RTC of Manila is valid.

Aside from invoking *People v. Bans* anew, petitioner cites *Nolasco v. Paño*[9] which was quoted in *Bans* -

It should be advisable that, whenever a Search Warrant has been issued by one Court, or Branch, and a criminal prosecution is initiated in another Court, or Branch, as a result of the service of the Search warrant, the SEARCH WARRANT CASE should be consolidated with the criminal case for orderly procedure. The later criminal case is more substantial than the Search Warrant proceeding, and the Presiding Judge in the criminal case should have the right to act on petitions to exclude evidence unlawfully obtained.

Assuming that the RTC of Lapu-Lapu City is not vested with authority to resolve the issue of the validity of the search warrant, petitioner now submits to this Court the issue for resolution. He argues that a search warrant to be valid must particularly describe the place to be searched. In the present case, the search warrant merely stated, among others, that "William Garaygay a.k.a. William Flores/Willy Ybañez of Brgy. Marigondon, Lapu-Lapu City, Cebu x x x x" When the shanty where he was then sleeping was searched by the authorities they found one (1) 9mm Glock pistol duly licensed in his name. Thereafter, he was dragged to an abandoned building about ten (10) to fifteen (15) meters away. It was in that abandoned building where the authorities allegedly found the firearms, explosives, ammunition and other paraphernalia alluded to in the Information. Petitioner next argues that the search in his shanty and in the abandoned building was made by elements of the PTFIC without any witness, in violation of Sec. 7, Rule 126, of the *Rules of Criminal Procedure* which provides that "[n]o search of house, room, or any other premises shall be made except in the presence of the lawful occupant thereof or any member of his family or, in the absence of the latter, in the presence of two witnesses of sufficient age and discretion residing in the same locality." Petitioner submits that, necessarily, all the items confiscated by the authorities on the basis of the invalid search warrant should be excluded in the criminal case for being "fruits of the poisonous tree."

In 1967, in *Pagkalinawan v. Gomez*,[10] we ruled that relief from a search warrant claimed to be invalid should be sought in the court that issued it. We emphasized that any other view would be subversive of a doctrine that has been steadfastly adhered to, the main purpose of which is to assure stability and consistency in judicial actuations and to avoid confusion that may otherwise ensue if courts of coordinate jurisdiction are permitted to interfere with each other's lawful orders. This doctrine was reiterated in *Templo v. de la Cruz*[11] where the accused likewise questioned the validity of the search warrant before a court of concurrent jurisdiction, different from the court which issued the warrant. Subsequently however, in *Nolasco v. Paño*, we declared that "the pendency of the Search Warrant