Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

-versus-

RUEL ALAGABAN Y BONAFE,
Accused-Appellant.

G.R. No. 244842

Present:

LEONEN, *J.*, *Chairperson*,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR.*, *JJ.*

Promulgated:
JAN 16 2023

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DECISION

LEONEN, *J.*:

A search warrant application should generally be filed in the court where criminal proceedings have been instituted. If not yet instituted, the application should be filed in a court with territorial jurisdiction over the place of the crime's commission or of the warrant's implementation. These rules pertain to venue, which is non-jurisdictional but crucial in the proper issuance of a search warrant.

The exception to these venue rules—that an application may be filed with a court lacking territorial jurisdiction over the crime's place of commission—has seen repeated misuse due to a misinterpretation of the exception's nature and parameters. While compelling reasons may justify a

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* On leave.

recourse to the exception, these reasons must be adequately substantiated to prove the application's sufficiency.

This Court resolves the appeal[1] assailing the Court of Appeals Decision[2] affirming the Regional Trial Court's ruling[3] that accused-appellant Ruel Alagaban y Bonafe (Alagaban) is guilty beyond reasonable doubt of illegal possession of dangerous drugs under Article II, Section 11 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002.

An Information[4] charged Alagaban with illegal possession of seven packets of methamphetamine hydrochloride (locally known as *shabu*), totaling 11.989 grams in weight.

> That on 30th day of July, 2013, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and criminally have in his possession, control and custody Seven (7) heat-sealed transparent plastic sachets containing white crystalline substance with a total weight of 11.989 grams, each having the following markings and recorded the net weights, to wit:
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> A (EGBA-A-1 7/30/13=5.447grams
> B (EGBA-A-2 7/30/13=5.260 grams
> C (EGBA-A-3 7/30/13=0.289 grams
> D (EGBA-A-4 7/30/13=0.237 grams
> E (EGBA-A-5 7/30/13=0.241 grams
> F (EGBA-A-6[5] 7/30/13=0.267 grams
> G (EGBA-A-7[6] 7/30/13=0.212 grams
>
> which gave a positive result to the test for the presence of methamphetamine hydrocholoride, a dangerous drug.
>
> CONTRARY TO LAW.[7]

Upon arraignment on May 18, 2015, Alagaban pleaded not guilty.[8] The prosecution presented nine witnesses during trial, namely: Philippine Drug Enforcement Agency Agents Noe S. Briguel (Agent Briguel), Enrico Barba (Agent Barba), Raul Noel Natividad (Agent Natividad), Dennis Benitez (Agent Benitez), Police Officer 2 Randy Casais, Police Senior Inspector

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1 *Rollo*, pp. 17–19.

2 Court of Appeals *rollo*, at 112–125. The September 27, 2018 Decision docketed as CA-G.R. CR-HC No. 09768 was penned by Associate Justice Stephen C. Cruz with the concurrence of Associate Justices Zenaida T. Galapate-Laguilles and Rafael Antonio M Santos of the Court of Appeals, Special Sixteenth Division, Manila.

3 *Id.* at 59–77. The August 15, 2017 Judgment in Criminal Case No. 13191 was penned by Judge Elmer M. Lanuzo of Branch 6, Regional Trial Court, Fifth Judicial Region, Legazpi City.

4 *Id.* at 113–114.

5 *Id.* at 113. The Court of Appeals Decision mistakenly states "F (EGBA-A-1 7/30/13=0.267 grams."

6 *Id.* The Court of Appeals Decision mistakenly states "G (EGBA-A-1 7/30/13=0.212 grams."

7 *Id.* at 114.

8 *Id.*

Wilfredo I. Pabustan, Jr. (Pabustan, Jr.), Barangay Kagawad Mercy Molina Verga, Darlan Barcelon, and Jesus Arsenio Aragon.[9]

According to the prosecution, a confidential informant tipped the Philippine Drug Enforcement Agency Albay Provincial Office that Alagaban and a woman called MJ, later known as Marijes Alcoy (Alcoy), were selling drugs at Alagaban's residence in Barangay Bigaa, Legazpi City.[10] Agent Briguel tasked Agents Samuel Detera (Agent Detera) and Jonathan Ivan Revilla (Agent Revilla) to conduct casing and surveillance operations of Alagaban's residence, where they learned that Alagaban and Alcoy were indeed selling illegal drugs.[11] Agent Detera and Agent Revilla were able to procure, through test-buys, two pieces of heat-sealed transparent sachets of *shabu* for PHP1,000.00 from Alagaban and Alcoy.[12] Thus, Agent Briguel applied for a search warrant with the Regional Trial Court of Ligao City, where Executive Judge Amy Ana L. De Villa-Rosero issued Search Warrant No. 2013-48 on July 29, 2013.[13]

The following day at around 3 p.m., the agents went to Alagaban's residence to implement Search Warrant No. 2013-48.[14] Agent Briguel designated Agent Barba as the searching officer, Agent Natividad as the arresting officer, Agent Benitez as the photographer, and Agents Detera, Revilla, and Almiñana as perimeter security.[15] Upon arriving, Agent Briguel knocked on the house's front while Agent Natividad and Agent Detera secured the back door.[16]

According to the prosecution, one of Alagaban's partners opened the door and alerted him of the presence of Philippine Drug Enforcement Agency agents. Alagaban then allegedly tried to escape through the back door, but he was subdued after a brief scuffle with Agent Detera.[17]

Barangay kagawads Mercy Molina Verga and Czarisol S. Monreal,[18] media representative Darlan Barcelon,[19] and Department of Justice representative Jesus Arsenio Aragon[20] arrived after the agents pacified Alagaban. The Philippine Drug Enforcement Agency agents then read the search warrant and explained the floor plan of their search to Alagaban.[21]

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9 *Id.* at 61.
10 *Id.* at 114.
11 *Id.*
12 *Id.*
13 *Id.* The Decision mistakenly states, "July 2, 2013." However, the records indicate that Search Warrant 2013-48 was issued on July 29, 2013, and was served on July 30, 2013.
14 *Id.* at p. 115.
15 *Id.*, at pp. 114–115.
16 *Id.*
17 *Id.* at 115.
18 *Id.*
19 *Id.*
20 *Id.* at 40.
21 *Id.* at 115.

Following the floor plan, Agent Barba first searched Room 3 in the presence of the witnesses, where he allegedly found and confiscated suspected drugs and drug paraphernalia.[22] Agent Barba then searched Room 1, where he allegedly found a black pouch containing "seven (7) [pieces of] heat-sealed transparent plastic sachet[s] containing white crystalline substance."[23]

The items recovered from Rooms 1 and 3 were initially marked and inventoried in the living room inside the house, but the inventory was transferred and continued outside because of power interruption.[24] Agents Barba and Natividad prepared and accomplished the Certificate of Inventory and Receipt of Property Seized.[25] Afterwards, they brought Alagaban to the police station.[26]

On the morning of July 31, 2013, the agents filed a Return of the Search Warrant with Motion to take Custody of the Pieces of Evidence Seized to Judge De Villa-Rosero.[27] The Motion was granted. Agent Barba then brought the seized items to the Philippine National Police Crime Laboratory for qualitative examination.[28] The specimens were received and examined by Police Senior Inspector Pabustan, Jr., the forensic chemist.[29] The examination yielded positive results for methamphetamine hydrochloride.[30]

For the defense, Alagaban denied the charge against him.[31] Instead, he questioned the validity of the search, alleged that the evidence was planted, and insisted that he was being extorted by the Philippine Drug Enforcement Agency agents.[32]

Alagaban claimed that on July 30, 2013, police officers placed him under arrest and then conducted a search of his house without the required witnesses. Alagaban allegedly saw the police officers take some of his valuables from the rooms that they had searched.[33] When the barangay officials and other witnesses arrived, Agent Barba read to Alagaban the search warrant before searching the room.[34] Agent Barba then allegedly conducted a second search of the rooms in the presence of the witnesses, where he placed "a black bag and plastic bag"[35] on top of the living room's table.

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22 *Id.* at 115.
23 *Id.* at 116.
24 *Id.*
25 *Id.*
26 *Id.*
27 *Id.*
28 *Id.*
29 *Id.*
30 *Id.* at 117.
31 *Id.*
32 *Id.* at 64.
33 *Id.* at 64–65.
34 *Id.* at 117.
35 *Id.* at 65.

Alagaban refused to sign the inventory conducted at his house,[36] because he denied owning the items allegedly found during the search.[37] Alagaban further claimed that while he was in detention, Agent Barba asked him to produce PHP200,000.00 for the non-filing of the case against him and his companions.[38]

The Regional Trial Court of Legazpi City found Alagaban guilty beyond reasonable doubt for illegal possession of dangerous drugs pursuant to Article II, Section 11 of Republic Act No. 9165. It sustained the validity of the search warrant issued against Alagaban and found the integrity and evidentiary value of the seized drugs properly preserved.[39] The Decision reads:

> **WHEREFORE,** in light of the foregoing ratiocinations, the Court is convinced with moral certainty that accused-Ruel Alagaban Y Bonafe @ Bunso is GUILTY beyond reasonable doubt of the crime of Violation of Section 11, Article II of [Republic Act No.] 9165 or for Illegal Possession of the Dangerous Drug Methamphetamine Hydrochloride or *shabu* with a total weight of 11.989 grams. Since the quantity of the shabu herein is more than 10 grams, accused-Ruel Alagaban y Bonafe @ Bunso is sentenced to LIFE IMPRISONMENT and to pay a FINE of Php500,000.00. The seven (7) drug specimens are confiscated in favor of the government to be disposed of and destroyed upon motion of the public prosecutor pursuant to Section 21, paragraph 7 of [Republic Act No.] 9165. The Branch Clerk of Court is ordered to issue the MITIMUS for the immediate commitment of the accused-Ruel Alagaban y Bonafe @ Bunso at the Bureau of Correction, Muntinlupa City.
>
> Costs against the accused.
>
> **SO ORDERED.**[40]

Alagaban appealed his case to the Court of Appeals,[41] where he assailed the search warrant's validity and the integrity of the prosecution's evidence. According to Alagaban, the warrant was invalidly issued by the Regional Trial Court of Ligao City, while it was implemented in Legazpi City.[42]

Alagaban also claimed that the Regional Trial Court should not have given full weight and credence to the prosecution's evidence because the apprehending officers did not comply with the requirements for the proper handling of evidence under Section 21 of Republic Act No. 9165. Thus, Alagaban maintained that there was sufficient basis for his acquittal.[43]

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36 *Id.*
37 *Id.*
38 *Id.*
39 *Id.* at 66.
40 *Id.* at 77.
41 *Id.* at 55.
42 *Id.* at 118.
43 *Id.*

Citing the Rules of Court on Criminal Procedure,[44] the Office of the Solicitor General countered that the search warrant was validly issued, provided that an application for a search warrant may, for compelling reasons, be made in a court outside the territorial jurisdiction where the crime was committed.[45] According to the Solicitor General, the apprehending officers filed the applications with the Regional Trial Court of Ligao City to avoid "any leakage of information" regarding the planned operations.[46] Further, the prosecution allegedly proved Alagaban's unauthorized possession of the prohibited drugs at his house, establishing his guilt beyond reasonable doubt.[47] The chain of custody of the recovered prohibited drug and, consequently, the integrity and evidentiary value of the recovered items, was also sufficiently established by the prosecution.[48]

The Court of Appeals affirmed the Regional Trial Court's Decision and upheld Alagaban's guilt beyond reasonable doubt of illegal possession of dangerous drugs.

The Court of Appeals also validated the search warrant by ruling that preventing an information leakage in dangerous drugs investigations is sufficient reason for filing the search warrant application with Ligao City's Regional Trial Court instead of in Legazpi City.[49] The Court of Appeals then affirmed Alagaban's conviction for illegal possession of dangerous drugs, since the prosecution established the elements of the crime,[50] and complied with the chain of custody requirements under Republic Act No. 9165.[51]

Alagaban timely filed a Notice of Appeal with the Court of Appeals,[52] which noted and gave due course to the appeal and ordered the elevation of the case records to this Court.

The issue for this Court's resolution is whether accused-appellant Ruel Alagaban y Bonafe is guilty beyond reasonable doubt of illegal possession of dangerous drugs.

This Court resolves to grant the appeal. Accused-appellant should be acquitted because the evidence used to convict him was procured through an invalidly issued search warrant.

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44 RULES OF COURT, Rule 126, section 2.
45 Court of Appeals *rollo*, p. 93.
46 *Id.* at 93–95.
47 *Id.*
48 *Id.*
49 *Id.* at 119.
50 *Rollo*, pp. 10–13.
51 *Id.*
52 *Id.* at 17–18.

Search Warrant No. 2013-48's validity pertains to the sufficiency of its application and of the issuing judge's finding of probable cause. It does not concern the issuing court's jurisdiction to act on the application.

I

While errors in a search warrant's issuance should be timely raised in a motion to quash or in a motion to suppress evidence,[53] the lower courts grievously mishandled the application that led to the issuance of Search Warrant No. 2013-48. These errors violated accused-appellant's right against unreasonable search and seizure. Consistent with *People v. Simbahon*,[54] the serious defects that attended the issuance of Search Warrant No. 2013-48 may be addressed by this Court regardless of accused-appellant's failure to question the search warrant's validity prior to, or during trial:

> More importantly, this case should be dismissed on the ground of manifest violations of the constitutional right of the accused against illegal search and seizure. *While appellant may be deemed to have waived his right to question the legality of the search warrant and the admissibility of the evidence seized for failure to raise his objections at the opportune time, however, the record shows serious defects in the search warrant itself which render the same null and void.*[55] (Emphasis supplied; citations omitted)

The Regional Trial Court of Ligao City erroneously issued the search warrant that produced the evidence used to convict accused-appellant. Rule 126, Section 2 of the Revised Rules of Criminal Procedure outlines the determination of venue for a search warrant application, as follows:

> Section 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.*
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> However, if the criminal action has already been filed, the application shall only be made in the court where the criminal action is pending.[56] (Emphasis supplied)

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53 *Pilipinas Shell Petroleum Corp. v. Romars International Gases Corporation*, 753 Phil. 707, 715–716 (2015) [Per J. Peralta, Third Division].

54 449 Phil. 74 (2003) [Per J. Ynares-Santiago, First Division].

55 *Id.* at 83.

56 RULES OF COURT, Rule 126, section 2.

Thus, a search warrant application should generally be filed with any court "within whose territorial jurisdiction a crime was committed."[57] By way of exception, the application may also be filed with any court within the judicial region of where the crime was committed, or a similar court within the judicial region of where the warrant will be implemented. To avail of this exception, the application must state "compelling reasons" and must be filed before a criminal action is instituted.[58] Administrative Matter No. 03-8-02-SC also provides additional exceptions to the venue requirement for "special criminal cases," but requires compelling and justifiable reasons for recourse to the venue exception.[59]

Malaloan v. Court of Appeals[60] is often cited as basis for discussing the exception under Rule 126, Section 2(b),[61] despite its promulgation prior to the revision of the Rules of Criminal Procedure.[62] However, *Malaloan*'s ruling remains relevant, as it upheld a court's issuance of a search warrant for crimes committed outside of its territorial jurisdiction. In support of its ruling, *Malaloan* distinguished venue requirements in search warrant applications from jurisdictional venue rules in the filing of criminal actions:

> *Petitioners invoke the jurisdictional rules in the institution of criminal actions to invalidate the search warrant issued by the Regional Trial Court of Kalookan City because it is directed toward the seizure of firearms and ammunition allegedly cached illegally in Quezon City.* This theory is sought to be buttressed by the fact that the criminal case against petitioners for violation of Presidential Decree No. 1866 was subsequently filed in the latter court. The application for the search warrant, it is claimed, was accordingly filed in a court of improper venue and since venue in criminal actions involves the territorial jurisdiction of the court, such warrant is void for having been issued by a court without jurisdiction to do so.
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> *The basic flaw in this reasoning is in erroneously equating the application for and the obtention of a search warrant with the institution and prosecution of a criminal action in a trial court. It would thus categorize what is only a special criminal process, the power to issue which is inherent in all courts, as equivalent to a criminal action, jurisdiction over which is reposed in specific courts of indicated competence.* It ignores the fact that the requisites, procedure and purpose for the issuance of a search

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57 *Id.*

58 *Id.*

59 Administrative Matter No. 03-8-02 SC (2004), section 12, paragraph 2, as amended by Office of the Court Administrator Circular No. 159-19.

60 302 Phil. 273 (1994) [Per J. Regalado, *En Banc*].

61 *See Ilano v. Court of Appeals*, 314 Phil. 241, 247–248 (1995) [Per J. Bellosillo, First Division]; *Chiu v. People of the Philippines*, 468 Phil. 183, 197–198 (2004) [Per J. Callejo, Sr., Second Division]; and *Petron Gasul Dealers Association v. Lao*, 790 Phil. 216, 228–229 (2016) [Per J. Del Castillo, Second Division].

62 J. Peralta, Dissenting Opinion in *Re: Report on the Preliminary Results of the Spot Audit in the Regional Trial Court, Branch 170, Malabon City*, Administrative Matter No. 16-05-142-RTC, 817 Phil. 724, 791 (2017) [Per J. Del Castillo, *En Banc*].

warrant are completely different from those for the institution of a criminal action.[63] (Emphasis supplied; citations omitted)

Malaloan further highlighted this distinction by discussing that it would not be feasible to impose the jurisdictional venue rules for criminal actions on search warrant applications:

> In fact, to illustrate the gravity of the problem which petitioners' implausible position may create, we need not stray far from the provisions of Section 15, Rule 110 of the Rules of Court on the venue of criminal actions and which we quote:
>
> "Sec. 15. Place where action to be instituted. —
>
> (a) Subject to existing laws, in all criminal prosecutions the action shall be instituted and tried in the court of the municipality or territory wherein the offense was committed or any one of the essential ingredients thereof took place.
>
> (b) Where an offense is committed on a railroad train, in an aircraft, or any other public or private vehicle while in the course of its trip, the criminal action may be instituted and tried in the court of any municipality or territory where such train, aircraft or other vehicle passed during such trip, including the place of departure and arrival.
>
> (c) Where an offense is committed on board a vessel in the course of its voyage, the criminal action may be instituted and tried in the proper court of the first port of entry or of any municipality or territory through which the vessel passed during such voyage, subject to the generally accepted principles of international law.
>
> (d) Other crimes committed outside of the Philippines but punishable therein under Article 2 of the Revised Penal Code shall be cognizable by the proper court in which the charge is first filed. (14a)"
>
> *It would be an exacting imposition upon the law enforcement authorities or the prosecutorial agencies to unerringly determine where they should apply for a search warrant* in view of the uncertainties and possibilities as to the ultimate venue of a case under the foregoing rules. *It would be doubly so if compliance with that requirement would be under pain of nullification of said warrant should they file their application therefor in and obtain the same from what may later turn out to be a court not within the ambit of the aforequoted Section 15.*[64] (Emphasis supplied; citations omitted)

Malaloan therefore concluded that since venue rules for search warrant applications were non-jurisdictional, applications could be handled even by

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[63] *Malaloan v. Court of Appeals*, 302 Phil. 273, 284–285 (1994) [Per J. Regalado, *En Banc*].
[64] *Id.* at 286–287.

courts without territorial jurisdiction over the crime, *if* "justified by compelling considerations of urgency, subject[,] time and place":

> It is, therefore, incorrect to say that only the court which has jurisdiction over the criminal case can issue the search warrant, as would be the consequence of petitioners' position that only the branch of the court with jurisdiction over the place to be searched can issue a warrant to search the same. *It may be conceded, as a matter of policy, that where a criminal case is pending, the court wherein it was filed, or the assigned branch thereof, has primary jurisdiction to issue the search warrant; and where no such criminal case has yet been filed, that the executive judges or their lawful substitutes in the areas and for the offenses contemplated in Circular No. 19 shall have primary jurisdiction.*
>
> *This should not, however, mean that a court whose territorial jurisdiction does not embrace the place to be searched cannot issue a search warrant therefor,* ***where the obtention of that search warrant is necessitated and justified by compelling considerations of urgency, subject, time and place.*** Conversely, neither should a search warrant duly issued by a court which has jurisdiction over a pending criminal case, or one issued by an executive judge or his lawful substitute under the situations provided for by Circular No. 19 be denied enforcement or nullified just because it was implemented outside the court's territorial jurisdiction.[65] (Emphasis supplied; citations omitted)

Thus, *Malaloan*'s ruling is consistent with the later introduction of Rule 126, Section 2(b), which requires a statement of "compelling reasons" for a search warrant application with a court that does not have territorial jurisdiction over the crime. However, subsequent rulings affirming *Malaloan* have seemingly equated "compelling reasons" with unsubstantiated claims of possible information leakage.

In *Ilano v. Court of Appeals*,[66] Ilano sought to nullify the search warrants issued by the Regional Trial Court of Caloocan City, which ordered the search of his house and parlor located in Quezon City. This Court denied the petition, citing *Malaloan's* discussion on venue being non-exclusive and non-jurisdictional in search warrant applications:

> Petitioner Ilano's argument is premised on the proposition that in no instance can a trial court issue a search warrant ordering the search of a place outside its territorial jurisdiction. *Malaloan v. Court of Appeals which was promulgated during the pendency of the instant petition has already resolved this very same issue. . . .*
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> . . . .
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> In fine, while the trial court which has territorial jurisdiction over the place has primary authority to issue search warrants therefor, *any court of competent jurisdiction when necessitated and justified by compelling*

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[65] *Id.* at 291–292.

[66] 314 Phil 241 (1995) [Per J. Bellosillo, First Division].

> *considerations of urgency, subject, time and place*, may issue a search warrant covering a place outside its territorial jurisdiction, and this issue has been settled when *Malaloan* was promulgated.[67] (Emphasis supplied; citations omitted).

Building on *Ilano*'s discussion, *People v. Chiu*[68] upheld the validity of the search warrant issued by the Regional Trial Court of Pasay City for enforcement in Quezon City.[69] This Court affirmed the application's filing with the Pasay City court by defining the standard of "urgency":

> *"Urgent" means pressing; calling for immediate attention. 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.[70] (Emphasis supplied; citations omitted)

The search warrant application in *Chiu* contained the applicant's testimony, that (1) the accused had another residence where he could transfer the dangerous drugs; and (2) that possible information leaks could compromise the seizure of the dangerous drugs. However, only the fact of the accused's second residence found support on record. There was no discussion of any evidence supporting the applicant's fears of an information leakage, other than mention of a "pervading concern."

> 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.[71] (Emphasis supplied)

Petron Gasul LPG Dealers Association v. Lao[72] also considered the applicant's fears of information leakage in justifying the search warrant

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67 *Id.* at 247–249.
68 468 Phil. 183 (2004) [Per J. Callejo, Sr., Second Division].
69 *Id.* at 198–200.
70 *Id.* at 198.
71 *Id.* at 198–199.
72 790 Phil. 216 (2016) [Per J. Del Castillo, Second Division].

application's filing in La Trinidad instead of Baguio City.[73] This Court appreciated evidence on the "brisk sales of the subject LPG cylinders" proving its urgency, but again made no mention of evidence supporting the "possible leakage of information to respondents."[74]

> In this case, Using cited the foregoing compelling reasons on why the two separate SW applications against respondents were filed with the RTC-La Trinidad instead in RTC-Baguio City, to wit:
>
> > 4.1. The 'compelling reasons of urgency, subject, time and place' in the instant application[s] are:
> >
> > (a) *Time is absolutely of the essence in the case.*
> >
> > ....
> >
> > (b) *The brisk sales of the subject LPG cylinders might result in the depletion of available stocks*, leaving nothing to be seized in case a search warrant be issued but on a later date.
> >
> > (c) The immediate hearing on and issuance of the search warrant applied for are precautions against *possible leakage of information to respondents.*[75] (Emphasis supplied; citations omitted)

Here, the Court of Appeals' handling of Search Warrant No. 2013-48 exhibits how the development of *Malaloan*'s doctrine has effectively recognized "fears of information leakage" as a sufficiently compelling reason under Rule 126, Section 2(b) of the Revised Rules of Criminal Procedure even when these "fears" were without proper substantiation. The search warrant application did not attach any evidence supporting these fears, other than the applicant's statement that the filing was made in Ligao City "to prevent and/or preempt any leakage of information."[76]

No connections were drawn between the accused-appellant and specific persons or groups in the area that could facilitate the leakage of sensitive information. Neither were other facts proving the "urgency, subject, time and place" alleged. Instead, the lower courts took the *alleged* possibility of information leakage as a realized fact in excusing the application's filing under Rule 126, Section 2(b).

This practice disregards the procedural safeguards inherent in the rules for handling search warrant applications and runs afoul of the Constitutional right against unreasonable search and seizure.

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[73] *Id.* at 230.
[74] *Id.* at 231.
[75] *Id.*
[76] Court of Appeals *rollo*, p. 120.

II

The issuance of a search warrant requires a finding of probable cause, consistent with Article III, Section 2 of the Constitution:

> Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and *no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge* after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized. (Emphasis supplied)

Malaloan itself emphasized that probable cause, as required by the Constitution, should be read together with the procedures listed in Rule 126 of the Rules on Criminal Procedure to safeguard the right against unreasonable search and seizure.

> Furthermore, *the constitutional mandate is translated into specifically enumerated safeguards in Rule 126 of the 1985 Rules on Criminal Procedure for the issuance of a search warrant, and all these have to be observed regardless of whatever court in whichever region is importuned for or actually issues a search warrant.* Said requirements, together with the ten-day lifetime of the warrant would discourage resort to a court in another judicial region, not only because of the distance but also the contingencies of travel and the danger involved, unless there are really compelling reasons for the authorities to do so.[77] (Emphasis supplied; citations omitted)

As discussed earlier, *Malaloan* identified the need for compelling reasons when applying for a search warrant with a court that did not have territorial jurisdiction over the crime.[78] This is consistent with the amendments to Rule 126 of the Revised Rules of Criminal Procedure, which added the requirement of "compelling reasons" now contained in Section 2(b) of the same Rule.[79] Taken together with *Malaloan*'s pronouncement that the Constitutional safeguards against unreasonable search and seizure should be read together with the procedures for a search warrant's issuance,[80] a judge's determination of probable cause should thus include the examination of whether the "compelling reasons" cited in a search warrant application have adequate basis.

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77 *Malaloan v. Court of Appeals*, 302 Phil. 274, 295–296 (1994) [Per J. Regalado, *En Banc*].
78 *Id.* at 296.
79 RULES OF COURT, Rule 126, section 2(b).
80 *Malaloan v. Court of Appeals*, 302 Phil. 274, 295 (1994) [Per J. Regalado, *En Banc*].

While *Malaloan* also took judicial notice of the challenges in dealing with "crime syndicates of considerable power and influence,"[81] this does not mean that a bare allegation of possible information leakage should automatically compel a court to issue a search warrant. There must be evidence on record substantiating these fears, as requirement for a valid finding of probable cause.[82]

Further, *Burgos, Sr. v. Chief of Staff*[83] discusses that a finding of probable cause requires proof that the complainant and/or the witnesses produced have personal knowledge of the facts used as a basis for the application. Thus, "mere generalizations" or "conclusion[s] of law" will not meet the standard of probable cause for a search warrant's issuance:

> *Mere generalization will not suffice.* Thus, the broad statement in Col. Abadilla's application that petitioner "is in possession or has in his control printing equipment and other paraphernalia, news publications and other documents which were used and are all continuously being used as a means of committing the offense of subversion punishable under Presidential Decree 885, as amended . . . " is *a mere conclusion of law and does not satisfy the requirements of probable cause. Bereft of such particulars as would justify a finding of the existence of probable cause, said allegation cannot serve as basis for the issuance of a search warrant and it was a grave error for respondent judge to have done so.*
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> . . . .
>
> In mandating that "no warrant shall issue except upon probable cause to be determined by the judge, . . . after examination under oath or affirmation of the complainant and the witnesses he may produce; *the Constitution requires no less than personal knowledge by the complainant or his witnesses of the facts upon which the issuance of a search warrant may be justified.* In *Alvarez v. Court of First Instance*, this Court ruled that "the oath required must refer to the truth of the facts within the personal knowledge of the petitioner or his witnesses, because the purpose thereof is to convince the committing magistrate, not the individual making the affidavit and seeking the issuance of the warrant, of the existence of probable cause." As couched, the quoted averment in said joint affidavit filed before respondent judge hardly meets the test of sufficiency established by this Court in Alvarez case.[84] (Emphasis supplied; citations omitted)

Despite these established standards, the lower courts have seemingly relaxed the need for substantiation, particularly for "compelling reasons" justifying a search warrant application under Rule 126, Section 2(b) of the Revised Rules of Criminal Procedure. Here, the Court of Appeals went so far as to *presume* that the trial court's issuance of the search warrant meant that

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81 *Id.* at 296.

82 *Zafe III v. People of the Philippines*, G.R. No. 226993, May 3, 2021 [Per J. Leonen, Third Division] at 13, citing *Ogayon v. People of the Philippines*, 768 Phil. 272, 285 (2015) [Per J. Brion, Second Division]. This pinpoint citation refers to the copy of this Decision uploaded to the Supreme Court website.

83 218 Phil. 754 (1984) [Per J. Escolin, *En Banc*].

84 *Id.* at 768–769.

the latter had rendered a valid finding of probable cause and of urgently compelling reasons.

> Apparently, in this case, the application for a search warrant was filed within the same judicial region where the crime was allegedly committed. For compelling reasons, the RTC of Ligao City has the authority to issue a search warrant to search and seize the dangerous drugs stated in the application thereof in Legazpi City, a place that is within the same judicial region. *The fact that the search warrant was issued means that the issuing judge found probable cause to grant the said application after the latter was found by the same judge to have been filed for compelling reasons. To stress, the prosecution has sufficiently established that compelling interest exists* which justified the application for the search warrant in Ligao City. In the application for search warrant, the applicant stated:
>
> [. . . .]
>
> 4. In order *to prevent and/or preempt any leakage of information relative to the application and/or implementation of the Search Warrant*, this Application for Search Warrant is hereby applied outside the territorial jurisdiction of RTC Legazpi City.
>
> [. . . .]
>
> Therefore, Sec. 2, Rule 126 of the Rules of Court was duly complied with.[85] (Emphasis supplied)

While the Court of Appeals validly cited the presumption of regularity in favor of the judge issuing the search warrant, *People v. Tee*[86] clarified that this same presumption operates only when there is substantial basis on record for the finding of probable cause:

> The Bill of Rights does not make it an imperative necessity that depositions be attached to the records of an application for a search warrant. Hence, said omission is not necessarily fatal, for as long as there is evidence on the record showing what testimony was presented. In the testimony of witness Abratique, Judge Reyes required Abratique to confirm the contents of his affidavit; there were instances when Judge Reyes questioned him extensively. It is presumed that a judicial function has been regularly performed, absent a showing to the contrary. *A magistrate's determination of probable cause for the issuance of a search warrant is paid great deference by a reviewing court,* ***as long as there was substantial basis for that determination.*** Substantial basis means that the questions of the examining judge brought out such facts and circumstances as would lead a reasonably discreet and prudent man to believe that an offense has been committed, and the objects in connection with the offense sought to be seized are in the place sought to be searched.[87] (Emphasis supplied; citations omitted)

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85 Court of Appeals *rollo*, pp. 119–120.

86 443 Phil. 521 (2003) [Per J. Quisumbing, *En Banc*].

87 *Id.* at 539–540.

Ogayon v. People[88] clarified *People v. Tee* by citing *Abuan v. People*,[89] and added that "substantial basis" required some evidence on record of particular facts supporting the probable cause determination:

> Ideally, compliance with the examination requirement is shown by the depositions and the transcript. In their absence, however, a warrant may still be upheld if there is ***evidence in the records*** that the requisite examination was made and probable cause was based thereon. ***There must be, in the records, particular facts and circumstances*** *that were considered by the judge as sufficient to make an independent evaluation of the existence of probable cause to justify the issuance of the search warrant.*[90] (Emphasis supplied; citations omitted)

In *Zafe III v. People*,[91] this Court invalidated the issuance of a search warrant because the issuing judge refused to furnish the accused with any records supporting the search warrant application. The issuing judge's refusal was considered equivalent to an absence of basis for the search warrant and, thus, an insufficient finding of probable cause:

> *There must at least be some record of the facts considered in determining probable cause.* As held in *Lim*, "the warrant issues not on the strength of the certification standing alone but because of the records which sustain it." Thus, *the validity of a judge's finding of probable cause rests on the adequacy of the factual basis that supports it. Ogayon* teaches that "the existence of probable cause . . . is central to the guarantee of Section 2, Article III of the Constitution[,]" while *Veridiano v. People* clarifies the acceptable scope of inquiry into the validity of search warrants:
>
> > There is no hard and fast rule in determining when a search and seizure is reasonable. *In any given situation, "[w]hat constitutes a reasonable . . . search . . . is purely a judicial question,"* the resolution of which depends upon the unique and distinct factual circumstances. This *may involve an inquiry into "the purpose of the search or seizure, the presence or absence of probable cause, the manner in which the search and seizure was made, the place or thing searched, and the character of the articles procured."*
>
> Questioning a search warrant's validity includes examining the issuing judge's factual basis in finding probable cause. Thus, allowing access to this factual basis is consistent, not only with the guarantee against unreasonable searches and seizures, but also with the accused's right to due process.
>
> . . . .

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88 768 Phil. 272 [Per J. Brion, Second Division].
89 536 Phil. 672, 699-700 (2006) [Per J. Callejo, Sr., First Division].
90 *Ogayon v. People*, 768 Phil. 272, 284 [Per J. Brion, Second Division].
91 G.R. No. 226993, May 3, 2021 [Per J. Leonen, Third Division].

> The constitutional guarantee against unreasonable searches and seizures rests upon a valid determination of probable cause, which requires adequate factual basis. While the pursuit of perceived necessities in the battle against dangerous drugs has often compromised the fundamental right against unreasonable search and seizure, the absence of any record of how the issuing judge determined probable cause is inconsistent with the regular performance of her duties and contradicts her assurance of a "probing and exhaustive" examination of the witnesses. Further, her offer to "show petitioners the records, but at a certain distance so that they could not read the contents of the affidavits" casts serious doubt on her findings.[92] (Emphasis in the original; citations omitted)

While *Zafe III* did not deal with a search warrant application filed pursuant to Rule 126, Section 2(b), its application of *Tee* and *Ogayon* clarifies the requirements for a search warrant application's sufficiency, which stands as the crucial issue in this case.

As discussed in *Tee*, *Ogayon*, and *Zafe III*, a search warrant application must be *adequately substantiated in all respects* to safeguard the people's right against unreasonable search and seizure. Thus, the compelling reasons cited to justify a search warrant application's filing under Rule 126, Section 2(b) requires substantial basis.

Furthermore, this Court recently issued Administrative Matter No. 21-06-08-SC, or the "Rules on the Use of Body-Worn Cameras in the Execution of Warrants" ("Body Camera Resolution"),[93] which applies to all search and arrest warrants available under the Revised Rules of Criminal Procedure.[94] The Body Camera Resolution referenced a trend of increasing civilian deaths, human rights violations, and excessive use of force in the issuance and implementation of search and arrest warrants.[95] Thus, in Rule 3 of the Body Camera Resolution pertaining to search warrants, this Court emphasized the need to state "compelling reasons" when applying for a search warrant involving violations of the Comprehensive Dangerous Drugs Act of 2002, among other heinous crimes.

> SECTION 2. *Search Warrants in Special Criminal Cases by Executive Judges of Regional Trial Courts.* – Except for the jurisdiction of the Special Commercial Courts to issue search warrants involving intellectual property rights violations, *the Executive Judges and, whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges of the Regional Trial Courts shall have authority to act on applications filed by the National Bureau of Investigation, the Philippine National Police, the Anti-Crime Task Force, the Philippine Drug Enforcement Agency, and the Bureau of Customs, for search warrants*

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92 *Id.* at 13--15.

93 Administrative Matter No. 21-06-08-SC (2021) or the "Rules on the Use of Body-Worn Cameras in the Execution of Warrants."

94 Administrative Matter No. 21-06-08-SC (2021), Rule 1, section 2.

95 Administrative Matter No. 21-06-08-SC (2021), Guiding Principles ("whereas" clauses), paragraphs 3–4 & 13.

> *involving heinous crimes*, illegal gambling, illegal possession of firearms and ammunitions, *as well as violations of the Comprehensive Dangerous Drugs Act of 2002*, the Anti-Money Laundering Act of 2001, the Customs Modernization and Tariff Act, and other relevant laws that may hereafter be enacted by Congress, and included in these Rules by the Supreme Court.
>
> The applications shall be personally endorsed by the heads of such agencies and shall particularly describe the places to be searched and/or the property or things to be seized as prescribed in the Rules of Court. *They shall also state the* ***compelling reasons*** *for filing the application with these courts.* The Executive Judges and Vice-Executive Judges concerned shall issue the warrants, if justified, which may be served in *places outside the territorial jurisdiction, but within the judicial regions of these courts.*
>
> The Executive Judges and the authorized Judges shall keep a *special docket book listing the names of Judges to whom the applications are assigned, the details of the applications and the results of the searches and seizures* made pursuant to the warrants issued.
>
> This Section shall be an exception to Section 2 of Rule 126 of the Rules of Court. (Emphasis supplied)

The Body Camera Resolution, with reference to Administrative Matter 03-8-02-SC, also imposed stricter requirements not only in the search warrant application process, but also in its post-implementation processes, which now require the recording of the "details of the applications and the results" of the subsequent search and seizure operations.[96]

Finally, Rule 3, Section 7 of the Body Camera Resolution excludes evidence procured through search warrants that fail to comply with its requirements.[97] These provisions illustrate a consistent trend towards requiring substantial basis before, during, and after any state-sanctioned interference into the people's fundamental rights to life, liberty, property and against unreasonable search and seizure.

Even *Chiu* and *Petron Gasul*, which accepted the applicants' unsubstantiated fears of information leaks as "compelling reasons," considered *other evidence* showing other reasons for the application's urgency. In *Chiu*, the applicant submitted evidence of a second location where the accused could possibly relocate the dangerous drugs sought to be seized.[98] Similarly, *Petron Gasul* considered evidence of the rapid sales of illegally refilled LPG tanks in justifying the urgency of seizure. It is, therefore, apparent that claims of "compelling reasons" in a search warrant application require evidentiary basis, as these form part of the issuing judge's probable cause determination.[99]

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96 Administrative Matter No. 03-8-02-SC (2004), Chapter V, section 12, paragraph 3.

97 Administrative Matter No. 21-06-08-SC (2021), Rule 3, section 7, paragraph 1.

98 *People v. Chiu*, 468 Phil 183, 198–199 (2004). [Per J. Callejo, Sr., Second Division].

99 *Petron Gasul LPG Dealers Association v. Lao*, 790 Phil 216, 231 (2016). [Per J. Del Castillo, Second Division].

III

It is equally alarming that the Court of Appeals justified the search warrant's issuance by stating that "the authority to issue search warrants is inherent in all courts,"[100] as if this statement of jurisdiction could limit the right against unreasonable search and seizure.

> It must be noted also that nothing [sic] in the above-quoted rule does it say that the court issuing a search warrant must also have jurisdiction over the offense. A search warrant may be issued by any court pursuant to Section 2, Rule 126 of the Rules of Court and the resultant case may be filed in another court that has jurisdiction over the offense committed. *What controls here is that a search warrant is merely a process, generally issued by a court in the exercise of its ancillary jurisdiction, and not a criminal action to be entertained by a court pursuant to its original jurisdiction.*
>
> Again, the authority to issue search warrants is inherent in all courts and may be effected outside their territorial jurisdiction.[101] (Citations omitted; Emphasis supplied)

The Court of Appeals' pronouncement mirrors the reasoning in the main opinion of Administrative Matter No. 16-05-142-RTC, which involved the Office of the Court Administrator's audit of the Regional Trial Court of Malabon City's practices in handling search warrant applications.[102] The trial court's practices were deemed irregular for sanctioning search operations outside of its territorial jurisdiction without adequately compelling reasons. However, this Court's main opinion ruled that a statement of compelling reasons refers *only to a venue requirement* and is not mandatory for the issuance of a search warrant.

> The absence of a statement of compelling reasons, however, is **not** a ground for the *outright* denial of a search warrant application, since it is not one of the requisites for the issuance of a search warrant. Section 4 of Rule 126 is clear on this point:
>
> > SECTION 4. Requisites for issuing search warrant. — A search warrant shall not issue **except upon probable cause** in connection with one specific offense to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and **particularly describing the place to be searched and the things to be seized** which may be anywhere in the Philippines.

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[100] Court of Appeals *rollo*, p. 120.

[101] *Id.*

[102] *Re: Report on the Preliminary Results of the Spot Audit in the Regional Trial Court, Branch 170, Malabon City*, Administrative Matter No. 16-05-142-RTC, 817 Phil. 724 (2017) [Per J. Del Castillo, *En Banc*].

> In other words, the statement of compelling reasons is only a mandatory requirement in so far as the *proper venue* for the filing of a search warrant application is concerned. It cannot be viewed as an additional requisite for the issuance of a search warrant.
>
> It is also important to stress that an application for a search warrant merely constitutes a **criminal process** and is not in itself a criminal action. The rule, therefore, that venue is jurisdictional in criminal cases does not apply thereto. Simply stated, **venue is only procedural, and not jurisdictional, in applications for the issuance of a search warrant.**[103] (Emphasis in the original; citations omitted)

This illustrates an apparent confusion between a court's *authority* to act on a search warrant application, and the *propriety* of its action on the same application. *Malaloan* clarified that venue rules are separate and distinct from the rules governing a court's jurisdiction over a search warrant application.[104] While venue is non-jurisdictional in a search warrant application, it is a requirement for a search warrant's issuance under Rule 126 of the Revised Rules of Criminal Procedure, which must then be read together with the requirement of probable cause in the Constitution.[105] Thus, the venue rules for a search warrant application pertain to a requirement of *sufficiency*, which affects the propriety of a warrant's issuance despite being non-jurisdictional in nature.

The main opinion in Administrative Matter No. 16-05-142-RTC also cited *Pilipinas Shell v. Romars International*[106] as support for the non-jurisdictional, and, thus, non-mandatory nature of an application's statement of compelling reasons.

> In *Pilipinas Shell Petroleum Corporation v. Romars International Gases Corporation*, the Court ruled that the issue on the absence of a statement of compelling reasons in an application for a search warrant does not involve a question of jurisdiction over the subject matter, as the power to issue search warrants is *inherent* in all courts. Thus, **the trial court may only take cognizance of such issue *if* it is raised in a timely motion to quash the search warrant.** Otherwise, the objection shall be deemed *waived*, pursuant to the Omnibus Motion Rule.
>
> Consequently, the Court in *Pilipinas Shell* upheld the validity of the questioned search warrants *despite the lack of a statement of compelling reasons in their respective applications*, as the objection was not properly raised in a motion to quash.[107] (Emphasis in the original; citations omitted)

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103 *Id.* at 763–764.

104 *Malaloan v. Court of Appeals*, 302 Phil. 274, 285–287 (1994) [Per J. Regalado, *En Banc*].

105 *Id.* at 295–296.

106 753 Phil. 707 (2015) [Per J. Peralta, Third Division].

107 *Re: Report on the Preliminary Results of the Spot Audit in the Regional Trial Court, Branch 170, Malabon City*, Administrative Matter No. 16-05-142-RTC, 817 Phil. 724, 764 (2017) [Per J. Del Castillo, *En Banc*].

However, Justice Peralta's dissent in Administrative Matter No. 16-05-142-RTC provides a more accurate interpretation of his *ponencia* in *Pilipinas Shell*, in the context of Rule 126, Section 2(b)'s requirements.

> Judge Docena and Judge Magsino maintain that they may take cognizance of applications for search warrants enforceable outside the territorial jurisdiction of their courts pursuant to the rulings in *Malaloan v. CA*, where the Court ruled that a search warrant is a special criminal process, which is inherent in all court, and in *Pilipinas Shell Petroleum Corporation v. Romars International Gases Corporation*, where it was held that the rule that venue is jurisdictional does not apply to search warrant applications.
>
> *What both judges are missing, however, is the fact that in Malaloan v. CA, while the Court indeed ruled that a court may take cognizance of an application for search warrant in connection with an offense committed outside its territorial jurisdiction, it clearly stated that the executive judge* (of the court within whose territorial jurisdiction the crime was committed), *or the lawful substitute in the area, shall have primary jurisdiction.* ***The rest of the courts may take cognizance of the same only when compelling reasons of urgency, subject, time, and place, are extant.***
>
> . . . .
>
> Also, *Malaloan* was promulgated in 1994, when the 1985 Rules on Criminal Procedure still governed. At that time, Section 2 of Rule 126 of the 2000 Rules on Criminal Procedure, specifically providing for the Courts where applications for search warrant shall be filed, was yet to be inserted in the Rules. *Therefore, whatever was held in Malaloan has already been modified by the promulgation of the 2000 Revised Rules of Criminal Procedure.*[108] (Emphasis supplied; citations omitted)

The dissent further clarified that *Pilipinas Shell* upheld the search warrant's validity only because the defense raised the absence of compelling reasons for the first time in their Motion for Reconsideration, which violated the Omnibus Motion Rule.

> Further, when granting or denying a search warrant, *Pilipinas Shell should be treated as an exception rather than the general rule.* In that case, *the Court merely resolved the issue of whether or not the court of origin was correct when it reconsidered its Order of denial of the Motion to Quash the search warrant on the ground that the application should have been filed with the RTC of Iriga City.* Holding that the issue is not one involving jurisdiction, the Court ruled that the court of origin should not have taken cognizance of the same since the respondent raised the issue for the first time in his Motion for Reconsideration, violating the Omnibus Motion rule.
>
> Note that, while the court in *Pilipinas Shell* upheld the validity of the questioned search warrants despite the lack of a statement of compelling reasons in the application since the objection pertaining thereto was never duly raised in a motion to quash, such remedy of filing a motion to quash

[108] J. Peralta, Dissenting Opinion in *Re: Report on the Preliminary Results of the Spot Audit in the Regional Trial Court, Branch 170, Malabon City*, Administrative Matter No. 16-05-142-RTC, 817 Phil. 724, 790–791 (2017) [Per J. Del Castillo, *En Banc*].

> cannot be availed of in this case because here, a criminal case was yet to be filed, or the search warrants yielded negative results, remained unserved or were never returned to the court.[109] (Emphasis supplied; citations omitted)

Pilipinas Shell definitively ruled: (1) that a search warrant application must strictly comply with the requirements for its issuance because it limits the right against unreasonable search and seizure; (2) that the "statement of compelling reasons" required by Rule 126, Section 2 of the Revised Rules of Criminal Procedure were among these requirements; and (3) that had the absence of compelling reasons been raised in a timely manner, the application's recourse to Rule 126, Section 2(b) would have been denied for insufficiency.

> *The above provision is clear enough. Under paragraph (b) thereof, the application for search warrant in this case should have stated compelling reasons why the same was being filed with the RTC-Naga instead of the RTC-Iriga City*, considering that it is the latter court that has territorial jurisdiction over the place where the alleged crime was committed and also the place where the search warrant was enforced. The wordings of the provision is of a mandatory nature, requiring a statement of compelling reasons if the application is filed in a court which does not have territorial jurisdiction over the place of commission of the crime. *Since Section 2, Article III of the 1987 Constitution guarantees the right of persons to be free from unreasonable searches and seizures, and search warrants constitute a limitation on this right, then Section 2, Rule 126 of the Revised Rules of Criminal Procedure should be construed strictly against state authorities who would be enforcing the search warrants.* ***On this point, then, petitioner's application for a search warrant was indeed insufficient*** for failing to comply with the requirement to state therein the compelling reasons why they had to file the application in a court that did not have territorial jurisdiction over the place where the alleged crime was committed.[110] (Emphasis supplied; citations omitted)

Again, the statement of compelling reasons required by Rule 126, Section 2(b) pertains to the application's *sufficiency*, and not to the issuing court's *jurisdiction*. Without adequate proof of these "compelling reasons," a court should declare a search warrant application *insufficient*, and thus, deny the search warrant's issuance.

In view of the forgoing, Search Warrant No. 2013-48 must be invalidated for being issued without compelling reasons cited for the applicant's recourse to Rule 126, Section 2(b) of the Revised Rules of Criminal Procedure. Furthermore, the issuance of Search Warrant No. 2013-48 violates accused-appellant's right against unreasonable search and seizure.

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[109] *Id.* at 791–792.

[110] *Pilipinas Shell Petroleum Corporation v. Romars International Gases Corp.*, 753 Phil. 707, 715 (2015) [Per J. Peralta, Third Division].

This Court is tasked with giving meaning to the rights and freedoms contained in our Constitution. Our courts must be more deliberate and discerning in the assessment of the reasons that would justify any limitation on fundamental rights if these rights are to have their intended effect.

There was no basis on record for the applicant's supposed fears of information leakage. Concurrently, there was no basis for their application's filing with the Regional Trial Court of Ligao City when the alleged crime and the subject of the search warrant were within the territorial jurisdiction of Legazpi City. Thus, while the issuing judge had authority to act on the application, they did not have sufficient basis to issue Search Warrant No. 2013-48. In effect, they unjustly sanctioned the impingement of accused-appellant's right against unreasonable search and seizure.

The evidence procured from the implementation of Search Warrant No. 2013-48 must be excluded from the record. In the absence of evidence proving the charges of the alleged violation of Article II, Section 11 of Republic Act No. 9165, accused-appellant must be acquitted.

ACCORDINGLY, the appeal is **GRANTED**. The August 15, 2017 Decision of the Regional Trial Court, Fifth Judicial Region, Legazpi City in Criminal Case No. 13191 and the September 27, 2018 Decision of the Court of Appeals, Special Sixteenth Division, Manila in CA-G.R. CR-HC No. 09768 are hereby **REVERSED** and **SET ASIDE**. Accused-appellant Ruel Alagaban y Bonafe is hereby **ACQUITTED** of illegal possession of dangerous drugs and is ordered **RELEASED** from confinement unless he is being held for some other legal grounds.

Let a copy of this Decision be furnished to the Director of the Bureau of Corrections for immediate implementation. The Director of the Bureau of Corrections is directed to report the action he has taken to this Court within five (5) days from receipt of this Decision. For their information, copies shall also be furnished to the Police General of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

The Regional Trial Court is directed to turn over the sachets of methamphetamine hydrochloride subject of this case to the Dangerous Drugs Board for destruction in accordance with law.

Let entry of final judgment be issued immediately.

SO ORDERED.

MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

On leave
ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice