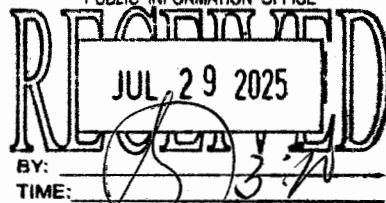




Republic of the Philippines
Supreme Court
Baguio City

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 273189

Present:

-versus-

CESAR OLIMAN, ELIAS RAYPAN
@ ELY, RICARDO OLIMAN y
ENRIQUEZ @ KARDING,
KENNETH DEITA y BELARMINO,
ANALY DEQUILLO y LITERAL,
GARY GUBATAN y BALISCOT,
MARIFE DE JESUS y
EVANGELISTA, and GERRY
ENRIQUEZ y SUNGA,
Accused;

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

MARIFE DE JESUS y
EVANGELISTA,
Accused-appellant.

Promulgated:
APR 21 2025

X-----X

DECISION

LEONEN, J.:

The particularity of the place to be searched is a requirement under the Constitution. It prevents law enforcement officers from exercising unbridled authority and curb potential abuse in the search warrant's implementation.¹ A search warrant that fails to comply with this requirement is considered a general warrant proscribed by the Constitution.²

¹ *Sio v. People*, 920 Phil. 400 (2022) [Per J. Leonen, Third Division].

² *HPS Software and Communication Corp. v. PLDT*, 700 Phil. 534, 571 (2012) [Per J. Leonardo-De Castro, First Division].

For this Court's resolution is a Notice of Appeal³ challenging the Court of Appeals' Decision,⁴ which modifies the ruling of the Regional Trial Court⁵ finding Marife De Jesus y Evangelista (De Jesus) guilty of violating Sections 6, 11, and 12 of Republic Act No. 9165 and Gerry Enriquez y Sunga (Gerry) of illegal sale of dangerous drug under Section 15 of the same law.

Five separate Informations were filed against De Jesus, Gerry, Cesar Oliman (Cesar), Elias Raypan (Raypan),⁶ Ricardo Oliman y Enriquez (Ricardo) a.k.a. "Karding," Kenneth Deita y Belarmino (Deita), Analy Dequillo y Literal (Dequillo), and Gary Gubaton y Baliscot (Gubaton), charging them of violating the provisions of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002:

Criminal Case No. R-MKT-17-03858-CR

(For: Violation of Article II, [Section 6 of the Republic Act] No. 9165 against accused Cesar Oliman, Elias [Raypan] and appellant Marife)

On or about the 8th day of November 2017, in the city of Makati, the Philippines, accused, conspiring and confederating together and all of them mutually helping and aiding one another, did then and there wilfully, unlawfully, and feloniously openly maintain her residence located at No. 9238 Oliman Compound, Pateros St., Brgy. Olympia Makati City as drug den where drugs are administered/sold dispensed and used.

CONTRARY TO LAW.

....

Criminal Case No. R-MKT-17-03859-CR

(For: Violation of Article II, [Section 7 of the Republic Act] No. 9165, against accused Ricardo Oliman y Enriquez @ Karding [Ricardo], accused Kenneth Deita y Belarmino [Kenneth], accused Analy Dequillo y Literal [Analy], accused Gary Gubaton y Baliscot [Gary] and appellant Gerry)

On or about the 8th day of November 2017, in the city of Makati, the Philippines, accused, conspiring and confederating, did then and there willfully, unlawfully and feloniously visit a house located at No. 9238 Oliman Compound, Pateros St., Brgy. Olympia, Makati City, knowing fully well that said house is a drug den where drugs are administered/sold, dispensed and used[.]

CONTRARY TO LAW.

³ *Rollo*, pp. 3–5.

⁴ *Id.* at 10–38. The July 28, 2023 Decision in CA-G.R. CR HC No. 13943 was penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Germano Francisco D. Legaspi of the Third Division, Court of Appeals, Manila.

⁵ *Id.* at 41–55. The September 19, 2019 Decision in Crim. Case Nos. R-MKT-17-03858-CR, R-MKT-17-03859-CR, R-MKT-17-03860-CR, R-MKT-17-03861-CR and R-MKT-17-03862-CR was penned by Acting Presiding Judge Rommel O. Baybay of Branch 65, Regional Trial Court, Makati City.

⁶ Also spelled as "Elias Reypan" in some parts of the rollo.

Criminal Case No. R-MKT-17-03860-CR

(For: Violation of Article II, [Section 11 of the Republic Act] No. 9165
against Appellant Marife)

On or about the 8th day of November 2017, in the city of Makati, Philippines, accused, not being lawfully authorized to possess or otherwise use any dangerous drug and without the corresponding license or prescription, did then and there willfully and feloniously have in her possession, direct custody and control twenty nine point Six five two four (29.6524) grams of methamphetamine hydrochloride, a dangerous drug, in violation of the above-cited law.

CONTRARY TO LAW.

Criminal Case No. R-MKT-17-03861-CR

(For: Violation of Article II, [Section 12 of the Republic Act] No. 9165
against Appellant Marife)

On or about the 8th day of November 2017, in the city of Makati, Philippines, accused, not being lawfully authorized to possess or otherwise use any equipment, instrument, apparatus, and other paraphernalia fit or intended for smoking, administering or introducing any dangerous drug into the body, without the corresponding license, did then and there willfully and feloniously have in his possession, direct custody and control several rolled aluminum foil and several strips of aluminum foil, which are drug paraphernalia, in violation of the above-cited law.

CONTRARY TO LAW.

....

Criminal Case No. R-MKT-17-03862-CR

(For: Violation of Article II, [Section 15 of the Republic Act] No. 9165
against Appellant Gerry)

On or about the 8th day of November 2017, in the city of Makati, Philippines, accused, not being authorized by law to use any dangerous drug and without the corresponding prescription, did then and there willfully, unlawfully and feloniously use methamphetamine, a dangerous drug, as determined by a confirmatory test conducted after his arrest, in violation of the above- cited law

CONTRARY TO LAW.⁷

On arraignment, De Jesus, Gerry, Ricardo, Deita, Dequillo, and Gubaton pleaded not guilty to the crimes charged against them.⁸ Meanwhile, Cesar and Raypan were not arrested and remained at large.⁹

⁷ *Id.* at 11–13.

⁸ *Id.* at 13.

⁹ *Id.* at 11.

After pre-trial, trial on the merits ensued.¹⁰

The prosecution alleged that in the afternoon of November 8, 2017, Senior Officer 3 Beltran T. Lacap, Jr. (SO3 Lacap, Jr.) of the Philippine Drug Enforcement Agency (PDEA) conducted a briefing “regarding the simultaneous implementation of two Search Warrants issued by Honorable Executive Judge Elmo M. Alameda of the Regional Trial Court, Branch 150, Makati City.”¹¹ One of the search warrants, Search Warrant No. 17-039, was assigned to SO3 Lacap, Jr.’s team and was to be served “within the premises of Cesar, [Raypan], appellant Marife and John and Jane Doe/s. . . at No. 9238 Oliman Compound, Pateros Street, Barangay Olympia, Makati City.”¹²

SO3 Lacap, Jr. designated Intelligence Officer 1 Jerome Mandiit (IO1 Mandiit) as the seizing officer while Intelligence Officer 1 Berlin D. Orlanes (IO1 Orlanes) was tasked to be the immediate backup officer. After coordinating with the local police and preparing the necessary documents, the team proceeded to the target area.¹³

Upon their arrival, the PDEA Officers entered the Oliman Compound and introduced themselves to the individuals found in the premises. They saw Ricardo, Deita, Dequillo, Gubaton, and Gerry at the ground floor, while De Jesus at the 2nd floor of the compound.¹⁴

After presenting the search warrant to De Jesus, the PDEA officers began their search at the 2nd floor of the Oliman Compound. The search, which was witnessed by De Jesus, Barangay Kagawad Noe Lyndon Gonzales (Kagawad Gonzales) and media representative Jimmy Mendoza (Jimmy), resulted in the recovery of a cigarette pack containing “50 pieces of heat-sealed transparent plastic sachets” and a pink coin purse which had inside “two pieces of medium heat-sealed transparent sachets, both containing white crystalline substances suspected to be *shabu*, and several strips of aluminum foil[.]”¹⁵

The PDEA officers also searched the ground floor of the compound where they found a pink floral pouch containing the following: two pieces of medium and eleven pieces of small sized heat-sealed transparent plastic sachets, several rolled aluminum foils, and a Marlboro flip top box containing four small pieces heat-sealed transparent plastic sachets. IO1 Orlanes then

¹⁰ *Id.* at 13.

¹¹ *Id.* at 14.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 14, 44.

¹⁵ *Id.* at 14–15.

proceeded to arrest the occupants and informed them of their constitutional rights.¹⁶

Following the inventory of the confiscated items, IO1 Mandiit accompanied the arrested individuals “to their office for documentation and processing.”¹⁷ The items recovered and the apprehended individuals were endorsed to IO1 Jake Edwin Million (IO1 Million) who, in turn, submitted the confiscated items for examination. The urine samples of the arrested individuals were also collected for drug testing before they were subjected to physical examination.¹⁸

The examination conducted on the seized items and the urine samples taken from De Jesus and Gerry tested positive for methamphetamine hydrochloride or *shabu*.¹⁹

For their part, De Jesus, Gerry, Ricardo, Deita, Dequillo, and Gubaton denied the accusations against them. De Jesus countered that during their arrest, she was no longer a resident of Oliman Compound and had been living in a different house with her live-in partner. However, De Jesus admitted that she co-owns the house at the said compound and often visits her children.²⁰

In the evening of November 8, 2017, De Jesus alleged that she was visiting her children when 15 PDEA agents suddenly arrived at the Oliman Compound, searched the place, and arrested its occupants. Later that night, the PDEA agents conducted a second search of the house, which was witnessed by Kagawad Gonzales and Jimmy. Dequillo corroborated De Jesus’s testimony and said she was cooking for her son’s birthday at that time.²¹

Meanwhile, Gerry narrated that he was at a birthday party when a man wearing a PDEA uniform approached him and asked if he was “Cesar.” After saying no, the officer directed him to go downstairs where a certain “Director Fajardo” was keeping his relatives.²² Gerry claimed that the arrested individuals were made to watch the PDEA officers search Dequillo’s house and he witnessed them mark the *shabu* they were carrying.²³

On September 19, 2019, the Regional Trial Court rendered its Decision convicting De Jesus and Gerry. The dispositive portion of the Decision read:

¹⁶ *Id.* at 15.

¹⁷ *Id.*

¹⁸ *Id.* at 15–16.

¹⁹ *Id.* at 16.

²⁰ *Id.* at 46–47.

²¹ *Id.* at 16–17.

²² *Id.* at 17.

²³ *Id.* at 49–50.

WHEREFORE, premises considered, in **Criminal Case No. R-MKT-17-03858-CR**, the Court finds accused **Marife de Jesus y Evangelista**, **GUILTY** beyond reasonable doubt of the crime of violation of **Section 6 of [Republic Act] 9165**, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences her to suffer the penalty of **LIFE IMPRISONMENT** and to pay a fine of [PHP] 5,000,000.00.

In Criminal Case No. **R-MKT-17-03859-CR**, for failure of the prosecution to prove the guilt beyond reasonable doubt, judgment is hereby rendered **ACQUITTING**, accused **Ricardo Oliman y Enriquez @ Karding**, **Kenneth Deita y Belarmino**, **Analy Dequillo y Literal**, **Gerry Enriquez y Sunga**, and **Gary Gubaton y Baliscot**, for violation of **Section 7 of [Republic Act] 9165**.

In Criminal Case No. **R-MKT-17-03860-CR**, the Court finds accused **Marife de Jesus y Evangelista**, **GUILTY** beyond reasonable doubt of the crime of violation of **Section 11 of [Republic Act] 9165**, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences her to suffer the penalty of **LIFE IMPRISONMENT** and to pay a fine of [PHP] 500,000.00.

In Criminal Case No. **R-MKT-17-03861-CR**, the Court finds accused **Marife de Jesus y Evangelista**, **GUILTY** beyond reasonable doubt of the crime of violation of **Section 12 of [Republic Act] 9165**, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences her to suffer **imprisonment of four (4) years** and to pay a fine of [PHP] 50,000.00.

In Criminal Case No. **R-MKT-17-03862-CR**, the Court finds accused **Gerry Enriquez y Sunga**, **GUILTY** beyond reasonable doubt of the crime of violation of **Section 15 of [Republic Act] 9165**, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences him to suffer the penalty of **six (6) months rehabilitation and treatment in a government center** and to pay a fine of [PHP] 50,000.00.

Meanwhile, in **Criminal Case No. R-MKT-17-03858-CR**, this case is hereby ordered **ARCHIVED** as against accused **Cesar Oliman and Elias [Raypan] @ Ely**.

Let the corresponding **ALIAS WARRANT OF ARREST** be issued against accused **CESAR OLIMAN and ELIAS [RAYPAN] @ Ely**.

SO ORDERED.²⁴ (Emphasis in the original)

In convicting De Jesus, the Regional Trial Court decreed that the prosecution proved the elements of the crime of maintaining a drug den, particularly that she owned "the house where [the] illegal drugs and paraphernalia were recovered," and dangerous drugs were being used in her house.²⁵

²⁴ *Id.* at 55.

²⁵ *Id.* at 52.

As to the crimes of illegal possession of dangerous and illegal possession of drug paraphernalia, the Regional Trial Court also noted that De Jesus had constructive possession of the seized items since the 29.6524 grams worth of dangerous drugs and several items of drug paraphernalia were recovered from the room she owned.²⁶

Nonetheless, the trial court acquitted Ricardo, Deita, Dequillo, Gerry and Gubaton of violating Section 7 of Republic Act No. 9165 as the prosecution failed to establish that (1) they were employees of De Jesus, and (2) these individuals visited the place knowing that it was a drug den.²⁷

Finally, the Regional Trial Court convicted Gerry of violating Section 15 of Rep. Act No. 9165, stressing that he tested positive for use of dangerous drugs.²⁸

In its November 10, 2019 Order,²⁹ the Regional Trial Court denied De Jesus and Gerry's motion for reconsideration for lack of merit.

Dissatisfied, De Jesus and Gerry appealed with the Court of Appeals,³⁰ arguing that the Regional Trial Court erred in rendering a judgment of conviction. They contended that Search Warrant No. 17-039 was invalidly issued as it failed to particularly describe the place to be searched.³¹ De Jesus and Gerry also stressed that while IO1 Mandiit admitted that Oliman Compound was composed of three houses, the search warrant failed to "specifically state the particular house or room to be searched in Oliman Compound[.]"³²

Additionally, De Jesus and Gerry averred that the prosecution failed to offer any of the evidence which the judge considered in issuing the search warrant.³³ They claimed that the confiscated items are inadmissible in evidence since no evidence was presented from which it can be inferred that the requisite examination was made by the issuing judge.³⁴

De Jesus and Gerry further stressed that the failure of the PDEA officers to make a return of the search warrant and accused-appellants' failure to sign

²⁶ *Id.* at 53–54.

²⁷ *Id.* at 52–53.

²⁸ *Id.* at 55.

²⁹ CA *rollo*, pp. 93–94. The November 10, 2019 Order in Crim. Case Nos. R-MKT-17-03858, R-MKT-17-03860, R-MKT-17-03861 and R-MKT-17-03862 was penned by Acting Presiding Judge Gina M. Bibat-Palamos of Branch 65, Regional Trial Court, Makati City.

³⁰ *Id.* at 14–15.

³¹ *Id.* at 54–57.

³² *Id.* at 55.

³³ *Id.* at 56–57.

³⁴ *Id.* at 57.

the Certification of Good Conduct Search rendered the conduct of the search irregular.³⁵

De Jesus and Gerry maintained that the prosecution failed to prove their guilt beyond reasonable doubt, arguing that the prosecution failed to establish all elements of the crimes for which they were convicted.³⁶

Finally, De Jesus and Gerry contended that the failure of the PDEA officers to comply with the mandate of Section 21 of Republic Act No. 9165 casts doubt on the integrity of the confiscated items.³⁷

The Office of the Solicitor General (OSG), on behalf of the People of the Philippines, countered that the search warrant specifically describes the place to be searched.³⁸ It maintained that the place's description "was sufficient and descriptive enough to prevent a search of other premises located within the surrounding area or community."³⁹

The OSG averred that contrary to accused-appellants' allegations, the search warrant was issued after the judge determined that probable cause existed based on the testimonies of the applicant and his witness.⁴⁰

Additionally, the OSG argued that absent any evidence that the requisites for the issuance of a search warrant were not complied with or that no return of the search warrant was made, the issuing judge and police officers are presumed to have regularly performed their official duties.⁴¹

The OSG further contended that the failure of De Jesus to sign the Certificate of Good Conduct Search is immaterial considering that the signatures of the barangay official and media representative appearing on the document and their presence during the search ensured that the search was conducted in a regular manner.⁴²

The OSG claimed that the Regional Trial Court correctly convicted De Jesus and Gerry since the prosecution successfully established the elements of the crimes charged.⁴³

³⁵ *Id.* at 57–58.

³⁶ *Id.* at 59–66.

³⁷ *Id.* at 67–76.

³⁸ *Id.* at 119–122.

³⁹ *Id.* at 122.

⁴⁰ *Id.* at 122–123.

⁴¹ *Id.* at 123.

⁴² *Id.* at 124.

⁴³ *Id.* at 124–133.

Finally, the OSG stressed that the PDEA officers complied with the chain of custody rule and that the integrity and evidentiary value of the confiscated items have been preserved.⁴⁴

In its assailed Decision, the Court of Appeals partially granted the appeal by sustaining De Jesus's conviction for illegal possession of dangerous drugs, but rendering a judgment of acquittal in Criminal Case Nos. R-MKT-17-03858-CR, R-MKT-17-03861-CR, and R-MKT-17-03862-CR.⁴⁵

The Court of Appeals rejected the arguments against the search warrant's validity and ruled that "the Search Warrant clearly shows that the issuing [j]udge had personally examined under oath"⁴⁶ the applicant and his witness.⁴⁷ It stressed that the search warrant will not be rendered invalid by reason of the failure to attach the supporting documents provided that there "be evidence on record showing what testimony was presented."⁴⁸

The Court of Appeals decreed that the search warrant complied with the particularity requirement as it specifically indicated the "exact number, street, barangay, city as well as the owners of the place to be searched."⁴⁹

Nonetheless, the Court of Appeals found that except for De Jesus's guilt for the crime of illegal possession of dangerous drugs, the prosecution failed to prove accused-appellant's guilt for the crimes of violating Sections 6 and 12 of Republic Act No. 9165. It noted that not all elements of the offenses were sufficiently established by the prosecution.⁵⁰

Aggrieved, De Jesus filed a Notice of Appeal.⁵¹

In its July 8, 2024 Resolution, this Court noted the records of this case forwarded by the Court of Appeals, notified the parties that they may file their supplemental briefs, and required the Correctional Institution for Women, Mandaluyong City to confirm accused-appellant's confinement.⁵²

Both accused-appellant and plaintiff-appellee manifested that they will no longer file supplemental briefs.⁵³

⁴⁴ *Id.* at 133–140.

⁴⁵ *Rollo*, pp. 37–38.

⁴⁶ *Id.* at 23.

⁴⁷ *Id.* at 22–23.

⁴⁸ *Id.* at 22. (Citations omitted)

⁴⁹ *Id.* at 24.

⁵⁰ *Id.* at 26–36.

⁵¹ *Id.* at 3–5.

⁵² *Id.*

⁵³ *Id.* at 69–71, 64–66.

For this Court's resolution are: *first*, whether Search Warrant No. 17-039 meets the standards of a valid search warrant; and *second*, whether accused-appellant Marife De Jesus y Evangelista is guilty beyond reasonable doubt of illegal possession of dangerous drugs.

The appeal is meritorious.

Article III, Section 2 of the 1987 Constitution lays down the right of every individual "to personal liberty and security of homes against unreasonable searches and seizures[:]"⁵⁴

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.

This constitutional guarantee is complemented by Article III, Section 3 (2) of the Constitution which states that "[a]ny evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding."

To be valid, a search warrant must comply with certain requisites. *People v. Francisco*⁵⁵ stated:

Specifically, the requisites for the issuance of a valid search warrant are: (1) probable cause is present; (2) such presence is determined personally by the judge; (3) the complainant and the witnesses he or she may produce are personally examined by the judge, in writing and under oath or affirmation; (4) the applicant and the witnesses testify on the facts personally known to them; and (5) the warrant specifically describes the place to be searched and the things to be seized.

The absence of any of these requisites will cause the downright nullification of the search warrants. The proceedings upon search warrants must be absolutely legal, for there is not a description of process known to the law, the execution of which is more distressing to the citizen. Perhaps there is none which excites such intense feeling in consequence of its humiliating and degrading effect. The warrants will always be construed strictly without, however, going the full length of requiring technical accuracy. No presumptions of regularity are to be invoked in aid of the process when an officer undertakes to justify it.⁵⁶ (Citations omitted)

⁵⁴ *Nala v. Judge Barroso, Jr.*, 455 Phil. 999, 1007 (2003) [Per J. Ynares-Santiago, First Division].

⁵⁵ 436 Phil. 383 (2002) [Per J. Ynares-Santiago, First Division].

⁵⁶ *Id.* at 390-391.

As to the requirement of the particularity of the place to be searched, jurisprudence dictates that the description is deemed "sufficient if the officer serving the warrant can, with reasonable effort, ascertain and identify the place intended and distinguish it from other places in the community."⁵⁷ This constitutional requirement is complied with when the description stated in the search warrant "points out the place to be searched to the exclusion of all others, and on inquiry unerringly leads the peace officers to it[.]"⁵⁸ *Diaz v. People*⁵⁹ expounded on the importance of this rule:

"A search warrant issued must particularly describe the place to be searched and persons or things to be seized in order for it to be valid, otherwise, it is considered as a general warrant which is proscribed by both jurisprudence and the 1987 Constitution.' The particularity of the place described is essential in the issuance of search warrants to avoid the exercise by the enforcing officers of discretion to decide on their own where to search and whom and what to seize. 'Additionally, the requisite of particularity is related to the probable cause requirement in that, at least under some circumstances, the lack of a more specific description will make it apparent that there has not been a sufficient showing to the [court] that the described items are to be found in a particular place."⁶⁰ (Citations omitted)

In several cases, this Court emphasized the significance of this requirement and invalidated search warrants that failed to comply with the particularity requirement.

In *People v. Estrada*,⁶¹ this Court upheld the ruling of the Regional Trial Court ordering the quashal of Search Warrant No. 958 (95) against Aiden Lanuza (Lanuza). This Court noted that the search warrant merely indicated the address of the compound where Lanuza's house was located without specifying the exact address number of her residence:

Secondly, the place sought to be searched had not been described with sufficient particularity in the questioned search warrant, considering that private respondent Aiden Lanuza's residence is actually located at Lot No. 41, 516 San Jose de la Montana St., Mabolo, Cebu City, while the drugs sought to be seized were found in a warehouse at Lot No. 38 within the same compound. The said warehouse is owned by a different person. Again, the respondent Judge is correct on this point.

This Court has held that the applicant should particularly describe the place to be searched and the person or things to be seized, *wherever and whenever it is feasible*. In the present case, it must be noted that the application for search warrant was accompanied by a sketch of the compound at 516 San Jose de la Montana St., Mabolo, Cebu City. The sketch indicated the 2-storey residential house of private respondent with a large "X" enclosed in a square. Within the same compound are residences

⁵⁷ *People v. Tuan*, 642 Phil. 379, 406 (2010) [Per J. Leonardo-De Castro, First Division].

⁵⁸ *Id.*

⁵⁹ 877 Phil. 523 (2020) [Per J. Hernando, Second Division].

⁶⁰ *Id.* at 532-533.

⁶¹ 357 Phil. 377 (1998) [Per J. Martinez, Second Division].

of other people, workshops, offices, factories and warehouse. With this sketch as the guide, it could have been very easy to describe the residential house of private respondent *with sufficient particularity so as to segregate it from the other buildings or structures inside the same compound*. But the search warrant merely indicated the address of the compound which is 516 San Jose de la Montana St., Mabolo, Cebu City. This description of the place to be searched is too general and does not pinpoint the specific house of private respondent. Thus, the inadequacy of the description of the residence of private respondent sought to be searched has characterized the questioned search warrant as a *general warrant*, which is violative of the constitutional requirement.⁶² (Emphasis in the original, citations omitted)

Similarly, in *Paper Industries Corporation of the Philippines v. Asuncion*,⁶³ this Court invalidated Search Warrant No. 799 (95) ruling that the description of the place in the search warrant lacked the required particularity:

In the present case, the assailed search warrant failed to described the place with particularity. It simply authorizes a search of ‘the aforementioned premises,’ but it did not specify such premises. The warrant identifies only one place, and that is the ‘Paper Industries Corporation of the Philippines, located at PICOP Compound, Barangay Tabon, Bislig[,] Surigao del Sur.’ The PICOP compound, however, is made up of ‘200 offices/buildings, 15 plants, 84 staff houses, 1 airstrip, 3 piers/wharves, 23 warehouses, 6 POL depots/quick service outlets and some 800 miscellaneous structures, all of which spread out over some one hundred fifty-five hectares.’ Obviously, the warrant gives the police officers unbridled and thus illegal authority to search all the structures found inside the PICOP compound.⁶⁴ (Citations omitted)

The search warrant in *People v. Enriquez*⁶⁵ was also declared invalid for being a general warrant. This Court decreed that the description “inside the subject house. . . located at Informal Settlers’ Compound, NIA Road, Barangay Pinyahan, Quezon City” was broadly worded and had the effect of permitting the PDEA Officers “to search every place within the Informal Settlers’ Compound in NIA Road.”⁶⁶

In this case, an examination of Search Warrant No. 17-039 reveals that it failed to describe the place to be searched with sufficient particularity.

To recall, the place indicated in the search warrant pertained to the residence of “Cesar Oliman, Marife Evangelista y Oliman, Alias Ely and John and Jane Does. . . located at No. 9238 Oliman Compound, Pateros St., Brgy. Olympia, Makati City[.]”⁶⁷

⁶² *Id.* at 394–395.

⁶³ 366 Phil. 717 (1999) [Per J. Panganiban, Third Division].

⁶⁴ *Id.* at 737–738.

⁶⁵ G.R. No. 264473, August 7, 2024 [Per J. Leonen, Second Division].

⁶⁶ *Id.*

⁶⁷ CA rollo, p. 123.

However, it was revealed during trial that address number 9238 does not appear on the premises searched by the PDEA officers but belonged to a house beside Oliman Compound.⁶⁸

It was also established that the subject premises commonly known as the 'Oliman Compound' has no house address number 9238 instead the address No. 9238 belongs to a house beside Oliman Compound. The Oliman Compound is located at the back of the aforementioned house connected by an alley. Inside the Oliman Compound are eight (8) doors occupied by different families or individuals. It appears that the house and the Oliman Compound have the same address of No. 9238 Pateros St., Brgy. Olympia, Makati City. However, it was not proved who is the registered owner of the house nor the eight (8) doors all inside the Oliman Compound.⁶⁹

Notably, the lack of particular details in the search warrant failed to distinguish the house subject of the search from the house with address number 9238. With the inadequacy of the description in the search warrant, uncertainty would arise as to which of these structures would be the subject of the search.

Further, this Court notes that IO1 Mandiit admitted that the Oliman Compound is a property consisting of three different houses.⁷⁰ Even though only one house was searched, the lack of particularity had the effect of permitting the PDEA officers to search all structures within the compound.

Nonetheless, the prosecution stresses that the implementing officers knew the exact location of the house since they were informed during the briefing and were equipped with a sketch of the target area.⁷¹ However, the sketch referred to by the prosecution was not part of the records of this case and this Court cannot verify whether it provides for a particular description of the place to be searched.

Additionally, as this Court explained in *Paper Industries Corporation of the Philippines*,⁷² the lack of particulars in the search warrant cannot be justified by the police officers' knowledge of the target area:

The sketches allegedly submitted by the police were not made integral parts of the search warrant issued by Judge Asuncion. Moreover, the fact that the raiding police team knew which of the buildings or structures in the PICOP Compound housed firearms and ammunitions did not justify the lack of particulars of the place to be searched. Otherwise, confusion would arise regarding the subject of the warrant — the place indicated in the warrant or

⁶⁸ *Rollo*, p. 50.

⁶⁹ *Id.* at 50–51.

⁷⁰ *CA rollo*, pp. 55–56.

⁷¹ *Id.* at 121.

⁷² *Paper Industries Corporation of the Philippines v. Asuncion*, 366 Phil. 717, 738–739 (1999) [Per J. Panganiban, Third Division].

the place identified by the police. Such conflict invites uncalled for mischief or abuse of discretion on the part of law enforcers.

Thus, in *People v. Court of Appeals*, this Court ruled that the police had no authority to search the apartment behind the store, which was the place indicated in the warrant, even if they really intended it to be the subject of their application. Indeed, the place to be searched cannot be changed, enlarged or amplified by the police, viz:

... In the instant case, there is no ambiguity at all in the warrant. The ambiguity lies outside the instrument, arising from the absence of a meeting of the minds as to the place to be searched between the applicants for the warrant and the Judge issuing the same; and what was done was to substitute for the place that the Judge had written down in the warrant, the premises that the executing officers had in their mind. This should not have been done. It [was] neither fair nor licit to allow police officers to search a place different from that stated in the warrant on the claim that the place actually searched—although not that specified in the warrant—[was] exactly what they had in view when they applied for the warrant and had demarcated in their supporting evidence. What is material in determining the validity of a search is the place stated in the warrant itself, not what the applicants had in their thoughts, or had represented in the proofs they submitted to the court issuing the warrant. Indeed, following the officers' theory, in the context of the facts of this case, all four (4) apartment units at the rear of Abigail's Variety Store would have been fair game for a search.

The place to be searched as set out in the warrant, cannot be amplified or modified by the officers' own personal knowledge of the premises, or the evidence they adduced in support of their application for the warrant. Such a change is proscribed by the Constitution which requires inter alia the search warrant to particularly describe the place to be searched as well as the persons or things to be seized. It would concede to police officers the power of choosing the place to be searched, even if it not be that delineated in the warrant. It would open wide the door to abuse of the search process and grant to officers executing a search warrant that discretion which the Constitution has precisely removed from them. The particularization of the description of the place to be searched may properly be done only by the Judge, and only in the warrant itself; it cannot be left to the discretion of the police officers conducting the search.⁷³ (Citations omitted)

Considering that Search Warrant No. 17-039 is invalid for its failure to meet the standards imposed by the Constitution, the search conducted pursuant to it is also considered void. All items confiscated through Search Warrant No. 17-039 are deemed inadmissible pursuant to Article III, Section 3 (2) of the 1987 Constitution.⁷⁴ Thus, without the dangerous drugs illegally seized from accused-appellant, there is no evidence to support her conviction.

FOR THESE REASONS, the appeal is **GRANTED**. The July 28, 2023 Decision of the Court of Appeals in CA-G.R. CR-HC No. 13943 is

⁷³ *Paper Industries Corporation of the Philippines v. Asuncion*, 366 Phil. 717, 738–739 (1999) [Per J. Panganiban, Third Division].

⁷⁴ *People v. Lacson*, 940 Phil. 873 (2023) [Per J. Leonen, Second Division]. See also *Veridiano v. People*, 810 Phil. 642, 671 (2017) [Per J. Leonen, Second Division].

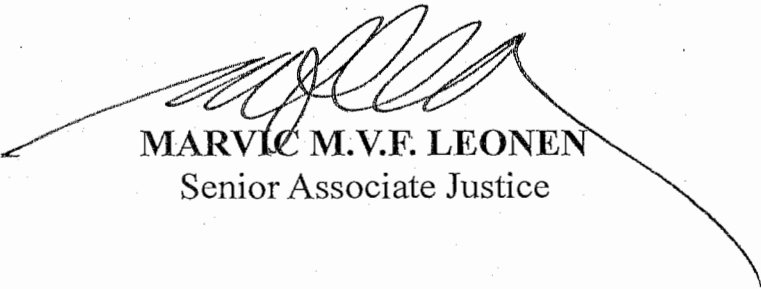
REVERSED and SET ASIDE, but only with respect to Criminal Case No. R-MKT-17-03860-CR. Accused-appellant Marife De Jesus y Evangelista is **ACQUITTED** of illegal possession of dangerous drugs and is ordered **RELEASED** from confinement unless she is being held for some other legal grounds.

Let a copy of this Decision be furnished to the Superintendent of the Correctional Institution for Women for immediate implementation. The Superintendent of the Correctional Institution for Women is directed to report to this Court the action that she has taken within five days from receipt of this Decision. Copies shall also be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency for their information.

The Regional Trial Court is directed to turn over the seized sachet of methamphetamine hydrochloride to the Dangerous Drugs Board for destruction in accordance with law.

Let entry of judgment be issued immediately.

SO ORDERED.

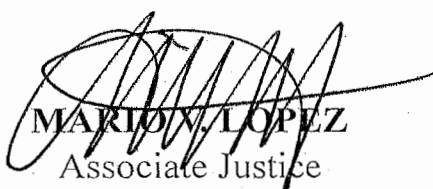


MARVIC M.V.F. LEONEN
Senior Associate Justice


WE CONCUR:



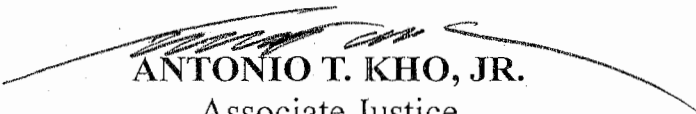
AMY C. LAZARO-JAVIER
Associate Justice



MARION V. LOPEZ
Associate Justice



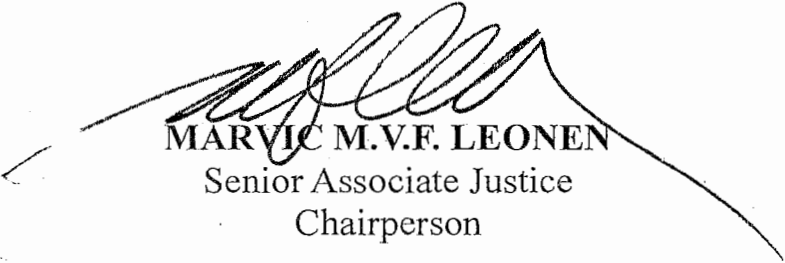
JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

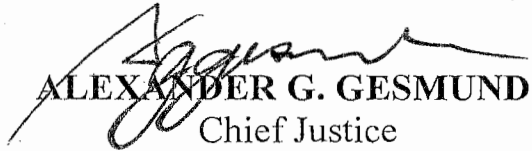
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



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 as assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice