FIRST DIVISION

[G.R. No. 228608, August 27, 2020]

DELFIN R. PILAPIL, JR., PETITIONER, VS. LYDIA Y. CU, RESPONDENT.

[G.R. No. 228589]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. LYDIA Y. CU, RESPONDENT.

D E C I S I O N

PERALTA, C.J.:

For decision are the petitions[1] assailing the Decision[2] dated June 10, 2016 and the Resolution[3] dated December 2, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 133253.

The facts are as follows:

Prelude

The Bicol Chromite and Manganese Corporation (*BCMC*) is the holder of Mineral Production Sharing Agreement (*MPSA*) No. 211-2005-V. The MPSA granted unto BCMC the right to mine a specific site located in Barangay Himagtocon, Lagonoy, Camarines Sur.

In 2009, BCMC entered into an Operating Agreement[4] with Prime Rock Philippines Company (*Prime Rock*) allowing the latter to, among others, operate the aforesaid mining site.

However, on January 31, 2011, the Mines and Geosciences Bureau - Regional Office 5 (*MGB RO5*) issued a Cease and Desist Order (*CDO*)[5] against Prime Rock enjoining the latter from engaging in any mining activities.

Inspection of the Mining Site

Around six (6) months after the issuance of the CDO, petitioner Delfin R. Pilapil, Jr. (*Mayor Pilapil*) - then mayor of the municipality of Lagonoy received reports about the existence of an illegal mining operation in Barangay Himagtocon.[6] Mayor Pilapil supposedly also received reports that Prime Rock had filed an appeal against the CDO.[7] To verify these reports and to ensure that the CDO is not being violated, petitioner decided to conduct an ocular inspection of the mining site operated by BCMC and Prime Rock.[8]

On August 24, 2011, petitioner, accompanied by a team of eight (8) policemen and two (2) barangay captains, entered the mining site.[9] While inspecting the site's premises, Barangay Captain (*BC*) Roger Pejedoro-one of the companions of petitioner-happened upon an open stockroom that contained numerous bags of what appeared to be explosives.[10] BC Pejedoro reported his discovery to another member of the inspection team, Senior Police Officer 2 (*SPO2*) Rey H. Alis, who, in turn, informed Mayor Pilapil. Mayor Pilapil forthwith ordered the seizure of the said bags.[11]

Inventory of the seized items yielded 41 sacks of explosives, with an aggregate weight of 1,061 kilos, and 4 1/2 rolls of safety fuses (*subject explosives*).[12] The subject explosives were then kept at the Explosive Magazine, Provincial Public Safety Management Company in Tigaon, Camarines Sur, for safekeeping.[13]

On August 26, 2011, the Camarines Sur Police Provincial Office of the Philippine National Police issued a Certification stating that, as per the records in its office, no permit to *transport* or *withdraw* explosives had been issued to Prime Rock.[14]

Proceedings in the RTC

On the basis of the foregoing events, an Information[15] for illegal possession of explosives[16] was lodged before the Regional Trial Court (*RTC*) in Camarines Sur against certain officers and employees of BCMC and Prime Rock. Among those accused in the said Information were respondent Lydia Cu, the president of BCMC, [17] and one Manuel Ley, the president of Prime Rock.[18] The accusatory portion of the Information reads:

> That on or about the 24th day of August 2011 in Sitio Benguet, Barangay Himagtocon, Municipality of Lagony (*sic*), Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to possess, conspiring, confederating and helping one another, did then and there, willfully, illegally and knowingly have in their possession, custody and control, forty one (41) sacks of explosives and four (4) and half (1/2) rolls of safety fuse which is breakdown (*sic*):
>
> | | SACKS | KILO |
> |---|---|---|
> | | 7 sacks | 200 |
> | | 7 sacks | 190 |
> | | 7 sacks | 200 |
> | | 7 sacks | 140 |
> | | 7 sacks | 175 |
> | | 6 sacks | 156 |
> | TOTAL | 41 sacks | 1,061 kilos |
>
> without any authority in law nor permit to carry and possess the same, to the prejudice of the Republic of the Philippines.[19]

The Information was docketed as Criminal Case No. T-3754 and was raffled to Branch 58 of the RTC of San Jose, Camarines Sur.

On September 28, 2012, the RTC issued warrants of arrest against Cu and Ley, and their other co-accused in Criminal Case No. T-3754.[20]

Both Cu and Ley filed motions[21] questioning, among others, the existence of probable cause to justify the issuance of warrants of arrest against them. There, they raised qualm regarding the admissibility in evidence of the subject explosives, arguing that the same had been seized by Mayor Pilapil in violation of the constitutional proscription against unreasonable searches and seizures.

On October 23, 2012, the RTC issued an order holding in abeyance the implementation of *all* warrants of arrest in order to review the evidence on record and determine the existence of probable cause to justify the issuance of such warrants.[22]

On November 27, 2012, the RTC issued an order suspending the proceedings in Criminal Case No. T-3754.[23]

On January 4, 2013, the prosecution filed an omnibus motion assailing the November 27, 2012 order of the RTC and seeking the implementation of the warrants of arrest.[24]

On October 22, 2013, the RTC issued an Order[25] finding probable cause to hold Cu, Ley, Go, Loo and Chuntong for trial, and reinstating the September 28, 2012 warrants of arrest against them.

Proceedings in the CA

Cu challenged the latest order of the RTC with the CA *via* a petition for *certiorari*.[26] Cu impleaded the presiding judge[27] of the RTC and Mayor Pilapil as respondents in such petition.

On January 8, 2014, the CA required the inclusion of petitioner People of the Philippines (*the People*) as a respondent in her *certiorari* petition.[28]

On March 4, 2014, Cu filed a supplement to her petition reiterating as an issue the supposed defect of the subject explosives for having been procured through a warrantless, hence illegal, raid of the mining site operated by BCMC and Prime Rock.[29] She postulated that the seized explosives were "*fruits of a poisonous tree*" that could not be the basis of a finding of probable cause against her.

On June 10, 2016, the CA rendered a Decision[30] favoring the above postulation of Cu. The CA thus decreed the setting aside of the October 22, 2013 Order of the RTC, the dismissal of the information in Criminal Case No. T-3754, and the quashal of the warrant of arrest against Cu. The dispositive portion of the CA's Decision reads:

> **WHEREFORE**, in view of the foregoing, the Order dated October 22, 2013 is here by **SET ASIDE**. The Information charging [Cu] of violation of Section 3, Republic Act No. 9516, being based on a "*fruit of a*

poisonous tree" is **DISMISSED**. Accordingly, the Warrant of Arrest against [Cu] is ordered **QUASHED**.[31] (Emphases in the original)

The People and Mayor Pilapil (collectively, petitioners) filed their respective motions of reconsideration, but the CA remained steadfast.[32] Hence, the present petitions.[33]

The petitioners claim that the CA erred in subscribing to Cu's position. They insist on the competence of the subject explosives as evidence and claim that the same have been seized legally. They argue that while Mayor Pilapil's ocular inspection of the mining site was conducted without a search warrant, the consequent taking of the subject explosives may nonetheless be justified under the *plain view doctrine*.[34]

OUR RULING

Mayor Pilapil's seizure of the subject explosives is illegal and cannot be justified under the plain view doctrine. The warrantless ocular inspection of the mining site operated by BCMC and Prime Rock that preceded such seizure, and which allowed Mayor Pilapil and his team of police officers and barangay officials to catch a view of the subject explosives, finds no authority under any provision of any law. In addition, established circumstances suggest that the incriminating nature of the subject explosives could not have been immediately apparent to Mayor Pilapil and his inspection team.

The subject explosives were thus seized in violation of the constitutional proscription against unreasonable searches and seizures. As such, they were correctly regarded by the CA as "*fruits of a poisonous tree*" subject to the *exclusionary principle*. Fittingly, they cannot be considered as valid bases of a finding of probable cause to arrest and detain an accused for trial.

Hence, we deny the petitions.

Section 2, Article III of the Constitution ordains the right of the people against *unreasonable* searches and seizures by the government. The provision reads:

> 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.

Fortifying such right is the *exclusionary principle* adopted in Section 3(b), Article III of the Constitution. The principle renders any evidence obtained through unreasonable search or seizure as inadmissible for any purpose in any proceeding, *viz*.:

> (2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

What then are unreasonable searches and seizures as contemplated by the cited constitutional provisions?

The rule of thumb, as may be deduced from Section 2, Article III of the Constitution itself, is that searches and seizures which are undertaken by the government outside the auspices of a valid search warrant are considered unreasonable.[35] To be regarded reasonable, government-led search and seizure must generally be sanctioned by a judicial warrant issued in accordance with requirements prescribed in the aforementioned constitutional provision.

The foregoing rule, however, is not without any exceptions. Indeed, jurisprudence has recognized several, though very specific, instances where warrantless searches and seizures can be considered reasonable and, hence, not subject to the exclusionary principle.[36] Some of these instances, studded throughout our case law, are:[37]

1. Consented searches;[38]
2. Searches incidental to a lawful arrest;[39]
3. Searches of a moving vehicle;[40]
4. Seizures of evidence in plain view;[41]
5. Searches incident of inspection, supervision and regulation sanctioned by the State in the exercise of its police power;[42]
6. Customs searches;[43]
7. Stop and Frisk searches;[44] and
8. Searches under exigent and emergency circumstances.[45]

The instance of particular significance to the case at bench is the so-called seizures pursuant to the *plain view doctrine*.

Under the plain view doctrine, objects falling within the plain view of a law enforcement officer, who has a right to be in a position to have that view, may be validly seized by such officer without a warrant and, thus, may be introduced in evidence.[46] An object is deemed in plain view when it is "*open to eye and hand*" [47] or is "*plainly exposed to sight*."[48] In *Miclat, Jr. v. People*,[49] we identified the three (3) requisites that must concur in order to validly invoke the doctrine, to wit:

> The "plain view" doctrine applies when the following requisites concur: **(a) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which he can view a particular area; (b) the discovery of evidence in plain view is inadvertent; (c) it is immediately apparent to the officer that the item he observes may be evidence of a crime, contraband or otherwise subject to seizure**.

Guided by the foregoing principles, we now address the issues at hand.

I

The established facts betray the claim of petitioners that the plain view doctrine justifies the warrantless seizure of the subject explosives. The first and third