

THIRD DIVISION

[G.R. No. 204419, November 07, 2016]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. EDMAR P. CASTILLO, SR., AS PRESIDING JUDGE OF BRANCH 6, REGIONAL TRIAL COURT, APARRI, CAGAYAN AND JEOFREY JIL RABINO Y TALOZA, RESPONDENTS.

DECISION

PERALTA, J.:**

This is to resolve the Petition for *Certiorari* under Rule 65 of the Rules of Court dated November 12, 2012 of petitioner People of the Philippines as represented by Second Assistant Provincial Prosecutor Carlos B. Sagucio, that seeks to reverse and set aside the Regional Trial Court's (*RTC, Branch 6, Aparri, Cagayan*) Joint Resolution^[1] dated May 14, 2012 quashing Search Warrant No. 45 issued by the Municipal Trial Court (*MTC*) of Gattaran, Cagayan and eventually dismissing Criminal Case No. 11-10881 against private respondent Jeofrey Jil Rabino y Talozza.

The facts follow.

On January 13, 2012, Judge Marcelo C. Cabalbag of the MTC of Gattaran, Cagayan issued Search Warrant No. 45, which reads, in part, as follows:

SEARCH AND SEIZURE ORDER

TO ANY OFFICER OF THE LAW:

It appearing to the satisfaction of the undersigned, after examining under oath SPO1 RONEL P. SATURNO of the Regional Intelligence Division based at Regional Office 2, Camp Adduru, Tuguegarao City, the applicant herein, and his witness that there is probable cause to believe that a Violation [of] R.A. 9165 Comprehensive Dangerous Drug, has been and is being committed and there are good and sufficient reasons to believe that JOEFREY JIL RABINO @ JEFF/JEO, a resident of Rizal Street, Maura, Aparri, Cagayan has in his possession or control the following items, to wit:

SHABU (Methamphetamine and PARAPHERNALIAS you are hereby ordered to make an immediate search at any time of the day or night but preferably at daytime at the afore-stated residential place of JEOFREY JIL RABINO @ JEFF/JEO and its premises and forthwith seize and take possession of the above-described items to immediately bring him, thereafter, to the undersigned to be dealt with in accordance with Section 12, Rule 126 of the December 1, 2000 Rules on Criminal Procedure.

WITNESS MY HAND and SEAL this 13th day of January 2012, at Gattaran,
Cagayan.^[2]

Thereafter, to effect the above Search and Seizure Order, a search was conducted by elements of the Philippine Drug Enforcement Agency (PDEA) and officers of the Philippine National Police (PNP) yielding one (1) sachet containing residue of suspected methamphetamine hydrochloride inside the house of private respondent Rabino located in Aparri, Cagayan. When the confiscated item was submitted to the Regional Crime Laboratory Office No. 2 of the PNP in Tuguegarao City for qualitative examination, the test gave positive result for the presence of methamphetamine hydrochloride, a dangerous drug.^[3]

Thus, an Information^[4] dated January 15, 2012 was filed against private respondent Rabino for violation of Section 11 of Republic Act (R.A.) No. 9165, which reads as follows:

That on or about January 14, 2012, in the Municipality of Aparri, [P]rovince of Cagayan, and within, the jurisdiction of this Honorable Court, the above-named accused, without any legal authority thereof, did then and there willfully, unlawfully and feloniously have in his possession and under his control and custody one (1) big zip-lock transparent plastic sachet containing two (2) pieces of transparent plastic sachets containing white crystalline substance, one sachet with traces of said substance gave POSITIVE results to the tests for the presence of Methamphetamine Hydrochloride, commonly known as Shabu, a dangerous drag, while the other sachet gave negative results to said tests, the said accused knowing fully well and aware that it is prohibited for any person to possess or use any dangerous drug regardless of the quality of the purity thereof, unless authorized by law.

CONTRARY TO LAW.

Docketed as Criminal Case No. 11-10881, the case was raffled to the RTC, Branch 6, Aparri, Cagayan, presided by respondent Judge Castillo.

Before the case was set for arraignment, or on March 13, 2012, private respondent Rabino filed a Motion to Quash Search Warrant and for Suppression of Illegally Acquired Evidence with the following grounds:

Search Warrant; Issuing Court must have territorial jurisdiction over the place to be searched; No compelling reason for MTC Gattaran to issue warrant

x x x x

No probable cause to issue Search Warrant

x x x x

No searching question elicited from deponent

x xx x

No particularity in the places to be searched

x x x x

Irregularity in the implementation of the search

x x xx

Suppression of Evidence Just and Proper^[5]

The RTC, through respondent Judge Castillo, granted the above motion in its Joint Resolution dated May 14, 2012, which partly reads as follows:

It is indubitable from the foregoing that the minimum penalty for illegal possession of methamphetamine hydrochloride or shabu is imprisonment of twelve (12) years and one (1) day to twenty (20) years, which penalty is way beyond imprisonment of six (6) years. A fortiori, MTC Gattaran did not have jurisdiction to entertain the application for and to issue Search Warrant No. 45. As such, Search Warrant No. 45 is null and void. [Corollary] thereto, all proceedings had in virtue thereof are likewise null and void.

With the foregoing conclusion, any further discussion on the grounds relied upon by the accused to buttress his motion and the opposition interposed by the public prosecutor are deemed mere surplusage.

WHEREFORE, in view of all the foregoing, the motion is GRANTED. Search Warrant No. 45 is hereby ordered QUASHED. Consequently, all evidence obtained in the execution of Search Warrant No. 45 are likewise ordered SUPPRESSED. There being no more evidence to support them, the Informations in the above-captioned cases are hereby dismissed.

SO ORDERED.^[6]

Petitioner filed a motion for reconsideration, but it was denied by the same court in its Joint Order^[7] dated September 24, 2012.

Hence, the present petition.

The issue and arguments raised by petitioner are as follows:

With all due respect, the assailed Resolution of May 14, 2012 was issued by respondent Judge Castillo with grave abuse of discretion amounting to lack of jurisdiction and/or is patently erroneous. It is respectfully submitted that the Municipal Trial Court of Gattaran, Cagayan has the authority to issue Search Warrant No. 45 earlier mentioned to search and seize the shabu stated therein in Aparri, Cagayan a place which is within the same second judicial region in violation of R.A. 9165, notwithstanding the fact that the power to hear and try the offense is within the exclusive jurisdiction of the Regional Trial Court.

Private respondent, on the other hand, in his Comment^[8] dated January 25, 2016, claims that the petition was filed in violation of the doctrine of hierarchy of courts. He also argues that the petition should have been filed by the State, through the Office of the Solicitor General, and not petitioner Second Assistant Provincial Prosecutor Carlos B. Sagucio. Lastly, private respondent insists that the petition does not show that the assailed Joint Resolution of the RTC was issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

This Court finds merit to the petition.

Before proceeding with the discussion on the substantial issue raised in the petition, certain procedural issues have been pointed out by private respondent that need to be tackled. According to the private respondent, the petition for *certiorari* under Rule 65 filed by petitioner before this Court must be struck down as it violates the doctrine on hierarchy of courts. Private respondent further argues that petitioner did not provide any compelling reason that would merit the direct filing with this Court of a petition for *certiorari* under Rule 65. It is also averred that the petition should have been filed by the Office of the Solicitor General and not the Assistant Provincial Prosecutor because the petition is in the nature of an appeal and the former is vested with the power of representing the people before any court.

Rule 65 of the Rules of Court provides as follows:

Section 1. Petition for *certiorari*. - When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

A petition for *certiorari* under Rule 65 of the Rules of Court is proper when (1) any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction, and (2) there is no appeal, nor plain, speedy and adequate remedy in the ordinary course of law for the purpose of annulling or modifying the proceeding.^[9] Grave abuse of discretion exists when there is an arbitrary or despotic exercise of power due to passion, prejudice or personal hostility; or a whimsical, arbitrary, or capricious exercise of power that amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law. For an act to be struck down as having been done with grave abuse of discretion, the abuse of discretion must be patent and gross.^[10] On the other hand, a remedy is considered "plain, speedy and adequate" if it will promptly relieve the petitioner from the injurious effects of the judgment the acts of the lower court or agency.^[11] Its principal office is only to the inferior court within the parameters of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to lack or excess of jurisdiction.^[12]

The special civil action for *certiorari* is the proper recourse availed of by petitioner in