

SECOND DIVISION

[G.R. NO. 169156, February 15, 2007]

**SONY COMPUTER ENTERTAINMENT, INC., PETITIONER, VS.
BRIGHT FUTURE TECHNOLOGIES, INC., RESPONDENT.**

DECISION

CARPIO MORALES, J.:

On application of Inspector Rommel G. Macatlang of the Philippine National Police, after a complaint was received from petitioner, Sony Computer Entertainment, Inc. (SCEI), eight search warrants^[1] for copyright and trademark infringement, of which Search Warrant Nos. 05-6336 and 05-6337 are relevant to the present case, were issued by the Manila Regional Trial Court (RTC) Executive Judge Antonio M. Eugenio, Jr. following which a raid was conducted on the premises of respondent, Bright Future Technologies, Inc. (BFTI), on April 1, 2005. Seized during the raid were the following items:

- eight replicating machines
- five bonding machines
- four printing machines
- seven polycarbonate dryers
- one table for silk screen
- ten moulds
- two shredder machines
- one color blue centroller
- one dryer machine
- 92 boxes of assorted colors of paint
- 600 pieces of counterfeit Sony Playstation DVDs
- 285 boxes of blank CDs
- eight boxes of white blank CDs
- nine boxes of AL targets
- two boxes of sputtering targets
- 18 gallons of UV bonding adhesive
- four gallons of DVD bondage
- 21 gallons of phothum chemicals
- four gallons of CPS mesh prep, and
- nine gallons of CD lacquer.^[2]

BFTI subsequently filed on April 5, 2005 before Branch 24 of the RTC Manila presided by Judge Eugenio an Urgent Motion to Quash and/or to Exclude or Suppress Evidence and Return Seized Articles,^[3] alleging as follows, quoted verbatim:

1. The searching team entered the premises and conducted the search without any witness in violation of the Rules of Court;

2. The raiding team planted evidence of 600 compact discs at the scene while no witnesses were present;
3. Certification against forum shopping prescribed by law was not executed;
4. For search warrant to be valid, the master tapes must be presented;
5. The statement made by the affiants in their joint-affidavit in support of the application for the search warrant were false and perjurious;
6. No probable cause exists for the issuance of the warrant;
7. The search conducted was illegal;
8. The place to be searched was not described with particularity;
9. No bond was posted by the applicant.^[4]

SCEI filed an Opposition^[5] to the motion, to which BFTI filed a Reply,^[6] the latter arguing that SCEI had no personality to represent the People of the Philippines in the case and to file the opposition to the motion because SCEI's agents were mere witnesses of the applicant for the issuance of the search warrants.^[7]

On April 11, 2005, acting on a Very Urgent Motion to Inhibit^[8] filed by SCEI to which BFTI interposed its objection, Judge Eugenio "voluntarily inhibited" himself from the case.^[9] The case was thereafter raffled to Branch 21 of the Manila RTC, presided by Judge Amor A. Reyes.^[10]

In the meantime or on April 14, 2005, SCEI, through counsel, filed with the Department of Justice Task Force on Anti-Intellectual Property Piracy a complaint-affidavit against the directors and officers of BFTI.^[11]

By Order^[12] dated April 18, 2005, the RTC denied BFTI's motion to quash the warrants, it finding that they were regularly issued and implemented, and that a bond is not required in the application for their issuance.

BFTI filed a Motion for Reconsideration^[13] of the denial of its motion to quash. It also filed joint motions "for the inhibition of the Honorable Judge Amor Reyes," "for reconsideration of the order of voluntary inhibition dated April 11, 2005," and "for the return of the case to the executive judge."^[14]

In an Order dated May 20, 2005, Judge Reyes transmitted the records of the case to the Executive Judge pursuant to A.M. No. 03-8-02.^[15] The case was then re-raffled to Branch 8 of the Manila RTC, presided by Judge Felixberto T. Olalia, Jr.^[16]

In addressing the issue of SCEI's personality to appear in the proceedings, the RTC

held that it would treat SCEI's counsel as "an officer of [the] Court to argue the other side, so to speak, for the clarification of issues related to search and seizure cases and to arrive at a better conclusion and resolution of issues in this case."^[17]

The RTC, however, found that the two-witness rule under Section 8 of Rule 126 which provides:

SEC. 8. *Search of house, room, or premises to be made in presence of two witnesses.* ? No search of a house, room or any other premise shall be made except in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality. (Underscoring supplied),

was violated and that the searching team's use of a bolt cutter to open the searched premises was unnecessary, hence, it granted BFTI's Motion for Reconsideration of its April 18, 2005 Order by Order of August 8, 2005.^[18]

BFTI subsequently filed on August 9, 2005 an Ex Parte Motion to Return Seized Articles^[19] which the RTC granted, by Order of August 10, 2005, subject to the filing of a bond.^[20] BFTI filed the required bond alright,^[21] and the seized items were turned over to its custody.^[22]

Hence, arose SCEI's present Petition for Review on Certiorari under Rule 45^[23] which assails the August 8 and August 10, 2005 Orders of the court *a quo*, contending that the RTC erred

(1) . . . when it disregarded [its] clear right . . . to appear and participate as a private complainant in the search warrant proceedings;

(2) . . . when it granted respondent's Motion to Quash based on questions of alleged irregularities by the peace officers in enforcing the search warrants.

(a) . . . when it ruled that the use of the bolt cutter violated Section 7 of Rule 126.

(b) . . . when it ruled that the enforcement of the search warrant violated the two-witness rule provided in Section 8 of Rule 126;

[3] . . . when it ordered the immediate release of the seized property prior to the finality of the order quashing the search warrants.

(a) . . . when it released the seized properties by virtue of the filing of a bond by the respondent.^[24]

The issue of whether a private complainant, like SCEI, has the right to participate in search warrant proceedings was addressed in the affirmative in *United Laboratories, Inc. v. Isip*:^[25]

. . . [A] private individual or a private corporation complaining to the NBI or to a government agency charged with the enforcement of special