

**[ G.R. NO. 148117, March 22, 2007 ]**

**MABINI EPIE, JR. AND RODRIGO PALASI, PETITIONERS, VS. THE  
HON. NELSONIDA T. ULAT-MARREDO, PRESIDING JUDGE,  
REGIONAL TRIAL COURT, BRANCH 10, LA TRINIDAD, BENGUET  
AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

**D E C I S I O N**

**SANDOVAL-GUTIERREZ, J.:**

Assailed in this Petition for Review on Certiorari is the Decision<sup>[1]</sup> of the Court of Appeals dated September 15, 2000 in CA-G.R. SP No. 55684.

The facts of the case as gleaned from the records are:

In an Information dated September 22, 1998, the Office of the Provincial Prosecutor of Benguet Province charged Mabini Epie, Jr. and Rodrigo Palasi, petitioners, with violation of Section 68 of Presidential Decree No. 705,<sup>[2]</sup> as amended. The Informtion reads:

That on or about the 6<sup>th</sup> day of September 1998, along the Halsema National Highway at Acop, Municipality of Tublay, Province of Benguet, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually aiding each other and without any authority of law or without any license or permit granted by the Department of Environment and Natural Resources (DENR), and with intent of gain and without the knowledge and consent of the owner thereof, did then and there willfully, unlawfully and feloniously possess and transport 870 bd. ft. of Benguet Pine lumber having a total market value of TWENTY FOUR THOUSAND THREE HUNDRED SIXTY PESOS (P24,360.00), Philippine Currency, belonging to the REPUBLIC OF THE PHILIPPINES, to the damage and prejudice of the GOVERNMENT in the actual sum aforesaid.

CONTRARY TO LAW.

The case was raffled to the Regional Trial Court, Branch 10, La Trinidad, Benguet (presided by respondent Judge Nelsonida T. Ulat-Marredo), docketed as Criminal Case No. 98-CR-3138.

When arraigned, both petitioners, with the assistance of counsel *de parte*, pleaded not guilty to the charge. Trial then ensued.

The evidence for the prosecution shows that at around 2:30 p.m. of September 6, 1998, SPO2 Alberto Ngina of the Philippine National Police (PNP) Tublay Station received an information from a confidential agent that a jeepney with Plate No. AYB 117 at Km. 96, Atok, Benguet was loaded with Benguet pine lumber.

SPO2 Ngina immediately relayed the information to SPO4 Rentao Quitoriano and SPO1 Domingo Pulig. They then swiftly established a checkpoint in Acop, Tublay, Benguet.

At around 4:00 p.m. of the same day, the PNP operatives spotted the jeepney heading toward La Trinidad. They flagged it down but it did not stop. Hence, they chased the vehicle up to Shilan, La Trinidad where it finally halted.

The police saw five persons inside the jeepney then loaded with assorted vegetables, like *womboc*<sup>[3]</sup> and chili.

When SPO4 Quitoriano lifted a *womboc*, he found some pieces of lumber under it. The driver and his companions admitted they have no permit to transport the lumber. The police immediately arrested and investigated petitioners, Marso Insiong Dumpit, Armando Palasi, and Ben Arinos. Only petitioners were charged with violation of Section 68 of the Revised Forestry Code.

After the prosecution presented its evidence, petitioners, through counsel, filed a "Motion to Suppress Evidence of the Prosecution" on the ground that the pieces of Benguet pine lumber were illegally seized.

In a Resolution<sup>[4]</sup> dated July 26, 1999, respondent judge denied the motion.

Petitioners then filed a motion for reconsideration. Likewise, it was denied in a Resolution dated September 27, 1999.

Subsequently, petitioners filed with the Court of Appeals a petition for certiorari and prohibition, docketed as CA-G.R. SP No. 55684 assailing the said Resolutions of the trial court.

On September 15, 2000, the Court of Appeals rendered its Decision dismissing the petition, holding that respondent judge did not commit grave abuse of discretion tantamount to lack or excess of jurisdiction; that the search conducted without warrant by the police officers is valid; and that the confiscated pieces of lumber are admissible in evidence against the accused.

Petitioners filed a motion for reconsideration of the Decision. However, it was denied in a Resolution<sup>[5]</sup> dated April 11, 2001.

Hence, the instant petition raising the sole issue of whether the police officers have a probable cause to believe that the subject vehicle was loaded with illegal cargo and that, therefore, it can be stopped and searched without a warrant.

In this jurisdiction, the fundamental law of the land recognizes and protects the right of a person to privacy against unreasonable intrusions by the agents of the State. This right to undisturbed privacy is guaranteed by Section 2, Article III of the Constitution which provides:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature