

SECOND DIVISION

[G.R. No. 132839, November 21, 2001]

**ERIC C. ONG, PETITIONER, VS. HON. COURT OF APPEALS AND
THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

DECISION

QUISUMBING, J.:

This petition assails the decision dated October 29, 1997, of the Court of Appeals in CA-G.R. No. S.P. 43397, and its resolution dated February 27, 1998, denying the motion for reconsideration.^[1] Said decision set aside the resolution dated April 16, 1996, and the order dated June 18, 1996, of the Regional Trial Court of Batac, Ilocos Norte,^[2] Branch 17, granting the recall of the search warrant issued against petitioner Eric C. Ong.

The facts of the case as found by the Court of Appeals are as follows:

On July 4, 1995, respondent Judge Ariston Rubio of the Regional Trial Court (RTC) Branch 17 of Batac Ilocos Norte issued search warrant no. 17 against private respondent Eric Ong. On the basis of the search warrant, the PNP stationed in Laoag searched the house of Ong, resulting in the confiscation of several firearms, parts of firearms and ammunitions including five live ammunitions for caliber 9 mm.

Subsequently, finding that a *prima facie* case exists against private respondent, an information was filed against him in the RTC Branch 15 of Laoag City.

On November 13, 1995, private respondent filed with RTC Branch 17 of Batac (the court which issued the warrant), a Motion to Recall the search warrant and to release seized items.

Later, on November 14, 1995, private respondent filed before the criminal court (RTC Branch 15) a Motion for Reinvestigation and suspension of proceedings in said criminal case. The court granted private respondent's motion and directed the Provincial Prosecutor of Ilocos Norte to conduct a reinvestigation and to submit to the court the result thereof within 30 days.

On April 16, 1996, respondent Judge Rubio issued the first assailed resolution granting private respondent's Motion to Recall search warrant no. 17 and to release seized items.

The Provincial Prosecutor of Ilocos Norte filed a motion for reconsideration of respondent Judge's order on the ground that the RTC

Branch 17 has no more jurisdiction to act on the Motion to Recall because there is already a pending criminal case against private respondent arising therefrom filed in another court. Respondent Judge however denied the motion for reconsideration in an order dated June 18, 1996.

With the denial of the motion for reconsideration, the prosecution, through the Office of the Solicitor General, filed with the Court of Appeals a petition for certiorari seeking to annul Judge Rubio's resolution as well as his order denying the motion for reconsideration.^[3]

On November 3, 1997, the Court of Appeals in its Decision dated October 29, 1997, gave due course to the petition and set aside the assailed resolution and the aforementioned order.^[4] It held that the court in which the criminal case was being heard had jurisdiction over a motion questioning the validity of the search warrant. Citing *People vs. Bans*, 239 SCRA 48, 54 (1994), the CA ruled that if the court that issued the search warrant were allowed to resolve the motion to quash such warrant despite the pendency before another court of a criminal case arising therefrom, an absurd situation would arise where the judge hearing the criminal case would be bound by the issuing court's ruling that the search warrant is invalid. He would be unable to review said ruling and would find it impossible to make an independent assessment of the evidence before him.

The CA denied reconsideration of its decision in a resolution dated February 27, 1998.

Before us now, petitioner assigns the following errors:

I

THE COURT OF APPEALS ERRED WHEN IT COMPLETELY DISREGARDED THE MORE RECENT DOCTRINE IN *PEOPLE VERSUS WOOLCOCK* [244 SCRA 235 (1995)] AND, INSTEAD, RELIED UPON THE OLD DOCTRINE IN *PEOPLE VERSUS BANS* [239 SCRA 48 (1994)] WHICH THIS HONORABLE COURT HAD ALREADY DEEMED SUPERSEDED AND OBVIOUSLY ABANDONED.

II

THE COURT OF APPEALS ERRED IN GIVING MORE IMPORTANCE ON TECHNICALITIES AND PROCEDURAL NICETIES RATHER THAN PROTECTING THE PRIMORDIAL CONSTITUTIONAL RIGHTS OF THE PETITIONER.^[5]

Two issues are now for resolution: (1) Which court has jurisdiction over a motion questioning the illegality of a search warrant? Is it the court hearing the criminal case as enunciated in *People vs. Bans*, or the court that issued the warrant, as held in *People vs. Woolcock*? (2) Did respondent Court of Appeals violate petitioner's constitutional rights?

On the first issue, petitioner asserts that respondent Court of Appeals erred in relying on *Bans*, in total disregard of *Woolcock*. He avers that the Court abandoned in *Woolcock* the doctrine it enunciated in *Bans*. He argues that the Court in