Republic of the Philippines
SUPREME COURT
Manila

FIRST DIVISION

G.R. No. 199032 November 19, 2014

RETIRED SP04 BIENVENIDO LAUD, Petitioner,

vs.

PEOPLE OF THE PHILIPPINES, Respondent.

D E C I S I O N

PER CURIAM:

Assailed in this petition for review on certiorari[1] are the Decision[2] dated April 25, 2011 and the Resolution[3] dated October 17, 2011 of the Court of Appeals (CA) in CA-G.R. SP. No. 113017 upholding the validity of Search Warrant No. 09-14407.[4]

The Facts

On July 10, 2009, the Philippine National Police (PNP), through Police Senior Superintendent Roberto B. Fajardo, applied with the Regional Trial Court (RTC) of Manila, Branch50 (Manila-RTC) for a warrant to search three (3) caves located inside the Laud Compound in Purok 3, Barangay Ma-a, Davao City, where the alleged remains of the victims summarily executed by the so-called "Davao Death Squad" may be found.[5] In support of the application, a certain Ernesto Avasola (Avasola) was presented to the RTC and there testified that he personally witnessed the killing of six (6) persons in December 2005, and was, in fact, part of the group that buried the victims.[6]

Judge William Simon P. Peralta (Judge Peralta), acting as Vice Executive Judge of the Manila-RTC, found probable cause for the issuance of a search warrant, and thus, issued Search Warrant No. 09-14407[7] which was later enforced by the elements of the PNP-Criminal Investigation and Detection Group, in coordination with the members of the Scene of the Crime Operatives on July 15, 2009.The search of the Laud Compound caves yielded positive results for the presence of human remains.[8]

On July 20, 2009, herein petitioner, retired SPO4 Bienvenido Laud (Laud), filed an Urgent Motion to Quash and to Suppress Illegally Seized Evidence[9] premised on the following grounds: (a) Judge Peralta had no authority to act on the application for a search warrant since he had been automatically divested of his position as Vice Executive Judge when several administrative penalties were imposed against him by the Court;[10] (b) the Manila-RTC had no jurisdiction to issue Search Warrant No. 09-14407 which was to be enforced in Davao City;[11] (c) the human remains sought to be seized are not a proper subject of a search warrant;[12] (d) the police officers are mandated to follow the prescribed procedure for exhumation of human remains;[13] (e) the search warrant was issued despite lack of probable cause;[14] (f) the rule against forum shopping was violated;[15] and (g) there was a violation of the rule requiring one specific offense and the proper specification of the place to be searched and the articles to be seized.[16]

The Manila-RTC Ruling

In an Order[17] dated July 23, 2009, the Manila-RTC granted the motion of Laud "after a careful consideration [of] the grounds alleged [therein]." Aside from this general statement, the said Order contained no discussion on the particular reasons from which the Manila-RTC derived its conclusion.

Respondent, the People of the Philippines (the People), filed a Motion for Reconsideration[18] which was, however, denied in an Order[19] dated December 8, 2009, wherein the Manila-RTC, this time, articulated its reasons for the warrant's quashal, namely: (a) the People failed to show any compelling reason to justify the issuance of a search warrant by the Manila RTC which was to be implemented in Davao City where the offense was allegedly committed, in violation of Section 2, Rule 126 of the Rules of Court;[20] (b) the fact that the alleged offense happened almost four (4) years before the search warrant application was filed rendered doubtful the existence of probable cause;[21] and (c) the applicant, i.e., the PNP, violated the rule against forum shopping as the subject matter of the present search warrant application is exactly the same as the one contained in a previous application[22] before the RTC of Davao City, Branch 15 (Davao-RTC) which had been denied.[23]

Unconvinced, the People filed a petition for certiorari before the CA, docketed as CA-G.R. SP. No. 113017.

The CA Ruling

In a Decision[24] dated April 25, 2011, the CA granted the People's petition and thereby annulled and set aside the Orders of the Manila-RTC for having been tainted with grave abuse of discretion.

It held that the requirements for the issuance of a search warrant were satisfied, pointing out that an application therefor involving a heinous crime, such as Murder, is an exception to the compelling reasons requirement under Section 2, Rule 126 of the Rules of Court as explicitly recognized in A.M. No. 99-20-09-SC[25] and reiterated in A.M. No. 03-8-02-SC,[26] provided that the application is filed by the PNP, the National Bureau of Investigation (NBI), the Presidential Anti-Organized Crime Task Force (PAOC-TF) or the Reaction Against Crime Task Force (REACT-TF),[27]with the endorsement of its head, before the RTC of Manila or Quezon City, and the warrant be consequently issued by the Executive Judge or Vice-Executive Judge of either of the said courts, as in this case.[28]

Also, the CA found that probable cause was established since, among others, witness Avasola deposed and testified that he personally witnessed the murder of six (6) persons in December 2005 and was actually part of the group that buried the victims – two bodies in each of the three (3) caves.[29] Further, it observed that the Manila-RTC failed to consider the fear of reprisal and natural reluctance of a witness to get involved in a criminal case, stating that these are sufficient reasons to justify the delay attending the application of a search warrant.[30] Accordingly, it deemed that the physical evidence of a protruding human bone in plain view in one of the caves, and Avasola's first-hand eye witness account both concur and point to the only reasonable conclusion that the crime of Murder had been committed and that the human remains of the victims were located in the Laud Compound.[31]

Finally, the CA debunked the claim of forum shopping, finding that the prior application for a search warrant filed before the Davao-RTC was based on facts and circumstances different from those in the application filed before the Manila-RTC.[32]

Dissatisfied, Laud moved for reconsideration, which was, however, denied in a Resolution[33] dated October 17, 2011,hence, this petition.

The Issues Before the Court

The issues for the Court's resolution are as follows: (a) whether the administrative penalties imposed on Judge Peralta invalidated Search Warrant No. 09-14407; (b) whether the Manila-RTC had jurisdiction to issue the said warrant despite non-compliance with the compelling reasons requirement under Section 2, Rule126 of the Rules of Court; (c) whether the requirements of probable cause and particular description were complied with and the one-specific-offense rule under Section 4, Rule 126 of the Rules of Court was violated; and (d) whether the applicant for the search warrant, i.e., the PNP, violated the rule against forum shopping.

The Court's Ruling

The petition has no merit.

A. Effect of Judge Peralta's Administrative Penalties.

Citing Section 5, Chapter III of A.M. No. 03-8-02-SC which provides that "[t]he imposition upon an Executive Judge or Vice-Executive Judge of an administrative penalty of at least a reprimand shall automatically operate to divest him of his position as such, "Laud claims that Judge Peralta had no authority to act as Vice-Executive Judge and accordingly issue Search Warrant No. 09-14407 in view of the Court's Resolution in Dee C. Chuan & Sons, Inc. v. Judge Peralta[34] wherein he was administratively penalized with fines of ₱15,000.00 and ₱5,000.00.[35]

While the Court does agree that the imposition of said administrative penalties did operate to divest Judge Peralta's authority to act as Vice Executive Judge, it must be qualified that the abstraction of such authority would not, by and of itself, result in the invalidity of Search Warrant No. 09-14407 considering that Judge Peralta may be considered to have made the issuance as a de facto officer whose acts would, nonetheless, remain valid.

Funa v. Agra[36] defines who a de facto officer is and explains that his acts are just as valid for all purposes as those of a de jure officer, in so far as the public or third persons who are interested therein are concerned, viz.:

A de facto officer is one who derives his appointment from one having colorable authority to appoint, if the office is an appointive office, and whose appointment is valid on its face. He may also be one who is in possession of an office, and is discharging [his] duties under color of authority, by which is meant authority derived from an appointment, however irregular or informal, so that the incumbent is not a mere volunteer. Consequently, the acts of the de facto officer are just as valid for all purposes as those of a de jure officer, in so far as the public or third persons who are interested therein are concerned.[37]

The treatment of a de facto officer's acts is premised on the reality that third persons cannot always investigate the right of one assuming to hold an important office and, as such, have a right to assume that officials apparently qualified and in office are legally such.[38] Public interest demands that acts of persons holding, under color of title, an office created by a valid statute be, likewise, deemed valid insofar as the public – as distinguished from the officer in question – is concerned.[39] Indeed, it is far more cogently

acknowledged that the de facto doctrine has been formulated, not for the protection of the de facto officer principally, but rather for the protection of the public and individuals who get involved in the official acts of persons discharging the duties of an office without being lawful officers.[40]

In order for the de facto doctrine to apply, all of the following elements must concur: (a) there must be a de jure office; (b) there must be color of right or general acquiescence by the public; and (c) there must be actual physical possession of the office in good faith.[41]

The existence of the foregoing elements is rather clear in this case. Undoubtedly, there is a de jure office of a 2nd Vice-Executive Judge. Judge Peralta also had a colorable right to the said office as he was duly appointed to such position and was only divested of the same by virtue of a supervening legal technicality – that is, the operation of Section 5, Chapter III of A.M. No. 03-8-02-SC as above-explained; also, it may be said that there was general acquiescence by the public since the search warrant application was regularly endorsed to the sala of Judge Peralta by the Office of the Clerk of Court of the Manila-RTC under his apparent authority as 2nd Vice Executive Judge.[42]Finally, Judge Peralta's actual physical possession of the said office is presumed to be in good faith, as the contrary was not established.[43] Accordingly, Judge Peralta can be considered to have acted as a de facto officer when he issued Search Warrant No. 09-14407, hence, treated as valid as if it was issued by a de jure officer suffering no administrative impediment.

B. Jurisdiction of the Manila-RTC to Issue Search Warrant No. 09- 14407; Exception to the Compelling Reasons Requirement Under Section 2, Rule 126 of the Rules of Court.

Section 12, Chapter V of A.M.No. 03-8-02-SC states the requirements for the issuance of search warrants in special criminal cases by the RTCs of Manila and Quezon City. These special criminal cases pertain to those "involving heinous crimes, illegal gambling, illegal possession of firearms and ammunitions, as well as violations of the Comprehensive Dangerous Drugs Act of 2002, the Intellectual Property Code, the Anti-Money Laundering Act of 2001, the Tariff and Customs Code, as amended, and other relevant laws that may hereafter be enacted by Congress, and included herein by the Supreme Court." Search warrant applications for such cases may be filed by "the National Bureau of Investigation (NBI), the Philippine National Police(PNP) and the Anti-Crime Task Force (ACTAF)," and "personally endorsed by the heads of such agencies." As in ordinary search warrant applications, they "shall particularly describe therein the places to be searched and/or the property or things to be seized as prescribed in the Rules of Court." "The Executive Judges [of these RTCs] and whenever they are on official leave of absence or are not physically present in the station, the Vice-Executive Judges" are authorized to act on such applications and "shall issue the warrants, if justified, which may be served in places outside the territorial jurisdiction of the said courts."

The Court observes that all the above-stated requirements were complied with in this case.

As the records would show, the search warrant application was filed before the Manila-RTC by the PNP and was endorsed by its head, PNP Chief Jesus Ame Versosa,[44] particularly describing the place to be searched and the things to be seized (as will be elaborated later on) in connection with the heinous crime of Murder.[45] Finding probable cause therefor, Judge Peralta, in his capacity as 2nd Vice-Executive Judge, issued Search Warrant No. 09-14407 which, as the rules state, may be served in places outside the territorial jurisdiction of the said RTC.

Notably, the fact that a search warrant application involves a "special criminal case" excludes it from the compelling reason requirement under Section 2, Rule 126 of the Rules of Court which provides:

SEC. 2. Court where application for search warrant shall be filed. — An application for search warrant shall be filed with the following:

> a) Any court within whose territorial jurisdiction a crime was committed.
>
> b) For compelling reasons stated in the application, any court within the judicial region where the crime was committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

However, if the criminal action has already been filed, the application shall only be made in the court where the criminal action is pending. (Emphasis supplied)

As explicitly mentioned in Section 12, Chapter V of A.M. No. 03-8- 02-SC, the rule on search warrant applications before the Manila and Quezon City RTCs for the above-mentioned special criminal cases "shall be an exception to Section 2 of Rule 126 of the Rules of Court." Perceptibly, the fact that a search warrant is being applied for in connection with a special criminal case as above-classified already presumes the existence of a compelling reason; hence, any statement to this effect would be superfluous and therefore should be dispensed with. By all indications, Section 12, Chapter V of A.M. No. 03-8-02-SC allows the Manila and Quezon City RTCs to issue warrants to be served in places outside their territorial jurisdiction for as long as the parameters under the said section have been complied with, as in this case. Thus, on these grounds, the Court finds nothing defective in the preliminary issuance of Search Warrant No. 09-14407. Perforce, the RTC-Manila should not have overturned it.

C. Compliance with the Constitutional Requirements for the Issuance of Search Warrant No. 09-14407 and the One-Specific Offense Rule Under Section 4, Rule 126 of the Rules of Court.

In order to protect the people’s right against unreasonable searches and seizures, Section 2, Article III of the 1987 Philippine Constitution (Constitution) provides that no search warrant 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:

SEC. 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.

Complementarily, Section 4, Rule 126 of the Rules of Court states that a search warrant shall not be issued except upon probable cause in connection with one specific offense:

SEC. 4. Requisites for issuing search warrant. - A search warrant shall not issue except upon probable cause in connection with one specific offense 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 things to be seized which may be anywhere in the Philippines. (Emphasis supplied)

In this case, the existence of probable cause for the issuance of Search Warrant No. 09-14407 is evident from the first-hand account of Avasola who, in his deposition, stated that he personally witnessed the commission of the afore-stated crime and was, in fact, part of the group that buried the victims:

Q9-Who are these six (6) male victims who were killed and buried in the caves in December 2005 at around 9:00 p.m.?

A9-I heard Tatay Laud calling the names of the two victims when they were still alive as Pedro and Mario. I don't know the names of the other four victims.

Q10-What happened after Pedro, Mario and the other four victims were killed?

A10-Tatay Laud ordered me and the six (6) killers to bring and bury equally the bodies in the three caves. We buried Pedro and Mario altogether in the first cave, located more or less 13 meters from the makeshift house of Tatay Laud, the other two victims in the second cave and the remaining two in the third cave.

Q11-How did you get there at Laud Compound in the evening of December 2005?

A11-I was ordered by Tatay Laud to go [to] the place. I ran errands [for] him.[46]

Avasola's statements in his deposition were confirmed during the hearing on July 10, 2009, where Judge Peralta conducted the following examination:

Court: x x x Anong panandaan mo? Nandoon ka ba noong naghukay, nakatago o kasama ka?

Mr. Avasola: Kasama po ako sa pagbuhat ng mga tao, sir.

Court: Mga ilang katao?

Mr. Avasola: Anim (6) po.

Court: May mass grave ba na nahukay?

Mr. Avasola: May tatlong kweba po na maliliit yung isa malaki. x x x.[47]

Verily, the facts and circumstances established from the testimony of Avasola, who was personally examined by Judge Peralta, sufficiently show that more likely than not the crime of Murder of six (6) persons had been perpetrated and that the human remains in connection with the same are in the place sought to be searched. In Santos v. Pryce Gases, Inc.,[48] the Court explained the quantum of evidence necessary to establish probable cause for a search warrant, as follows:

Probable cause for a search warrant is defined as such facts and circumstances which would lead a reasonably discrete and prudent man to believe that an offense has been committed and that the objects sought in connection with the offense are in the place sought to be searched. A finding of probable cause needs only tortes on evidence showing that, more likely than not, a crime has been committed and that it was committed by the accused. Probable cause demands more than bare suspicion; it requires less than evidence which would justify conviction. The existence depends to a

large degree upon the finding or opinion of the judge conducting the examination. However, the findings of the judge should not disregard the facts before him nor run counter to the clear dictates of reason.[49]

In light of the foregoing, the Court finds that the quantum of proof to establish the existence of probable cause had been met. That a "considerable length of time" attended the search warrant's application from the crime's commission does not, by and of itself, negate the veracity of the applicant's claims or the testimony of the witness presented. As the CA correctly observed, the delay may be accounted for by a witness's fear of reprisal and natural reluctance to get involved in a criminal case.[50] Ultimately, in determining the existence of probable cause, the facts and circumstances must be personally examined by the judge in their totality, together with a judicious recognition of the variable complications and sensibilities attending a criminal case. To the Court's mind, the supposed delay in the search warrant's application does not dilute the probable cause finding made herein. In fine, the probable cause requirement has been sufficiently met.

The Court similarly concludes that there was compliance with the constitutional requirement that there be a particular description of "the place to be searched and the persons or things to be seized."

"[A] description of a place to be searched is sufficient if the officer with the warrant can, with reasonable effort, ascertain and identify the place intended and distinguish it from other places in the community. Any designation or description known to the locality that points out the place to the exclusion of all others, and on inquiry leads the officers unerringly to it, satisfies the constitutional requirement."[51]

Search Warrant No. 09-14407 evidently complies with the foregoing standard since it particularly describes the place to be searched, namely, the three (3) caves located inside the Laud Compound in Purok 3, Barangay Maa, Davao City:

You are hereby commanded to make an immediate search at any time [of] the day of the premises above describe[d] particularly the three (3) caves (as sketched) inside the said Laud Compound, Purok 3, Brgy. Ma-a, Davao Cityand forthwith seize and take possession of the remains of six (6) victims who were killed and buried in the just said premises.

x x x x[52] (Emphases supplied)

For further guidance in its enforcement, the search warrant even made explicit reference to the sketch[53] contained in the application. These, in the Court's view, are sufficient enough for the officers to, with reasonable effort, ascertain and identify the place to be searched, which they in fact did.

The things to be seized were also particularly described, namely, the remains of six (6) victims who were killed and buried in the aforesaid premises. Laud's posturing that human remains are not "personal property" and, hence, could not be the subject of a search warrant deserves scant consideration. Section 3, Rule 126 of the Rules of Court states:

SEC. 3.Personal property to be seized. – A search warrant may be issued for the search and seizure of personal property:

(a) Subject of the offense;

(b) Stolen or embezzled and other proceeds, or fruits of the offense; or

(c) Used or intended to be used as the means of committing an offense. (Emphases supplied) "Personal property" in the foregoing context actually refers to the thing's mobility, and not to its capacity to be owned or alienated by a particular person. Article416 of the Civil Code,[54] which Laud himself cites,[55] states that in general, all things which can be transported from place to place are deemed to be personal property. Considering that human remains can generally be transported from place top lace, and considering further that they qualify under the phrase "subject of the offense" given that they prove the crime's corpus delicti,[56] it follows that they may be valid subjects of a search warrant under the above-cited criminal procedure provision. Neither does the Court agree with Laud's contention that the term "human remains" is too all embracing so as to subvert the particular description requirement. Asthe Court sees it, the description points to no other than the things that bear a direct relation to the offense committed, i.e., of Murder. It is also perceived that the description is already specific as the circumstances would ordinarily allow given that the buried bodies would have naturally decomposed over time. These observations on the description's sufficient particularity square with the Court's pronouncement in Bache and Co., (Phil.), Inc. v. Judge Ruiz,[57] wherein it was held:

A search warrant may be said to particularly describe the things to be seized when the description therein is as specific as the circumstances will ordinarily allow (People v. Rubio, 57 Phil. 384 [1932]); or when the description expresses a conclusion of fact — not of law — by which the warrant officer may be guided in making the search and seizure (idem., dissent of Abad Santos, J.); or when the things described are limited to those which bear direct relation to the offense for which the warrant is being issued(Sec. 2, Rule 126, Revised Rules of Court) x x x If the articles desired to be seized have any direct relation to an offense committed, the applicant must necessarily have some evidence, other than those articles, to prove the said offense; and the articles subject of search and seizure should come in handy merely to strengthen such evidence. (Emphases supplied)[58]

Consequently, the Court finds that the particular description requirement – both as to the place to be searched and the things to be seized – had been complied with.

Finally, the Court finds no violation of the one-specific-offense rule under Section 4, Rule 126 of the Rules of Court as above-cited which, to note, was intended to prevent the issuance of scattershot warrants, or those which are issued for more than one specific offense. The defective nature of scatter-shot warrants was discussed in the case of People v. CA[59] as follows: There is no question that the search warrant did not relate to a specific offense, in violation of the doctrine announced in Stonehill v. Diokno and of Section 3 [now, Section 4] of Rule 126 providing as follows:

SEC. 3. Requisites for issuing search warrant.— A search warrant shall not issue but upon probable cause in connection with one specific offense 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 things to be seized. Significantly, the petitioner has not denied this defect in the search warrant and has merely said that there was probable cause, omitting to continue that it was in connection with one specific offense. He could not, of course, for the warrant was a scatter-shot warrant that could refer, in Judge Dayrit's own words, "to robbery, theft, qualified theft or estafa." On this score alone, the search warrant was totally null and void and was correctly declared to be so by the very judge who had issued it.[60]

In Columbia Pictures, Inc. v. CA,[61] the Court, however, settled that a search warrant that covers several counts of a certain specific offense does not violate the one-specific-offense rule, viz.:

That there were several counts of the offense of copyright infringement and the search warrant uncovered several contraband items in the form of pirated video tapes is not to be confused with the number of offenses charged. The search warrant herein issued does not violate the one-specific-offense rule. (Emphasis supplied)[62]

Hence, given that Search Warrant No. 09-14407 was issued only for one specific offense – that is, of Murder, albeit for six (6) counts – it cannot be said that Section 4, Rule 126 of the Rules of Court had been violated.

That being said, the Court now resolves the last issue on forum shopping.

D. Forum Shopping.

There is forum shopping when a litigant repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court to increase his chances of obtaining a favorable decision if not in one court, then in another.[63]

Forum shopping cannot be said to have been committed in this case considering the various points of divergence attending the search warrant application before the Manila-RTC and that before the Davao-RTC. For one, the witnesses presented in each application were different. Likewise, the application filed in Manila was in connection with Murder, while the one in Davao did not specify any crime. Finally, and more importantly, the places to be searched were different – that in Manila sought the search of the Laud Compound caves, while that in Davao was for a particular area in the Laud Gold Cup Firing Range. There being no identity of facts and circumstances between the two applications, the rule against forum shopping was therefore not violated.

Thus, for all the above-discussed reasons, the Court affirms the CA Ruling, which upheld the validity of Search Warrant No. 09-14407.

WHEREFORE, the petition is DENIED. The Decision dated April 25, 2011 and the Resolution dated October 17, 2011 of the Court of Appeals in CA-G.R. SP. No. 113017 are hereby AFFIRMED.

SO ORDERED.

MARIA LOURDES P.A. SERENO
Chief Justice
Chairperson

PRESBITERO J. VELASCO, JR.*
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

C E R T I F I C A T I O N

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P.A. SERENO
Chief Justice

Footnotes

* Designated Acting Member per Special Order No. 1870 dated November 4, 2014.

[1] Rollo, pp. 9-53.

[2] Id. at 57-70. Penned by Associate Justice Apolinario D. Bruselas, Jr. with Associate Justices Mario L. Guarifia III and Agnes Reyes-Carpio, concurring.

[3] Id. at 72-74.

[4] CA rollo, pp. 207-208.

[5] Rollo, p. 58.

[6] Id. at 66.

[7] CA rollo, pp. 207-208.

[8] Rollo, p. 59.

[9] Id. at 93-127.

[10] See id. at 95-98. Referring to the administrative case entitled "Dee C. Chuan & Sons, Inc. v. Judge Peralta (see 603 Phil. 94 [2009]), wherein the Court administratively penalized Judge Peralta with fines of 15,000.00 and 5,000.00.

[11] See id. at 98-106.

[12] See id. at 106-108.

[13] See id. at 108-112.

[14] See id. at 113-118.

[15] See id. at 118-121.

[16] See id. at 121-124.

[17] Id. at 139.

[18] Id. at 140-187.

[19] Id. at 188-192.

[20] Id. at 190.

[21] Id.

[22] See id. at 79-80.

[23] Id. at 191. See Davao-RTC Order dated July 7, 2009 penned by Presiding Judge Ridgway M. Tanjili.

[24] Id. at 57-70.

[25] Entitled "RESOLUTION CLARIFYING GUIDELINES ON THE APPLICATION FOR AND ENFORCEABILITY OF SEARCH WARRANTS" (January 25, 2000).

[26] Entitled "GUIDELINES ON THE SELECTION AND DESIGNATION OF EXECUTIVE JUDGES AND DEFINING THEIR POWERS, PREROGATIVES AND DUTIES" (January 27, 2004).

[27] Chapter V, Section 12, of A.M. No. 03-8-02-SC omits the PAOC-TF and the REACT-TF, and mentions, instead, the Anti-Crime Task Force (ACTAF).

[28] Rollo, pp. 62-64.

[29] Id. at 66-67.

[30] Id. at 64-65.

[31] Id. at 67.

[32] Id. at 69.

[33] Id. at 72-74.

[34] 603 Phil. 94 (2009).

[35] Id. at 103.

[36] G.R. No. 191644, February 19, 2013, 691 SCRA 196.

[37] Id. at 224; citations omitted.

[38] See Re: Nomination of Atty. Lynda Chaguile, IBP Ifugao President, as Replacement for IBP Governor for Northern Luzon, Dennis B. Habawel, A.M. No. 13-04-03-SC, December 10, 2013.

[39] Gonzales v. COMELEC, 129 Phil. 7, 29 (1967).

[40] See Monroy v. CA, 127 Phil. 1, 7 (1967).

[41] Tuanda v. Sandiganbayan, 319 Phil. 460, 472 (1995).

[42] Rollo, pp. 61-64.

[43] "Well-settled is the rule that good faith is always presumed and the Chapter on Human Relations of the Civil Code directs every person, inter alia, to observe good faith which springs from the fountain of good conscience. Specifically, a public officer is presumed to have acted in good faith in the performance of his duties. Mistakes committed by a public officer are not actionable absent any clear showing that they were motivated by malice or gross negligence amounting to bad faith. 'Bad faith' does not simply connote bad moral judgment or negligence. There must be some dishonest purpose or some moral obliquity and conscious doing of a wrong, a breach of a sworn duty through some motive or intent or ill will. It partakes of the nature of fraud. It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill will for ulterior purposes." (Collantes v. Marcelo, 556 Phil. 794, 806 [2007].)

[44] Rollo, p. 63. See also CA rollo, p. 22.

[45] Republic Act No. 7659, entitled "AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES," states:

x x x x

> WHEREAS, the crimes punishable by death under this Act are heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society;
>
> x x x x
>
> Sec. 6. Article 248 of the same Code is hereby amended to read as follows:
>
> "Art. 248. Murder. - Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua, to death if committed with any of the following attendant circumstances:
>
> 1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
>
> 2. In consideration of a price, reward or promise.
>
> 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.

4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.

5. With evident premeditation.

6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse." (Emphases and underscoring supplied)

[46] Rollo, pp. 66-67.

[47] Id. at 67.

[48] 563 Phil. 781 (2007).

[49] Id. at 793.

[50] Rollo, p. 65.

[51] Uy v. Bureau of Internal Revenue, 397 Phil. 892, 907-908 (2000); citations omitted.

[52] CA rollo, p. 207.

[53] Rollo, p. 81.

[54] Art. 416. The following things are deemed to be personal property:

x x x x

(4) In general, all things, which can be transported from place to place without impairment of the real property to which they are fixed.

[55] Rollo, p. 46.

[56] "Corpus delictiis defined as the body, foundation or substance upon which a crime has been committed, e.g., the corpse of a murdered man. It refers to the fact that a crime has been actually committed." (People v. Quimzon, 471 Phil. 182, 192 [2004].)

[57] 147 Phil. 794 (1971).

[58] Id. at 811.

[59] G.R. No. 94396, November 27, 1992, 216 SCRA 101.

[60] Id. at 104-105; citations omitted.

[61] 329 Phil. 875 (1996).

[62] Id. at 928.

[63] Atty. Briones v. Henson-Cruz, 585 Phil. 63, 80 (2008).