



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-appellee,

G.R. No. 264473

Present:

LEONEN, J., Chairperson,  
LAZARO-JAVIER\*,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., JJ.

-versus-

LUCKY ENRIQUEZ y CASIPI,  
Accused-appellant.

Promulgated:  
AUG 07 2024

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DECISION

LEONEN, J.:

“The right against unreasonable search and seizure is a facet of the right to privacy, which guards against unreasonable State intrusion into its people’s private lives . . . . Thus, [a search warrant’s] issuance and subsequent implementation must comply with the necessary requirements for its validity.”<sup>1</sup>

\* On official business.

<sup>1</sup> *Zafe III v. People*, 901 Phil. 716, 725 (2021) [Per J. Leonen, Third Division].

This Court resolves the appeal<sup>2</sup> assailing the Decision<sup>3</sup> of the Court of Appeals affirming with modification the Regional Trial Court's Decision<sup>4</sup> that accused-appellant Lucky Enriquez y Casipi (Enriquez) is guilty beyond reasonable doubt of one count of illegal possession of dangerous drugs, and one count of illegal possession of equipment, instrument, apparatus, and other paraphernalia for dangerous drugs under Sections 11 and 12 of Republic Act No. 9165.

Two Informations were filed charging Enriquez with illegal possession of equipment, instrument, apparatus, and other paraphernalia for dangerous drugs, and illegal possession of dangerous drugs, as follows:

*Criminal Case No. R-QZN-17-05641-CR*  
(Illegal Possession of Drug Paraphernalia under Article II, Section 12 of  
RA [No.] 9165)

That on or about the 3<sup>rd</sup> day of May 2017, in Quezon City, Philippines, the said accused, without any authority of law, did then and there, willfully, unlawfully and knowingly possess or have under his control, equipment, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, or introducing dangerous drug into the body, to wit: One (1) improvised tooter, Two (2) pieces of disposable lighters, Several strips of aluminum foils (*sic*), One (1) scissor, color green, One (1) pack empty transparent plastic sachet, One (1) improvised glass water pipe/tooter, Several pieces of small opened (*sic*) heat-sealed transparent plastic sachets, and several pieces of aluminum foils (*sic*), in violation of the said law.

CONTRARY TO LAW.<sup>5</sup>

*Criminal Case No. R-QZN-17-05642-CR*  
(Illegal Possession of Dangerous Drugs under Article II, Section 11 of  
RA [No.] 9165)

That on or about the 3<sup>rd</sup> day of May 2017, in Quezon City, Philippines, the above-named accused, not having the authority by law to possess any dangerous drug, did then and there willfully, unlawfully and knowingly have in his possession and control Six (6) pieces heat-sealed transparent plastic sachet with markings A-1 to A-6 containing the following, to wit:

Five point zero seven zero one (5.0701) grams  
Four point eight one three five (4.8135) grams  
Two point five three three nine (2.5339) grams  
Four point nine four two six (4.9426) grams

<sup>2</sup> *Rollo*, pp. 3–5.

<sup>3</sup> *Id.* at 9–38. The June 30, 2020 Decision in CA-G.R. CR H.C. No. 40646 was penned by Associate Justice Maria Filomena D. Singh (now a Member of this Court) and concurred in by Associate Justices Priscilla J. Baltazar-Padilla (a retired Member of this Court) and Bonifacio S. Pascua of the Eleventh Division, Court of Appeals, Manila.

<sup>4</sup> *Id.* at 41–54. The September 29, 2017 Consolidated Judgment in Criminal Case Nos. R-QZN-17-05641-CR and R-QZN-05642-CR was penned by Presiding Judge Marilou D. Runes-Tamang of Branch 98, Regional Trial Court, Quezon City.

<sup>5</sup> *Id.* at 41.

Four point eight five seven [six] (4.8576) grams  
One point two seven six seven (1.2767) grams  
Total Net Weight -- 23.4944 grams

and Twenty (20) pieces heat-sealed transparent plastic sachet with markings A-7 to A-26 containing the following, to wit:

Zero point three two eight two (0.3282) gram  
Zero point five zero four zero (0.5040) gram  
Zero point three four nine seven (0.3497) gram  
Zero point one four [zero] three (0.1403) gram  
Zero point six three four four (0.6344) gram  
Zero point three two five two (0.3252) gram  
Zero point three two four nine (0.3249) gram  
Zero point three seven nine six (0.3796) gram  
Zero point four three zero one (0.4301) gram  
Zero point six one five eight (0.6158) gram  
Zero point seven two seven two (0.7272) gram  
Zero point five five zero two (0.5502) gram  
Zero point seven five five three (0.7553) gram  
Zero point four two two six (0.4226) gram  
Zero point five five four seven (0.5547) gram  
Zero point one nine four four (0.1944) gram  
Zero point three eight eight nine (0.3889) gram  
Zero point six zero zero six (0.6006) gram  
Zero point three four four six (0.3446) gram  
Zero point four six eight six (0.4686) gram  
Total Net Weight – 9.0393 gram

with a total net weight of Three Two point Five Three Three Seven (32.5337) grams of white crystalline substance containing Methamphetamine Hydrochloride, a dangerous drug.

CONTRARY TO LAW.<sup>6</sup>

Upon arraignment, Enriquez pleaded not guilty to both charges. Trial ensued.

According to the prosecution, at 4:30 p.m. of May 3, 2017, the Philippine Drug Enforcement Agency Regional Director, Wilkins M. Villanueva (Director Villanueva), conducted a briefing for the implementation of Search Warrant Nos. 5367 (2017), 5368 (2017), and 5369 (2017), all of which were issued by the executive judge of the Regional Trial Court of Quezon City.<sup>7</sup> Search Warrant 5368 (2017) was issued against alias Espando (Espando), alias Freddie (Freddie), and Enriquez at “Informal Settler’s Compound, NIA Road, Barangay Pinyahan, Quezon City” to search for and seize “1. Undetermined quantity of shabu/dangerous drugs, and 2. Drug paraphernalia.”<sup>8</sup>

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<sup>6</sup> *Id.* at 42.

<sup>7</sup> *Id.* at 11.

<sup>8</sup> *Id.* at 12.

The team for the implementation of Search Warrant No. 5368 (2017) was composed of 30 Philippine Drug Enforcement Agency agents, with Agent Cham D. Sulit (Agent Sulit) as the team leader. Agent Freddie L. Bannagao (Agent Bannagao) was assigned as the arresting officer. Agent Jake Edwin L. Million (Agent Million), as the seizing officer, was charged with searching the house described in the search warrant, which was allegedly a drug den operated by Espando, Freddie, and Enriquez. Agent Million also prepared the Authority to Operate and the Pre-Operation Report, which were both signed by Agent Sulit and approved by Director Villanueva. The Philippine Drug Enforcement Agency coordinated with the Quezon City Police District and secured the attendance of the required witnesses under Section 21 of Republic Act No. 9165.<sup>9</sup>

At 5:30 p.m. that same day, the Philippine Drug Enforcement Agency team proceeded to the target area, where the confidential informant directed them to the subject house. When they arrived at 6:00 p.m., Agent Sulit entered through the open door of the house. Some of the other Philippine Drug Enforcement Agency agents followed him inside and went upstairs, while the others remained on the first floor.<sup>10</sup>

The Philippine Drug Enforcement Agency agents looked for Espando and Freddie, but they were nowhere to be found. Enriquez, who was on the first floor, was immediately recognized. Upon seeing the Philippine Drug Enforcement Agency agents, Enriquez ran to the second floor of the house. However, Agent Bannagao caught him and brought him back downstairs, where he was arrested and handcuffed. Agent Million presented the search warrant to Enriquez, informed him of his constitutional rights, and explained their authority to search his house. The search was witnessed by media representative Jimmy Mendoza (Mendoza) of DZAR Sonshine Radio and Barangay Kagawad Edwin Bernal (Kagawad Bernal) of Barangay Pinyahan, Quezon City.<sup>11</sup>

Agent Million searched the first floor of the house. He found a blue pouch with the brand "Kipling" at the top drawer of a blue gray plastic cabinet beside an altar. Said pouch contained the following: 26 transparent plastic sachets containing white crystalline substance, one improvised tooter, two pieces of disposable lighters, several strips of aluminum foil, one pair of green scissors, and one empty transparent plastic sachet. Agent Million marked and inventoried the seized items, and prepared the Certificate of Orderly Search, while their photographer, Charlie Magno, photographed the seized items and the conduct of inventory. The inventory and taking of photographs were witnessed by Mendoza and Kagawad Bernal.<sup>12</sup>

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<sup>9</sup> *Id.* at 12.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 13.

<sup>12</sup> *Id.* at 13-14, 42.

Thereafter, Enriquez was brought to the Philippine Drug Enforcement Agency Regional Office-National Capital Region for documentation, further investigation, and drug testing. Agent Million turned over the seized drugs to the Philippine Drug Enforcement Agency Laboratory Service for examination, where they were received by Forensic Chemist Christine Naira (Forensic Chemist Naira).<sup>13</sup>

The laboratory result showed that the seized 26 sachets of white crystalline substance and plastic tooter tested positive for methamphetamine hydrochloride or *shabu*. However, Enriquez's drug test results were negative.<sup>14</sup>

On the part of the defense, Enriquez testified that he was sleeping inside his house when he suddenly woke up to the loud noises he heard from the first and second floor. He peeped through the stairs and saw three armed men wearing Philippine Drug Enforcement Agency uniforms and bullet-proof vests searching through his cabinets and security box. When Enriquez asked them what they wanted, the police officers asked for his name. After introducing himself, an agent approached him and instructed him to lie face down on the floor. He was then handcuffed by Agent Bannagao and brought downstairs. The agents waited for a media representative to arrive before bringing Enriquez to the Philippine Drug Enforcement Agency Regional Office-National Capital Region.<sup>15</sup>

In a September 29, 2017 Consolidated Judgment,<sup>16</sup> the Regional Trial Court found Enriquez guilty beyond reasonable doubt of violation of Article II, Sections 11 and 12 of Republic Act No. 9165. The dispositive portion reads:

**WHEREFORE**, upon the view the court takes on the foregoing, the court renders judgment in the following:

In Crim. Case No. R-QZN-17-05641-CR, the court renders judgment finding accused LUCKY ENRIQUEZ y CASIPI **GUILTY** beyond reasonable doubt of the crime of violation of Section 12, Article II of R.A. 9165 and is hereby sentenced to suffer the penalty of six (6) months and one (1) day to three (3) years and to pay a fine of Php 30,000.00 with subsidiary imprisonment in case of insolvency.

In Crim. Case No. R-QZN-17-05642-CR, the court finds same accused LUCKY ENRIQUEZ y CASIPI **GUILTY** beyond reasonable doubt for the illegal possession of 0.31 grams of Methamphetamine Hydrochloride or *shabu* in violation of Section 11, Article II of R.A. No. 9165 and is hereby sentenced to suffer an indeterminate prison term of twelve (12) years and (1) day as minimum to fourteen (14) years as

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 15.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 41-54.

maximum, and to pay a fine of Three Hundred Thousand Pesos (P300,000.00).

The One (1) improvised tooter, two (2) pieces disposable lighters, several strips of aluminum foils, one (1) scissor, color green, one (1) pack empty transparent sachet, the court finds one (1) piece improvised glass water pipe/tooter/ several pieces of small opened heat-sealed transparent plastic sachets, and several pieces of aluminum foils and twenty six (26) heat sealed plastic sachets with a total net weight of *32.53337grams of methylamphetamine hydrochloride* are ordered forfeited in favour of the government, the same to be turned over to the PDEA for proper disposal.

Furnish copies of this judgment the Office of the PNP Director General, as well as the Director of the DDB ad [sic] PDEA, as well as the Office of the Chief of Police, QCPD.

**SO ORDERED.**<sup>17</sup>

The Regional Trial court held that the wording of Search Warrant No. 5368 (2017) sufficiently complies with the requirements of a valid search warrant as it described the place to be searched and the items to be seized. The address "Informal Settler's Compound, NIA Road, Barangay Pinyahan, Quezon City," including the sketch of the house, complied with the requirements of the law as the agents implementing the warrant were able to ascertain and identify the place to be searched. The search warrant was also implemented within the proper period as it was valid until May 7, 2017 and served on May 3, 2017.<sup>18</sup>

The Regional Trial Court also upheld the warrant's implementation. Due to the open door, the agents were able to enter the house, follow Enriquez to the second floor, and arrest him before showing him the search warrant. Ordinarily, this sequence of events would have contravened the requirements of Rule 126, Section 7 of the Rules of Court. However, Enriquez was aware of their authority as he testified that he saw the agents wearing their Philippine Drug Enforcement Agency uniforms. Coupled with the possibility that Enriquez might escape, the trial court held that the agents' unannounced intrusion into Enriquez's house was justified.<sup>19</sup>

The Regional Trial Court ruled that all the elements for illegal possession of dangerous drugs and drug paraphernalia were duly established by the prosecution. Further, the chain of custody of the seized items was unbroken. While the court noted the inconsistent testimonies of the prosecution's witnesses regarding Enriquez's location when he was spotted, the same was deemed inconsequential.<sup>20</sup>

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<sup>17</sup> *Id.* at 53–54.

<sup>18</sup> *Id.* at 50–51.

<sup>19</sup> *Id.* at 51.

<sup>20</sup> *Id.* at 53.

In its June 30, 2020 Decision,<sup>21</sup> the Court of Appeals denied Enriquez's appeal and affirmed with modification his conviction for illegal possession of dangerous drugs, thus:

**WHEREFORE**, the appeal is **DENIED**. The Consolidated Judgment dated 29 September 2017 of the Regional Trial Court, Branch 98 of Quezon City in Criminal Cases Nos. R-QZN-17-05641-CR and R-QZN-17-05642-CR is **AFFIRMED with MODIFICATION** in Criminal Case No. R-QZN-17-05642-CR, for Illegal Possession of Dangerous Drugs. The accused-appellant **LUCKY ENRIQUEZ y CASIPI** is sentenced to suffer instead the penalty of life imprisonment and a fine not exceeding P400,000.00 for violation of Section 11, Article II of Republic Act No. 9165.

In all other aspects, the Consolidated Judgment is affirmed.

**SO ORDERED.**<sup>22</sup>

The Court of Appeals affirmed the validity of Search Warrant No. 5368 (2017). While the stated address may be considered imprecise or nonspecific and the sketch map was not attached to the records, it held that the Philippine Drug Enforcement Agency agents were able to locate Enriquez's house as the informant led them to the exact location of the premises to be searched. There was likewise no need to present the confidential informant, since the prosecution established that the Philippine Drug Enforcement Agency agents were briefed prior to the search, had personal knowledge of the actual search and seizure, and located the correct house where Enriquez was arrested. Further, Enriquez never denied that he was residing in the house. The search warrant also specifically described the objects to be searched, which were eventually found inside Enriquez's house.<sup>23</sup>

The Court of Appeals upheld the team's execution of the search warrant as the latter substantially complied with Rule 126, Section 7 of the Revised Rules of Criminal Procedure and the "knock and announce" principle.<sup>24</sup>

Since the door was already open when they arrived, the Philippine Drug Enforcement Agency agents did not need to knock on the door or employ any force to enter the house. That Enriquez attempted to escape when he saw the agents is indicative of his guilt for an activity that he felt would warrant the presence of law enforcers in his house. After Enriquez was caught by Agent Bannagao and brought downstairs, Agent Million formally announced the Philippine Drug Enforcement Agency agents' presence and their intention to implement the search warrant, which was read to Enriquez. Further, Enriquez cannot deny that he was aware of the Philippine Drug Enforcement Agency

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<sup>21</sup> *Id.* 9-38.

<sup>22</sup> *Id.* at 38.

<sup>23</sup> *Id.* at 17-23.

<sup>24</sup> *Id.* at 23-27.

agents' presence, because he was able to identify and describe what they were wearing.<sup>25</sup>

The search was also conducted in an orderly and peaceful manner as no items were broken nor was anybody hurt. Enriquez also had a chance to observe Agent Million and the other Philippine Drug Enforcement Agency agents while they searched the house.<sup>26</sup>

The convictions for the charges of illegal possession of dangerous drugs, and illegal possession of equipment, instrument, apparatus, and other paraphernalia were affirmed. The Court of Appeals held that the prosecution established all the elements necessary to sustain a conviction and proved that there was no break in the chain of custody.<sup>27</sup>

Aggrieved, Enriquez filed his Notice of Appeal.<sup>28</sup>

In its December 11, 2020 Resolution,<sup>29</sup> the Court of Appeals gave due course to Enriquez's Notice of Appeal and directed the elevation of the records to this Court.<sup>30</sup>

In its February 15, 2023 Resolution,<sup>31</sup> this Court noted the records forwarded by the Court of Appeals and required the parties to file their supplemental briefs. However, both the Office of the Solicitor General, on behalf of the People of the Philippines,<sup>32</sup> and Enriquez<sup>33</sup> manifested that they would no longer file supplemental briefs. These were noted by this Court in its August 7, 2023 Resolution.<sup>34</sup>

Enriquez opposes the validity of the search warrant. He states that the warrant did not specifically describe the place to be searched, as it merely read "inside the subject house (please see attached sketch map of the house) located at Informal Settler's Compound, NIA Road, Barangay Pinyahan, Quezon City[.]"<sup>35</sup> He alleges that this description is too general to pinpoint the specific house referred to. Further, no sketch map was attached to the warrant nor was any offered as evidence. The alleged informant who led the police officers to the house was not even presented as a witness.<sup>36</sup>

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<sup>25</sup> *Id.* at 23–26.

<sup>26</sup> *Id.* at 27.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 3–5.

<sup>29</sup> *Id.* at 7.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 55.

<sup>32</sup> *Id.* at 57–59.

<sup>33</sup> *Id.* at 63–65.

<sup>34</sup> *Id.* at 68.

<sup>35</sup> *CA rollo*, p. 34.

<sup>36</sup> *Id.* at 33–35.



Enriquez further contends that the execution of the search warrant violated the “knock and announce” rule since there was no justification for the agents’ unannounced entry into the house. The testimonies of Agent Bannagao and Agent Million both state that they already entered the house before they saw Enriquez, negating any claim that they first announced their authority and showed the warrant. Enriquez’s alleged attempt to escape was not the reason for their unannounced entry, as they were already inside his house.<sup>37</sup>

As the search warrant failed to indicate the place to be searched and the agents did not properly execute the warrant, Enriquez insists that his constitutional rights against unreasonable search and seizure were violated. Thus, the evidence obtained are inadmissible for any purpose in any proceeding, including the present case for prosecution for illegal possession of dangerous drugs and drug paraphernalia.<sup>38</sup>

The Office of the Solicitor General, on the other hand, insists that the search warrant’s description of the place to be searched met the requirements of Rule 126, Section 4 of the Rules of Court. With the attached map and sketch, the agents implementing the warrant could easily identify the address.<sup>39</sup>

While Enriquez acknowledges that the agents committed an unannounced intrusion into the house and failed to announce their presence prior to their entry, Enriquez’s attempt to escape when he saw them was sufficient justification for the contravention.<sup>40</sup>

Plaintiff-appellee maintains that the prosecution established all the elements of illegal possession of dangerous drugs and drug paraphernalia. The integrity and evidentiary value of the seized drugs were preserved through the observance of chain of custody.<sup>41</sup>

The issues for this Court’s resolution are:

First, whether Search Warrant No. 5368 (2017) issued against accused-appellant Lucky Enriquez y Casipi was valid; and

Second, whether the Philippine Drug Enforcement Agency properly executed Search Warrant No. 5368 (2017).

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<sup>37</sup> *Id.* at 36–39.

<sup>38</sup> *Id.* at 39–41.

<sup>39</sup> *Id.* at 83–85.

<sup>40</sup> *Id.* at 86.

<sup>41</sup> *Id.* at 86–90.

The appeal is meritorious.

The Constitution guarantees the fundamental right against unlawful searches and seizures, which is sacrosanct and inviolable.<sup>42</sup> Article III, Section 2 thereof provides:

SECTION 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.<sup>43</sup>

In *Zafe III v. People*,<sup>44</sup> this Court highlighted that the underlying consideration behind this right is that every individual is presumed innocent unless their guilt is proven beyond reasonable doubt. As such, those seeking to conduct any search and seizure must ensure that they are complying with the law:

All criminal prosecutions proceed from this presumption of innocence, which may “only be defeated by proof beyond reasonable doubt.” In *People v. Luna*, this Court emphasized that “the overriding consideration is not whether the court doubts the innocence of the accused but whether it entertains reasonable doubt as to [their] guilt.” Thus, the prosecution bears the burden of proving the accused’s guilt beyond reasonable doubt, and the courts must approach every criminal case with the mindset that the accused is not guilty unless proven otherwise.

These same considerations underscore the right to be secure from unreasonable searches and seizures. In *People v. Aruta*, searches and seizures by State agents were deemed “normally unreasonable” unless done pursuant to a warrant, as provided by Article III, Section 2 of the Constitution.

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The right against unreasonable search and seizure is a facet of the right to privacy, which guards against unreasonable State intrusion into its people’s private lives. While exceptions for warrantless searches and seizures exist, this case involves a search done pursuant to a warrant. Thus, the warrant’s issuance and subsequent implementation must comply with the necessary requirements for its validity.<sup>45</sup> (Citations omitted)

It is for this reason that Article III, Section 3(2) of the Constitution mandates that any evidence obtained in violation of these rights shall be

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<sup>42</sup> *People v. Santos*, G.R. No. 235790, September 21, 2022 [Per J. Leonen, Second Division].

<sup>43</sup> CONST., art. III, sec. 2.

<sup>44</sup> 901 Phil. 716 (2021) [Per J. Leonen, Third Division].

<sup>45</sup> *Id.* at 724–725.

inadmissible for any purpose in any proceeding.<sup>46</sup> “In other words, evidence obtained and confiscated on the occasion of such unreasonable searches and seizures are deemed tainted and should be excluded for being the proverbial fruit of a poisonous tree.”<sup>47</sup>

Among the requirements for a valid search warrant is that it must “particularly describ[e] the place to be searched[.]”<sup>48</sup> This requirement “is essential in the issuance of search warrants to avoid the exercise by the enforcing officers of discretion to decide on their own where to search and whom and what to seize.”<sup>49</sup> The description in a search warrant complies with the constitutional requirement if it meets the following criteria:

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.<sup>50</sup>

In this case, Search Warrant No. 5368 (2017)’s description of the premises to be searched is located “inside the subject house (please see attached sketch map of the house) located at Informal Settlers’ Compound, NIA Road, Barangay Pinyahan, Quezon City[.]”<sup>51</sup>

Clearly, the search warrant’s wording fails to meet the particularity requirement as it effectively gave the Philippine Drug Enforcement Agency agents free reign to search every place within the Informal Settlers’ Compound in NIA Road.

This Court cannot give credence to the prosecution’s argument that the sketch attached to the search warrant distinguished the place to be searched. A perusal of the Regional Trial Court’s Consolidated Judgment shows that while Search Warrant No. 5368 (2017) was marked by the prosecution as an exhibit during the preliminary conference, the alleged attached sketch map was not included.<sup>52</sup> The Court of Appeals even stated that the “sketch map is not extant in the record[.]”<sup>53</sup> As such, the courts were unable to verify whether the sketch map was truly attached to the search warrant and if it described the premises to be searched with particularity.

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<sup>46</sup> CONST., art. III, sec. 3, par. 2.

<sup>47</sup> *Bulanitan y Mauayan v. People*, 795 Phil. 468, 476 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>48</sup> CONST., art. III, sec. 2.

<sup>49</sup> *Diaz v. People*, 877 Phil. 523, 532 (2020) [Per J. Hernando, Second Division]. (Citation omitted)

<sup>50</sup> *People v. Policarpio*, 894 Phil. 427, 435 (2021) [Per C.J. Peralta, Special Second Division].

<sup>51</sup> *Rollo*, p. 50.

<sup>52</sup> *Id.* at 43–44.

<sup>53</sup> *Id.* at 20.

The doubtful existence of the sketch map or its failure to properly identify the premises to be searched is evident in the Regional Trial Court's and the Court of Appeals' recognition that the government agents were only able to locate accused-appellant's house through the confidential informant's assistance.

The Regional Court, in its Consolidated Judgment, stated that:

While the warrant merely states "Informal Settler's Compound, NIA Road, Barangay Pinyahan, Quezon City,[]" it shall be noted that a sketch of the house was indicated in the Search Warrant. In fact the agents who implemented the search warrant was accompanied by the informant who pinpointed them to the exact location of the house of the accused.<sup>54</sup>

The Court of Appeals, on the other hand, was explicit that the confidential informant's help was vital in leading them to the house:

While the given address may be considered imprecise or non-specific, the agents of the PDEA were able to locate Lucky's house because their informant was with them and the informant knew exactly the location of the premises to be searched. Although the sketch map is not extant in the record, Agent Million nevertheless testified that they were able to locate the house of Lucky through the help of their confidential informant.<sup>55</sup>

The failure to present the sketch map, coupled with the necessity of the confidential informant's assistance, casts serious doubt on whether the address stated in the search warrant met the definiteness or particularity requirement. As such, it is clear that the search warrant issued was so broadly worded that it constituted a general warrant proscribed by the Constitution.<sup>56</sup>

Aside from the search warrant's invalidity, the government agents' execution was tainted with multiple irregularities.

Government agents who seek to legally effect a search warrant must comply with the provisions of the Rules of Court, specifically Rule 126, Sections 7 and 8:

SECTION 7. *Right to Break Door or Window to Effect Search.* — The officer, if refused admittance to the place of directed search after giving notice of his purpose and authority, may break open any outer or inner door or window of a house or any part of a house or anything therein to execute the warrant or liberate himself or any person lawfully aiding him when unlawfully detained therein.

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<sup>54</sup> *Id.* at 50.

<sup>55</sup> *Id.* at 20.

<sup>56</sup> *Diaz v. People*, 877 Phil. 523, 532 (2020) [Per J. Hernando, Second Division].

SECTION 8. *Search of House, Room, or Premises to Be Made in Presence of Two Witnesses.* — No search of a house, room, or any other premises 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.<sup>57</sup>

Rule 126, Section 7 of the Rules of Court lays down the preliminary acts that must be accomplished before an officer's right to break open doors or windows is triggered. In doing so, it effectively provides a roadmap that government agents must follow for the proper implementation of search warrants, i.e., giving notice of their purpose and authority and requesting admittance to the place to be searched.

This analysis is consistent with this Court's discussion in *People v. Huang Zhen Hua*,<sup>58</sup> where the requirements of a valid execution of a search warrant were discussed. It was also explained that the requirements protect not only the person being served with a warrant, but the government agents seeking to implement it to avoid the possibility of violence due to an unannounced intrusion. However, this Court acknowledged that certain conditions may justify the government agents' unannounced intrusion. As held in this case:

The police officers were obliged to give the appellant notice, show to her their authority, and demand that they be allowed entry. They may only break open any outer or inner door or window of a house to execute the search warrant if, after such notice and demand, such officers are refused entry to the place of directed search. This is known as the "knock and announce" principle which is embodied in Anglo-American Law. The method of entry of an officer into a dwelling and the presence or absence of such notice are as important considerations in assessing whether subsequent entry to search and/or arrest is constitutionally reasonable.

....

*Generally, officers implementing a search warrant must announce their presence, identify themselves to the accused and to the persons who rightfully have possession of the premises to be searched, and show to them the search warrant to be implemented by them and explain to them said warrant in a language or dialect known to and understood by them.* The requirement is not a mere procedural formality but is of the essence of the substantial provision which safeguards individual liberty. No precise form of words is required. It is sufficient that the accused has notice of the officers, their authority and the purpose of the search and the object to be seized. It must be emphasized that the notice requirement is designed not only for the protection of the liberty of the person to be searched or of his property but also the safety and well-being of the officers serving and implementing the search warrant. Unless the person to whom the warrant is addressed and whose property is to be searched is notified of the search

<sup>57</sup> RULES OF COURT, Rule 126, secs. 7 and 8.

<sup>58</sup> 482 Phil. 572 (2004) [Per J. Callejo, Sr., Second Division].

warrant and apprised of the authority of the person serving the warrant, he may consider the unannounced intrusion into the premises as an unlawful aggression on his property which he will be justified in resisting, and in the process, may cause injury even to the life of the officer implementing the warrant for which he would not be criminally liable. Also, there is a very real possibility that the police serving and implementing the search warrant may be misinformed as to the name or address of the suspect, or to other material affirmations. Innocent citizens should not suffer the shock, fright, shame or embarrassment attendant upon an unannounced intrusion. *Indeed, a lawful entry is the indispensable predicate of a reasonable search. A search would violate the constitutional guarantee against unreasonable search and seizure if the entry were illegal, whether accomplished by force, or by threat or show of force or obtained by stealth, or coercion.*

Unannounced intrusion into the premises is permissible when (a) a party whose premises or is entitled to the possession thereof refuses, upon demand, to open it; (b) when such person in the premises already knew of the identity of the officers and of their authority and persons; (c) when the officers are justified in the honest belief that there is an imminent peril to life or limb; and (d) when those in the premises, aware of the presence of someone outside (because, for example, there has been a knock at the door), are then engaged in activity which justifies the officers to believe that an escape or the destruction of evidence is being attempted. Suspects have no constitutional right to destroy evidence or dispose of evidence. However, the exceptions above are not exclusive or conclusive. At times, without the benefit of hindsight and ordinarily on the spur of the moment, the officer must decide whether or not to make an unannounced intrusion into the premises. Although a search and seizure of a dwelling might be constitutionally defective, if the police officers' entry was without prior announcement, law enforcement interest may also establish the reasonableness of an unannounced entry. Indeed, there is no formula for the determination of reasonableness. Each case is to be decided on its own facts and circumstances. In determining the lawfulness of an unallowed entry and the existence of probable cause, the courts are concerned only with what the officers had reason to believe and the time of the entry.<sup>59</sup> (Emphasis supplied, citations omitted)

The procedure is clear: government agents must “announce their presence, identify themselves to the accused and to the persons who rightfully have possession of the premises to be searched, and show to them the search warrant to be implemented by them and explain to them said warrant in a language or dialect known to and understood by them.”<sup>60</sup> If the government agents are refused entry despite their compliance, then they have the right to break open doors or windows. Further, government agents may execute an unannounced intrusion under limited circumstances.

Regarding the conduct of the search, Rule 126, Section 8 of the Rules of Court provides a hierarchy of who are prioritized as witnesses.<sup>61</sup> This witness must either be the lawful occupant of the premises to be searched or any member of their family. It is only in their absence that individuals of

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<sup>59</sup> *Id.* at 596–599.

<sup>60</sup> *Id.*

<sup>61</sup> *People v. Go*, 457 Phil. 885, 915 (2003) [Per Carpio Morales, Third Division].

sufficient age and discretion residing in the same locality may step in as witnesses.<sup>62</sup> Corollarily, a search where the “witnesses prescribed by law are prevented from actually observing and monitoring the search of the premises, violates both the spirit and letter of the law”<sup>63</sup> and renders the search unreasonable.

In this case, it is undisputed that the police agents entered accused-appellant’s house without permission and any announcement of their presence. The lower courts’ narration of facts is consistent that upon seeing that the door to accused-appellant’s house was open, the Philippine Drug Enforcement Agency agents immediately rushed inside without making any effort to give notice of their purpose and authority to execute the search warrant and request entry.<sup>64</sup> The government agents only undertook these actions once they were inside and saw accused-appellant, who was “very much surprised”<sup>65</sup> at their presence.<sup>66</sup>

The prosecution failed to justify the Philippine Drug Enforcement Agency agents’ unannounced entry into accused-appellant’s house. A scrutiny of the narration of what transpired prior to the government agents’ entry reveals the absolute absence of any reason that would necessitate a circumvention of the requirements of Rule 126, Section 7 of the Rules of Court. First, the government agents never sought accused-appellant’s permission to enter his house, giving him no opportunity to refuse. Second, as accused-appellant did not see them before they entered, he was unaware of their authority and identity. Third, there is no showing that the government agents believed there was an imminent peril to life or limb. Finally, the prosecution never claimed that prior to their entry, the government agents were under the impression that accused-appellant was trying to escape or destroy the evidence to be seized. While accused-appellant ran away when he saw them, this act may be attributed to his shock upon waking that several strangers were suddenly inside his house, and not an indication of guilt.

The government agents also failed to comply with the requirements of Rule 126, Section 8 of the Rules of Court. Accused-appellant, who was the lawful occupant of the premises, was not able to witness the government agents’ search.

The Court of Appeals stated that “[t]he search was done in the presence of media representative Jimmy Mendoza (Jimmy) of DZAR Sonshine Radio and Barangay Kagawad Edwin Bernal (Kgd. Edwin) of Barangay Pinyahan, Quezon City.”<sup>67</sup> In justifying accused-appellant’s absence, the Court of

<sup>62</sup> RULES OF COURT, Rule 126, sec. 8.

<sup>63</sup> *People v. Go*, 457 Phil. 885, 915 (2003) [Per Carpio Morales, Third Division].

<sup>64</sup> *Rollo*, pp. 12, 45.

<sup>65</sup> *Id.* at 45.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 13.

Appeals held that “[accused-appellant] *had a chance to observe* Agent Million and the other PDEA Agents while they searched his house.”<sup>68</sup> Evidently, despite accused-appellant’s presence in the premises, the Philippine Drug Enforcement Agency agents did not bother to ensure that he witnessed the search.

It is clear to this Court that the search conducted on May 3, 2017 was executed in violation of the accused-appellant’s constitutional rights and the Rules of Court, rendering it void. Concomitantly, the items seized from the search are inadmissible as evidence for any purpose in any proceeding<sup>69</sup> and may not be used against accused-appellant to support his conviction in the present case. Therefore, his acquittal is in order.

We close on the words of this Court in *People v. Laguio, Jr.*:<sup>70</sup>

[T]hose who are supposed to enforce the law are not justified in disregarding the rights of the individual in the name of order. Order is too high a price for the loss of liberty. As Justice Holmes once said, "I think it is less evil that some criminals should escape than that the government should play an ignoble part." It is simply not allowed in free society to violate a law to enforce another, especially if the law violated is the Constitution itself.<sup>71</sup>

**ACCORDINGLY**, the appeal is **GRANTED**. The June 30, 2020 Decision of the Court of Appeals in CA-G.R. CR H.C. No. 40646 is hereby **REVERSED** and **SET ASIDE**. Accused-appellant Lucky Enriquez y Casipi is **ACQUITTED** of the crimes of illegal possession of dangerous drugs and illegal possession of equipment, instrument, apparatus, and other paraphernalia for dangerous drugs under Sections 11 and 12 of Republic Act No. 9165. He is ordered **RELEASED** from confinement unless he is being held for some other legal grounds.

Let a copy of this Decision be furnished to the Director General of the Bureau of Corrections for immediate implementation. The Director General is **DIRECTED** to report the action he or she has taken to this Court within five days from receipt of this Decision. For their information, copies shall also be furnished to the Chief of the Philippine National Police and the Director General of the Philippine Drug Enforcement Agency.

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<sup>68</sup> *Id.* at 27.

<sup>69</sup> CONST., art. III, sec. 2.

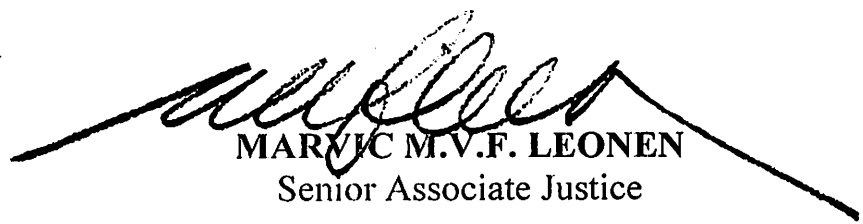
<sup>70</sup> 547 Phil. 296 (2007) [Per J. Garcia, First Division].

<sup>71</sup> *Id.* at 331.



Let entry of judgment be issued immediately.

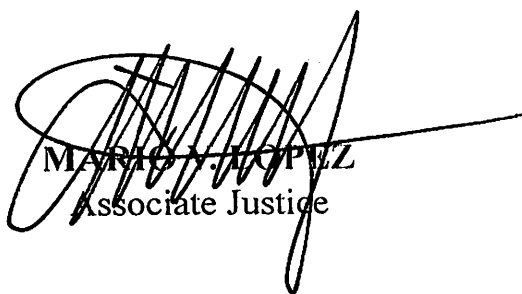
**SO ORDERED.**



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

WE CONCUR:

On official business  
**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO J. LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice

**ATTESTATION**

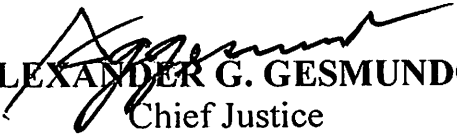
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice