



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **December 7, 2022**, which reads as follows:*

**G.R. No. 262385 – ERNESTO GAYETA y MAGTIBAY, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.**

Before the Court is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court, seeking to reverse and set aside the Decision,<sup>2</sup> dated September 23, 2021, and Resolution,<sup>3</sup> dated July 18, 2022, of the Court of Appeals (CA) in CA-G.R. CR No. 44111, which affirmed the conviction of petitioner Ernesto Gayeta y Magtibay (**Gayeta**) for illegal possession of firearm and ammunition, in violation of Section 28(a) of Republic Act No. (RA) 10591.<sup>4</sup>

*The Facts*

In an Information,<sup>5</sup> dated May 31, 2016, filed in Criminal Case No. 14199-G before the Regional Trial Court of Catanauan, Quezon, Branch 96 (RTC), Gayeta was charged with violation of RA 10591, the accusatory portion of which reads:

That on or about the 28<sup>th</sup> day of May 2016, in the Municipality of San Narciso, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above named accused, with intent to possess and without authority from law, did then and there wilfully, unlawfully and knowingly have in his custody, possession, and control one (1) caliber 45 Shooter with Serial No. 09981188, a small arm, with one (1) magazine and five (5) live ammunitions, without first having obtained the proper license or authority to possess the same.

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<sup>1</sup> *Rollo*, pp. 12-30.

<sup>2</sup> *Id.* at 37-68. Penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Carlito B. Calpatura.

<sup>3</sup> *Id.* at 70-72.

<sup>4</sup> Comprehensive Firearms and Ammunition Regulation Act. Approved on May 29, 2013.

<sup>5</sup> *Rollo*, p. 38.

Contrary to law.<sup>6</sup>

### *The Version of the Prosecution*

The prosecution alleged that at around 6:30 a.m. of May 28, 2016, the police officers of the San Narciso Municipal Police Station implemented Search Warrant No. Q-358(16) (**subject warrant**), issued by Judge Agripino Morga, against Gayeta, in Barangay Abuyon, San Narciso, Quezon. Upon their arrival with Police Senior Inspector Joselito Araja (**PSI Araja**) and Barangay *Kagawads* Rolly Rodil and Joel De Chavez, they saw Gayeta and his family in front of the house. Police Officer 3 (**PO3**) Lacorte read the subject warrant to Gayeta, and PSI Araja requested for the latter's cooperation. Gayeta then voluntarily retrieved and handed to PO3 Leo Muhi one (1) shooter .45 caliber pistol with serial number 09981188 (**subject firearm**), loaded with one (1) magazine with five (5) live ammunition. The inventory was conducted in front of Gayeta and witnessed by the barangay officials. Thereafter, Gayeta was arrested, informed of his rights, and brought to the police station.<sup>7</sup>

### *The Version of the Defense*

For his part, Gayeta mainly invoked the defense of denial. He claimed that he was in his store in Sitio Batud, San Narciso, Quezon when he was approached by two police officers, while eight others surrounded the store. They then informed him that they had a search warrant and asked him if he had a gun. Gayeta answered in the negative, but signed the subject warrant and allowed the police officers to search his store as he was frightened. The search yielded the subject firearm. Gayeta nonetheless contended that the subject warrant: (a) was addressed to "Estong Gayeta," while his name is Ernesto and he is known as "Erning"; and (b) stated that the search shall be conducted in his house in Barangay Abuyon, which is about a half kilometer from his store.<sup>8</sup>

### *The Ruling of the RTC*

In the Decision,<sup>9</sup> dated June 26, 2019, the RTC found Gayeta guilty beyond reasonable doubt of violation of Section 28(a) of RA 10591, and sentenced him to suffer the penalty of four years and two months of *prision correccional*, as minimum, and eight years and one day of *prision mayor*, as maximum.<sup>10</sup> It gave credence to the prosecution's narrative and held that the

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<sup>6</sup> *Id.* at 92.

<sup>7</sup> *Id.* at 92-93.

<sup>8</sup> *Id.* at 93-94.

<sup>9</sup> *Id.* at 92-99. Penned by Presiding Judge Edilwasif T. Baddiri.

<sup>10</sup> *Id.* at 99.

essential elements of the crime were proven. The RTC also observed that Gayeta's defense of plain denial and arguments that the subject warrant was implemented against the wrong person and at the wrong place were belatedly asserted.<sup>11</sup>

Aggrieved, Gayeta appealed to the CA.

### *The Ruling of the CA*

In the Decision,<sup>12</sup> dated September 23, 2021, the CA affirmed Gayeta's conviction, modifying the penalty imposed to imprisonment from six years and one day of *prision mayor*, as minimum, to eight years and one day of *prision mayor*, as maximum.<sup>13</sup> It held that the subject warrant is valid and Gayeta effectively waived his right to question its legality and the admissibility of the evidence seized, for failure to raise objections during the proceedings before the RTC. The CA likewise found that the prosecution successfully proved the elements of illegal possession of firearms and ammunition.<sup>14</sup>

Gayeta moved for reconsideration, raising for the first time the issue that the Executive Judge of San Pablo City, Laguna issued the subject warrant. The CA denied the motion in the Resolution,<sup>15</sup> dated July 18, 2022.

Hence, this Petition.

### *The Issue*

Did the CA err in affirming the RTC's conviction of Gayeta for illegal possession of firearm and ammunition?

Gayeta asserts that the subject warrant is void, making the evidence seized inadmissible. He further maintains that the prosecution failed to prove all the elements of the crime charged beyond reasonable doubt.<sup>16</sup>

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<sup>11</sup> *Id.* at 95-98.

<sup>12</sup> *Id.* at 37-68.

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

<sup>14</sup> *Id.* at 43-67.

<sup>15</sup> *Id.* at 70-72.

<sup>16</sup> *Id.* at 43-67.

*The Ruling of the Court*

The Petition is granted.

Section 2, Rule 126 of the Rules of Court provides that 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; or (c) only in the court where the criminal action is pending, if the criminal action has already been filed.

The subject warrant issued by Judge Agripino Morga, the Executive Judge of San Pablo City, Laguna, was implemented in San Narciso, Quezon.<sup>17</sup> While the provinces of Laguna and Quezon belong to the same judicial region, the prosecution did not provide any reason for obtaining the subject warrant in Laguna. Notably, the prosecution also failed to offer an explanation when Gayeta raised this issue in his motion for reconsideration before the CA. Thus, the search warrant is void for being issued without jurisdiction.

Further, the subject warrant did not specifically describe the place to be searched, as it only provided that the search is to be conducted in Gayeta's "house at Brgy. Abuyon, San Narciso, Quezon."<sup>18</sup> The RTC only referred to the place searched by the police officers as the "target area,"<sup>19</sup> while the CA concluded that search warrant was implemented in Gayeta's house.<sup>20</sup> Notably, Gayeta was firm that the search was conducted at his store, which is 500 meters away from his house.<sup>21</sup> Both courts inexplicably disregarded Gayeta's and his wife's testimonies and the *Pagpapatunay* issued by Barangay Chairperson Bayani Capio, establishing that: (a) Gayeta's residence is located in Sitio Puras; and (b) the search warrant was implemented at Gayeta's store in Sitio Batud, with both *sitios* within barangay Abuyon.<sup>22</sup> Hence, the subject warrant is likewise void for noncompliance with the requirement that a search warrant should sufficiently describe the place to be searched, such that the officer with the warrant can, with reasonable effort, ascertain and identify the place intended and distinguish it from other places in the community.<sup>23</sup>

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<sup>17</sup> *Id.* at 21, 106 & 131.

<sup>18</sup> *Id.* at 45-46.

<sup>19</sup> *Id.* at 96.

<sup>20</sup> *Id.* at 46.

<sup>21</sup> *Id.* at 94.

<sup>22</sup> *Id.* at 93-94.

<sup>23</sup> See *People v. Magayon*, G.R. No. 238873, September 16, 2020.



In consequence, the subject firearm is inadmissible in evidence. The CA's conclusion that there was in fact no search conducted by the police officers of the San Narciso Municipal Police Station, because Gayeta voluntarily surrendered the subject firearm,<sup>24</sup> cannot detract from the inadmissibility of the seized evidence. Even assuming that Gayeta gave the subject firearm to the police officers on his own accord, the same would not have occurred without the implementation of the void search warrant. The Court must point out that, based on the prosecution's own evidence, the police served and even read the subject warrant already to Gayeta before the firearm was confiscated.

The foregoing, coupled with: (a) the absence of showing that the judge personally and thoroughly examined the applicant in determining probable cause, or even just the particular facts and circumstances he considered in granting the subject warrant,<sup>25</sup> as the transcript of Judge Agripino Morga's examination was not attached to the subject warrant;<sup>26</sup> and (b) the merits of Gayeta's contentions as to the invalidity of the subject warrant, which although only raised before the CA do not validate a warrant that was issued in disregard of the constitutional requirements,<sup>27</sup> militate against the conviction of Gayeta.

Accordingly, Gayeta is entitled to an acquittal given the prosecution's failure to discharge the burden of proving his guilt beyond reasonable doubt absent the firearm, which is the *corpus delicti*, in this case.<sup>28</sup>

**WHEREFORE**, the Petition is **GRANTED**. The Decision, dated September 23, 2021, of the Court of Appeals in CA-G.R. CR No. 44111 is **REVERSED**. Ernesto Gayeta y Magtibay is **ACQUITTED** of the crime charged in Criminal Case No. 14199-G of the Regional Trial Court of Catanauan, Quezon, Branch 96 on the ground of reasonable doubt.

Let an entry of final judgment be issued immediately.

**SO ORDERED.** (Dimaampao, J., on wellness leave.)

By authority of the Court:

MISAEL DOMINGO C. BATTUNG III  
Division Clerk of Court *Ms. D.C. Batt* *01-01-23*

<sup>24</sup> Rollo, pp. 56-57.

<sup>25</sup> See *Zafe III v. People*, G.R. No. 226993, May 3, 2021; citing *Ogayon v. People*, 768 Phil. 272, 284-285 (2015).

<sup>26</sup> Rollo, p. 49.

<sup>27</sup> *Ogayon v. People*, *supra*.

<sup>28</sup> See *People v. Maglinas*, G.R. No. 255496, August 10, 2022.

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REGIONAL TRIAL COURT  
Branch 96, 4311 Catanauan, Quezon  
(Crim. Case No. 14199-G)

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