



MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 10

SUSPENDING MUNICIPAL JUDGE EDMUNDO S. PIÑA OF ZAMBOANGA CITY.

This is an administrative case against Municipal Judge Edmundo S. Piña of Zamboanga City who is charged with wrongful issuance of a search warrant, resulting in the illegal arrest and detention of complainant Domingo Samonte and one Tomasa Aguilar.

It appears that on September 21, 1951, Detective Honorio A. Ybera of the Zamboanga City Police Department applied with the respondent judge for the issuance of a search warrant for the premises where Domingo Samonte and Tomasa Aguilar were allegedly living in illegal relationship so that they could be seized and brought to court, to be dealt with in accordance with law. On the same date the respondent issued the warrant applied for, which reads as follows:

"SEARCH WARRANT

"The People of the Philippines
"To any policeman in the City of Zamboanga

"Proof, by affidavit, having been presented this day before me by ACEPIRA TORIBIO DE SAMONTE, that her husband Domingo N. Samonte is now living with another woman by the name of Tomasa, in Talon-Talon, City of Zamboanga, should be apprehended and brought to the undersigned.

"You are hereby commanded to make an immediate search at any time of the day or night, of the premises above-described and forthwith seize and take possession of the persons of Domingo N. Samonte and Tomasa and to arrest the offenders and bring before me to be dealt with as the law directs.

"Given under my hand this 21 day of September, 1951,
in the City of Zamboanga, Philippines.

"(SGD.) EDMUNDO S. PIÑA
"Judge, Municipal Court
"Zamboanga City" (Exh.A.)

On the strength of the "search warrant" Exhibit A issued by the respondent, Detective Ybera and his companions apprehended Domingo Samonte and Tomasa Aguilar around 11:30 P.M. of September 26, 1951, and brought them to the police station where they were detained up to ten o'clock the following morning.

In his answer to the charges the respondent contends that he did not commit any irregularity in the issuance of the search warrant, as it was issued after all the requisites of the law had been complied with. He points out that a probable cause was determined by him before he issued the warrant as required by the Rules of Court and the Constitution. Without so stating explicitly, he seemingly deduces that a search warrant may be used for the arrest or seizure of "persons" from the provision that the search warrant should particularly describe "the place to be searched and the persons or things to be seized." However, during the investigation of the case the respondent apparently abandoned his aforesaid defenses, and alleged that the search warrant was not prepared in his office but was brought to him for signature already prepared by Detective Ybera and that he signed it without noticing that the word "arrest" appeared therein.

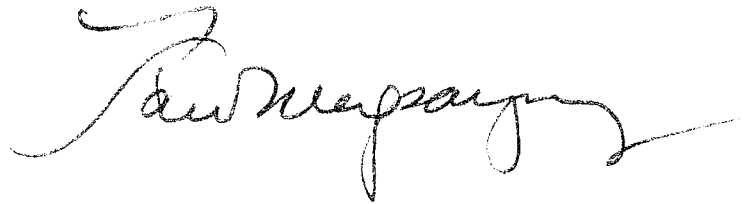
Respondent's contentions are untenable and do not exonerate him from responsibility. They only show his gross ignorance of the law or his negligence in the performance of his official duties. A search warrant may only be used for the search and seizure of personal property but not for the arrest or apprehension of a person accused or suspected of committing a crime. While it is true that Section 3 of Rule 122 of the Rules of Court, as does Section 1(3), Article III of the Constitution, provides that a search warrant should particularly describe "the place to be searched, and the persons or things to be seized," the reference to persons in said provision contemplates the seizure of persons for the purpose of making a search for personal property in their possession (People v. Veloso, 48 Phil. 169). It appears here that the search warrant issued by the respondent judge was not intended for the search and seizure of any personal property but for the arrest or apprehension of Domingo Samonte and Tomasa Aguilar because of their alleged illicit relations.

His claim that he signed the search warrant without knowing or verifying its contents and impart constitutes an implied admission of his error in issuing the warrant and a confession of official negligence, which resulted in the unlawful detention of Domingo Samonte and Tomasa Aguilar for about ten hours.

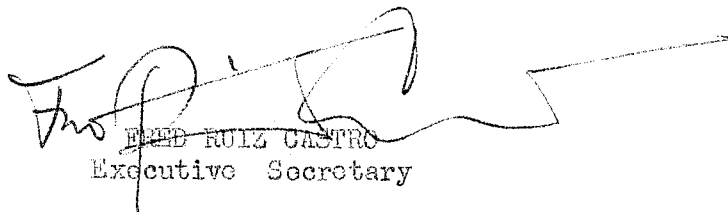
In view of the foregoing, I find the respondent guilty of gross ignorance of the law and official negligence. However, as there was no evidence of bad faith on his part and this is his first misconduct in office since his appointment as justice of the peace sometime in 1928, I am inclined to view his case with some measure of leniency.

Wherefore, and upon the recommendation of the Secretary of Justice, Municipal Judge Edmundo S. Piñga is hereby suspended from office for a period of six months without pay, with a warning that commission of similar irregularity in the future will be dealt with more severely.

Done in the City of Manila, this 1st day of March, in the year of Our Lord, nineteen hundred and fifty-four, and of the Independence of the Philippines, the eighth.



By the President:



FRANCISCO RUIZ CASTRO
Executive Secretary