



Republic of the Philippines  
Supreme Court  
Baguio City

SECOND DIVISION

JAMEL M. ADOMA,  
Petitioner,

G.R. No. 240126

Present:

-versus-

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

PEOPLE OF THE PHILIPPINES,  
Respondent.

Promulgated:  
APR 12 2023

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DECISION

LEONEN, J.:

For a hot pursuit arrest to be valid, police officers must have personal knowledge of facts, based on their observation, that the person sought to be arrested has just committed a crime. Equally important is the required element of immediacy from the time the crime is committed up to the point of arrest.

This Court resolves the Petition for Review on *Certiorari*<sup>1</sup> assailing the Decision<sup>2</sup> and Resolution<sup>3</sup> of the Court of Appeals, which affirmed the

<sup>1</sup> *Rollo*, pp. 2–13.

<sup>2</sup> *Id.* at 30–49. The August 24, 2017 Decision was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Edwin D. Sorongon and Maria Filomena D. Singh (now a member of this Court) of the Thirteenth Division, Court of Appeals, Manila.

<sup>3</sup> *Id.* at 16–17. The January 5, 2018 Resolution was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Edwin D. Sorongon and Maria Filomena D. Singh (now a member of this Court) of the Former Thirteenth Division, Court of Appeals, Manila.

Regional Trial Court Decision<sup>4</sup> finding Jamel M. Adoma (Adoma) guilty beyond reasonable doubt of illegal possession of dangerous drugs.<sup>5</sup>

Adoma was charged with violating Section 11 of Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, in an Information that reads:

That on or about the 21<sup>st</sup> day of September 2013 in the City of Laoag, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously have in his possession, custody and control two (2) heat[-]sealed plastic sachets containing an aggregate total of 4.6551 grams of Methamphetamine Hydrochloride locally known as “shabu”, a dangerous drug, without any license or authority, in violation of the aforesaid law.

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

When arraigned, Adoma pleaded not guilty to the charge. A preliminary conference was conducted, followed by a pre-trial conference, after which trial proceeded.<sup>7</sup>

The prosecution presented Senior Police Officer IV Rovimmanuel Balolong (SPO4 Balolong), SPO1 Jonathan Alonzo (SPO1 Alonzo), and PO2 Lawrence Ganir (PO2 Ganir) as its witnesses.<sup>8</sup>

According to the prosecution, one Troy Garma (Garma) reported to the Laoag City Police Station on September 21, 2013 that his house was robbed earlier that morning. He told them that his Sony Vaio laptop, MacBook Air laptop, two iPads, a Tag Heuer watch, a Rolex watch, and PHP 6,500.00 cash were missing from his room and living room.<sup>9</sup>

Later that evening, Garma went back to the police and said that he had located the whereabouts of his gadgets using the Global Positioning System (GPS). The police followed the GPS track, leading them to the house of a provincial government employee, Caesar Martin Pascua (Pascua). Pascua told the police that Adoma had brought him the items for unlocking of passwords and reformatting.<sup>10</sup>

Pascua was brought to the police station for investigation. There, he received a call from Adoma, inquiring if he was done with the laptops and if

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<sup>4</sup> *Id.* at 86–106. The September 2, 2016 Decision was penned by Presiding Judge Philip G. Salvador of the Regional Trial Court of Laoag City, Branch 13.

<sup>5</sup> *Id.* at 106.

<sup>6</sup> *Id.* at 31.

<sup>7</sup> *Id.* at 31, 86–87.

<sup>8</sup> *Id.* SPO4 Balolong was sometimes designated as SPO1 Balolong in the *rollo*.

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

<sup>10</sup> *Id.* at 31–32, 87.

they were ready for pickup. At the officers' instructions, Pascua told Adoma that the laptops were ready. Pascua then went back with the officers to his house to carry out an entrapment operation. PO1 Ventura and PO1 Atienza acted as backup outside the house while SPO4 Balolong and PO2 Ganir stayed in a room inside.<sup>11</sup>

After a while, Adoma arrived at Pascua's house. He received the laptops and gave Pascua PHP 400.00 cash as payment for his service. Upon receipt, the police came out of the room and arrested Adoma. They took the gadgets and instructed him to lie down.<sup>12</sup> SPO4 Balolong handcuffed him and upon searching his body, found "a green plastic container t[u]cked in his waist containing two plastic sachets that contained suspected *shabu*."<sup>13</sup>

The police seized the green plastic container and its contents, the laptops, a laptop charger, the PHP 400.00 cash, and the cellphone of Adoma.<sup>14</sup> Due to the absence of permanent markers and other items for the marking and inventory of the seized items, the police decided to bring Adoma back to the police station.<sup>15</sup>

There, SPO4 Balolong marked and inventoried the two sachets and the green container in the presence of Adoma, Garma, SPO1 Santos, and SPO1 Alonzo. He then turned over the seized items to SPO1 Alonzo, who also marked them.<sup>16</sup>

The two officers then submitted the seized items to the Ilocos Norte Provincial Crime Laboratory Office for examination. The two sachets yielded positive for *shabu*, while the green plastic container yielded negative for the presence of dangerous drugs.<sup>17</sup>

Meanwhile, the defense presented Adoma and Pascua as its witnesses.<sup>18</sup> It did not contest the prosecution's allegation that Adoma brought the laptops to Pascua to be reformatted and unlocked. However, it questioned how Adoma was arrested and from where the *shabu* came.<sup>19</sup>

The testimonies of Adoma and Pascua showed that on September 21, 2013, at around 4:00 or 5:00 p.m., someone went to one of Adoma's business establishments and offered two Apple tablets, a Sony laptop, and a

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<sup>11</sup> *Id.* at 32, 87.

<sup>12</sup> *Id.* at 32, 87-88.

<sup>13</sup> *Id.* at 88.

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

<sup>15</sup> *Id.* at 32.

<sup>16</sup> *Id.* at 32-33.

<sup>17</sup> *Id.* at 33.

<sup>18</sup> *Id.* at 34, 87.

<sup>19</sup> *Id.* at 88.

MacBook Air laptop for sale. He checked if the items were working, haggled for the price, and settled at PHP 21,000.00.<sup>20</sup>

Adoma called Pascua and asked if he could unlock the laptops' passwords. Then, as Pascua instructed, Adoma brought the items to his house so he could check them.<sup>21</sup> Later that evening, some police officers and the laptops' owner went to Pascua's house and took Pascua to the police station. Pascua told them that it was Adoma who brought him the gadgets, prompting the police to plan Adoma's arrest in his house.<sup>22</sup>

Later, Adoma, together with his brother Fajad, went to Pascua's house to get the laptops. Pascua told Adoma to come inside the house to check the items and approve the reformatting of the laptops.<sup>23</sup> Inside, Pascua pointed to the laptops and asked Adoma to turn them on.<sup>24</sup> Once he turned the laptops on, "the door of one of the rooms in the house suddenly opened and SPO4 Balolong came out pointing a gun at him and ordering him to lie down on his stomach."<sup>25</sup>

Surprised, Adoma asked Pascua why the police were there. Pascua said that the laptops were equipped with tracking devices. Adoma lay down on his stomach, after which the police handcuffed him.<sup>26</sup> As he was being handcuffed, Adoma saw SPO4 Balolong take two plastic sachets and a lighter from his pocket and place them at his back.<sup>27</sup> Adoma cried and told the police that he did not own those items. Yet, the police brought him to a hospital, then to the camp where the police let him urinate, and finally to the police station.<sup>28</sup>

On September 2, 2016, the Regional Trial Court rendered a Decision<sup>29</sup> convicting Adoma of illegal possession of *shabu*.<sup>30</sup> It first held that the search on Adoma was valid as it was made incidental to a lawful arrest. Since Pascua revealed that Adoma brought the stolen laptops to him, the police had probable cause to believe that it was Adoma who stole them.<sup>31</sup> The trial court explained that "when a person has possession of a stolen property, [they] can be disputably presumed as the author of the theft."<sup>32</sup>

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<sup>20</sup> *Id.* at 34, 88.

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

<sup>22</sup> *Id.* at 88.

<sup>23</sup> *Id.* at 34, 89. Fajad is sometimes spelled as Fahad.

<sup>24</sup> *Id.* at 89.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 34, 89.

<sup>27</sup> *Id.* at 89

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 86–106.

<sup>30</sup> *Id.* at 106.

<sup>31</sup> *Id.* at 90–91.

<sup>32</sup> *Id.* at 91. (Citation omitted)

The trial court then found that the two plastic sachets containing *shabu* were discovered on the person of Adoma and not planted by the police.<sup>33</sup> It rejected the claim that the police had bias against him, their first encounter being the time they arrested Adoma as the suspected robber.<sup>34</sup>

The trial court then held that the prosecution had established the identity of the seized drugs.<sup>35</sup> It addressed the two inconsistencies in the prosecution testimonies, namely: (1) where the sachets were marked; and (2) who received them from SPO4 Balolong.<sup>36</sup>

On the first inconsistency, PO2 Ganir testified that the markings were made at the place of arrest, while SPO4 Balolong and SPO1 Alonzo testified that the markings were conducted at the police station. The trial court held that SPO4 Balolong and SPO1 Alonzo's narrative was more credible,<sup>37</sup> as it was "more in keeping with [SPO4 Balolong's] claim as to the reason why in the first place they did not conduct the inventory at the place of arrest, that is, the confiscation of the *shabu* was not planned and they were not prepared with the equipment to do it."<sup>38</sup>

On the second inconsistency, SPO4 Balolong said that after marking the sachets, SPO1 Santos received them.<sup>39</sup> Meanwhile, SPO1 Alonzo testified that he received the sachets from SPO4 Balolong.<sup>40</sup> The trial court found that the items were indeed turned over to SPO1 Alonzo, and SPO4 Balolong merely had a lapse in memory as he testified more than seven months after the incident had happened.<sup>41</sup> It treated this as an innocent mistake since SPO1 Santos was also at the investigation section when SPO4 Balolong turned over the sachets.<sup>42</sup>

In any case, to the trial court, these inconsistencies were "minor and insignificant."<sup>43</sup> It found that despite the lapses, the prosecution was able to establish an unbroken chain of custody.<sup>44</sup>

The trial court also noted that Section 21 of Republic Act No. 9165 was not fully complied with: first, the seized items were not photographed; second, inventory was conducted with the lone witness allegedly present at the police station, Barangay Chair Lorenzo Factora (Factora), not having witnessed it; and third, Adoma was not shown to have been furnished with

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<sup>33</sup> *Id.* at 93.

<sup>34</sup> *Id.* at 93-94.

<sup>35</sup> *Id.* at 103-104.

<sup>36</sup> *Id.* at 96-101.

<sup>37</sup> *Id.* at 101.

<sup>38</sup> *Id.* at 101.

<sup>39</sup> *Id.* at 97, 102.

<sup>40</sup> *Id.* at 101.

<sup>41</sup> *Id.* at 102.

<sup>42</sup> *Id.* at 103.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

the police inventory.<sup>45</sup> Yet, to the trial court, since the arresting officers omitted to perform these acts due to the peculiarity of the case, there was no “gross, systematic, or deliberate disregard of the procedural safeguards[.]”<sup>46</sup> It held that the integrity and evidentiary value of the seized drugs were nonetheless preserved.<sup>47</sup>

The dispositive portion of the Regional Trial Court Decision reads:

WHEREFORE, the Court hereby renders judgment finding accused Jamel Adoma GUILTY beyond reasonable doubt as charged of illegal possession of *shabu* weighing 4.6551 grams and is accordingly sentenced to suffer the indeterminate penalty of imprisonment of TWELVE (12) YEARS and ONE (1) DAY as minimum and FOURTEEN YEARS [sic] as maximum and to pay a fine of THREE HUNDRED THOUSAND PESOS (Php300,000.00).

The *shabu* confiscated from the possession of the accused is forfeited for proper disposal as the law prescribes.

SO ORDERED.<sup>48</sup>

On appeal before the Court of Appeals,<sup>49</sup> Adoma claimed that his arrest was unlawful since the police had no “personal knowledge on the facts based on actual belief or reasonable grounds of suspicion[.]”<sup>50</sup> This, Adoma said, meant that the ensuing search was likewise unlawful, and that the sachets of *shabu* allegedly seized from him were inadmissible for being fruits of a poisonous tree.<sup>51</sup>

Even if the search were valid, Adoma contended that the arresting officers failed to strictly comply with Section 21 of Republic Act No. 9165. He noted that no photographs were taken after the drugs’ seizure, and that there were doubts as to the place of marking, the person who prepared the inventory, and the person who received the sachets from SPO4 Balolong.<sup>52</sup> Adoma argued that these lapses broke the chain of custody, casting doubt on the identity of the seized drugs and warranting his acquittal.<sup>53</sup>

On August 24, 2017, the Court of Appeals issued a Decision<sup>54</sup> denying Adoma’s appeal. It ruled that since all the elements for its validity were present, the hot pursuit arrest conducted was valid, as was the consequent

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<sup>45</sup> *Id.* at 104–105.

<sup>46</sup> *Id.* at 105. (Citation omitted)

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 106.

<sup>49</sup> *Id.* at 50–66.

<sup>50</sup> *Id.* at 56.

<sup>51</sup> *Id.* at 56–58.

<sup>52</sup> *Id.* at 58–64.

<sup>53</sup> *Id.* at 64.

<sup>54</sup> *Id.* at 30–49.



search.<sup>55</sup> It also held that the prosecution had proved beyond reasonable doubt Adoma's guilt of the crime despite failure to comply with Section 21 of Republic Act No. 9165, as the chain of custody remained unbroken.<sup>56</sup> The dispositive portion of the Court of Appeals Decision provides:

WHEREFORE, premises considered, the appeal is hereby DENIED. The Decision dated September 2, 2016 of the Regional Trial Court, Branch 13, Laoag City is AFFIRMED.

SO ORDERED.<sup>57</sup> (Citation omitted)

Adoma moved for reconsideration, but the Court of Appeals denied the Motion in a January 5, 2018 Resolution.<sup>58</sup> Thus, Adoma filed a Petition for Review on *Certiorari*<sup>59</sup> before this Court. Respondent People of the Philippines, through the Office of the Solicitor General, filed its Comment,<sup>60</sup> to which petitioner filed a Reply.<sup>61</sup>

Petitioner insists that the Court of Appeals erred in declaring that the warrantless arrest was valid and that the chain of custody was unbroken.<sup>62</sup>

Maintaining petitioner's conviction, respondent argues that the Petition should be dismissed for procedural infirmities, not having been verified and with no sworn certification against forum shopping. It also argues that petitioner's warrantless arrest, as well as the search and seizure, was valid, and that the chain of custody was established.<sup>63</sup>

The issues for this Court's resolution are:

first, whether petitioner Jamel M. Adoma's warrantless arrest is valid; and

second, whether the prosecution has established an unbroken chain of custody.

The Petition is granted.

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<sup>55</sup> *Id.* at 43-44.

<sup>56</sup> *Id.* at 40, 44-47.

<sup>57</sup> *Id.* at 48.

<sup>58</sup> *Id.* at 16-17.

<sup>59</sup> *Id.* at 2-14.

<sup>60</sup> *Id.* at 133-152.

<sup>61</sup> *Id.* at 154-159.

<sup>62</sup> *Id.* at 4-11.

<sup>63</sup> *Id.* at 136-148.

## I

In *People v. Manago*,<sup>64</sup> this Court discussed warrantless arrests, Rule 113, Section 5(b) of the Revised Rules of Criminal Procedure, or arrests effected in hot pursuit. It explained:

A lawful arrest may be effected with or without a warrant. With respect to the latter, the parameters of Section 5, Rule 113 of the Revised Rules of Criminal Procedure should – as a general rule – be complied with:

SEC. 5. Arrest without warrant; when lawful. – A peace officer or a private person may, without a warrant, arrest a person:

....

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

....

In warrantless arrests made pursuant to Section 5 (b), it is essential that the element of personal knowledge must be coupled with the element of immediacy; otherwise, the arrest may be nullified, and resultantly, the items yielded through the search incidental thereto will be rendered inadmissible in consonance with the exclusionary rule of the 1987 Constitution.<sup>65</sup> (Citation omitted)

For a valid arrest effected in hot pursuit, it must be shown that the police officers “have personal knowledge of facts, based on their observation, that the person sought to be arrested has just committed a crime.”<sup>66</sup> Equally important is the element of immediacy from when the crime is committed up to the point of arrest.<sup>67</sup> These will produce the required probable cause to justify the hot pursuit arrest.

The Court of Appeals, in concluding that petitioner was validly arrested without a warrant, said:

There is no question that an offense had just been committed. Private complainant went to the police station on September 21, 2013 to report that his house had been burglarized and that he would be able to trace the stolen items by way of GPS. The police officers also had personal knowledge of the facts and circumstances of the offense that gave rise to the existence of probable cause that appellant has committed the

<sup>64</sup> 793 Phil. 505 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>65</sup> *Id.* at 515–516.

<sup>66</sup> *Veridiano v. People*, 810 Phil. 642, 662 (2017) [Per J. Leonen, Second Division].

<sup>67</sup> *Id.* at 660.



offense. Specifically, the policemen were able to trace the GPS to the house of Caesar Martin Pascua and caught him in possession of the two (2) stolen laptops. Pascua denied that he stole the items in question and, instead, pointed to appellant as the source of the stolen devices. The policemen, in a follow-up operation, caught appellant red-handed freely and voluntarily taking back possession of the stolen items from Pascua. Appellant, in fact, paid Pascua the amount of P400.00 for the latter's services in unlocking and/or reformatting the laptops. . . . Section 3 (j), Rule 131 of the Revised Rules of Court provides that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act. There is thus probable cause that it was appellant who burglarized the house of private complainant. Appellant was then validly arrested without a warrant therefor.<sup>68</sup> (Citation omitted)

The circumstances show that the required elements of personal knowledge and immediacy of the arrest were not met.

On the first element, this Court has held that personal knowledge by the police officers, based solely on a tip, is not sufficient probable cause for a warrantless arrest.<sup>69</sup>

Here, when the police officers commenced the hot pursuit arrest, the only information they had was Garma's tip that his house was burglarized and the stolen laptops could be traced through GPS to Pascua's house.<sup>70</sup> Other than that, the police officers had no personal knowledge, based on their own observation, that: (1) a crime has been committed; and (2) the person they sought to arrest was the one who committed it. They did not bother to verify or investigate the facts that Garma had given.

This lapse is evident when the police officers went to the house of Pascua, supposedly to arrest the culprit, yet failed to do so upon realizing that Pascua was not the one they were looking for. It was even through another unverified tip, from Pascua this time, that the police officers came to conclude that petitioner was the person they had been seeking to arrest.<sup>71</sup>

Jurisprudence also provides "immediacy within which these facts or circumstances should be gathered"<sup>72</sup> to ensure that the police officers gather the facts and perceive the circumstances within a limited timeframe. This guarantees that the finding of probable cause was not obtained after an exhaustive investigation.<sup>73</sup>

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<sup>68</sup> *Rollo*, p. 44.

<sup>69</sup> *See People v. Rangaig*, G.R. No. 240447, April 28, 2021 [Per J. Leonen, Third Division].

<sup>70</sup> *Rollo*, p. 44.

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

<sup>72</sup> *People v. Manago*, 793 Phil. 505, 517 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>73</sup> *Id.*

Here, Garma first reported the crime on the morning of September 21, 2013.<sup>74</sup> Yet, the police officers only effected their hot pursuit arrest at around 6:00 p.m. that day, when Garma reported that he was able to trace the location of his two stolen laptops.<sup>75</sup> The police officers even invited Pascua to the police station to conduct “further investigation.”<sup>76</sup> Worse, it was already around 7:00 p.m. when petitioner was arrested in the house of Pascua.<sup>77</sup> This constitutes a wide time gap from the alleged commission of the crime to petitioner’s subsequent arrest.

These pieces of information, which led to petitioner’s arrest, were obtained after an exhaustive investigation subjected to external factors, interpretations, and hearsay. The police officers’ determination of probable cause was not “limited to raw or uncontaminated facts or circumstances, gathered as they were within a very limited period of time.”<sup>78</sup> Ergo, the hot pursuit arrest effected on petitioner was invalid.

This Court has consistently ruled that objections on the warrant of arrest or the procedure for the court’s acquisition of jurisdiction over the person of the accused in warrantless arrests must be made before the accused enters their plea. Failure to assail the illegality of their arrest in a motion to quash filed before arraignment constitutes a waiver to challenge the same.<sup>79</sup>

Here, petitioner did not question the validity of his arrest before arraignment, and he did not move to quash the Information against him before entering his plea.<sup>80</sup> Petitioner only raised the manner of his arrest during trial.<sup>81</sup> Therefore, this objection is deemed waived.

Nonetheless, the waiver of the illegality of a warrantless arrest does not carry with it the admissibility of the evidence seized.<sup>82</sup> In this case, the illegal warrantless arrest makes the incidental search and seizure invalid as well. This makes the seized items inadmissible in evidence, in consonance with the exclusionary rule under the Constitution.

There being no evidence for the crime charged, petitioner must be acquitted.

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<sup>74</sup> *Rollo*, p. 87.

<sup>75</sup> *Id.* at 32, 87.

<sup>76</sup> *Id.* at 32.

<sup>77</sup> *Id.*

<sup>78</sup> *People v. Manago*, 793 Phil. 505, 517 (2016) [Per J. Pertas-Bernabe, First Division].

<sup>79</sup> *Lapi v. People*, G.R. No. 210731, February 13, 2019 [Per J. Leonen, Third Division] at 1, 10. These pinpoint citations refer to a copy of the decision uploaded to the Supreme Court website.

<sup>80</sup> *Rollo*, pp. 86–87.

<sup>81</sup> *Id.* at 88.

<sup>82</sup> *Porteria v. People*, 850 Phil. 259, 275–276 (2019) [Per J. A. Reyes, Jr, Third Division].

**II**

Even if the seized items were admissible, the prosecution still failed to establish that the police officers complied with the chain of custody rule.


The chain of custody procedure for seized or confiscated illegal drugs is outlined in Section 21 of Republic Act No. 9165. Prior to its amendment, the provision reads in part:

SECTION 21. Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and *photograph* the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, *a representative from the media and the Department of Justice (DOJ), and any elected public official* who shall be required to sign the copies of the inventory and be given a copy thereof. (Emphasis supplied)

Section 21(a) of the Implementing Rules and Regulations of Republic Act No. 9165 also provides:

SECTION 21. Custody and Disposition of Confiscated, Seized and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment. — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

- (a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory *and photograph* shall be conducted at the place where the search warrant is served; *or at the nearest police station or at the nearest office of the apprehending*
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*officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items. (Emphasis supplied)*

Strict compliance with the chain of custody rule is a matter of substantive law.<sup>83</sup> Congress has crafted these “safety precautions to address potential police abuses, especially considering that the penalty imposed may be life imprisonment.”<sup>84</sup>

Yet, strict compliance with the chain of custody rule is not always possible. Section 21(a) provides a saving clause for such noncompliance under *justifiable grounds*, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer or team. The prosecution, then, must show compliance with the chain of custody rule, and in case of deviations, *acknowledge and justify* them.<sup>85</sup>

Here, on the place of marking, the prosecution acknowledged that the arresting officers marked and inventoried the seized drugs at the police station and not at the place of arrest.<sup>86</sup> As the police were originally arresting petitioner for a different crime, the seizure of the items was unplanned. That the pieces of equipment for marking and inventory were unavailable at the place of arrest, therefore, justifies the police officers’ failure to mark and inventory the evidence at the place of arrest.

However, other deviations from Section 21 are glaring in this case, which the prosecution failed to acknowledge, let alone justify. As the records show, the police officers took not a single photograph of the seized items. Interestingly, the arresting officers had even insisted that the marking and inventory be done at the police station because the pieces of equipment needed were available there.<sup>87</sup> Yet, they failed to do this one crucial step.

Worse, the required witnesses for the inventory—representatives from the media, the Department of Justice, and an elected official—were absent. At most, the barangay chair, Factora, was *supposedly* present at the police station, yet the marking and inventory were apparently conducted without

<sup>83</sup> *People v. Umipang*, 686 Phil. 1024, 1033 (2012) [Per J. Sereno, Second Division].

<sup>84</sup> *People v. Pulgado*, G.R. No. 254622, February 16, 2022 [Per J. Perlas-Bernabe, Second Division] at 6 citing *People v. Segundo*, 814 Phil. 697, 722 (2017) [Per J. Leonen, Second Division]. This pinpoint citation refers to a copy of the decision uploaded to the Supreme Court website.

<sup>85</sup> *People v. Pulgado*, G.R. No. 254622, February 16, 2022 [Per J. Perlas-Bernabe, Second Division] at 6.

<sup>86</sup> *Rollo*, pp. 96–98.

<sup>87</sup> *Id.*

him.<sup>88</sup> That Factora was even present at the police station was unclear, as his signature in the inventory seems to be missing.<sup>89</sup>

Even the lower courts failed to acknowledge these lapses, as they immediately focused on the movement of the drugs from their seizure to their presentation in court, without first discussing whether the noncompliance with the chain of custody rule was justifiable. Thus, the trial court had no basis to conclude that there was no “gross, systematic, or deliberate disregard of the procedural safeguards[.]”<sup>90</sup>

These unjustified lapses create a substantial gap in the chain of custody, raising doubts on the integrity and evidentiary value of the seized drugs. Such doubt, on top of the drugs being inadmissible in evidence, warrants petitioner’s acquittal.

**FOR THESE REASONS**, the Petition is **GRANTED**. The August 24, 2017 Decision and January 5, 2018 Resolution of the Court of Appeals in CA-G.R. CR No. 39099 are **REVERSED and SET ASIDE**. Petitioner Jamel M. Adoma is **ACQUITTED** and is ordered **RELEASED** from confinement unless he is being held for some other legal grounds.

For its immediate implementation, let a copy of this Decision be furnished to the Director General of the Bureau of Corrections, who is then directed to report the action he has taken to this Court within five days from receipt of this Decision.

Let entry of final judgment be issued immediately.

**SO ORDERED.**

  
MARVIC M. V. F. LEONEN  
Senior Associate Justice

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<sup>88</sup> *Id.* at 104.

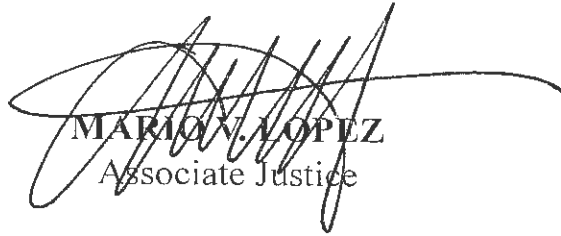
<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 105.

WE CONCUR:



**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARION V. LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice



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

**ATTESTATION**

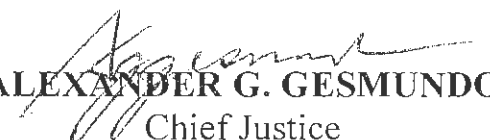
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**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