

**\*\*Title: Romeo Tumabini vs. People of the Philippines, G.R. No. 871 Phil. 289\*\***

**\*\*Facts:\*\***

1. On July 3, 2003, two Informations charged Romeo Tumabini with violations of Sections 11 (Illegal Possession of Dangerous Drugs) and 12 (Illegal Possession of Drug Paraphernalia) under Republic Act (R.A.) No. 9165.
2. On June 19, 2003, at around 5:00 am, police implemented a search warrant on Tumabini's residence following prior surveillance and a test buy.
3. The search warrant issued by Judge Ireneo Lee Gako covered petitioner Romeo Tumabini and his wife, Ivy Tumabini.
4. The police team, led by Police Senior Inspector Ricardo Flores executed the search, finding shabu and paraphernalia in the petitioner's home.
5. The search team marked, inventoried, and tested the confiscated items, yielding positive results for Methylamphetamine Hydrochloride.
6. Tumabini denied the allegations, stating he was forced to sign papers at gunpoint while police conducted the search.
7. On October 15, 2012, the RTC convicted Tumabini of illegal possession of dangerous drugs but acquitted him of illegal possession of drug paraphernalia.
8. The Court of Appeals (CA), on January 28, 2016, affirmed his conviction for illegal possession of dangerous drugs but also acquitted him for the paraphernalia charge.
9. Tumabini filed a petition for certiorari raising issues on violations of his constitutional rights and chain of custody rule compliance.

**\*\*Issues:\*\***

1. Whether the search violated Tumabini's constitutional right to privacy and protection against unreasonable searches and seizures.
2. Whether the chain of custody rule under Section 21 of R.A. No. 9165 was violated concerning the seized drugs.

**\*\*Court's Decision:\*\***

**\*Issue 1: Search Validity\***

- The court ruled the search was valid. Section 9, Rule 126 of the Rules of Court allows service of a search warrant at any reasonable time. The team's forced entry was justified as the occupants did not respond despite the notice given. The search warrant specifically

allowed a search at “any time of the day or night.”

**\*Issue 2: Chain of Custody\***

- The court found significant lapses in the chain of custody. Section 21 of R.A. No. 9165 mandates immediate marking, inventory, and photographing of seized items in the presence of specified witnesses, none of which were properly done here.
- No photographs of the seized items were taken. The inventory was not in the presence of the necessary media and DOJ representatives.
- The prosecution failed to justify deviations from the procedural requirements, thus compromising the integrity and evidentiary value of the seized drugs.
- Due to these violations, the court concluded that the evidence obtained was insufficient for a conviction.

**\*\*Doctrine:\*\***

- Strict compliance with the chain of custody rule is critical to ensure the identity and integrity of drug evidence.
- The procedural safeguards under Section 21 of R.A. No. 9165 are indispensable in all instances of drug seizures to prevent tampering and uphold the rights of the accused.
- Any deviation from mandatory procedures without a valid justification undermines the evidentiary value of seized drugs.

**\*\*Class Notes:\*\***

- **\*\*Elements of Illegal Possession of Dangerous Drugs (Section 11, R.A. No. 9165):\*\***
  1. Possession of prohibited drugs.
  2. Lack of legal authority.
  3. Conscious knowledge of possession.
- **\*\*Chain of Custody Rule (Sec. 21, R.A. No. 9165):\*\***
  - Written inventory and photographed in the presence of the accused/counsel, media, and DOJ representatives.
  - Ensures the integrity and evidentiary value by providing transfer records and witness signatures.
- **\*\*Application in case law:\*\***
  - Noncompliance with inventory and photographing requirements necessitates acquittal unless justified by compelling reasons verifying the integrity of the seized items.

**\*\*Historical Background:\*\***

- The case reflects the rigorous standards imposed by R.A. No. 9165, the Comprehensive Dangerous Drugs Act of 2002, which sought to bolster mechanisms preventing drug-related offenses amidst rising narcotics crimes.
- Ensuring procedural accuracy has been emphasized to shield against potential abuse by law enforcement and protect the rights and liberties of the accused.