G.R. No. 190640 January 12, 2011

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. LUIS PAJARIN Y DELA CRUZ AND EFREN PALLAYA Y TUVIERA, APPELLANTS.

**FACTS:**

Luis Pajarin and Efren Pallaya. were caught in a buy bust operation by the police, selling shabu. Both the accused denied the allegation against them. RTC found both accused guilty of the crime charged and imposed on them the penalty of life imprisonment and a fine of P500,000.00.CA affirmed the RTC decision.

**ISSUES:**

1. Whether or not the CA erred in not excluding the evidence of the seized shabu on the ground that the prosecution failed to prove their integrity by establishing the chain of custody of the same until they got to the trial court; and

2. Whether or not for this reason the CA erred in affirming their conviction.

**RULING:**

The Court has held in numerous cases that the failure of the police to comply with the procedure laid down in R.A. 9165 would not render void the seizure of the prohibited substance for as long as the apprehending officers give justifiable reason for their imperfect conduct1 and show that the integrity and evidentiary value of the confiscated items had not been compromised. The marking of captured items immediately after they are seized from the accused is the starting point in the custodial link. This step is vital because succeeding handlers of the specimens will use the markings as reference. Failure to place such markings paves the way for swapping, planting, and contamination of theevidence.4 These lapses seriously cast doubt on the authenticity of the corpus delicti, warranting acquittal on reasonable doubt.5Trial courts should order the case dismissed and the accused released from detention if on examination the supporting documents are wanting in this respect. They should not waste their precious time to useless exercise where the police and the prosecution fail to observe the rule of law especially in so serious offenses.