

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANILO CRUZ Y CULALA, ACCUSED-APPELLANT.

G.R. No. 185381. December 16, 2009

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the June 20, 2008 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01621 entitled *People of the Philippines v. Danilo Cruz y Culala*, which affirmed the July 28, 2005 Joint Decision[2] in Criminal Case Nos. 12563-D and 12564-D of the Regional Trial Court (RTC), Branch 267 in Pasig City. The RTC found accused-appellant Danilo Cruz guilty of violation of Sections 5 and 11, Article II of Republic Act No. (RA) 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Facts

The charges—sale and possession of illegal drugs—against appellant stemmed from the following Informations:

Criminal Case No. 12563-D

(Violation of Sec. 5 [Sale], Art. II of RA 9165)

That on or about the 24[th] day of June, 2003, in the Municipality of Taguig, Metro-Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, to sell or otherwise dispose of any dangerous drug, did, then and there willfully, unlawfully and knowingly sell, deliver and give away to poseur buyer PO3 Danilo B. Arago, a total of 0.05 gram of white crystalline substance, contained in one (1) heat-sealed transparent plastic sachet, for and in consideration of the amount of P200.00, which substance was found positive to the tests for Methamphetamine Hydrochloride, also known as "shabu", a dangerous drug, in violation of the above-cited law.

Contrary to law.[3]

Criminal Case No. 12564-D

>(Violation of Sec. 11 [Possession], Art. II of RA 9165)

That on or about the 24[th] day of June, 2003, in the Municipality of Taguig, Metro-Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, not being authorized by law, to possess or otherwise use any dangerous drug, did, then and there willfully, unlawfully and knowingly have in his possession, custody and control, a total of 0.04 gram of white crystalline substances, contained in two (2) heat-sealed transparent plastic sachets, which substances were found positive to the tests for Methamphetamine Hydrochloride, a dangerous drug, in violation of the above-cited law.

Contrary to law.[4]

When arraigned on July 30, 2003, appellant pleaded "not guilty" to the charges against him.

At the pre-trial conference, the prosecution and the defense stipulated on: (1) the identity of appellant; (2) the

jurisdiction of the trial court over the person of appellant and the subject matter of the cases; (3) the date, place, and fact of the arrest; (4) the existence of the subject specimens; (5) the fact that a request was made by the arresting officers for the examination of the confiscated items; (6) the fact that the forensic chemist, Police Senior Inspector (P/SInsp.) Hermosila S. Ferminadoza, examined the specimens and issued a laboratory report thereon; (7) the fact that the examining forensic chemist did not know from whom the alleged specimens were taken; and (8) the fact that the subject specimens tested positive for shabu. After the stipulations were made, the testimony of the forensic chemist was dispensed with.

During the trial, the prosecution presented, as its witnesses, Police Officer 3 (PO3) Danilo B. Arago, PO3 Arnulfo J. Vicuña, and PO2 Remegio R. Aguinaldo, all members of the Anti-Illegal Drugs Special Operations Task Force of the Taguig City Police. On the other hand, the defense presented, as its witnesses, appellant Cruz, Ma. Luz Encarnacion, and Ronaldo de la Paz.

The Prosecution's Version of Facts

On June 24, 2003, at about 11 o'clock in the evening, a police informant came to the Drug Enforcement Unit of the Taguig City Police and reported that a certain Danilo Cruz alias "Boy" was dealing in illegal drugs at his residence at 75 MLQ Street, Tambak, Wawa, Taguig, Metro Manila. The office chief, P/SInsp. Romeo Delfin Paat, immediately formed a buy-bust team composed of PO3 Arago, acting as poseur-buyer, PO3 Vicuña, PO2 Aguinaldo, and two other police officers. P/SInsp. Paat gave PO3 Arago two (2) one hundred peso bills which were then marked with the poseur-buyer's initials, "DBA," on the upper corner.

At around 11:45 in the evening, the buy-bust team and the informant set out for their operation. The informant and PO3 Arago went to the house of alias "Boy," while their companions stayed nearby. When alias "Boy" came out after being called, the informant introduced PO3 Arago to him as "Mike," a friend and "eskorer." PO3 Arago then asked alias "Boy," "Pare, meron ka ba dyan?" to which alias "Boy" replied, "Magkano ba?" PO3 Arago answered, "Kasang dos lang." Alias "Boy" gave PO3 Arago a plastic sachet containing a white crystalline substance in exchange for the PhP 200 marked money. Thereupon, PO3 Arago wiped his face with a white towel as the pre-arranged signal for PO2 Aguinaldo and PO3 Vicuña to come out of hiding and arrest "Boy."

Appellant attempted to flee but PO3 Arago held him by the arm, while PO2 Aguinaldo recovered the marked money from him. When PO3 Arago ordered appellant to empty his pockets for any concealed weapons, PO2 Aguinaldo retrieved two (2) more plastic sachets containing white crystalline substance. PO3 Arago inscribed his signature and the appellant's initials "DCC" on the sachet given him by appellant, while PO2 Aguinaldo inscribed those found in appellant's pockets as "DCC-1" and "DCC-2."

The police officers then brought appellant to the police station for investigation.

The transparent plastic sachets seized during the buy-bust operation were forwarded to the Philippine National Police (PNP) Crime Laboratory, Southern Police District Crime Laboratory Office, Fort Andres Bonifacio, Taguig, for examination. P/SInsp. Ferminadoza conducted a qualitative examination on the specimens, which tested positive for Methamphetamine Hydrochloride or shabu, a dangerous drug. Physical Science Report No. D-747-03 dated June 25, 2003 she issued showed the following results:

SPECIMEN SUBMITTED:

Seven (7) heat-sealed transparent plastic sachets each containing white crystalline substance having the following markings and recorded net weights:

A1 ("DCC") = 0.05 gram

A2 ("DCC-1") = 0.02 gram

A3 ("DCC-2") = 0.02 gram

x x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of dangerous drugs. x x x

FINDINGS:

Qualitative examination conducted on the above-stated [specimens] gave POSITIVE result to the tests for the presence of Methamphetamine Hydrochloride, a dangerous drug. x x x

CONCLUSION:

[Specimens] A1 through A7 contain Methamphetamine Hydrochloride, a dangerous drug.[5] x x x

Version of the Defense

Appellant recounted that, on June 24, 2003, at around 11:00 in the evening, while inside his house playing cara y cruz with his friends Alberto Cruz, Cesar dela Cruz, Ronaldo dela Paz, and Antonio Dionisio, police officers barged in looking for a certain Liza, his former live-in partner. He told the intruders that he did not know Liza's whereabouts and that only his children were in the adjacent room.

PO3 Arago and PO2 Aguinaldo boxed the appellant in anger. PO3 Arago then searched his house but found nothing. Afterwards, they were all brought to the police headquarters, but his friends were released after 30 minutes. He was the only one charged with violation of Secs. 5 and 11 of RA 9165.

The two other defense witnesses corroborated the testimony of appellant: Ma. Luz Encarnacion testified about the incident that transpired inside appellant's house on June 24, 2003, while Ronaldo dela Paz attested to appellant's being brought to the police station.

Ruling of the Trial Court

After trial, the RTC convicted appellant. The dispositive portion of the Joint Decision reads:

WHEREFORE, in view of the foregoing considerations, this Court acting as a Special Drug court in the above-captioned cases hereby decide in this wise:

1.) DANILO CRUZ y Culala alias Boy, accused in Criminal Case No. 12563-D for Violation of Section 5, 1[st] paragraph, Article II of Republic Act No. 9165, is hereby sentenced to suffer LIFE IMPRISONMENT and to pay a fine of Five Hundred Thousand Pesos (PhP 500,000);

2.) The same DANILO CRUZ y Culala alias Boy, accused in Criminal Case No. 12564-D for Violation of Section 11, 2[nd] paragraph, No. 3, Article II of Republic Act No. 9165, is further sentenced to suffer Twelve (12) years and One (1) day, and to pay a fine of Three Hundred Thousand Pesos (PhP 300,000), without subsidiary imprisonment in case of insolvency;

x x x x

On the other hand, the Jail Warden of Taguig City Jail where accused Danilo Cruz y Culala alias Boy is presently detained is hereby ordered to forthwith commit the person of convicted Danilo C. Cruz to the New Bilibid Prisons, Bureau of Corrections in Muntinlupa City, Metro Manila.

x x x x

Costs de oficio.

SO ORDERED.[6]

On appeal to the CA, appellant disputed the trial court's finding of his guilt beyond reasonable doubt of the crimes charged. He contended that the testimonies of the prosecution witnesses were full of inconsistencies and, hence, should not have been relied upon by the court in its decision. Further, he argued that the police officers failed to conduct prior surveillance and to observe the proper procedure in the custody of the seized prohibited items pursuant to RA 9165.

Ruling of the Appellate Court

On June 20, 2008, the CA affirmed the judgment of the RTC. It ruled that all the elements of the crimes charged were duly established by the prosecution.

The dispositive portion of the CA decision reads:

WHEREFORE, the Appeal is hereby DISMISSED. The assailed Joint Decision of the Regional Trial Court, Branch 267 of Pasig City dated 28 July 2005 in Criminal Case Nos. 12563-D and 12564-D, finding accused-appellant Danilo Cruz, guilty of violation of Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as Comprehensive Dangerous Drugs Act of 2002, is AFFIRMED.

SO ORDERED.[7]

Appellant filed a timely notice of appeal of the CA decision.

The Issues

Accused-appellant assigns the following errors:

I.

The court a quo gravely erred in giving credence to the prosecution witnesses' materially inconsistent testimonies.

II.

The court a quo gravely erred in convicting the accused-appellant for violation of Sections 5 and 11 of Republic Act No. 9165 despite the failure of the prosecution to overthrow the constitutional presumption of innocence in his favor.

Our Ruling

The appeal has no merit.

Buy-Bust Operation Was Valid

A buy-bust operation is a form of entrapment that is resorted to for capturing persons who are predisposed to commit crimes. The operation is legal and has been proved to be an effective method of apprehending drug peddlers, provided due regard to constitutional and legal safeguards is undertaken.[8]

Appellant contends that it is unusual and improbable for a buy-bust operation to be conducted without any prior surveillance, despite the fact that an informant had gone first to the police station to report on his illegal activity.

We disagree.

Settled is the rule that a prior surveillance of the suspected offender is not a prerequisite for the validity of a buy-bust operation, especially so if the buy-bust team is accompanied by the informant,[9] as in this case. We have held that when time is of the essence, the police may dispense with the need for prior surveillance.[10]

Moreover, for the successful prosecution of the illegal sale of shabu, only the following elements are essential: (1)

the identity of the buyer and the seller, the object of the sale, and the consideration; and (2) the delivery of the thing sold and its payment.[11] What is material is proof that the sale actually took place, coupled with the presentation in evidence of the seized item, as part of the corpus delicti. The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummate the buy-bust transaction.

In the case at bar, the prosecution was able to establish these elements beyond moral certainty. It was the confidential informant who made initial contact with appellant and introduced PO3 Arago as a buyer of shabu. PO3 Arago then asked to buy PhP 200 worth of shabu with the previously marked money he brought with him. Appellant then gave him a plastic sachet containing a white crystalline substance, which was later identified as shabu and subsequently presented in evidence. There was an actual exchange of the marked money and contraband. Then, upon giving the pre-arranged signal, appellant, who knew he was selling a prohibited drug, was arrested. In his testimony, PO3 Arago narrated the events that established these elements, to wit:

PROSEC. BAUTISTA: What time did you reach the target area?

A: More or less 11:30 pm, sir.

PROSEC. BAUTISTA: What particular place did you stop upon reaching the target area?

A: Along [MLQ] Street, sir.

x x x x

PROSEC. BAUTISTA: Upon reaching this No. 75 [MLQ] Street, what did you do?

A: The informant called one alias Boy.

x x x x

PROSEC. BAUTISTA: The informant called the name of the Danilo Cruz or did he knock in the door?

A: He called him.

PROSEC. BAUTISTA: When your informant called the name of the accused, was it answered?

A: He went inside.

PROSEC. BAUTISTA: Upon seeing this Boy, the accused in this case, what happened next?

A: When the accused went out, he told the informant, "hoy, pre".

PROSEC. BAUTISTA: And what was the answer of the informant?

A: The informant answer[ed] back, "pare, si Mike, barkada ko, eskorer".

PROSEC. BAUTISTA: After introducing you by the informant, what did this accused do?

A: I uttered, "pare, meron ka ba dyan?".

PROSEC. BAUTISTA: What was the answer of the accused?

A: The accused replied, "magkano ba?" and then I answered, "kasang dos lang".

PROSEC. BAUTISTA: What is this "kasang dos" means?

A: Two hundred pesos worth of shabu.

PROSEC. BAUTISTA: And how many grams is that?

A: Per gram is one thousand pesos.

PROSEC. BAUTISTA: So, its less than one (1) gram?

A: Yes, sir, its [0.1], sir.

PROSEC. BAUTISTA: Okay, upon hearing your "kasang dos", what did the accused do?

A: He told me, "akina" and he got the money.

PROSEC. BAUTISTA: When he said "akina", he is referring to the money?

A: Yes, sir.

PROSEC. BAUTISTA: You gave the money?

A: Yes, sir.

PROSEC. BAUTISTA: Where did you get the money?

A: At my front pocket, sir.

PROSEC. BAUTISTA: Okay, upon giving this money, what did this accused do?

A: He received, sir the marked money and then he got the items from his right pocket and handed to me.

PROSEC. BAUTISTA: So, the money was [given] first, by left or right hand?

A: Left hand, sir.

PROSEC. BAUTISTA: And then he got the shabu from his right pocket and gave it to you?

A: Yes, sir.

x x x x

PROSEC. BAUTISTA: So, received the money, received the shabu, what happened next?

A: I look[ed] at the stuff and gave the pre-arrange[d] signal.

PROSEC. BAUTISTA: And what is your pre-arrange[d] signal?

A: By rubbing the face towel on my face.

x x x x

PROSEC. BAUTISTA: Okay, upon doing this pre-arrange[d] signal, what did your other companion do?

A: PO2 Aguinaldo and PO3 Vicuña came.

PROSEC. BAUTISTA: And what did you do with the accused?

A: The accused tried to run and I was able to grab him on his left arm.

PROSEC. BAUTISTA: When you [grabbed] him on the left arm, what else happened?

A: PO2 Aguinaldo confiscated the marked money.

PROSEC. BAUTISTA: Where was this marked money taken?

A: From his hand.

PROSEC. BAUTISTA: And how about you, what did you do?

A: I was holding the hand and ordered him to empty his pocket.

PROSEC. BAUTISTA: And then what happened?

A: PO2 Aguinaldo recovered two (2) more pieces of sachet.[12]

The facts categorically show a typical buy-bust operation as a form of entrapment. The police officers' conduct was within the acceptable standards for the fair and honorable administration of justice. What is more, the prosecution presented the specimens examined--the core of the corpus delicti--in court, as well as Physical Science Report No. D-747-03, which clearly states that the specimens were found positive for shabu.

Similarly, the testimony of PO3 Arago established that appellant was also found in possession of illegal drugs aside from what he sold to the poseur-buyer. In the prosecution of this crime, the following elements must be proved with moral certainty: (1) that the accused is in possession of the object identified as a prohibited or regulatory drug; (2) that such possession is not authorized by law; and (3) that the accused freely and consciously possessed the said drug.[13]

In the case at bar, appellant was caught in actual possession of a prohibited drug which he could not show was duly authorized by law. Having been caught in flagrante delicto, there is a prima facie evidence of animus possidendi on appellant's part. As held by this Court in *U.S. v. Bandoc*,[14] the finding of a dangerous drug in the house or within the premises of the house of the accused is prima facie evidence of knowledge or animus possidendi and is enough to convict in the absence of a satisfactory explanation.[15]

Furthermore, contrary to appellant's contentions, the minor inconsistencies in the testimonies of the prosecution witnesses are too insufficient or insubstantial to overturn the judgment of conviction against appellant, since those testimonies are consistent on material points. It has been settled that the witnesses' testimonies need only to corroborate one another on material details surrounding the actual commission of the crime.[16] Questions as to the lighting condition of the place where the buy-bust operation was conducted do not in any way impair the credibility of the witnesses.

The Court will not disturb the findings of the trial court in assessing the credibility of the witnesses, unless some facts or circumstances of weight and influence have been overlooked or the significance of which has been misinterpreted by the trial court.[17] This is because the trial judge has the unique opportunity to observe the witnesses and to note their demeanor, conduct, and attitude during direct and cross examinations.[18] After a careful review of the entire records of this case, we do not find any such oversight by the trial court.

Chain of Custody Was Properly Established

Additionally, appellant asserts in his Brief[19] that the police officers failed to properly make an inventory of the shabu allegedly recovered from him. Further, he argues that they also failed to photograph or mark the shabu immediately after the alleged buy-bust operation in his presence, or his counsel, a representative from the media, a representative from the Department of Justice, or any elected public official.

The contentions cannot stand.

The Implementing Rules and Regulations of RA 9165 provide:

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 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 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. x x x (Emphasis supplied.)

It is very clear from the language of the law that there are exceptions to the requirements. Therefore, contrary to appellant's assertions, Sec. 21 need not be followed with pedantic rigor. It has been settled that non-compliance with Sec. 21 does not render an accused's arrest illegal or the items seized/confiscated from the accused inadmissible.[20] What is essential is "the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused." [21]

In the case at bar, there was substantial compliance with the law and the integrity of the drugs seized was preserved. The chain of custody of the drugs subject matter of the case was established by the testimonies of the witnesses as not to have been broken. The factual milieu of the case reveals that after PO3 Arago seized and confiscated the dangerous drugs, as well as the marked money, appellant was immediately arrested; and in that spot where he was arrested, PO3 Arago marked the sachets of shabu with the initials of appellant. PO2 Aguinaldo also marked the two (2) sachets he found in appellant's person with appellant's initials. Appellant was then brought to the police station for investigation. Immediately thereafter, the plastic sachets were forwarded to the PNP Crime Laboratory with a request for examination to determine the presence of any prohibited drug. As per Physical Science Report No. D-747-03, the specimens submitted contained methamphetamine hydrochloride or shabu.

As held by the Court in *Malillin v. People*, [22] the testimonies of all persons who handled the specimen are important to establish the chain of custody. Thus, the prosecution offered the testimony of PO3 Arago, the police officer who first handled the dangerous drug. The testimony of P/SInsp. Ferminadoza, who conducted the examination on the dangerous drug, was, however, dispensed with after the public prosecutor and the defense counsel stipulated that the specimens submitted tested positive for methamphetamine hydrochloride and that the said specimens were regularly examined by the said witness.

Therefore, it is evidently clear that the chain of custody of the illicit drug purchased and found in appellant's presence was unbroken. The integrity of the object evidence has not, in fine, been compromised.

Defenses of Denial and Frame-up Are Weak

Denial and frame-up as defenses are inherently weak and have always been viewed by the Court with disfavor, for they can easily be invented and these are common defenses in most prosecutions for violations of RA 9165.[23]

Thus, in order for the Court to appreciate these defenses, there must be such clear and convincing evidence to prove such defenses; otherwise, in the absence of any ill motive on the part of the police authorities to falsely

impute such crime against appellant, the presumption of regularity in the performance of duty stands.

There is no denying the fact that dealing in illegal drugs has brought untold miseries to many members of our society. It has caused tremendous sufferings and difficulties not only to drug users but to their families as well. It has ruined the future of the youths who have succumbed to its promise of momentary bliss only to lose opportunities to lead meaningful and productive lives later.

In fighting the drug menace in our midst, we should not be hindered by technicalities that those engaged in the trade claim were committed by authorities in curtailing their activities. The ill effects of their trade far outweigh any consideration police officers may have in trying to put a stop to its spread.

In the instant case, the defense miserably failed to adduce any evidence of ill motive on the part of the police officers. Therefore, we uphold the presumption of regularity in the performance of their official duties and find that the prosecution has discharged its burden of proving the guilt of appellant beyond reasonable doubt.

WHEREFORE, the appeal is DENIED. The CA Decision in CA-G.R. CR-H.C. No. 01621 finding accused-appellant Danilo Cruz guilty of the crimes charged is AFFIRMED.

SO ORDERED.

Corona, (Chairperson), Peralta, Del Castillo[*], and Villarama, Jr.[**], JJ., concur.

[*] Additional member per Special Order No. 805 dated December 4, 2009.

[**] Additional member per Special Order No. 802 dated November 12, 2009.

[1] Rollo, pp. 2-18. Penned by Associate Justice Romeo F. Barza and concurred in by Associate Justices Mario L. Guariña III and Celia C. Librea-Leagogo.

[2] CA rollo, pp. 18-38. Penned by Judge Florito S. Macalino.

[3] Id. at 6.

[4] Id. at 8.

[5] Records, p. 74.

[6] CA rollo, pp. 37-38.

[7] Rollo, p. 18.

[8] *People v. Herrera*, G.R. No. 93728, August 21, 1995, 247 SCRA 433; *People v. Tadepa*, G.R. No. 100354, May 26, 1995, 244 SCRA 339.

[9] *Cruz v. People*, G.R. No. 164580, February 6, 2009; *People v. Eugenio*, G.R. No. 146805, January 16, 2003, 395 SCRA 317.

[10] *People v. Beriamente*, G.R. No. 137612, September 25, 2001, 365 SCRA 747.

[11] *People v. Tan*, G.R. No. 133001, December 14, 2000, 348 SCRA 116; *People v. Zheng Bai Hui*, G.R. No. 127580, August 22, 2000, 338 SCRA 420.

[12] TSN, November 5, 2003, pp. 6-13.

[13] *People v. Del Norte*, G.R. No. 149462, March 29, 2004, 426 SCRA 383.

[14] 23 Phil. 14 (1912).

[15] Id. at 15.

[16] *People v. Gonzales*, G.R. No. 143805, April 11, 2002, 380 SCRA 689; *People v. Uy*, G.R. No. 129019, August 16, 2000, 338 SCRA 232.

[17] *Cruz v. People*, supra note 9.

[18] *People v. Astudillo*, 440 Phil. 203 (2002).

[19] CA rollo, pp. 26-37.

[20] *People v. Naquita*, G.R. No. 180511, July 28, 2008, 560 SCRA 430, 448; citing *People v. Del Monte*, G.R. No. 179940, April 23, 2008, 552 SCRA 627.

[21] Id.; citing *People v. Concepcion*, G.R. No. 178876, June 27, 2008, 556 SCRA 421.

[22] As a method of authenticating evidence, the chain of custody rule requires that the admission of an exhibit be preceded by evidence sufficient to support a finding that the matter in question is what the proponent claim it to be. It would include testimony about every link in the chain, from the moment the item was picked up to the time it is offered into evidence, in such a way that every person who touched the exhibit would describe how and from whom it was received, where it was and what happened to it while in the witness' possession, the condition in which it was received and the condition in which it was delivered to the next link in the chain. These witnesses would then describe the precautions taken to ensure that there had been no change in the condition of the item and no opportunity for someone not in the chain to have possession of the same. G.R. No. 172953, April 30, 2008, 553 SCRA 619, 632-633.

[23] *People v. Dulay*, G.R. No. 150624, February 24, 2004, 423 SCRA 652, 662.

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