



**Republic of the Philippines
Supreme Court
Manila**

EN BANC

**ARTHUR BALAO, WINSTON
BALAO, NONETTE BALAO,
JONILYN BALAO-STRUGAR,
and BEVERLY LONGID,**
Petitioners,

G.R. No. 186050

- versus -

**EDUARDO ERMITA,
GILBERTO TEODORO,
RONALDO PUNO,
NORBERTO GONZALES, Gen.
ALEXANDER YANO, Gen.
JESUS VERZOSA, Brig. Gen.
REYNALDO MAPAGU, Lt.
P/Dir. EDGARDO DROMAL,
Maj. Gen. ISAGANI
CACHUELA, Commanding
Officer of the AFP-ISU based in
Baguio City, PSS EUGENE
MARTIN, and several JOHN
DOES,**

Respondents.

X-----X

**SECRETARY EDUARDO
ERMITA, SECRETARY
GILBERTO TEODORO,
SECRETARY RONALDO
PUNO, SECRETARY
NORBERTO GONZALES,
GEN. ALEXANDER YANO,
P/DGEN. JESUS VERZOSA,
BRIG. GEN. REYNALDO
MAPAGU, MAJ. GEN.
ISAGANI CACHUELA, and
POL. SR. SUPT. EUGENE
MARTIN,**

Petitioners,

G.R. No. 186059

Present:

**SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,*
PEREZ,**

* On official leave.

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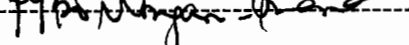
- versus -

**ARTHUR BALAO, WINSTON
BALAO, NONETTE BALAO,
JONILYN BALAO-STRUGAR,
and BEVERLY LONGID,**
Respondents.**

**MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.**

Promulgated:

June 21, 2016

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RESOLUTION

PERLAS-BERNABE, J.:

For the Court's resolution are the recommendations in the Final Report¹ dated January 15, 2016 submitted by the Regional Trial Court of La Trinidad, Benguet, Branch 63 (RTC) in compliance with the directives in the Court's Decision² dated December 13, 2011 (December 13, 2011 Decision) in the above-captioned consolidated cases.

The Facts

The instant case arose when James M. Balao (James), founding member of the Cordillera Peoples Alliance (CPA), a coalition of non-government organizations working for the cause of indigenous peoples in the Cordillera Region,³ was abducted by five (5) unidentified armed men on September 17, 2008, in front of Saymor's Store at Tomay, La Trinidad, Benguet.⁴ After efforts to find him proved futile, James's siblings, namely: Arthur Balao, Winston Balao, Nonette Balao, and Jonilyn Balao-Strugar, together with CPA Chairperson Beverly Longid (CPA Chairperson Longid; collectively, Balao, *et al.*) filed a petition for the issuance of a writ of *amparo* in James's favor before the RTC, docketed as Special Proceedings No. 08-AMP-0001.⁵

** As titled in the Decision. See *rollo* (G.R. No. 186059), Vol. II, p. 1130. Public Respondent then President Gloria Macapagal-Arroyo was dropped as party-respondent in the petition for writ of *amparo* in the December 13, 2011 Decision (see *id.* at 1161).

¹ *Id.* at 1270-1284. Penned by Presiding Judge Jennifer P. Humiding.

² *Id.* at 1130-1163. Penned by Retired (Ret.) Associate Justice Martin S. Villarama, Jr. and joined by then Chief Justice Renato C. Corona, Associate Justices Presbitero J. Velasco, Jr., Teresita J. Leonardo-De Castro, Arturo D. Brion, Diosdado M. Peralta, Lucas P. Bersamin, Mariano C. Del Castillo, Roberto A. Abad (Ret.), Jose Portugal-Perez, Jose Catral Mendoza, Bienvenido L. Reyes, and Estela M. Perlas-Bernabe. Chief Justice Maria Lourdes P. A. Sereno dissented and was joined by Senior Associate Justice Antonio T. Carpio. (See also 678 Phil. 532 [2011]).

³ *Id.* at 1132.

⁴ *Id.* at 1132-1133.

⁵ See *id.* at 1014.

The RTC Ruling

In a Judgment⁶ dated January 19, 2009, the RTC granted the privilege of the writ of *amparo*, thereby directing herein public officers, namely: then President Gloria Macapagal-Arroyo, Executive Secretary Eduardo R. Ermita, Defense Secretary Gilberto C. Teodoro, Jr., Interior and Local Government Secretary Ronaldo V. Puno, National Security Adviser Norberto B. Gonzales, Armed Forces of the Philippines (AFP) Chief of Staff General Alexander B. Yano, Philippine National Police (PNP) Police Director General Jesus A. Verzosa, Philippine Army (PA) Chief Brigadier General Reynaldo B. Mapagu, PNP Criminal Investigation and Detection Group (PNP-CIDG) Chief Lt. P/Dir. Edgardo Doromal, Northern Luzon Command (NOLCOM) Commander Major General Isagani C. Cachuela, PNP-Cordillera Administrative Region Regional Director Police Senior Superintendent Eugene Gabriel Martin, and several John Does (the public officers)⁷ to: (a) disclose where James is being detained or confined; (b) release him from his unlawful detention; and (c) cease and desist from inflicting harm on his person.⁸ The RTC held that James's unlawful disappearance was due to his activist/political leanings and because the CPA was seen as a front of the Communist Party of the Philippines-New People's Army (CPP-NPA).⁹ The RTC further ruled that the investigation conducted by the public officers was "very limited, superficial[,] and one-sided" which, thus, unmistakably violated James's right to security of his person.¹⁰ Meanwhile, the RTC denied the interim reliefs that Balao, *et al.* prayed for – *i.e.*, the issuance of inspection order, production order, and witness protection order – considering that they failed to comply with the stringent provisions of The Rule on the Writ of *Amparo*¹¹ (*Amparo* rule) in order to grant the same.¹²

Separately, both parties appealed to the Court. In **G.R. No. 186050**, Balao, *et al.* challenged the RTC's denial of the interim reliefs, while, in **G.R. No. 186059**, the public officers assailed the RTC's judgment extending the privilege of the writ of *amparo*.¹³

⁶ See *rollo* (G.R. No. 186059), Vol. II, pp. 1146-1148. See also *rollo* (G.R. No. 186050), Vol. I, pp. 26-38. Penned by Judge Benigno M. Galacgac.

⁷ *Rollo* (G.R. No. 186059), Vol. II, pp. 1131-1132.

⁸ *Id.* at 1146.

⁹ *Id.* at 1147.

¹⁰ *Id.*

¹¹ A.M. No. 07-9-12-SC (October 24, 2007)

¹² *Rollo* (G.R. No. 186059), p. 1146.

¹³ *Id.* at 1148.

**The Court's Ruling
in the December 13, 2011 Decision**

In the December 13, 2011 Decision,¹⁴ the Court reversed the grant of the privilege of the writ of *amparo*, holding that the totality of evidence presented in these cases did not fulfill the evidentiary standard provided for by *Amparo* rule so as to establish that James was a victim of an enforced disappearance. Citing *Roxas v. Macapagal-Arroyo*,¹⁵ the Court ruled that government involvement in the abduction of James could not be simply inferred based on past incidents in which the victims also worked or were affiliated with left-leaning groups.¹⁶ To add, the Court clarified that the doctrine of command responsibility could not be applied in *amparo* proceedings, considering that pinpointing criminal culpability is not the issue thereat, but rather, the same was conceived to determine responsibility or at least accountability for enforced disappearances (and extralegal killings), and to impose the appropriate remedies to address them.¹⁷ More importantly, the Court held that, after a judicious review of the records, the participation of members of the AFP or PNP in the abduction of James was not sufficiently proven. It highlighted that no concrete evidence was presented by Balao, *et al.* which would have satisfactorily showed that James's abductors were connected with them. Relatedly, Balao, *et al.* likewise failed to present adequate proof that James was being held or detained upon the orders or with acquiescence of government agents.¹⁸

Notwithstanding these findings, the Court, however, concurred with the RTC's observations describing the investigations made by the public officers as "very limited, superficial[,] and one-sided" and, hence, ineffective.¹⁹ As aptly pointed out by the RTC to which the Court agreed, there was a seeming prejudice on the part of the public officers to pin suspects who were not connected with the government,²⁰ further noting that they did not discharge the burden of exercising extraordinary diligence in investigating James's abduction, considering their abject failure to pursue critical leads in: (a) ascertaining the identities of James's abductors using the cartographic sketches described by the witnesses; and (b) tracing the plate numbers of vehicles that were allegedly used in conducting surveillance which were previously reported by James to his family and to the CPA.²¹

In order to safeguard the constitutional right to liberty and security of James who remained missing to date, the Court found it apt to remand the case to the RTC so as to monitor and ensure that the investigative efforts by

¹⁴ Id. at 1130-1163.

¹⁵ 644 Phil. 480 (2010). See also *rollo*(G.R. No. 186059), p. 1151.

¹⁶ *Rollo* (G.R. No. 186059), Vol. II, p. 1151.

¹⁷ See id. at 1151-1153.

¹⁸ See id. at 1153.

¹⁹ See id. at 1154-1155.

²⁰ Id. at 1154.

²¹ Id. at 1156-1157.

the public officers would be discharged with extraordinary diligence, as required under Section 17²² of the *Amparo* rule. For this purpose, the RTC may conduct hearings, as it may deem necessary, to validate the results of the investigation.²³ Lastly, anent the petition in **G.R. No. 186050**, the Court upheld the RTC ruling denying the interim reliefs prayed for by Balao, *et al.*, holding that the issuance of inspection and production orders could not be based on insufficient claims, lest it would have sanctioned a “fishing expedition.”²⁴

In light of the foregoing, the Court partly modified the RTC ruling, as follows: (a) reversing the grant of the privilege of the writ of *amparo*; (b) affirming the denial of the prayer for inspection and production order, without prejudice to the subsequent grant thereof, as it may be deemed necessary; and (c) ordering the incumbent Chief of Staff of the AFP and Director General of the PNP to continue and pursue with extraordinary diligence – as required under Section 17 of the *Amparo* rule – the investigation of James’s abduction, and specifically to take the necessary steps to: [i] identify the persons described in the cartographic sketches; [ii] locate the vehicles bearing the plate numbers provided by Balao, *et al.* and which James had reported as conducting surveillance on his person and to investigate their owners; and [iii] pursue other leads relevant to his abduction.²⁵

Within six (6) months from notice of the said Decision, the PNP and PNP-CIDG were ordered to undertake their respective investigations, and within fifteen (15) days from completion, the AFP and PNP shall submit a full report of their investigations to the RTC which, in turn, shall have thirty (30) days to submit its **Full Report** to this Court for **Final Action**.²⁶

Proceedings after the December 13, 2011 Decision

In a Notice²⁷ dated November 28, 2013, the Court directed the Commission on Human Rights (CHR) and the National Bureau of Investigation (NBI) to conduct independent and parallel investigations on the disappearance of James.

²² SEC. 17. *Burden of Proof and Standard of Diligence Required.* – The parties shall establish their claims by substantial evidence.

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The respondent who is a public official or employee must prove that extraordinary diligence as required by applicable laws, rules and regulations was observed in the performance of duty.

The respondent public official or employee cannot invoke the presumption that official duty has been regularly performed to evade responsibility or liability.

²³ See *rollo* (G.R. No. 186059), pp. 1158 and 1161-1162.

²⁴ *Id.* at 1158-1159.

²⁵ *Id.* at 1159-1162.

²⁶ *Id.* at 1161.

²⁷ See *rollo* (G.R. No. 186050), Vol. IV, p. 1555.

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In a Further Partial Compliance²⁸ dated October 30, 2014, the RTC informed the Court that it scheduled a hearing on March 7, 2014 to determine, among others, the results of the investigation being conducted by the Special Investigation Task Group (SITG)-Balao,²⁹ as monitored by the AFP and PNP, and that of the CHR.³⁰ Thereafter, the PNP, through SITG-Balao Commander PSS Rodolfo S. Azurin, Jr., moved to require the Military Intelligence Group 1 (MIG 1) based at Camp Henry T. Allen, Baguio City to produce a copy of their Roster of Troops for calendar year 2008 in order to counter-check a name who was traced as the last owner of the vehicle that was allegedly used in conducting surveillance against James.³¹ Meanwhile, the AFP, through Chief of Staff General Emmanuel T. Bautista, filed a manifestation and compliance, confirming the reports of SITG-Balao that the owner of the Mitsubishi Versa L-300 Van with plate number USC-922³² was an active service officer of the Philippine Army identified as Major Ferdinand Bruce M. Tokong (Maj. Tokong).³³ After granting PNP's motion, and upon submission of the Roster of Troops, it was, however, revealed that Maj. Tokong's name was not in the list.³⁴ Separately, the CHR filed an Investigation Report³⁵ praying for the issuance of an order directing a certain Brian Gonzales (Gonzales) – who Balao, *et al.* claimed to be an asset of MIG 1 and, incidentally, was also their cousin – to appear before the RTC, considering that he was repeatedly mentioned in James's journal entries.³⁶ Consequently, the next hearing date was scheduled on February 20, 2015.³⁷

In a Compliance by Way of Additional Partial Updates³⁸ dated March 20, 2015, the RTC notified the Court that the PNP had submitted its Formal Report,³⁹ recommending the termination of investigation of the SITG-Balao without prejudice to the continuation of the investigation by the local police unit concerned.⁴⁰ The PNP reported that they traced the vehicles (that were purportedly used for surveillance) to their respective owners; however, their investigations did not yield any significant breakthrough.⁴¹ The RTC, then, summarized the updates of each party during the February 20, 2015 hearing: (a) the PNP manifested that it did not receive any information about the case after the submission of its report; (b) the AFP mentioned that, aside from comparing the cartographic sketches of the suspects with all their

²⁸ Id. at 1554-1568.

²⁹ See id. at 1895.

³⁰ Id. at 1558.

³¹ Id. at 1556-1557.

³² Which was one the vehicles mentioned as conducting surveillance against James.

³³ See *rollo* (G.R. No. 186050), Vol. IV, pp. 1558-1560.

³⁴ Id. at 1566.

³⁵ Dated March 6, 2014. Id. at 1585-1592. Issued by Atty. Harold D. Kub-Aron.

³⁶ See id. at 1567 and 1591.

³⁷ See id. at 1568.

³⁸ Id. at 1884-1888-A.

³⁹ See Formal Report (Re: Order dated August 1, 2014) dated November 12, 2014. Id. at 1889-1907. Issued by Police Senior Superintendent Commander, SITG Balao Rodolfo S. Azurin, Jr.

⁴⁰ Id. at 1906.

⁴¹ See id. at 1897-1901.

personnel,⁴² it was also investigating the possible involvement of Maj. Tokong, and undertook to submit the results thereof to the RTC after its declassification, and for this, it asked for a period of fifteen (15) days to submit the same; (c) the CHR revealed that it sent summons to Gonzales which were, however, repeatedly ignored, and thus, prayed for the issuance of a *subpoena* on his person; and (d) Balao, *et al.* confirmed that Gonzales was James's first cousin and were confounded why he was not investigated beforehand, considering that he was a member of the PNP intelligence group and they already provided his name as early as 2008.⁴³

Moreover, the PNP manifested that they encountered problems in gathering evidence and in pursuing a possible lead because of the continuous refusal of Balao, *et al.* to present certain personalities identified as "Uncle John" and "Rene," alleged housemates and last companions of James.⁴⁴ To know their identities, the PNP stated that CPA Chairperson Longid should be compelled to appear before the RTC.⁴⁵ Before the conclusion of the hearing, the AFP made a commitment to submit its investigation about Maj. Tokong's involvement. Accordingly, the RTC set the next hearing on September 4, 2015 to allow the declassification of some documents, as well as to give all parties additional time to complete their respective investigations.⁴⁶

In a Final Report⁴⁷ dated January 15, 2016, the RTC discussed the contents of the confidential AFP Report⁴⁸ concluding that Maj. Tokong had no involvement in the abduction of James.⁴⁹ The AFP Report mentioned that while it was true that Maj. Tokong went to Baguio for his rest and recreation sometime in September 2008 – which was approved by Colonel Lyndon V. Paniza – it would be contrary to the experience of man if he would use his own personal vehicle to conduct surveillance on James as this would, in effect, expose him. Had Maj. Tokong indeed conducted surveillance operations, he would have, at the very least, used another vehicle to avoid liability. By using his personal vehicle, this only strengthened Maj. Tokong's good faith and intention that he went to Baguio for his personal vacation.⁵⁰

The RTC, thereafter, highlighted the contents of Gonzales's testimony, stating that: (a) he was not an asset of the AFP or NBI; (b) James feared that he was being followed by unknown persons, and he never

⁴² *Rollo* (G.R. No. 186050), Vol. IV, p. 1887. See also *rollo* (G.R. No. 186059), Vol. II, p. 1248.

⁴³ See *rollo* (G.R. No. 186050) Vol. IV, pp. 1884-A-1885-A.

⁴⁴ *Id.* at 1887-1887-A. See *id.* at 1931 and 1934.

⁴⁵ *Id.* at 1887-A.

⁴⁶ See *id.* at 1888-1888-A.

⁴⁷ *Rollo* (G.R. No. 186059), Vol. II, pp. 1270-1284.

⁴⁸ Re: Investigation Report Submission of Result of Investigation (Re: Petition for Writ of Amparo in favor of James Balao) September 29, 2015. *Id.* at 1285-1289.

⁴⁹ *Id.* at 1288.

⁵⁰ *Id.* at 1271-1272.

mentioned of any vehicle tailing him, as those plate numbers were only given by CPA Chairperson Longid; (c) acting on the request of James to check if the latter was included in the *order of battle* or watch list, Gonzales called his *bilas* (sister-in-law's husband) in the AFP Intelligence Service Unit and friends in the PNP who both said that James was not in the list; (d) he denied sending text messages to James except their exchanges on July 13, 2008; (e) James appeared to have wanted to leave the CPA, considering that he was inquiring on how to obtain a visa to go to Japan; and (f) he suspected the colleagues of James in the CPA as his abductors, considering that they were the only persons – *i.e.*, such as his housemates – who knew or had information of his schedule, activities, or whereabouts, and more importantly, the CPA had been dictating what his cousins should say or do, and had prevented them from communicating with him.⁵¹

The RTC opined that the investigation of James's abduction had reached an impasse,⁵² thereby recommending that these cases be archived, considering that the investigation of the AFP had reached a standstill with its conclusion that Maj. Tokong did not conduct surveillance operations on James, and that the testimony of Gonzales presented a new angle in the abduction that must be further verified.⁵³ In light of the foregoing, the RTC respectfully recommended for the Court to: (a) **archive** the instant case; (b) **relieve** the AFP and CHR of their respective obligations to investigate the abduction of James; and (c) **direct** the PNP to continue the investigation by further pursuing the angle raised by Gonzales who had also expressed his willingness to cooperate in identifying the housemates of James (who are also possible leads and persons-of-interest). In this relation, the RTC noted that while archived, these cases may still be re-opened by any interested party should new evidence arise.⁵⁴

The Issue Before the Court

The main issue for resolution is whether or not the Court should adopt the recommendations of the RTC in the Final Report dated January 15, 2016.

The Court's Ruling

The recommendations in the Final Report dated January 15, 2016 are partly adopted.

⁵¹ See *id.* at 1273-1277.

⁵² *Id.* at 1279.

⁵³ *Id.* at 1283.

⁵⁴ *Id.* at 1283-1284.

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At the outset, the Court observes that exhaustive efforts and extraordinary diligence were exercised by the PNP, AFP, and CHR in investigating the abduction of James, pursuant to the parameters laid down in the December 13, 2011 Decision. On the part of the AFP, the Court notes its active participation in the RTC proceedings, and as gleaned from the AFP Report, it investigated the possible involvement of Maj. Tokong, but who was subsequently cleared from any participation in James's abduction for lack of evidence.⁵⁵ The AFP likewise stated that it compared the results of the cartographic sketches with their personnel,⁵⁶ but still, did not yield any significant developments.

On the part of the PNP, records show that it keenly investigated the ownership of the vehicles that were reportedly used for surveillance on James. According to its Formal Report, the SITG-Balao traced the vehicles ownership history, as well as the activities and trips of the vehicle on the day of James's abduction, but found no considerable leads.⁵⁷ It must, however, be stressed that the angle raised by Gonzales in his testimony – *i.e.*, that James could have been possibly abducted by CPA members – presented a significant development that is worth investigating. It was reported that James had housemates living with him who were only identified as “Uncle John” and “Rene,” allegedly members of the CPA.⁵⁸ Notably, the PNP previously tried to investigate these persons-of-interest, but lamented the continuous refusal of Balao, *et al.*, particularly CPA Chairperson Longid, to disclose their identities. This notwithstanding, Gonzales, however, manifested that he could identify these individuals.⁵⁹

Under Section 20 of the *Amparo* rule, the court is mandated to archive, and not dismiss, the case should it determine that it could not proceed for a valid cause, *viz.* :

Section 20. *Archiving and Revival of Cases.* — **The court shall not dismiss the petition, but shall archive it, if upon its determination it cannot proceed for a valid cause** such as the failure of petitioner or witnesses to appear due to threats on their lives.

A periodic review of the archived cases shall be made by the *amparo* court that shall, *motu proprio* or upon motion by any party, order their revival when ready for further proceedings. The petition shall be dismissed with prejudice upon failure to prosecute the case after the lapse of two (2) years from notice to the petitioner of the order archiving the case.

The clerks of court shall submit to the Office of the Court Administrator a consolidated list of archived cases under this Rule not

⁵⁵ See *id.* at 1288.

⁵⁶ *Rollo* (G.R. No. 186050), Vol. IV, p. 1887. See also *rollo* (G.R. No. 186059), Vol. II, p. 1248.

⁵⁷ See *rollo* (G.R. No. 186050), Vol. IV, pp. 1896-1900.

⁵⁸ See *id.* at 1887-A and 1931 and 1934.

⁵⁹ *Rollo* (G.R. No. 186059), p. 1283.

later than the first week of January of every year. (Emphasis and underscoring supplied)

Jurisprudence states that archiving of cases is a procedural measure designed to temporarily defer the hearing of cases **in which no immediate action is expected**, but where no grounds exist for their outright dismissal. Under this scheme, **an inactive case is kept alive but held in abeyance until the situation obtains in which action thereon can be taken.**⁶⁰ To be sure, the *Amparo* rule sanctions the archiving of cases, provided that it is impelled by a valid cause, such as when the witnesses fail to appear due to threats on their lives or to similar analogous causes that would prevent the court from **effectively** hearing and conducting the *amparo* proceedings which, however, do not obtain in these cases.

Here, while it may appear that the investigation conducted by the AFP reached an impasse, it must be pointed out that there was still an active lead worth pursuing by the PNP. Thus, the investigation had not reached a dead-end – which would have warranted the case’s archiving – because the testimony of Gonzales set forth an immediate action on the part of the PNP which could possibly solve, or uncover new leads, in the ongoing investigation of James’s abduction. Therefore, the RTC’s recommendation that these cases should be archived is clearly premature, and hence, must be rejected.

WHEREFORE, the recommendations of the Regional Trial Court of La Trinidad, Benguet, Branch 63 (RTC) in the Final Report dated January 15, 2016 are **PARTLY ADOPTED**. Accordingly, the Court hereby resolved to:

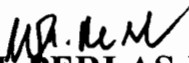
- (a) **REJECT** the recommendation of the RTC to archive these cases;
- (b) **RELIEVE** the Armed Forces of the Philippines and the Commission on Human Rights from their respective obligations to investigate the abduction of James Balao; and
- (c) **DIRECT** the Philippine National Police (PNP) to further investigate the angle presented by Bryan Gonzales and to ascertain the identities of “Uncle John” and “Rene” who are persons-of-interest in these cases.

The PNP is given six (6) months from notice hereof to complete its investigation. Within fifteen (15) days from completion, the PNP shall submit the results thereof to the RTC. Within thirty (30) days thereafter, the


⁶⁰ See *Republic of the Phils. v. Express Telecommunication Co., Inc.*, 424 Phil. 372, 394 (2002).

RTC shall submit its full report and recommendation to the Court for final action.


SO ORDERED.



ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:

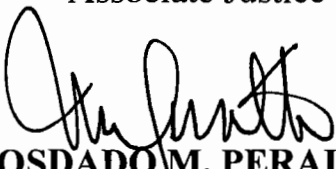

MARIA LOURDES P. A. SERENO
Chief Justice

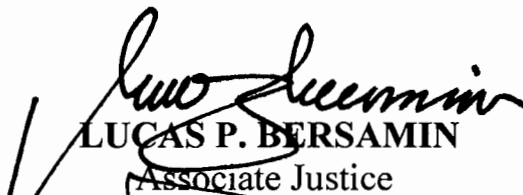

ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice

On Official Leave
MARIANO C. DEL CASTILLO
Associate Justice

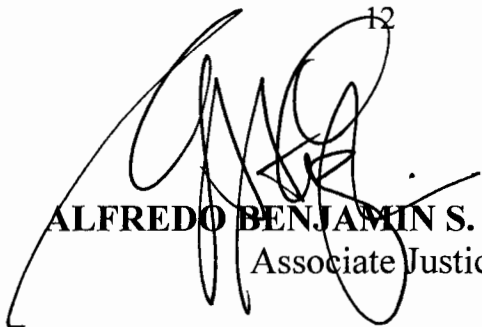

JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


MARVIC M. V. F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

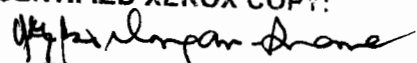
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the cases were assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT