



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 203435

Present:

VELASCO, JR., J.,
Chairperson,
BERSAMIN,
LEONEN,
MARTIRES, and
GESMUNDO, JJ.

- versus -

**MARDY AQUINO, MARIO
AQUINO, RECTO AQUINO,
INYONG NARVANTE, ROMY
FERNANDEZ, FELIX SAPLAN,
BONIFACIO CAGUIOA AND
JUANITO AQUINO,**
Accused,

Promulgated:

April 11, 2018

**MARDY AQUINO AND
MARIO AQUINO,**
Accused-Appellants.

X ----- X

DECISION

MARTIRES, J.:

This is an appeal from the 30 March 2012 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03659 which affirmed with modification the 23 July 2008 Joint Decision² of the Regional Trial Court, Branch 39, Lingayen, Pangasinan (RTC), in Criminal Case Nos. L-6575 and

¹ Rollo, pp. 2-23; penned by Associate Justice Vicente S.E. Veloso with Associate Justices Stephen C. Cruz and Myra V. Garcia-Fernandez, concurring.

² CA rollo, pp. 86-98; penned by Judge Dionisio C. Sison.

L-6576 finding Mardy Aquino, Mario Aquino, and Juanito Aquino guilty of murder and frustrated murder.³

THE FACTS

In two Informations, both dated 15 August 2001, the accused were charged with murder and frustrated murder. The information for murder reads:

That on or about the 15th day of May 2001 at around 10:30 o'clock in the morning at Barangay Balogo-Pandel, in the municipality of Binmaley, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, conspiring, confederating and helping one another, with intent to kill, with evident premeditation and abuse of superior strength, did then and there, wilfully, unlawfully and feloniously attack, assault and stab Jackie N. Caguioa, inflicting upon the latter fatal wounds which caused his death as a consequence, to the damage and prejudice of his heirs.

Contrary to Article 248 of the Revised Penal Code.⁴

On the other hand, the information for frustrated murder states:

That on or about the 15th day of May 2001 at around 10:30 o'clock in the morning at Barangay Balogo-Pandel, in the municipality of Binmaley, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, conspiring, confederating and helping one another, with intent to kill and with evident premeditation did then and there, wilfully, unlawfully and feloniously attack, assault and stab Ernesto Caguioa, inflicting upon the latter the following injuries:

- Stab wound lumbar area (L)
 - Zci stab wound lumbar area (L) penetration perforation jejunum prox tst.
 - Laceration thinner upper pale (L)
- Operation: Expeoratory Laparatomy Procedure Interroraphy
Neophorrhaphy

the accused having thus performed all the acts of execution which would have produced the crime of Murder as a consequence but which nevertheless did not produce the felony by reason of causes independent of the will of the accused and that is due to timely and adequate medical assistance rendered to said Ernesto Caguioa, which prevented his death, to his damage and prejudice.

Contrary to Article 248 in relation to Article 6 of the RPC.⁵

³ Recto Aquino, Inyong Narvante, Romy Fernandez, Felix Saplan and Bonifacio Caguioa were also charged with murder and frustrated murder but they remain at large.

⁴ Records, Vol. I, pp. 1-2.

⁵ Records, Vol. II, pp. 1-2.

Upon arraignment, the accused pleaded not guilty to the charges.

Version of the Prosecution

At around 10:30 in the morning of 15 May 2001, Inyong Narvante (*Inyong*) approached Ernesto Caguioa (*Ernesto*) and asked the latter for some fish as he was in a drinking spree with his friends. Ernesto, however, refused and teased Inyong for voting for a certain Domalante. An infuriated Inyong shouted, “vulva of your mother,” and threatened that something would happen to Ernesto. Afterwards, Inyong returned to his friends.⁶

Later in the morning, Ernesto was having a conversation with his son Jackie, Rick De Guzman, and Orlando Ferrer while they were waiting for a boat to transport their catch to Dagupan. A hundred meters away from them were Ernesto’s twin sons, Edwin and Edward, together with Dicto de Guzman and Bonifacio Doria, who were washing their fishing nets. Suddenly, Mardy, Mario, Juanito, Inyong, Recto Aquino (*Recto*), Romy Fernandez (*Romy*), Felix Saplan (*Felix*), and Bonifacio Caguioa (*Bonifacio*) arrived and threw stones at Edwin’s group. Aggrieved, Edwin reported the incident to his elder brother Jackie and to his father Ernesto.⁷

Thereafter, Jackie went to where the accused were having a drinking session to ask them why they attacked his brothers. Ernesto followed him. Instead of answering, the accused laughed at him. All of a sudden, Raul Bautista, Aquilino Melendez, and Juanito grabbed and restrained Jackie who was then stabbed by Mardy and Recto.⁸

Ernesto attempted to help his son, but Mario held him by the neck while Felix, Inyong, Romy, and Bonifacio grabbed his left leg. In that position, Ernesto was stabbed by Mardy and Recto, hitting him in the left arm, left stomach, and left thigh.⁹

After the incident, the accused ran away leaving behind injured Ernesto and Jackie. The victims were brought to the hospital, but Jackie died on the way.¹⁰

Version of the Defense

Julius Caguioa, son of Bonifacio, testified that on 15 May 2001, at around one o’clock in the afternoon, he was at the house of Romy where he

⁶ Records, Vol. I, p. 7.

⁷ TSN, 17 January 2002, pp. 6-8; TSN 11 June 2002, pp. 4-6.

⁸ TSN, June 11, 2002, pp. 6-7.

⁹ Id. at 8-9.

¹⁰ Id. at 9-10.

saw Mario, Felix, and Bonifacio drinking. Ernesto and Jackie then arrived and approached the group. Ernesto then hit Bonifacio with a water pipe while Jackie stabbed Bonifacio in the upper right side of his body.¹¹

Miriam Puroganan, daughter of Mario, narrated that on the same date and time, she was at the house of her mother-in-law, two meters away from Romy's house. While having lunch, she heard Romy's wife shout, "Don't make trouble." When Miriam went out of the house, she saw Ernesto hitting her father Mario with an iron pipe; Mardy then arrived and stabbed Ernesto in order to protect Mario.¹²

On his part, Mario recounted that on 15 May 2001, he was having a drinking spree with Recto, Felix, and Romy at the latter's place. At about one o'clock in the afternoon, Bonifacio and Inyong arrived and asked Romy if they could borrow money from him. Romy went to the balcony of his house. While Bonifacio and Inyong were waiting for Romy, Ernesto and his sons Jackie, Edwin, and Edward arrived. Jackie then stabbed Bonifacio and also attempted to stab Mardy but failed because Recto stabbed him first. Ernesto struck Inyong with an iron pipe. Mario was also hit by Ernesto on the right lower leg and head, which caused him to lose consciousness.¹³

Juanito vehemently denied any participation in the incident. On 15 May 2001, at around 10:00 o'clock in the morning, he was asleep in his house. He was named in the complaint because the family of deceased Jackie had a grudge against him because he once testified against them.¹⁴

In his defense, Mardy averred that on the day of the incident, he was asleep in his house, about 50 meters away from Romy's house, when his cousin Recto woke him up and informed him that his father, Mario, was being attacked. He immediately proceeded to Romy's place and saw Jackie stab Bonifacio. He then saw Ernesto hitting his father with a water pipe; thus, to protect his father, he stabbed Ernesto. Thereafter, he and his father went home.¹⁵

The Regional Trial Court's Ruling

In its decision, the RTC found Mardy, Mario, and Juanito guilty of murder and frustrated murder.¹⁶ It reasoned that the testimonies of the prosecution witnesses clearly showed that they took advantage of their

¹¹ TSN, 15 May 2003, pp. 7-13.

¹² TSN, 18 December 2007, pp. 4-12.

¹³ TSN, 18 May 2005, pp. 3-8; TSN, 1 June 2005, pp. 4-9

¹⁴ TSN, 17 April 2007; pp. 3-5.

¹⁵ TSN, 6 November 2007; pp. 3-11.

¹⁶ The case was archived as regards Recto Aquino, Inyong Narvante, Romy Fernandez, Felix Saplan and Bonifacio Caguio since they are still at large.



superior strength and they conspired with one another when they assaulted Jackie and Ernesto. The *fallo* reads:

WHEREFORE, the prosecution having established beyond iota of doubt the guilt of the accused of the crimes of Murder in Criminal Case No. 6575 and Frustrated Murder in Criminal Case No. 6576, this Court in the absence of any modifying circumstance hereby sentences all the accused in the crime of Murder to suffer each the penalty of RECLUSION PERPETUA, to indemnify the legal heirs of the victim the amount of Php50,000.00 and to pay actual damages in the amount of Php70,000.00 for the wake and funeral expenses; Php40,000.00 as attorney's fees and Php100,000.00 as moral damages for the wounded feelings and moral shock suffered by the mother of victim Jackie Caguioa plus costs of suit; and in the crime of Frustrated Murder all the accused to suffer each the indeterminate prison term of five (5) years and one (1) day of Prison Correccional as minimum to twelve (12) years of Prison Mayor as maximum and to pay the victim actual damages in the amount of Php15,000.00; and attorney's fees in the amount of Php15,000.00 plus costs of suit.

The period of preventive imprisonment suffered by the accused shall be credited in full in the service of their sentence in accordance with Article 29 of the Revised Penal Code.

As far as accused Recto Aquino, Inyong Narvante, Romy Fernandez, Felix Saplan and Bonifacio Caguioa who are still at large are concerned, let this case be ARCHIVED.¹⁷

Aggrieved, Mario and Mardy (*accused-appellants*) appealed before the CA.

The Court of Appeals Ruling

In its decision, the CA affirmed the conviction of accused-appellants but modified the penalty for frustrated murder and the amount of damages awarded. As regards the contention that the prosecution failed to prove intent to kill, the CA opined that the use of a deadly weapon and the number of wounds inflicted demonstrated a deliberate and determined assault with intent to kill. It further held that a finding of abuse of superior strength was not negated by the fact that some of the accused suffered injuries. The appellate court declared that the prosecution sufficiently proved the presence of conspiracy considering that the victims were simultaneously restrained and stabbed by the accused. It, however, ruled that actual damages should be reduced to ₱20,000.00 because the receipts submitted by the prosecution showed that the heirs of Jackie incurred only ₱20,000.00 as funeral expenses and not ₱70,000.00 as awarded by the trial court. The CA disposed the case in this wise:



¹⁷ CA rollo, pp. 97-98.

WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit. But while the assailed July 23, 2008 Joint Decision is AFFIRMED, the same is however MODIFIED as follows:

- (1) In the case of Frustrated Murder, accused-appellants are hereby sentenced to suffer the indeterminate sentence of 6 years and 1 day of prision mayor as minimum to 14 years, 8 months and 1 day of reclusion temporal as maximum;
- (2) In the case of Murder:
 - a. The award of civil indemnity is increased to ₱75,000.00;
 - b. The award of actual damages is reduced to ₱20,000.00;
 - c. The award of moral damages is reduced to ₱50,000.00.¹⁸

Hence, this appeal.

ISSUE

WHETHER THE GUILT OF ACCUSED-APPELLANTS FOR MURDER AND FRUSTRATED MURDER HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

THE COURT'S RULING

Accused-appellants may be held liable only for homicide.

Murder is defined and penalized under Article 248 of the Revised Penal Code (*RPC*), as amended, which provides:

ART. 248. *Murder*. Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;
2. In consideration of a price, reward, or promise;
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
4. On occasion of any calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
5. With evident premeditation;



¹⁸ Rollo, pp. 22-23.

6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

Generally, the elements of murder are: 1) That a person was killed; 2) That the accused killed him; 3) That the killing was attended by *any* of the qualifying circumstances mentioned in Art. 248; and 4) That the killing is not parricide or infanticide.¹⁹

That Jackie Caguioa died, that accused-appellants killed him, and that the killing is neither parricide nor infanticide remain undisputed. These circumstances are already established by the trial and appellate courts. Accused-appellants did not offer any substantial reason to deviate from the well-known rule that findings of fact and assessment of credibility of witnesses are matters best left to the trial court.²⁰ No facts of substance and value were overlooked by the trial court which, if considered, might affect the result of the case.²¹ The testimonies of the prosecution witnesses are clear and straightforward. Moreover, they are supported by the medical findings and they stand the test of reason. Thus, what remains to be resolved is the appreciation of abuse of superior strength as a qualifying circumstance.

Abuse of superior strength is present whenever there is a notorious inequality of forces between the victim and the aggressor/s that is plainly and obviously advantageous to the aggressor/s and purposely selected or taken advantage of to facilitate the commission of the crime.²² Evidence must show that the assailants consciously sought the advantage,²³ or that they had the deliberate intent to use this advantage.²⁴ To take advantage of superior strength means to purposely use force excessively out of proportion to the means of defense available to the person attacked.²⁵ The appreciation of this aggravating circumstance depends on the age, size, and strength of the parties.²⁶

The prosecution in this case failed to adduce evidence of a relative disparity in age, size, and strength, or force, except for the showing that two assailants stabbed the victim while three others restrained him. However, the presence of several assailants does not *ipso facto* indicate an abuse of superior strength. Mere superiority in numbers is not indicative of the presence of this circumstance.²⁷



¹⁹ Luis B. Reyes, *The Revised Penal Code Criminal Code*, Book Two, 17th Ed., p. 496 (2008).

²⁰ *People v. Mamaruncas*, 680 Phil. 192, 198 (2012).

²¹ *Id.*

²² *People v. Daquipil*, 310 Phil. 327, 348 (1995).

²³ *People v. Casingal*, 312 Phil. 945, 956 (1995).

²⁴ *People v. Escoto*, 313 Phil. 785, 799 (1995).

²⁵ *People v. Ventura*, 477 Phil. 458, 484 (2004).

²⁶ *People v. Beduya*, 641 Phil. 399, 410-411 (2010).

²⁷ *People v. Escoto*, *supra* note 24 at 800-801 (1995).

Further, the totality of the evidence shows that the encounter between the victim and his assailants was unplanned and unpremeditated. It must be noted that it was Jackie and Ernesto who went to the place where the accused were having a drinking session. Thus, there was no conscious effort on the part of the accused to use or take advantage of any superior strength that they then enjoyed. It has not been clearly established that the accused, taking advantage of their number, purposely resorted to holding Jackie by the arms so that two of them would be free to stab him. In view of the foregoing, the Court is compelled to rule out the presence of abuse of superior strength as a qualifying circumstance. Hence, accused-appellants' guilt must be limited to the crime of homicide.

Abuse of superior strength was not alleged in the information for frustrated murder.

An information to be sufficient must contain all the elements required by the Rules on Criminal Procedure. In the crime of murder, the qualifying circumstance raising the killing to the category of murder must be specifically alleged in the information.²⁸ Further, Sections 8 and 9, Rule 110 of the Rules of Criminal Procedure require that both the qualifying and aggravating circumstances must be specifically alleged in the information to be appreciated as such. In this case, the information for frustrated murder merely alleged the qualifying circumstance of evident premeditation. However, a perusal of the records shows that there was not even an attempt on the part of the prosecution to prove evident premeditation. The testimonies of the prosecution witnesses merely proved abuse of superior strength which, however, was not alleged in the information. As such, in the absence of any other qualifying circumstance in the information for Criminal Case No. L-6576, the charge against accused-appellants must be downgraded to homicide.

Accused-appellants are guilty of attempted homicide.

The elements of frustrated homicide are: (1) the accused intended to kill his victim, as manifested by his use of a deadly weapon in the assault; **(2) the victim sustained fatal or mortal wound/s but did not die because of timely medical assistance;** and (3) none of the qualifying circumstance for murder under Article 248 of the Revised Penal Code, as amended, is present.²⁹ If the victim's wounds are not fatal, the crime is only attempted

²⁸ *People v. Lab-Eo*, 424 Phil. 482, 488 (2002).

²⁹ *Serrano v. People*, 637 Phil. 319, 337 (2010).

homicide.³⁰ Thus, the prosecution must establish with certainty the nature, extent, depth, and severity of the victim's wounds.³¹

In the case at bar, the prosecution failed to prove that Ernesto's wounds would have certainly resulted in his death were it not for the medical treatment he received. On the contrary, Dr. Carlito V. Arenas, who attended to Ernesto, testified that the possibility of death from such wounds is remote:

[Prosecutor Espinoza]: Based on your medical record, how many stab wounds suffered by Ernesto Caguioa?

[Dr. Arenas]: There were four.

Q: Will you please tell us those stab wounds based on your medical records?

A: The first stab wound is on the left thoraco abdominal area chest, and the wound was as the boundary between the abdomen and the chest. And there was another on the thennar of the left hand, and the third stab wound is on the left thigh or the left leg.

Q: That first injury doctor, will you consider that fatal injury or serious injury?

A: The first wound, which was found at the thoraco abdominal area, on exploration during the operation, we found out that the wound was only up to the intercostals muscle. Meaning to say, it did not penetrate any of the internal organ.

Q: Will the victim survive even in the absence of medical treatment?

A: Yes, sir.

Q: How about the second injury that was found?

A: The second injury which was found on the left thennar which is 4 cm. in length and penetrating the tendons of the hand. Tendons are the structures which made the fingers move, and there were no vital organs affected.

Q: The third and fourth injury, will you consider that serious?

A: The third injury was about 2.5 cm. in length and affected the quadriceps muscle or the muscles of the thigh and there was a hematoma but there was no neurovascular involved. When I say neurovascular, blood vessels or nerves.

Q: And the fourth injury on the leg?

A: The fourth injury on the leg only penetrated the skins and the fat tissues.

Q: Let us go back to the first injury. You said it did not penetrate or affect any internal organ, does that require medical treatment?

A: Of course it requires medical treatment.



³⁰ *Colinares v. People*, 678 Phil. 482, 494 (2011).

³¹ *Id.*

Q: In the absence of medical treatment, will that cause to (sic) the death of the victim?

A: In this particular case, infection may follow later on which may cause some sort of blood poisoning but this is a remote possibility.

Q: How about the possibility of death due to loss of blood for lack of timely medical treatment?

A: No, I don't think so because there was no neurovascular injuries in this particular case.³² x x x (emphases supplied)

Hence, considering that Ernesto's wounds were not fatal and absent a showing that such wounds would have certainly caused his death were it not for timely medical assistance, the Court declares that in Criminal Case No. L-6576, accused-appellants' guilt is limited to the crime of **attempted homicide**.

Penalty and award of damages

Under Article 249 of the Revised Penal Code, the penalty imposed for the crime of homicide is *reclusion temporal*. Considering that no aggravating circumstances attended the commission of the crime, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the maximum penalty shall be selected from the range of the medium period of *reclusion temporal*, with the minimum penalty selected from the range of *prision mayor*. Thus, we impose the penalty of imprisonment for a period of 8 years and 1 day of *prision mayor* as minimum to 14 years, 8 months and 1 day of *reclusion temporal* as maximum.

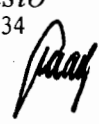
On the other hand, Article 51 of the Revised Penal Code provides that the imposable penalty for an attempted crime shall be lower by two degrees than that prescribed by law for the consummated felony. Two (2) degrees lower of *reclusion temporal* is *prision correccional* which has a duration of six (6) months and one (1) day to six (6) years.³³

Under the Indeterminate Sentence Law, the *maximum term* of the indeterminate sentence shall be taken in view of the attending circumstances that could be properly imposed under the rules of the Revised Penal Code, and the *minimum term* shall be within the range of the penalty next lower to that prescribed by the Revised Penal Code. Thus, the maximum term of the indeterminate sentence shall be taken within the range of *prision correccional*, depending on the modifying circumstances. In turn, the minimum term of the indeterminate penalty to be imposed shall be taken from the penalty one degree lower of *prision correccional*, that is *arresto mayor* with a duration of one (1) month and one (1) day to six (6) months.³⁴

³² TSN, 3 October 2002, pp. 4-5.

³³ *Serrano v. People*, supra note 29.

³⁴ *Id.* at 337-338.



In the absence of any modifying circumstance, the maximum term of the indeterminate penalty shall be taken from the medium period of *prision correccional* or two (2) years and four (4) months and one (1) day to four (4) years and two (2) months. The minimum term shall be taken within the range of *arresto mayor*. Hence, the penalty for attempted homicide is six (6) months of *arresto mayor*, as minimum term of the indeterminate penalty, to four (4) years and two (2) months of *prision correccional*, as maximum term of the indeterminate penalty.³⁵

As regards the amount of damages in the crime of homicide, accused-appellants are ordered to pay the heirs of Jackie Caguioa ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.³⁶ Further, as declared by the Court in *People v. Villanueva*,³⁷ when actual damages proven by receipts during the trial amount to less than ₱25,000.00, as in this case, the award of temperate damages for ₱25,000.00 is justified in lieu of actual damages of a lesser amount.³⁸

For the crime of attempted homicide, accused-appellants are ordered to pay Ernesto Caguioa ₱20,000.00 as civil indemnity and ₱20,000.00 as moral damages. Considering that abuse of superior strength was duly proved even though not alleged in the information, accused-appellants are further ordered to pay Ernesto Caguioa ₱20,000.00 as exemplary damages.³⁹

WHEREFORE, the appeal is **PARTIALLY GRANTED**. The 30 March 2012 Decision of the Court of Appeals in CA-G.R. CR-HC No. 03659 is **AFFIRMED** with **MODIFICATIONS**. Accused-appellants **Mardy Aquino and Mario Aquino** are found **GUILTY** beyond reasonable doubt of **HOMICIDE** (Criminal Case No. L-6575) for the killing of **Jackie Caguioa** and are hereby sentenced to suffer the penalty of 8 years and 1 day of *prision mayor* as minimum to 14 years, 8 months and 1 day of *reclusion temporal* as maximum. They are ordered to pay the heirs of **Jackie Caguioa** the amount of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, ₱50,000.00 as exemplary damages, and ₱25,000.00 as temperate damages in lieu of actual damages.

Accused-appellants **Mardy Aquino and Mario Aquino** are also found **GUILTY** beyond reasonable doubt of the crime of **ATTEMPTED HOMICIDE** (Criminal Case No. L-6576) and are hereby sentenced to suffer the indeterminate penalty of six (6) months of *arresto mayor*, as minimum, to four (4) years and two (2) months of *prision correccional*, as maximum. They are ordered to pay Ernesto Caguioa the amount of

³⁵ Id. at 338.

³⁶ *People v. Jugueta*, 783 Phil. 806, 840 (2016).

³⁷ 456 Phil. 14 (2003).

³⁸ Id. at 29.

³⁹ *People v. Jugueta*, supra note 36 at 852-853.


₱20,000.00 as civil indemnity, ₱20,000.00 as moral damages, and ₱20,000.00 as exemplary damages.

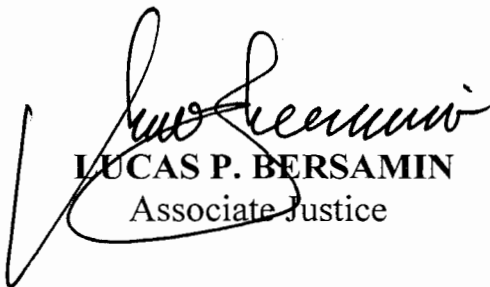
All monetary awards shall earn interest at the rate of six percent (6%) per annum from the date of finality of this decision until fully paid.

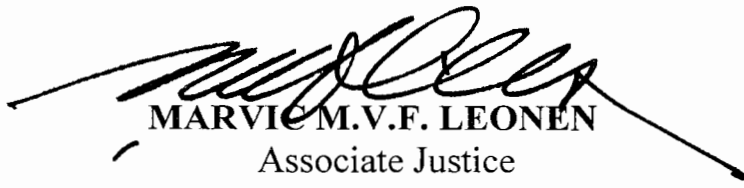
SO ORDERED.



SAMUEL R. MARTIRES
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

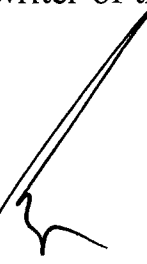

LUCAS P. BERSAMIN
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

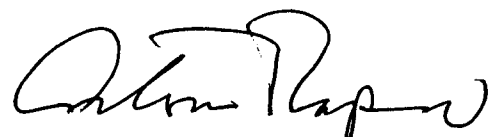
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

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.



ANTONIO T. CARPIO
Acting Chief Justice