

Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY

Wilfredo V. Lapidan
WILFREDO V. LAPIDAN
 Division Clerk of Court
 Third Division

JUN 28 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 215732

Present:

- versus -

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

CHRISTOPHER BADILLOS,
 Accused-Appellant.

Promulgated:

June 6, 2018

X ----- *Wilfredo V. Lapidan* ----- X

DECISION

MARTIRES, J.:

On appeal is the 23 April 2014 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05864, which affirmed the 21 September 2012 Decision² of the Regional Trial Court of Malolos, Bulacan, Branch 78, in Criminal Case No. 50-M-2008 finding herein accused-appellant Christopher Badillos (*Christopher*) guilty beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code (*RPC*).

THE FACTS

On 5 November 2007, Christopher and a “John Doe” were charged with murder for the killing of Alex H. Gregory (*Alex*) in an Information, the accusatory portion of which reads:

[Handwritten signature]

¹ *Rollo*, pp. 2-18; penned by Associate Justice Magdangal M. De Leon, and concurred in by Associate Justice Stephen C. Cruz and Associate Justice Eduardo B. Peralta, Jr.

² *Records*, pp. 430-439; penned by Judge Gregorio S. Sampaga.

That [o]n or about the 11th day of August 2007, in the [M]unicipality of Bocaue, [P]rovince of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and helping each other, armed with a knife and with intent to kill one Alex H. Gregory, did then and there willfully, unlawfully and feloniously, with treachery attack, assault and stab with the said knife and hit with a piece of wood the said Alex H. Gregory, hitting the latter on the left portion of his chest, thereby inflicting upon him serious physical injuries which directly caused his death.

Contrary to law.³

On 26 February 2008, Christopher, with the assistance of counsel, was arraigned and pleaded not guilty to the charge against him.⁴ Trial on the merits thereafter ensued.

Evidence for the Prosecution

The prosecution presented three (3) witnesses, namely: Domingo C. Gregory (*Domingo*), Jonathan Gregory (*Jonathan*), and Elsa H. Gregory (*Elsa*). The prosecution also sought the presentation of Cecilia Lopez (*Cecilia*), the forensic physician Police Superintendent James Margallo Belgira (*P/Supt. Belgira*), and Dr. Corazon Del Rosario (*Dr. Del Rosario*) as witnesses. Cecilia's testimony, however, was dispensed with in view of the defense's admission that it would only be corroborative with the testimonies of Domingo and Jonathan. The testimonies of P/Supt. Belgira and Dr. Del Rosario were also dispensed with in view of the defense's admission of their respective qualifications, as well as the authenticity of the contents of the documents they were to identify. The combined testimonies of the prosecution witnesses sought to establish the following:

Domingo testified that on 11 August 2007, at around 7:00 P.M. or 8:00 P.M., he and his cousin, Alex, were walking home to Brgy. Malibo Matanda, Pandi, Bulacan, after attending the barrio fiesta of Barangay Sta. Clara, Sta. Maria, Bulacan.⁵ They were walking along an alley or "*tawid-bukid*" at Barangay Batia, Bocaue, Bulacan, when, suddenly, Christopher and an unidentified person appeared in front of them. Christopher was armed with a bladed weapon, while the unidentified person held a wooden club more particularly described as a "*dos por dos*."⁶ The unidentified person struck Alex with the wooden club three times hitting him on the nape and at the back of his head. Christopher followed by stabbing Alex once in his left chest.⁷ Alex was able to run at first but shortly after fell to the ground. The two assailants chased Alex, but they failed to catch him as residents from

³ Records, p. 2.

⁴ Id. at 28.

⁵ TSN, dated 1 August 2008, pp. 3-4.

⁶ Id. at 5-7.

⁷ Id. at 8-9.

nearby houses started gathering near the scene. Thereafter, Domingo ran towards the house of his co-worker to ask for help.⁸ On cross-examination, Domingo stated that the place where the incident took place was well-lit by the street lights.⁹

Domingo could not think of any reason or ill motive why Christopher and his companion would harm Alex.¹⁰ He recalled, however, that Alex and Christopher had an argument prior to the incident. He narrated that earlier that day, he, Alex, and Christopher were among the guests of a certain “Bong” at the barrio fiesta of Barangay Sta. Clara. At around 6:00 P.M., they were partaking of food and drinks together with other visitors when an altercation ensued between Alex and Christopher.¹¹ At that time, Domingo was speaking with someone else and could not hear what the two were arguing about.¹² After that, Domingo and Alex decided to go home, leaving Bong’s house ahead of Christopher. Domingo continued that they tried hailing tricycles but when they failed to find a ride, they decided to walk home.¹³ Domingo could not estimate how far they had walked before they were ambushed by Christopher and his companion. He alleged, however, that the incident happened near the residence of Christopher who was a resident of Barangay Batia.¹⁴

Jonathan testified that at around 7:00 P.M. or 8:00 P.M. on 11 August 2007, he was in their house at Barangay Malibo Matanda when his *comadre*, Cecilia, came and informed him that his brother, Alex, was stabbed at Barangay Batia. After hearing the news, he immediately rushed to his brother on his motorcycle.¹⁵ He arrived at the scene of the crime at around 9:00 P.M.¹⁶ There, he saw Alex bloodied, sprawled on the ground, and almost dying or “*naghihingalo*.” While in this condition, Alex told him that he was stabbed by “*Boyet*” whose real name was Christopher.¹⁷ After a while, a police mobile arrived and brought Alex to the hospital. Alex, however, died on the same night.¹⁸

Jonathan explained that they had known Christopher even before the incident because he was their neighbor at Barangay Batia when they were residing there.¹⁹



⁸ Id. at 9.

⁹ Id. at 19.

¹⁰ Id. at 10.

¹¹ Id. at 10-11.

¹² Id. at 12.

¹³ Id.

¹⁴ Id. at 13.

¹⁵ TSN, dated 7 August 2009, pp. 6-7.

¹⁶ TSN, dated 11 September 2009, p. 24.

¹⁷ TSN, dated 7 August 2009, pp. 8-9.

¹⁸ TSN, dated 11 September 2009, p. 11; Records, p. 12; Exhibit “C.”

¹⁹ TSN, dated 7 August 2009, p. 9.

On her part, Elsa, Alex's mother, testified that they incurred more than ₱100,000.00 for the wake and funeral of Alex.²⁰ Of this amount, however, only a total of ₱50,265.90 were supported by receipts.²¹

The medico-legal report²² prepared by the forensic physician, P/Supt. Belgira, revealed that Alex sustained multiple abrasions on his head and a stab wound on his left pectoral region. P/Supt. Belgira concluded that the cause of death was the stab wound.

Evidence for the Defense

The defense presented Christopher, his cousin Myrna Acedillo (*Myrna*), and his uncle Alex Rapsing (*Rapsing*) as witnesses. Their testimonies sought to establish the defense of alibi, as follows:

Christopher testified that on 11 August 2007, at around 5:00 P.M., he was at Rapsing's house to celebrate the fiesta of Barangay Sta. Clara.²³ While there, Domingo and Alex, both already drunk, passed by Rapsing's house. One of Rapsing's guests invited Domingo and Alex to join their drinking session to which the two accepted.²⁴ At around 6:00 P.M., Christopher decided to leave as his mother had earlier instructed him to go to Canumay, Valenzuela, to borrow money from Myrna. Rapsing's guests, including Domingo and Alex, accompanied him to the tricycle terminal which was about 50 meters away.²⁵

After boarding a tricycle and then another vehicle, Christopher arrived at Myrna's residence between 7:00 P.M. and 8:00 P.M. After he pledged his ATM card for ₱3,000.00, Myrna told him to stay for the night as it was already late. Christopher left Myrna's place and went home only on the following morning.²⁶

Christopher denied that he had anything to do with the death of Alex. He insisted that he could not have stabbed Alex as he was far from the scene of the crime at that time.²⁷ While he admitted knowing Domingo as he was a former neighbor,²⁸ he denied meeting Alex prior to 11 August 2007.²⁹

²⁰ TSN, dated 4 July 2008, pp. 5-6.

²¹ Records, pp. 260-265; Exhibits "E" to "E-4."

²² Id. at 13; Exhibit "D."

²³ TSN, dated 31 March 2011, p. 2.

²⁴ Id. at 3-4.

²⁵ Id. at 5.

²⁶ Id. at 6-7.

²⁷ Id. at 7-8.

²⁸ Id. at 3.

²⁹ Id. at 8.

On his part, Rapsing testified that Christopher arrived at his house on 11 August 2007 at around 4:00 P.M. He was his only guest at that time as his *kumpare*, a certain Peter Genejada, had yet to arrive. At around 5:00 P.M., after consuming two shots of Emperador Light, Christopher left and proceeded to Valenzuela.³⁰ On the other hand, Myrna testified that it was past 7:30 P.M. when Christopher arrived at her house. Christopher sought Myrna's help in borrowing money.³¹ At around 8:00 P.M., Myrna accompanied Christopher to borrow money from a certain "Digoy." Thereafter, they returned to Myrna's house where Christopher spent the night and stayed until the following morning.³²

The RTC Ruling

In its decision, the RTC found Christopher guilty beyond reasonable doubt of the crime of murder. It was convinced that the prosecution was able to prove the identity of Christopher as the person who stabbed and killed Alex. Moreover, the trial court considered Alex's statement to Jonathan as a dying declaration pointing to Christopher as his assailant. It did not give credence to Christopher's defense of alibi noting the failure to demonstrate physical impossibility of his presence at the crime scene at the time of the incident. The trial court further appreciated the aggravating circumstance of treachery to qualify the killing to murder ratiocinating that Christopher, in committing the crime, employed means, methods, or forms to insure its execution without risk to himself. The dispositive portion of the decision reads:

WHEREFORE, the foregoing considered, this Court hereby finds accused Christopher Badillos GUILTY of the crime of Murder penalized under the provisions of Art. 248 of the Revised Penal Code. Accordingly, he is sentenced to suffer the penalty of RECLUSION PERPETUA and to indemnify the heirs of Alex H. Gregory: a. ₱75,000.00 as civil indemnity for his death; b. ₱50,000.00 as moral damages; and c. ₱50,265.90 representing the funeral and burial expenses incurred by the family.

In the service of his sentence, accused who is a detention prisoner shall be credited with the entire period he has undergone preventive imprisonment.

SO ORDERED.³³

Aggrieved, Christopher filed a notice of appeal to elevate the case to the CA.³⁴



³⁰ TSN, dated 13 February 2012, pp. 3-4.

³¹ TSN, dated 23 April 2012, pp. 5-6.

³² Id. at 8-9.

³³ Records, p. 439.

³⁴ Id. at 441.

The CA Ruling

In its decision, the CA affirmed the 21 September 2012 RTC decision. The appellate court opined that the trial court properly considered Alex's last words to his brother as a dying declaration. It also ruled that Christopher's alibi cannot prevail over his positive identification by Domingo as the person who killed the victim, and Alex's dying declaration pointing to Christopher as the perpetrator. The appellate court further affirmed the trial court's appreciation of the qualifying aggravating circumstance of treachery. The dispositive portion of the appealed decision provides:

WHEREFORE, the appealed Decision dated September 21, 2012 of the Regional Trial Court, Branch 78, Malolos, Bulacan in Criminal Case No. 50-M-2008 is hereby **AFFIRMED**.

SO ORDERED.³⁵

Hence, this appeal.

THE ISSUE

WHETHER THE TRIAL AND APPELLATE COURTS ERRED IN CONVICTING ACCUSED-APPELLANT CHRISTOPHER BADILLOS FOR THE CRIME CHARGED WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

THE COURT'S RULING

The appeal lacks merit.

Alex's declaration cannot be considered as a dying declaration; admissible as part of res gestae.

Before proceeding to the main issue of this case, the Court notes that the trial and appellate courts erred when they considered Alex's utterances to Jonathan identifying Christopher as the perpetrator of the crime as a dying declaration.

A dying declaration is admissible in evidence if the following circumstances are present: (1) it concerns the cause and the surrounding

³⁵ *Rollo*, pp. 17-18.



circumstances of the declarant's death; (2) it is made when death appears to be imminent and the declarant is under a consciousness of impending death; (3) the declarant would have been competent to testify had he or she survived; and (4) the dying declaration is offered in a case in which the subject of the inquiry involves the declarant's death.³⁶ In order to make a dying declaration admissible, a fixed belief in inevitable and imminent death must be entered into by the declarant. It is the declarant's belief of his impending death and not the rapid succession of his death in point of fact that renders his declaration admissible as a dying declaration. The test is whether the declarant has abandoned all hopes of survival and looks on death as certainly impending.³⁷

In his testimony, Jonathan narrated Alex's condition when he uttered the name of the person who stabbed him, to wit:

PROS. MALAPIT:

Q. Did you actually reach that place?

A. Yes, sir.

Q. What did you find out?

A. I found my brother bloodied and sprawled on the ground.

Q. You were referring to Alex Gregory?

A. Yes, sir.

Q. What was his condition at that time?

A. He was "naghihingalo" and he told me the person responsible in stabbing him.

Q. What were the names given to you?

A. Boyet, sir.

Q. Do you know who is the Boyet referred to by Alex?

A. He is only [alias] Boyet but his real name is Christopher Badillos.³⁸

X X X X

COURT:

Witness may answer.

A. It is true that he was "naghihingalo" and even tore his shirt and then he mentioned to me the name of the person responsible.

Q. Can you describe how is "naghihingalo"?

A. I cannot explain his condition during that time. He was "nagwawala na."³⁹



³⁶ *People v. Rarugal*, 701 Phil. 592, 601-602 (2013).

³⁷ *People v. Quisayas*, 731 Phil. 577, 595 (2014).

³⁸ TSN, dated 7 August 2009, pp. 8-9.

³⁹ TSN, dated 11 September 2009, p. 29.

While Jonathan was under the impression that his brother was in the throes of death, it does not appear that the declarant himself was conscious of his impending death. The fact that Alex was ripping his shirt while he uttered the name of his assailant is not sufficient to qualify such as a dying declaration.

Nevertheless, while Alex's statement does not qualify as a dying declaration, the same may still be admitted as an exception to the hearsay rule for being part of *res gestae*.

For a statement to be considered part of *res gestae*, the following elements must concur: (a) the principal act, the *res gestae*, is a startling occurrence; (b) the statement was made before the declarant had time to contrive or devise; and (c) the statement concerns the occurrence in question and its immediate attending circumstances.⁴⁰ All the foregoing elements are present in this case.

First, the stabbing incident constituted the startling occurrence. *Second*, there was no sufficient time for Alex to contrive or devise a falsehood when he uttered the name of his assailant to Jonathan. Between the infliction of the mortal wound upon Alex and his statement surrounding this incident, at most two hours had elapsed. This interval of time is hardly sufficient to conjure up a story or concoct and contrive a falsehood given that even an interval of four hours is still considered as nearly contemporaneous to the startling occurrence.⁴¹ *Lastly*, the statement concerned the circumstances surrounding the stabbing of Alex.

No reason to disturb factual findings by the trial court

In criminal cases, the established rule is that factual findings of the trial court are generally accorded great weight and respect on appeal, especially when such findings are supported by substantial evidence on record. It is only in exceptional circumstances, such as when the trial court overlooked material and relevant matters, that this Court will re-calibrate and evaluate the factual findings of the court below.⁴²

The Court finds no reason to depart from this rule especially considering that the factual findings reached by the trial court were affirmed by the appellate court.



⁴⁰ *People v. Calinawan*, G.R. No. 226145, 13 February 2017.

⁴¹ *People v. Codilla*, 291-A Phil. 538, 552 (1993).

⁴² *People v. Esteban*, 735 Phil. 663, 670-671 (2014).

Christopher insists that the prosecution failed to prove his guilt beyond reasonable doubt because it was established that he was in another place when Alex was killed.

This argument fails to impress.

Alibi is an inherently weak defense because it is easy to fabricate and highly unreliable. To merit approbation, the appellant must adduce clear and convincing evidence that he was in a place other than the *situs criminis* at the time when the crime was committed, such that it was physically impossible for him to have been at the scene of the crime when it was committed.⁴³

In this case, to prove Christopher's alibi, the defense presented Rapsing, who testified that Christopher was in his house at Barangay Sta. Clara on 11 August 2007, and left at around 5:00 P.M. on the same day; and Myrna, who testified that Christopher arrived at her house at Barangay Canumay, Valenzuela City, at around 7:30 P.M. These testimonies, however, fail to show that it would be physically impossible for Christopher to be present at the crime scene when the crime was committed.

As aptly observed by the appellate court, Rapsing's account covers only the events which transpired before the crime was committed. Moreover, his narration of the events was inconsistent with Christopher's version. *First*, Rapsing's statement that Christopher arrived at his house at around 4:00 P.M. is inconsistent with Christopher's testimony that he arrived at Rapsing's house at around 5:00 P.M. and left at around 6:00 P.M. *Second*, Rapsing's account that Christopher was his only guest at that time contradicts the latter's testimony that he was joined by Domingo, Alex, and other guests at Rapsing's house for a drinking session. On the other hand, Myrna's testimony only concerns matters which supposedly happened after the crime had been committed.

In fine, the testimonies of the defense witnesses did not, in any way, demonstrate the required physical impossibility on the part of Christopher to be present at the scene of the crime at the time of its commission.

Furthermore, alibi cannot prevail over the positive and credible testimony of the prosecution witness that accused-appellant committed the crime. Indeed, a categorical and consistent positive identification, absent any showing of ill motive on the part of the eyewitness testifying thereon, prevails over the defenses of denial and alibi which, if not substantiated by

⁴³ *People v. Gani*, 710 Phil. 466, 473 (2013).

clear and convincing proof, constitute self-serving evidence undeserving of weight in law.⁴⁴

Domingo positively identified Christopher as one of the assailants of Alex. He also categorically stated that Christopher was the one who stabbed Alex. In addition, the victim himself told Jonathan that it was Christopher who stabbed him. The Court sees no reason to doubt Alex's positive testimony considering that the prosecution was able to establish that the eyewitness is familiar with both the victim and the accused; that the scene of the crime afforded good visibility; and that no improper motive can be attributed to the witness testifying against the accused.⁴⁵ The Court also has no reason not to give credence to Alex's statement as it has already been established that the same is part of *res gestae*.

From the foregoing, it is clear that the trial and appellate courts did not err in finding Christopher guilty beyond reasonable doubt for the killing of Alex.

***The crime committed is Homicide;
presence of treachery not
established.***

In convicting Christopher of murder, the trial and appellate courts appreciated the aggravating circumstance of treachery, finding the attack on Alex sudden and unexpected. Specifically, the trial court observed that Christopher and his companion deliberately waited for the victim in the alley, armed themselves with weapons, and attacked the unsuspecting victim in a swift and abrupt manner giving him no opportunity to repel the aggression.

However, contrary to the pronouncements of the trial and appellate courts, the presence of treachery was not established.

Treachery is present when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof, which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.⁴⁶

A finding of the existence of treachery should be based on clear and convincing evidence. Such evidence must be as conclusive as the fact of

⁴⁴ *People v. Villamor*, 780 Phil. 817, 825 (2016).

⁴⁵ *People v. Jalbonian*, 713 Phil. 93, 104 (2013).

⁴⁶ *People v. De Leon*, 428 Phil. 556, 581 (2002).

killing itself and its existence cannot be presumed. In the absence of proof beyond reasonable doubt that treachery attended the killing of the victim, the crime is homicide, not murder.⁴⁷

Thus, for treachery to be appreciated, two elements must concur: *first*, the malefactor employed such means, method or manner of execution as to ensure his or her safety from the defensive or retaliatory acts of the victim; and *second*, the said means, method, and manner of execution were deliberately adopted.⁴⁸ It has been consistently held, however, that mere suddenness of an attack is not sufficient to constitute treachery where it does not appear that the aggressor adopted such mode of attack to facilitate the perpetration of the killing without risk to himself.⁴⁹

In this case, there was no showing that the mode of attack on Alex was consciously adopted without risk to the assailants. In the first place, the trial court's observation that Christopher and his companion deliberately waited for Alex in the alley would require the former to have a prior knowledge of the latter's plan to pass through the said alley at Barangay Batia. Based on Domingo's narration of events, however, there was no opportunity for Christopher to learn of such resolution. In his testimony, Domingo narrated the events prior to the attack, as follows:

PROS. MALAPIT:

Q. After that what happened next?

A. I decided to go home.

Q. Who first left the place of your *compadre*, you and Alex or Christopher Badillos?

A. We left ahead, sir, to board a tricycle but all that passed were fully loaded so we decided to return to my *compadre* and when we arrived there Christopher was no longer there.

Q. After reaching the place from where you came, which is the house of your *compadre*, what did you do next?

A. We decided to walk in the field.⁵⁰

Clear from Domingo's narration is the fact that he and Alex decided to walk home along Barangay Batia only after they failed to find a ride home. And at the time they arrived at that decision, Christopher was no longer around to learn of such. Given these circumstances, it is highly doubtful that Christopher could have anticipated Alex along the alley or "tawid-bukid" at Barangay Batia. Consequently, treachery cannot be appreciated to qualify the crime to murder as the mode of attack could not

⁴⁷ *People v. Bugarin*, G.R. No. 224900, 15 March 2017.

⁴⁸ *People v. Camat*, 692 Phil. 55, 85 (2012).

⁴⁹ *People v. Camilet*, 226 Phil. 316, 324 (1986).

⁵⁰ TSN, dated 1 August 2008, p. 12.

have been consciously or deliberately adopted. Without treachery, Christopher can only be convicted of homicide.

Penalty and Monetary Awards

Under Article 249 of the Revised Penal Code, the penalty for homicide is *reclusion temporal*. Considering that there is neither aggravating nor mitigating circumstance, the penalty should be imposed in its medium period pursuant to Article 64(1) of the RPC. Applying the Indeterminate Sentence Law, Christopher should be sentenced to an indeterminate penalty the minimum of which should be within the range of the penalty next lower in degree than that prescribed by law for the offense, that is, *prision mayor* (6 years and 1 day to 12 years) and the maximum of which should be within the range of *reclusion temporal* in its medium period (14 years 8 months and 1 day to 17 years and 4 months). Accordingly, the Court imposes upon Christopher the indeterminate penalty ranging from twelve (12) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum.

Further, following *People v. Jugueta*,⁵¹ Christopher is ordered to pay (1) ₱50,000.00 as civil indemnity; and (2) ₱50,000.00, as moral damages. In addition, he is also ordered to pay ₱50,265.90 for the funeral and burial expenses incurred by Alex's family.

WHEREFORE, accused-appellant Christopher Badillos is found **GUILTY** beyond reasonable doubt of the crime of Homicide, defined and penalized under Article 249 of the Revised Penal Code. He is sentenced to suffer the indeterminate penalty of twelve (12) years of *prision mayor*, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal*, as maximum. He is further ordered to pay the heirs of the deceased Alex H. Gregory the following: ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱50,265.90 representing the funeral and burial expenses. All monetary awards shall earn interest at the rate of six percent (6%) per annum reckoned from the finality of this decision until their full payment.⁵²

SO ORDERED.

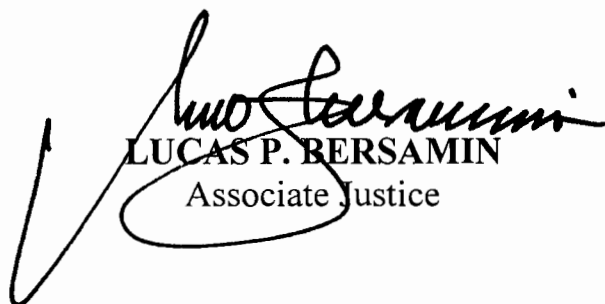

SAMUEL R. MARTIRES
Associate Justice

⁵¹ 783 Phil. 806 (2016).

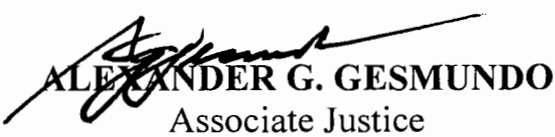
⁵² *People v. Combate*, 653 Phil. 487, 806 (2010).

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

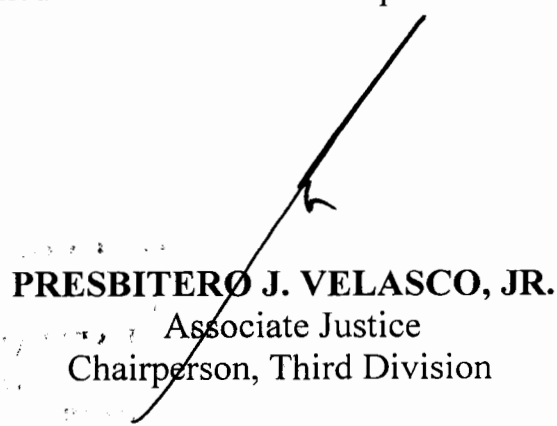

LUCAS P. BERSAMIN
Associate Justice


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.

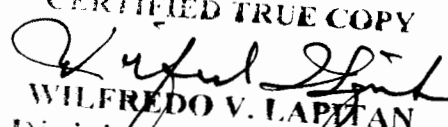

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII 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
Senior Associate Justice
(Per Section 12, R.A. No. 296,
The Judiciary Act of 1948, as amended)

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

JUN 28 2018