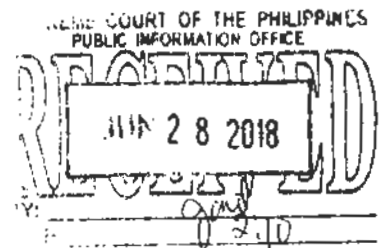




Republic of the Philippines
 Supreme Court
 Manila



FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 223141

Present:

CARPIO,*
 LEONARDO-DE CASTRO,**
Acting Chairperson,
 DEL CASTILLO,
 TIJAM,*** *and*
 GESMUNDO,**** *JJ.*

- versus -

JAY SUAREZ *y* CABUSO,
Accused-Appellant.

Promulgated:
JUN 06 2018

x

DECISION

DEL CASTILLO, J.:

Assailed in this appeal is the March 23, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR. HC No. 06120 which affirmed the March 7, 2013 Decision² of the Regional Trial Court (RTC), Branch 75, Olongapo City, finding appellant Jay Suarez *y* Cabuso guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of Republic Act (RA) No. 9165 or the Comprehensive Dangerous Drugs Act of 2002.

The Antecedent Facts

Appellant was charged with the illegal sale and possession of dangerous drugs under Sections 5 and 11, Article II of RA 9165 in two Informations³ dated March 4, 2010 which read:

¹ Designated as additional member per November 29, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

² Per Special Order No. 2559 dated May 11, 2018.

³ On official leave.

⁴ Per Special Order No. 2560 dated May 11, 2018.

¹ *Rollo*, pp. 2-24; penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Rodil V. Zalameda and Pedro B. Corales.

² *CA rollo*, pp. 63-68; penned by Judge Raymond C. Viray.

³ Records, pp. 1 and 17.

Criminal Case No. 76-2010

That on or about the [t]hird (3rd) day of March, 2010, in the City of Olongapo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being positive of and under the influence of illegal drug[s,] particularly[,] [m]ethamphetamine and THC metabolites, did then and there willfully, unlawfully and knowingly have in his possession and control [e]leven (11) heat[-]sealed transparent plastic sachets of marijuana fruiting tops with a total weight of 31.677 grams which are dangerous drugs, said accused not having the corresponding license, prescription and/or authority to possess said dangerous drug.

Criminal Case No. 75-2010

That on or about the [t]hird (3rd) day of March 2010, in the of [sic] City of Olongapo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without being lawfully authorized, did then and there wil[l]fully, unlawfully and knowingly deliver and sell to another person Php200.00 (SN-DK150982 and KJ229484) worth of marijuana fruiting tops which is a dangerous drug in one (1) heat-sealed transparent plastic sachet containing marijuana fruiting tops with an approximate weight of 2.714 grams.

During his arraignment on March 23, 2010, appellant entered a plea of not guilty.⁴ Trial thereafter ensued.

Version of the Prosecution

The prosecution's version of the incident is as follows:

On March 3, 2010, at around 6:00 p.m., the City Anti-Illegal Drugs Special Operations Team of Olongapo City, in coordination with the Philippine Drug Enforcement Agency (PDEA),⁵ conducted a buy-bust operation against appellant along Pepsi Road corner Manggahan Street, Sta. Rita, Olongapo City.⁶

The buy-bust team was composed of seven members including P/Sr. Inspector Julius A. Javier (PSI Javier) as team leader,⁷ SPO2 Allan Delos Reyes (SPO2 Delos Reyes) as case investigator,⁸ PO1 Sherwin Tan (PO1 Tan) as poseur-buyer, and PO1 Zaira Mateo (PO1 Mateo) as immediate back-up.⁹

Upon reaching the target area, a confidential agent introduced PO1 Tan to appellant as a marijuana user. Appellant then engaged PO1 Tan in a short

⁴ Id. at 38.

⁵ Id. at 154 and 156.

⁶ *Rollo*, pp. 3-4.

⁷ TSN, September 21, 2010, p. 16.

⁸ CA *rollo*, unpaginated between pp. 64 and 65.

⁹ *Rollo*, p. 4.



conversation about his name and other personal circumstances before offering to sell a sachet of marijuana worth ₱200.00. PO1 Tan readily agreed to appellant's offer and accepted the sachet of suspected marijuana. In return, he handed to appellant two pieces of marked ₱100.00 bills. Once the exchange was completed, PO1 Tan placed his hands on his waist which served as the pre-arranged signal that the transaction had already been consummated.¹⁰

The other members of the buy-bust team immediately rushed to the scene. PO1 Tan arrested appellant and introduced himself as a police officer. PO1 Mateo conducted a body search on appellant which yielded the marked money from the latter's right pocket and 11 sachets of suspected marijuana from the left pocket.¹¹

The buy-bust team then decided to bring appellant to the police station due to a commotion at the place of arrest.¹²

At the police station, PO1 Tan marked the sachet that was the subject of the buy-bust sale with his initials "S.T." and turned it over to SPO2 Delos Reyes who placed his initials "ADR" thereon. PO1 Mateo also marked the 11 sachets she confiscated from appellant during the body search with her initials "Z.M." and handed them over to SPO2 Delos Reyes who, again, placed his initials "ADR" on said sachets.¹³

SPO2 Delos Reyes thereafter prepared an Inventory Receipt and Chain of Custody¹⁴ and a Letter Request for Laboratory Examination and Drug Test.¹⁵ Photographs¹⁶ of the marked money and confiscated items were also taken. Later, SPO2 Delos Reyes personally turned over the seized items to the Regional Crime Laboratory in Olongapo City.¹⁷

On March 4, 2010, Forensic Chemist Arlyn Dascil (Forensic Chemist Dascil) conducted a qualitative examination on the subject specimens to determine the presence of dangerous drugs. Based on Chemistry Report No. D-013-2010-OCCLO,¹⁸ the seized items tested positive for the presence of marijuana, a dangerous drug.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id. at 4-5.

¹⁴ Records, p. 157.

¹⁵ Id. at 158 and 160.

¹⁶ Id. at 162.

¹⁷ *Rollo*, p. 5.

¹⁸ Records, p. 159.

Version of the Defense

Appellant raised the defenses of denial and frame-up. He narrated that, while waiting for his companion at the corner of Manggahan Street, some men alighted from a van and asked for the whereabouts of a certain “Bunso.” When he answered that he did not know “Bunso,” he was handcuffed and brought to the police station where he was told that he was arrested for using and selling marijuana.¹⁹

Ruling of the Regional Trial Court

In its Decision dated March 7, 2013, the RTC found appellant guilty beyond reasonable doubt of violating Sections 5 and 11, Article II of RA 9165. It held that:

All the elements of the two crimes have been established. The evidence of the prosecution clearly shows that the sale of the dangerous drugs actually took place and that the marijuana subject of the charge was bought from the accused and the same marijuana was later identified in Court. x x x The delivery of the illicit drug to the poseur-buyer and the receipt by the seller of the marked money successfully consummated the buy-bust transaction. x x x²⁰

x x x x

Moreover, the result of the laboratory examination confirmed the presence of marijuana on the plastic sachet sold by the accused and those recovered from his possession after his arrest.²¹

The RTC also ruled that “the chain of custody of the seized drugs was continuous and unbroken,”²² since “[t]he key persons who came in direct contact with the [marijuana] were presented in court and corroborated each other’s testimony on how the seized drugs changed hands establishing an unbroken chain of custody.”²³

Accordingly, the RTC sentenced appellant to suffer the penalties of: a) life imprisonment and a fine of ₱500,000.00 for violation of Section 5, Article II of RA 9165 in Criminal Case No. 75-2010; and b) imprisonment from twelve (12) years and one (1) day to fourteen (14) years and eight (8) months and a fine of ₱300,000.00 for violation of Section 11, Article II of RA 9165 in Criminal Case No. 76-2010.²⁴

¹⁹ *Rollo*, pp. 5-6.

²⁰ *CA rollo*, p. 65.

²¹ *Id.* at 66.

²² *Id.* at 67.

²³ *Id.*

²⁴ *Id.* at 68.

Appellant thereafter appealed the RTC Decision before the CA.

Ruling of the Court of Appeals

In its Decision dated March 23, 2015, the CA affirmed the assailed RTC Decision *in toto*. It upheld the RTC's findings that the prosecution was able to sufficiently establish all the elements of the crimes charged.²⁵

The CA noted, too, that the chain of custody over the seized marijuana was sufficiently established by the prosecution, *viz.*:

Certainly, the links in the case at bar were duly established. *First*, PO1 Tan seized the marijuana from appellant. *Second*, PO1 Tan and PO1 Mateo testified that they personally marked the plastic sachets of marijuana they confiscated before handing the same to their lead investigator, SPO2 delos Reyes. *Third*, SPO[2] delos Reyes rendered his testimony to establish the third link in the chain of custody when he testified that he prepared a request for laboratory examination. *Fourth*, Forensic Chemist, Arlyn Dascil, testified that she is the forensic chemist assigned to the PNP Crime Laboratory, Olongapo City. She examined the specimens subject of the instant case which yielded positive result for marijuana and x x x that upon request of the Office of the Prosecutor, the specimens subject of the instant case were handed by the evidence custodian of the PNP Crime Laboratory, Olongapo City to the Office of the Prosecutor.²⁶

Aggrieved, appellant filed the present appeal.

The Issues

Appellant raises the following issues for the Court's resolution:

First, whether the CA committed an error when it disregarded the inconsistency in the testimonies of the prosecution's witnesses as to the place of marking of the seized items;²⁷

Second, whether the integrity and evidentiary value of the confiscated drugs had been preserved, considering the arresting officers' failure to mark the seized items immediately at the place of arrest;²⁸

²⁵ *Rollo*, p. 23.

²⁶ *Id.* at 18. Emphasis in the original.

²⁷ *CA rollo*, p. 53.

²⁸ *Id.* at 57.

And *third*, whether the chain of custody over the seized items was sufficiently established, given the prosecution's failure to present a detailed account as regards the handling of said items from the time they were confiscated up to their presentation in court during the trial.²⁹

The Court's Ruling

For prosecutions involving dangerous drugs, we have consistently held that "the dangerous drug itself constitutes the *corpus delicti* of the offense and the fact of its existence is vital to sustain a judgment of conviction beyond reasonable doubt."³⁰ In other words, "the identity of the dangerous drug [must] be established beyond reasonable doubt."³¹ "Such proof requires an unwavering exactitude that the dangerous drug presented in court as evidence against the accused is the same as that [was] seized from him."³²

However, "the presentation of evidence establishing the elements of the offenses of illegal sale and possession of dangerous drugs *alone* is insufficient to secure or sustain a conviction under RA 9165."³³ Given the unique characteristics of dangerous drugs which render them *not readily identifiable*, it is essential to show that the identity and integrity of the seized drugs have been preserved. Thus, we explained in *People v. Denoman*³⁴ that:

A successful prosecution for the sale of illegal drugs requires more than the perfunctory presentation of evidence establishing each element of the crime: the identities of the buyer and seller, the transaction or sale of the illegal drug and the existence of the *corpus delicti*. In securing or sustaining a conviction under RA No. 9165, the intrinsic worth of these pieces of evidence, especially the identity and integrity of the *corpus delicti*, must definitely be shown to have been preserved. This requirement necessarily arises from the illegal drug's unique characteristic that renders it indistinct, not readily identifiable, and easily open to tampering, alteration or substitution either by accident or otherwise. **Thus, to remove any doubt or uncertainty on the identity and integrity of the seized drug, evidence must definitely show that the illegal drug presented in court is the same illegal drug actually recovered from the accused-appellant; otherwise, the prosecution for possession or for drug pushing under RA No. 9165 fails.**³⁵ (Emphasis supplied)

Section 21, Article II of RA 9165 provides the procedural safeguards that the apprehending team should observe in the handling of seized illegal drugs in order to preserve their identity and integrity as evidence. "As indicated by their

²⁹ Id. at 58-59.

³⁰ *Derilo v. People*, 784 Phil. 679, 686 (2016).

³¹ *People v. Bartolini*, 791 Phil. 626, 634 (2016).

³² *People v. De Guzman*, G.R. No. 219955, February 5, 2018.

³³ Id.

³⁴ 612 Phil. 1165 (2009).

³⁵ Id. at 1175.



mandatory terms, strict compliance with the prescribed procedure is essential and the prosecution must show compliance in every case.”³⁶

The procedure under Section 21, par. 1 of RA 9165, as amended by RA 10640,³⁷ is as follows:

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, x x x so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the dangerous drugs, x x x shall, immediately after seizure and confiscation, conduct a physical inventory of the seized items and photograph the same in the presence of the accused or the persons from whom such items were confiscated and/or seized, or his/her representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media 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, finally,* That noncompliance of these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures and custody over said items. (Emphasis supplied)

After a thorough review of the records, we find that the buy-bust team failed to *strictly* comply with the prescribed procedure under Section 21, par. 1. While the amendment of RA 9165 by RA 10640 now allows the conduct of physical inventory at the *nearest police station*, the buy-bust team, in this case, brought the appellant and the seized items to Police Station A³⁸ instead of Police Station 5 which was the closest police station to the place of arrest,³⁹ per the instruction of their team leader, PSI Javier.⁴⁰

Although it is true that “non-compliance with the prescribed procedures under Section 21, par. 1, does not, as it should not, *automatically* result in an accused’s acquittal,”⁴¹ the **saving mechanism** provided in the last sentence of Section 21, par. 1, Article II of RA 9165, as amended, only operates “under

³⁶ Id. Italics supplied.

³⁷ AN ACT TO FURTHER STRENGTHEN THE ANTI-DRUG CAMPAIGN OF THE GOVERNMENT, AMENDING FOR THE PURPOSE SECTION 21 OF REPUBLIC ACT NO. 9165, OTHERWISE KNOWN AS THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”. Approved July 15, 2014.

³⁸ TSN, September 21, 2010, p. 7. See also TSN, April 28, 2011, p. 7.

³⁹ TSN, April 28, 2011, p. 18.

⁴⁰ TSN, September 21, 2010, p. 16.

⁴¹ See *People v. De Guzman*, supra note 32.



justifiable grounds, and as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team.”⁴²

It is therefore incumbent upon the prosecution to: a) recognize and explain the lapse or lapses committed by the apprehending team; and b) demonstrate that the integrity and evidentiary value of the evidence seized had been preserved, despite the failure to follow the procedural safeguards under RA 9165.⁴³

Unfortunately, the prosecution failed not only to recognize and explain the buy-bust team’s non-compliance with Section 21, particularly on the immediate marking of the seized items, but also to adduce evidence establishing the chain of custody over said items that would unequivocally demonstrate that the illegal drugs presented in court were the same illegal drugs actually recovered from appellant during the buy-bust operation.

In *People v. Bartolini*,⁴⁴ we strongly emphasized the prosecution’s duty to show an unbroken chain of custody over the seized items to ensure that unnecessary doubts on the identity of the evidence – the dangerous drugs – are removed, viz.:

X X X The prosecution has the duty to prove every link in the chain, from the moment the dangerous drug was seized from the accused until the time it is offered in court as evidence. **The marking of the seized item, the first link in the chain of custody, is crucial in proving an unbroken chain of custody as it is the starting point in the custodial link that succeeding handlers of the evidence will use as a reference point.** The succeeding links in the chain are the different processes the seized item will go through under the possession of different persons. This is why it is vital that each link is sufficiently proven to be unbroken – to obviate switching, planting, or contaminating the evidence.⁴⁵
(Emphasis supplied)

Thus, the following links must be established by the prosecution: “[*first,*] the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; [*second,*] the turnover of the illegal drug seized by the apprehending officer to the investigating officer; [*third,*] the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and [*fourth,*] the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.”⁴⁶

In this case, we find that the prosecution failed to establish the **first link** in the chain of custody. As previously discussed, there was a failure to mark the drugs

⁴² *People v. Prudencio*, G.R. No. 205148, November 16, 2016, 809 SCRA 204, 217.

⁴³ *People v. Denoman*, supra note 34 at 1178.

⁴⁴ Supra note 31.

⁴⁵ Id. at 634-635.

⁴⁶ See *Derilo v. People*, supra note 30 at 687.

immediately after they were allegedly seized from appellant. The items were marked only at Police Station A, and the prosecution offered no reasonable explanation as to (a) why the items were not immediately marked after seizure – PO1 Mateo merely stated in passing that there was a commotion because it was a public place;⁴⁷ and (b) why the buy-bust team brought the seized items to Police Station A instead of Police Station 5 which was closer to the place of arrest.

We consider, too, the *contradictory* statements given by PO1 Tan, PO1 Mateo and SPO2 Delos Reyes as regards the place of marking of the seized items which, regrettably, were not clarified by the prosecution – both PO1 Tan and PO1 Mateo testified that the marking had been done at Police Station A,⁴⁸ while SPO2 Delos Reyes stated during his cross-examination that the seized items were marked and turned over to him by PO1 Tan and PO1 Mateo “while still at the scene.”⁴⁹

The prosecution’s evidence relating to the **third link** in the chain of custody also has loopholes. The pertinent portion of SPO2 Delos Reyes’ direct testimony is as follows:

[FISCAL M. F. BAÑARES]

Q: Mr. Witness[,] who turned over the sachets of marijuana to the PNP Crime Laboratory?

A: I am the one who turned [them] over.

Q: And what is your proof that it was you who delivered them to the PNP Crime Lab?

A: The stamp receipt made by the PNP Crime Lab and the copy of the request[,] ma[']am.

Q: Were you referring to this stamp receipt here in this request for laboratory examination?

A: Yes[,] ma[']am[,] [T]his one.

[FISCAL M. F. BAÑARES]

I moved [sic] that the stamp receipt here in this request for laboratory examination be mark[ed] as [E]xhibit E-1. I am through your honor.⁵⁰

The records show that said request for laboratory examination and the subject specimens were supposedly received by a certain “PO3 Macabitas” at the PNP Crime Laboratory.⁵¹ However, neither SPO2 Delos Reyes nor “PO3 Macabitas” testified in this regard. Clearly, the prosecution failed to disclose the identities of:

⁴⁷ TSN, April 28, 2011, p. 7.

⁴⁸ TSN, September 21, 2010, p. 14-15; TSN, April 28, 2011, pp. 8-9.

⁴⁹ TSN, April 17, 2012, pp. 8-9.

⁵⁰ Id. at 7-8.

⁵¹ Records, p. 158.



(a) the person who had custody of the seized items after its turnover by SPO2 Delos Reyes, (b) the person who turned over the items to Forensic Chemist Dascil, and (c) the person who had custody thereof after they were examined by the forensic chemist and before they were presented in court.⁵²

We note further the *unexplained delay* in the turnover of the seized items from the investigating officer to the forensic chemist. Per the records, it appears that SPO2 Delos Reyes submitted the Request for Drug Test⁵³ and urine sample of appellant to the PNP Crime Laboratory on March 3, 2010, at 7:10 p.m.,⁵⁴ but he only turned over the seized drugs to the PNP Crime Laboratory the following morning, at 11:15 a.m.⁵⁵ In this regard, the prosecution also failed to disclose the person who had custody of the seized items after they were inventoried and photographed on the night of March 3, 2010 up to the time they were turned over to the PNP Crime Laboratory.

The **fourth link** in the chain of custody likewise presents a highly irregular circumstance in the prosecution's evidence. For clarity and precision, the forensic chemist's testimony, as stipulated by the prosecution and the defense, is quoted below:

1. That Arlyn Dascil is a Forensic Chemist assigned to the PNP Crime Laboratory, Olongapo City;
2. That she examined the specimen subject matter of these cases;
3. That based on her examination[,] the specimen subject matter of these cases all turned positive for marijuana as shown by the Chemistry Report;
4. **That upon the request of the Prosecutor[s] Office[,] the specimen subject matter of these cases were turned over by the Evidence Custodian of the PNP Crime Laboratory, Olongapo City to the Prosecutor[s] Office.**⁵⁶
(Emphasis supplied)

In *People v. De Guzman*,⁵⁷ we ruled that the City Prosecutor's Office has no authority to take custody of dangerous drugs before they are brought before the court, viz.:

It appears, based on the prosecution's evidence no less, that for reasons unknown, the PNP Crime Laboratory agreed to turn over custody of the seized items to an *unnamed* receiving person at the City Prosecutor's Office *before* they were submitted as evidence to the trial court. **It should be emphasized that the**

⁵² See *People v. De Guzman*, supra note 32.

⁵³ Records, p. 160.

⁵⁴ Id. at 161.

⁵⁵ Id. at 159.

⁵⁶ Id. at 104.

⁵⁷ Supra note 32.



City Prosecutor's Office is not, nor has it ever been, a part of the chain of custody of seized dangerous drugs. It has absolutely no business in taking custody of dangerous drugs before they are brought before the court.
(Emphasis supplied)

At this point, the chain of custody was obviously *broken*, not only because of the PNP Crime Laboratory's flagrant deviation from the prescribed procedure in turning over the seized items to the City Prosecutor's Office, but also due to the dire lack of information as to the handling and safe-keeping of the said items from the time they were received by a certain "Ligaya Lopez," the receiving clerk in the City Prosecutor's Office,⁵⁸ up to the time they were presented in court.

It is settled that "the failure of the authorities to immediately mark the seized drugs raises reasonable doubt on the authenticity of the *corpus delicti* and suffices to rebut the presumption of regularity in the performance of official duties."⁵⁹ Such presumption, too, cannot arise in cases where the questioned official acts are *patently irregular*.⁶⁰

Clearly, the lower courts committed a grave error in applying the presumption of regularity in the performance of official duties in the prosecution's favor, given the *unexplained* procedural lapses committed by the police in handling and safe-keeping of the seized marijuana and the *serious* evidentiary gaps in the chain of its custody.

The totality of these circumstances leads us to inevitably conclude that the prosecution fell short in proving beyond reasonable doubt that appellant was indeed guilty of the crimes charged.

WHEREFORE, premises considered, the appeal is **GRANTED**. The March 23, 2015 Decision of the Court of Appeals in CA-G.R. CR. HC No. 06120 is **REVERSED and SET ASIDE**. Appellant Jay Suarez y Cabuso is hereby **ACQUITTED** of the charges of violation of Sections 5 and 11, Article II of Republic Act No. 9165, for failure of the prosecution to prove his guilt beyond reasonable doubt. He is **ORDERED** immediately released from detention unless he is being held for another lawful cause.

Let a copy of this Decision be furnished the Director of the Bureau of Corrections, Muntinlupa City for immediate implementation, who is then also directed to report to this Court the action he has taken within five days from his receipt of this Decision.

⁵⁸ Records, p. 159.

⁵⁹ See *People v. Bartolini*, supra note 31 at 635. Italics in the original.


⁶⁰ See *People v. Kamad*, 624 Phil. 289, 311 (2010). Emphasis and italics supplied.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

On official leave
NOEL GIMENEZ TIJAM
Associate Justice


ALEXANDER G. GISMUNDO
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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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



