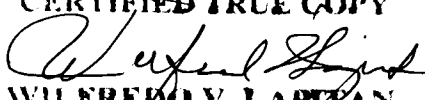




Republic of the Philippines
 Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. LAPID
 Division Clerk of Court
 Third Division

OCT 17 2018

THIRD DIVISION

JOSE JOHN C. GUERRERO,
 Petitioner,

G.R. No. 222523

Present:

- *versus* -

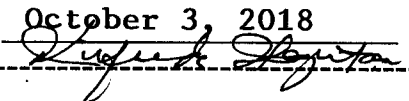
PERALTA, J., *Chairperson,*
 LEONEN,*
 REYES, A., JR.,**
 GESMUNDO,*** and
 REYES, J., JR., *JJ.*

**PHILIPPINE TRANSMARINE
 CARRIERS, INC., CELEBRITY
 CRUISES, and CARLOS C.
 SALINAS**

Promulgated:

Respondents.

October 3, 2018

X----------X

DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* seeking to reverse and set aside the September 10, 2015 Decision¹ and the January 14, 2016 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 132711.

The case traces its roots to a Complaint³ filed by petitioner Jose John C. Guerrero (*Guerrero*) for permanent and total disability benefits, compensatory damages, exemplary damages, moral damages and attorney's fees against respondents Philippine Transmarine Carriers, Inc. (*PTCI*), Celebrity Cruises (*CC*), and/or Carlos Salinas (*Salinas*) [*collectively, respondents*].

* On wellness leave.

** Designated additional member per Special Order No. 2588 dated August 28, 2018.

*** On official business.

¹ Penned by Associate Justice Sesinando E. Villon, with Associate Justices Rodil V. Zalameda and Pedro B. Corales, concurring; *rollo*, pp.15-25.

² *Id.* at 27.

³ *Id.* at 85-86.



A series of conferences between Guerrero and respondents were held before the Labor Arbiter (*LA*), but the parties failed to reach an amicable settlement. Hence, the *LA* required the parties to submit their respective position papers.

In his Position Paper,⁴ Guerrero alleged that on August 15, 2011, he was employed by PTCI, represented by its President, Carlos Salinas, on behalf of its principal, CC, as a Casino Dealer on board the vessel *GTS Constellation* for a period of six (6) months with a basic monthly salary of US\$255.00. Prior to embarkation, he underwent pre-employment medical examination at Metrics Center, Makati City, and was declared “fit to work as a seaman.” He boarded the vessel on October 12, 2011. His duties and responsibilities as a casino dealer include having an understanding of all the games he will operate, dealing cards, distributing dice, operating game apparatus such as roulette wheel or baccarat wheel, as well as keeping an eye on patrons to make sure they are not cheating, and the gamblers are having a good time.

Guerrero averred that: sometime in January 2012 during a gastrointestinal outbreak in the ship, he and other crew members were tasked and ordered to bring elderly guests out of the ship through wheelchairs; since the platform was not levelled with the ship’s door exit, and the bridge connecting the platform and the door exit was too steep, they decided that the best way to move and transfer the elderly passengers was by pulling the wheelchairs; while he was pulling a wheelchair with a passenger, a sudden motion occurred which caused him to lose his balance but managed to prevent the wheelchair, the passenger and himself from falling; in order to keep the passenger safe, he had to push the wheelchair really hard to gain control over it; after said incident, he started experiencing back pains which he just ignored due to the demands of his work as a casino dealer; to manage his back pain, he took mefenamic acid tablets and applied pain relieving liniment and hot water on the painful area; and later, his back pain became unbearable prompting him to consult the doctor of the vessel who prescribed him pain reliever medication and sleeping pills.

While his vessel was docked at a port in the Caribbean, Guerrero underwent a Magnetic Resonance Imaging (*MRI*) procedure at the Isle Imaging Center of St. George, Caribbean, and after which, the attending physician made the following Impression: *Findings revealed changes of Lumbar Spondylosis involving L2-3, L3-4, L4-5 disc causing of compression of left L5 and bilateral L4 roots as described. No cords conus abnormality seen.*⁵ In view of his medical condition, he was recommended for medical repatriation. Upon his arrival in Manila on March 26, 2012, Guerrero

⁴ *Id.* at 89-111.

⁵ *Id.* at 116

immediately reported to respondents and was referred to the Manila Doctors Hospital and the Philippine General Hospital (PGH) for post-employment medical examination and for further treatment. He underwent a series of physical therapy sessions at the Orthopedics Department of the PGH under the supervision of the company-designated physician/surgeon, Dr. Adrian Catbagan (*Dr. Catbagan*). On October 19, 2012, a major surgery called Transforaminal Lumbar Interbody Fusion L3-L4 & L4-L5 was performed on Guerrero by Dr. Catbagan at the Manila Doctors Hospital. On November 19, 2012, Dr. Catbagan issued a Medical Certificate⁶ stating that Guerrero was confined at the Manila Doctors Hospital on October 19, 2012 and was discharged on November 9, 2012 with the following final diagnosis: *Degenerative Disc Disease & Disc Herniation L3-L4 & L4-L5 Moyamoya Disease, resolved*. After Guerrero's surgery, he continued his therapy sessions with Dr. Catbagan until January 15, 2013.

Guerrero alleged that since the pain still persisted notwithstanding the medical procedures performed on him, he consulted, on January 17, 2013, Dr. Cesar H. Garcia (*Dr. Garcia*), an orthopedic surgeon/bone and joint-disease, who issued on even date a medical certificate⁷ declaring him "UNFIT for further sea service in whatever capacity as a SEAFARER." Guerrero alleged that despite his permanent unfitness for further sea service as determined by his physician, respondents failed to compensate him of permanent and total disability benefits. He maintained that he sustained a spinal injury due to an accident arising out, and in the course of, his employment.⁸

In their Position Paper,⁹ respondents maintained that Guerrero is not entitled to disability benefits because he sustained the alleged injury during an incident at the crew gym. Respondents adduced in evidence documents denominated as Crew Injury Statement,¹⁰ dated March 22, 2012, and Personal Injury Illness Statement¹¹ in support their submission.

Respondents alleged that the essential duties of Guerrero as a Casino Dealer are reflected in the Job Description Manual. They contended that going to the gym and the use of gym facilities are not part of Guerrero's job and could not have any relation to his duties as a Casino Dealer. Respondents theorized that disability benefits are compensable only when the seafarer, such as Guerrero, suffers work-related injury or illness during the term of his contract. They posited that Guerrero's injury is not compensable since it has not arisen from a work-related incident. Respondents alleged that Guerrero's claim for damages and attorney's fees are bereft of any factual and legal basis stressing that they had faithfully complied with their contractual obligation to him and had even provided him with extensive medical attention for

⁶ *Id.* at 120.

⁷ *Id.* at 121-124

⁸ *Id.* at 90-96.

⁹ *Id.* at 139-150.

¹⁰ *Id.* at 157.

¹¹ *Id.* at 158-160.

humanitarian consideration. By way of counterclaim, respondents alleged that the filing by Guerrero of a baseless complaint tarnished their reputations and were constrained to engage the services of an attorney to protect their rights. For these reasons, they prayed that they should be awarded damages of ₱200,000.00 attorney's fees and cost of litigation in the sum of ₱400,000.00.¹²

The LA Ruling

On February 28, 2013, the Labor Arbiter rendered a Decision¹³ declaring that PTCI and CC are solidarily liable for disability compensation to Guerrero. The *fallo* of the Decision states:

WHEREFORE, premises considered, judgment is hereby rendered ordering respondents PHILIPPINE TRANSMARINE CARRIERS [INC.]/CELEBRITY CRUISES, jointly and severally, liable to pay JOSE JOHN GUERRERO the amount of US DOLLARS: SIXTY THOUSAND (US\$60,000.00) or its peso equivalent at the prevailing rate of exchange at the time of actual payment representing his total permanent disability benefits and attorney's fees.

Mr. Carlos Salinas is hereby EXCLUDED/DROPPED as party-respondent in this case.

All other claims are DISMISSED for lack of merit.

SO ORDERED.¹⁴

The LA ruled that although Guerrero's injury had resulted from a gym incident, the same would not release respondents PTCI and CC from their liability for disability benefits. It held that Guerrero's medical condition has rendered him permanently incapacitated to be a seafarer, as found by his chosen physician, Dr. Garcia. Lastly, it observed that Guerrero has been incapacitated to work for more than 120 days from the date he was repatriated and seen by the company-designated physician.

Not in conformity, respondents PTCI and CC filed a joint appeal before the National Labor Relations Commission (NLRC) praying for the reversal and nullification of the February 28, 2013 Decision of the LA and for the dismissal of Guerrero's complaint for lack of merit.

¹² *Id.* at 142-148.

¹³ Penned by Labor Arbiter J. Potenciano F. Napenas, Jr., *id.* 187-195.

¹⁴ *Id.* at 195.

The NLRC Ruling

On July 31, 2013, the NLRC rendered a Decision¹⁵ reversing February 28, 2013 Decision of the LA. The NLRC disposed the case as follows:

WHEREFORE, premises considered, the appealed decision is hereby REVERSED and SET ASIDE, and the case DISMISSED for UTTER LACK OF MERIT.

SO ORDERED.¹⁶

The NLRC ruled that Guerrero is not entitled to disability benefits and payment of his other monetary claims because his injury is not work-related or not an injury sustained while working on-board the vessel. The NLRC added that apart from Guerrero's assertion, no other evidence was adduced to support and corroborate his "wheelchair theory," which incident allegedly caused his injury.

Guerrero's motion for reconsideration was denied by the NLRC in its September 13, 2013 Resolution.¹⁷

Aggrieved, Guerrero assailed the NLRC Decision and Resolution via a petition for *certiorari* filed before the CA, ascribing grave abuse of discretion on the part of the NLRC in denying his claim for permanent and total disability benefits and for attorney's fees.

The CA Ruling

In its September 10, 2015 Decision, the CA resolved to deny the petition for *certiorari* based on the same ratiocinations the NLRC had rendered. The dispositive portion of the Decision reads:

WHEREFORE, in the light of all the foregoing, the petition is hereby DENIED. Accordingly, the Decision dated 31 July 2013 and Resolution dated 13 September 2013 issued by public respondent National Labor Relations Commission, Second Division, in NLRC LAC No. 05-000495-13 are hereby AFFIRMED.

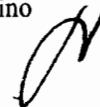
SO ORDERED.¹⁸

¹⁵ Pinned by Commissioner Teresita D. Castillon-Lora, with Presiding Commissioner Raul T. Aquino and Commissioner Erlinda T. Agus, concurring; *id.* at 339-357.

¹⁶ *Rollo*, pp. 356-357.

¹⁷ *Id.* at 368-369.

¹⁸ *Id.* at 24.



The CA held that the challenged decision of the NLRC was in accordance with law and prevailing jurisprudence and that no grave abuse of discretion amounting to lack or excess of jurisdiction can be imputed against said labor tribunal.

Guerrero filed a motion for reconsideration, but the same was denied by the CA in its January 14, 2016 Resolution.

Unfazed, Guerrero filed the present petition insisting that he is entitled to disability benefits as well as to the award of damages and attorney's fees.

The Court's Ruling

The petition is devoid of merit.

From a perusal of the arguments raised by Guerrero, it is quite apparent that this petition is raising a question of fact inasmuch as this Court is being asked to revisit and assess anew the uniform factual findings of the CA and the NLRC that his injury was not work-related. Guerrero is fundamentally assailing the findings of the CA and the NLRC that the evidence on record does not support his claim for disability benefits. In effect, he would have us sift through, calibrate and re-examine the credibility and probative value of the evidence on record so as to ultimately pass upon whether or not there is sufficient basis to hold PTCI and CC accountable for refusing to pay disability benefits to him under the Philippine Overseas Employment Administration's (POEA's) "Amended Standard Terms and Conditions Governing the Employment of Filipino Seafarers On-Board Ocean-Going Vessels," which is deemed written in his contract of employment. This clearly involves a factual inquiry, the determination of which is the statutory function of the NLRC.¹⁹

Elementary is the principle that this Court is not a trier of facts, and this applies with greater force in labor cases; only errors of law are generally reviewed in petitions for review on *certiorari* criticizing decisions of the CA. Factual questions are for the labor tribunal to resolve.²⁰ Moreover, findings of fact of quasi-judicial bodies like the NLRC, as affirmed by the CA, are generally conclusive on this Court.²¹ Accordingly, the instant petition must be dismissed outright as it raises a question of fact.

Even if the Court is willing to overlook this procedural lapse, the present petition would just the same fail.

¹⁹ *CBL Transit, Inc. v. National Labor Relations Commission*, 469 Phil. 363, 371 (2004).

²⁰ *Alfaro v. Court of Appeals*, 416 Phil. 310, 318 (2001).

²¹ *Acevedo v. Advanstar Company, Inc.*, 511 Phil. 279, 287 (2005).

We carefully examined and evaluated the records of this case. Try as we might, however, this Court failed to identify any error committed by the CA in declaring that the NLRC did not commit grave abuse of discretion in dismissing Guerrero's complaint. Likewise, the Court sees no reason to disturb the similar factual findings of the CA and the NLRC regarding the non-work relatedness of the subject injury of Guerrero.

For disability to be compensable, two elements must concur: (1) the injury or illness must be work-related; and (2) the work-related injury or illness must have existed during the term of the seafarer's employment contract.²² Work-related injury pertains to injury(ies) resulting in disability or death arising out of, and in the course of, employment.²³ Jurisprudence elucidates that the words "arising out of" refer to the origin or cause of the accident, and are descriptive of its character, while the words "in the course of" refer to the time, place, and circumstances under which the accident takes place. As a matter of general proposition, an injury or accident is said to arise "in the course of employment" when it takes place within the period of the employment, at a place where the employee reasonably may be, and while he is fulfilling his duties or is engaged in doing something incidental thereto.²⁴

Work-relatedness of an injury or illness means that the seafarer's injury or illness has a possible connection to one's work, and thus, allows the seafarer to claim disability benefits therefor. The oft-repeated rule is that whoever claims entitlement to the benefits provided by law should establish his or her right thereto by substantial evidence.²⁵ Thus, the burden is placed upon Guerrero to present substantial evidence, or such relevant evidence which a reasonable mind might accept as adequate to justify a conclusion that there is a causal connection between the nature of his employment and his injury. The *onus probandi* fell on Guerrero to establish his claim for disability benefits by the requisite quantum of evidence that would serve as basis for the grant of the relief.

Unfortunately, Guerrero utterly failed to prove a reasonable connection between his work as a Casino Dealer and his alleged lumbar disc injury. Apart from his bare allegation that he sustained an injury sometime in January 2012 while assisting an elderly passenger on a wheelchair to disembark from the vessel in compliance to an order from the management, no other competent and independent evidence was proffered to substantiate and to corroborate his foregoing claim. We cannot overemphasize that self-serving and unsubstantiated declarations are insufficient to establish a case where the quantum of proof required to establish as fact is substantial evidence.²⁶

²² *Magsaysay Maritime Corporation v. National Labor Relations Commission*, 630 Phil. 352, 362-363 (2010).

²³ *NYK-Fil Ship Management, Inc. v. Talavera*, 591 Phil. 786, 800 (2008).

²⁴ *Racelis v. United Philippine Lines, Inc.*, 746 Phil. 758, 768 (2014).

²⁵ *InterOrient Maritime Enterprise, Inc. v. Creer III*, 743 Phil. 164, 183 (2014).

²⁶ *Ceriola v. NAESS Shipping Philippines, Inc.*, 758 Phil. 321, 337 (2015).

Awards of compensation cannot rest entirely on bare assertions and presumptions.²⁷

On the other hand, respondents were able to expose the falsity of Guerrero's story when they submitted in evidence the Crew Injury Statement dated March 22, 2012, which contained Guerrero's admission to the effect that the subject injury resulted from his gym workout. For clarity, we hereto quote Guerrero's relevant narration of the gym incident which was written entirely in his own handwriting, thus:

On JAN 22, I went to the gym to do my usual workout after that I felt pain on my lower back. I went to see a doctor on that day and gave me 24 hrs. to rest after that I go back to work, but everytime I bend, I felt something painful on my left buttock so I decided to see the doctor again on March 4 after that the pain keeps coming back ever since.

x x x x

Were you on duty at the time of the injury? No. It's my long break. I decided to go to gym to keep myself fit & healthy.

Please state what you could have done to avoid the accident? Do proper workout.²⁸

The occurrence of the aforesaid incident was confirmed in a document denominated as Personal Injury Illness Statement which provided, *inter alia*, the following:

Brief Desc: Persistent painful lower back since heavy lifting in crew gym
Incident cause: SPORTS RELATED
Primary Factor: HUMAN ERROR
Lighting Type: Artificial Light-Bright
Location Condition: Clean
Involved Equipment Desc: gym
Equipment Condition: Good Working Order
Protective Gear Desc: Did Not Wear

These documentary evidence effectively belied Guerrero's insistence that he incurred the injury during the wheelchair incident. Guerrero's strenuous physical activity consisting of frequent bending and improper lifting of heavy objects during his routine workout at the crew gym on January 22, 2012 produced extreme torsional stress on his back which caused his subject injury. As aptly contended by the respondents, there is nothing in the Job Description Manual which states that part of Guerrero's duty as a Casino Dealer is to go to the crew gym and use its facility for his physical workout. Verily, Guerrero failed to prove work-causation of the subject injury. It may not be amiss to state at this juncture that the LA, the NLRC and the CA have

²⁷ Leonis Navigation Co., Inc. v. Obrero, 794 Phil. 481, 488 (2016).
²⁸ Rollo, p. 157.

similarly concluded that Guerrero's injury resulted from his crew gym workout on January 22, 2012.

Guerrero's contentions that his disability is permanent and total because Dr. Catbagan, the company-designated physician, failed to issue a medical certificate as to his fitness for work resumption or disability within the 240-day maximum period, and because his chosen physician, Dr. Garcia, issued a medical certificate finding him unfit for further service as a seafarer, would not advance his cause against the respondents.


To begin with, these arguments offered by Guerrero via the present petition were not raised before the labor tribunal and, thus, cannot be considered on appeal. It is well settled that matters that were neither alleged in the pleadings nor raised during the proceedings below cannot be ventilated for the first time on appeal and are barred by estoppel.²⁹ Points of law, theories, issues, and arguments not brought to the attention of the trial court ought not to be considered by a reviewing court, as these cannot be raised for the first time on appeal. To consider the alleged fact and argument belatedly raised would amount to trampling on the basic principles of fair play, justice, and due process.³⁰

Further, the Court finds that the declaration of Dr. Garcia in the medical certificate that Guerrero is "UNFIT for further sea service in whatever capacity as a SEAFARER" leaves much to be desired. Said medical certification was not supported by any relevant and necessary diagnostic tests and/or procedures. No medical records or other sufficient proof was adduced to justify the above-mentioned pronouncement/diagnosis. It bears stressing that Dr. Garcia issued the medical certificate on the very same day that he was consulted by Guerrero. It is undisputed that the recommendation of Dr. Garcia was based on a single medical report which outlined the alleged findings and medical history of Guerrero despite the fact that said physician examined Guerrero only once. In the absence of adequate tests and reasonable findings, Dr. Garcia's assessment should not be taken at face value. At best, Dr. Garcia's medical certificate was merely concerned on the examination of Guerrero for purposes of diagnosis and treatment and not for the determination of whether the latter incurred a disability.

At any rate, any further discussion as to whether Guerrero suffered a permanent and total disability which entitles him to disability benefits, would be a mere surplusage. The medical certificate issued by Dr. Garcia and the alleged failure of Dr. Catbagan to issue the pertinent medical certificate within the maximum period of 240 days, are of no use and will not give Guerrero that cause of action he sorely lacked at the time he filed his complaint. His injury is not work-related, hence, not compensable.

²⁹ *Commissioner on Internal Revenue v. Puregold Duty Free, Inc.*, 761 Phil. 419, 434-435 (2015).

³⁰ *Ayala Land Inc. v. Castillo*, 667 Phil. 274, 297 (2011).



Lastly, the Court observes that Guerrero proffered varying narrations/versions as to how he allegedly incurred his injury. In his Position Paper, Guerrero alleged that he sustained his injury when he lost his balance while assisting an elderly passenger on a wheelchair to get off the vessel as required by the management, but was able to regain equilibrium by pushing the wheelchair really hard. However, he gave Dr. Catbagan a different account by stating that he started feeling the back pain “after doing exercise at the gym” and this was reflected in the Medical Abstract/Discharge Summary.³¹ Meanwhile, in his Comment/Opposition to Respondents-Appellants’ Memorandum of Appeal,³² Guerrero modified his version of the incident by adding that he heard a snap on his back while trying to maneuver the wheelchair and that “the gym incident was only the aggravating factor to complainant’s severe back pain.”³³ But in this present petition, Guerrero alleged:

Sometime in January 2012, he was involved in a medical call due to gastrointestinal problem of an elderly. Together with a fellow crew, they placed the elderly on a wheelchair, but due to big waves, the vessel suddenly swayed before they could pass the platform of the bridge. As a consequence, petitioner was out of balanced and fell with his back landed first on the metal floor.³⁴

Nowhere in any of his pleadings filed before the labor tribunals and the CA was there any mention that Guerrero accidentally fell with his back hitting the metal floor during the wheelchair incident. His conflicting and inconsistent statements cast serious doubt on the veracity of his wheelchair theory. Obviously, Guerrero willfully made such false statements in his futile attempt to deceive the labor tribunals, the CA and this Court that he suffered a work-related injury so as to obtain a favorable judgment. Thus, for not coming to court with clean hands and in order to prevent him from profiting from his own deception, basic rules of fair play dictate that we should deny his claim for disability benefits all the more.

Viewed in the light of the foregoing, the CA correctly ruled that no grave abuse of discretion can be attributed to the NLRC in dismissing Guerrero’s complaint. The special civil action for *certiorari* under Rule 65 is intended to correct errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction.³⁵ Grave abuse of discretion means such capricious or whimsical exercise of judgment which is equivalent to lack of jurisdiction.³⁶ To justify the issuance of the writ of *certiorari*, the abuse of discretion must be grave, as when the power is exercised in an arbitrary or

³¹ *Rollo*, p. 119

³² *Id.* at 236-247.

³³ *Id.* at 239.

³⁴ *Id.* at 34. (Underscoring ours).

³⁵ *Saludaga v. Hon. Sandiganbayan 4th Division*, 633 Phil. 369, 383 (2010).

³⁶ *Feliciano v. Villasin*, 578 Phil. 889, 905 (2008).

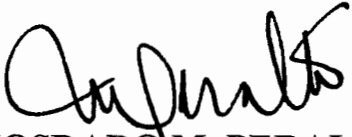
despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined, or to act at all, in contemplation of law, as to be equivalent to having acted without jurisdiction.³⁷

In the case at bench, Guerrero failed to demonstrate that the dismissal of his complaint by the NLRC was tainted with grave abuse of discretion or that the NLRC had no jurisdiction to order the same. On the contrary, the dismissal was proper and warranted since Guerrero has no cause of action against the respondents. We are so mindful that the respondents have exerted real efforts to extend medical assistance and even paid for all the expenses incurred in the course of the treatment of Guerrero. There is nothing on record that would justify a compensation on top of the aid and assistance already extended to him.

Let it be underscored that the constitutional policy to afford full protection to labor is never meant to be a sword to oppress employers. While the Court is committed to the cause of the labor, the same would not deter us from sustaining the employer when it is correct and proper. It must be emphasized that justice is, in every case, for the deserving and must be dispensed with after a thorough scrutiny and circumspect evaluation of the established facts, the applicable law/s and the prevailing jurisprudence.

WHEREFORE, PREMISES CONSIDERED, the petition is **DENIED**. The Court of Appeals Decision dated September 10, 2015 and Resolution dated January 14, 2016 in CA-G.R. SP No. 132711 are hereby **AFFIRMED**.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

³⁷ *Julie's Franchise Corp. v. Hon. Judge Ruiz*, 614 Phil. 108, 116 (2009).

WE CONCUR:

On wellness leave
MARVIC M.V.F. LEONEN
Associate Justice

Reyes
ANDRES B. REYES, JR.
Associate Justice

On official business
ALEXANDER G. GESMUNDO
Associate Justice

J. C. Reyes
JOSE C. REYES, JR.
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.

Diosdado M. Peralta
DIOSDADO M. PERALTA
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.

Teresito Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Chief Justice

CERTIFIED TRUE COPY
Wilfredo J. Ramos
WILFREDO J. RAMOS
Division Clerk of Court
Third Division