



**Republic of the Philippines**  
**Supreme Court**  
Manila

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,** **G.R. No. 250418**

*Plaintiff-Appellee,* Present:

- versus -

LEONEN, J.,  
Chairperson,  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
ROSARIO, JJ.

Promulgated:

**ROGER PADIN y TILAR,**  
*Accused-Appellant.*

December 9, 2020

*MisDCCBatt*

X-----X

**DECISION**

**DELOS SANTOS, J.:**

This is an appeal filed by Roger Padin y Tilar (accused-appellant) from the Decision<sup>1</sup> dated February 21, 2019 of the Court of Appeals (CA) in CA-G.R. CR HC No. 10101 denying the appeal from the Decision<sup>2</sup> dated October 27, 2017 of the Regional Trial Court (RTC) of [REDACTED], Branch 42, finding accused-appellant guilty beyond reasonable doubt of the crime of Rape.

**Facts**

In an *Information*<sup>3</sup> dated July 27, 2012, accused-appellant was charged with the crime of Rape, defined and penalized under paragraph 1 of

<sup>1</sup> Penned by Associate Justice Eduardo B. Peralta, Jr., with Associate Justices Ramon R. Garcia and Gabriel T. Robeniol, concurring; *rollo*, pp. 3-11.

<sup>2</sup> Penned by Acting Presiding Judge Lelu P. Contreras; CA *rollo*, pp. 43-52.

<sup>3</sup> Records, p. 1.



Articles 266-A and 266-B of the Revised Penal Code (RPC), as amended, in relation to Republic Act No. (RA) 7610,<sup>4</sup> against AAA,<sup>5</sup> committed as follows:

That on or about the 4<sup>th</sup> day of APRIL 2012 in the evening at [REDACTED], province of Catanduanes, and within the jurisdiction of this Honorable Court, the above[-]named accused, by means of force, threat and intimidation, with lewd design, did then and there willfully, unlawfully and feloniously, lie and have carnal knowledge of [AAA,] a child twelve (12) years of age, without her consent, which said acts debased, degraded or demeaned the intrinsic worth and dignity of said child victim as a human being, to her damage and prejudice.

CONTRARY TO LAW.<sup>6</sup>

The case was initially archived on April 5, 2013, and was revived on March 17, 2014, after accused-appellant's apprehension. Upon arraignment on March 28, 2014, accused-appellant entered a plea of not guilty to the charge. After the pre-trial conference, trial on the merits ensued.<sup>7</sup>

According to the prosecution, AAA was born on September 20, 1999. Accused-appellant was the live-in partner of BBB, AAA's mother, whom AAA called "Daddy." AAA sleeps in one room with her other siblings while accused-appellant and BBB, along with her youngest child, sleep in another room.<sup>8</sup>

On the evening of April 4, 2012, BBB was in [REDACTED], Catanduanes where she worked as a household helper. AAA, then 12 years old, was awakened when accused-appellant, who was then half-naked, removed her shorts and underwear and immediately laid on top of her. Accused-appellant inserted his finger into her vagina. Shortly thereafter, he removed his finger and replaced it with his penis, doing a "push-and-pull" movement. Out of fear, AAA just cried and did not resist nor shout for help. After raping AAA, accused-appellant removed his penis and without any word, left the room.<sup>9</sup>

While at work, BBB received a text message from an unknown sender, which reads: "*Gud pm. Nag alala lang ako kung pwede subaybayan*

<sup>4</sup> Special Protection of Children Against Abuse, Exploitation and Discrimination Act, approved on June 17, 1992.

<sup>5</sup> In accordance with Amended Administrative Circular No. 83-2015, the identities of the parties, records and court proceedings are kept confidential by replacing their names and other personal circumstances with fictitious initials, and by blotting out the specific geographical location that may disclose the identities of the victims.

<sup>6</sup> Records, p. 1.

<sup>7</sup> *Rollo*, p. 4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 4-5.

*mo ang asawa mo, kasi inaabuso ang anak mo na si [AAA].”* Thus, BBB rushed home to talk to AAA regarding the text message. Upon arrival at home, BBB summoned AAA and showed her the text message. It was only then that AAA divulged to her mother the repeated sexual abuses of accused-appellant.<sup>10</sup>

Two (2) days after, BBB went to the Barangay to seek advice and per recommendation, AAA was brought to Eastern Bicol Medical Center on April 9, 2012, at 6 o'clock in the morning, where she was examined by Dr. Monisita Genogaling-Lacorte (Dr. Lacorte), Medical Officer IV. The Medico-Legal Certificate<sup>11</sup> declared that AAA had: 1) an abrasion on the lower part of the labia minora (left) 0.5 cm x 0.5 cm; 2) lacerated wound 0.5 cm on the fourchette (left) at 5 o'clock position; and 3) ruptured hymen (admits 2 fingers). In sum, the findings were suggestive of penetration force to the hymen brought about by a firm object or penis.<sup>12</sup>

When informed of the result, BBB and AAA reported the incident to [REDACTED] Municipal Police Station. They executed their sworn statements which detailed the incident and thereafter filed a complaint against accused-appellant.<sup>13</sup>

In his defense, accused-appellant vehemently denied the charge against him. He claimed that in the morning of April 4, 2012, he just arrived from detention, brought about by another case for physical injuries filed against him by Nomeriano Oturdo (Oturdo). When he arrived home, he inquired from AAA about BBB's whereabouts. AAA initially disclaimed knowing where BBB was and AAA was chastised by accused-appellant. AAA eventually told him that BBB was with Oturdo. Accused-appellant then called BBB and told her to go home. When BBB arrived, accused-appellant confronted her about what he heard from AAA which caused them to argue. That night, after BBB and accused-appellant reconciled, accused-appellant slept beside BBB while the children slept on BBB's other side, with AAA who was farthest from accused-appellant.<sup>14</sup>

The next day, BBB brought along AAA, hoping that her employer would allow AAA to replace her. Apparently, BBB took the opportunity to have AAA undergo medical examination and subsequently have accused-appellant arrested.<sup>15</sup>

---

<sup>10</sup> Id. at 5.

<sup>11</sup> Records, p. 70.

<sup>12</sup> TSN, August 28, 2014, pp. 9, 14-15.

<sup>13</sup> Rollo, p. 5.

<sup>14</sup> Id. at 5-6.

<sup>15</sup> Id.

CCC, AAA's younger brother, alleged that he never saw accused-appellant abuse AAA. He claimed that it was Oturdo, rather than accused-appellant, who raped AAA.<sup>16</sup>

### RTC Ruling

The RTC found no iota of doubt in AAA's testimony that accused-appellant raped her, not only once, but several times, although she could no longer remember the dates, except the latest incident which came to the knowledge of her mother. It considered AAA a credible witness as she was able to narrate, in a clear and straightforward manner, how she was raped by accused-appellant. It gave no weight to the testimony of CCC as his statement that accused-appellant was with him in the mountain on April 4, 2012 was refuted by accused-appellant himself who categorically declared that on said date, he slept with his live-in partner, BBB, their children, and AAA.<sup>17</sup> Hence, the RTC disposed of the case as follows:

**WHEREFORE**, this Court finds ROGER PADIN y TILAR GUILTY beyond reasonable doubt of RAPE committed against AAA and is, hereby, sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole and to pay AAA the amounts of SEVENTY-FIVE THOUSAND PESOS (Php75,000.00), as civil indemnity, SEVENTY-FIVE THOUSAND PESOS (Php75,000.00), as moral damages and SEVENTY-FIVE THOUSAND PESOS (Php75,000.00), as exemplary damages, which shall be subject to legal interest at the rate of six percent (6%) *per annum* from the date of finality of judgment until fully paid.

**SO ORDERED.**<sup>18</sup>

Aggrieved, accused-appellant appealed before the CA.

### CA Ruling

The CA denied the appeal for lack of merit.

The CA gave full faith and credit to AAA's positive identification of accused-appellant as her attacker which remained consistent on cross-examination. It noted the proximity as accused-appellant was already on top of AAA when she was awakened, coupled with the fact that she knew accused-appellant well, being the live-in partner of her mother, enabled AAA to easily recognize him. Moreover, the CA added that AAA's public outcry of *violacion de una mujer* was fortified by the medical findings of Dr.

---

<sup>16</sup> TSN, May 13, 2016, p. 32.

<sup>17</sup> CA *rollo*, pp. 49-50.

<sup>18</sup> *Id.* at 52.

Lacorte. Citing *People v. Manigo*,<sup>19</sup> the CA stated that it is also hornbook precept that where a victim's testimony is corroborated by the physical findings of penetration, there is sufficient basis for concluding that sexual intercourse did take place.<sup>20</sup> The dispositive portion of the CA Decision reads:

**WHEREFORE**, premises considered, the **APPEAL** is **DENIED** for lack of merit.

**SO ORDERED.**<sup>21</sup>

Hence, this appeal, with accused-appellant assailing the said CA Decision. In compliance with the Court's Resolution<sup>22</sup> dated February 12, 2020, requiring the parties to submit their respective supplemental briefs, both accused-appellant<sup>23</sup> and the Office of the Solicitor General (OSG)<sup>24</sup> manifested that in lieu of supplemental briefs, they were adopting their respective briefs filed before the CA.

### Issue

The issue for the Court's resolution is whether the CA's Decision is contrary to facts, law, and jurisprudence.

### The Court's Ruling

The appeal lacks merit.

Article 266-A of the RPC, as amended by RA 8353,<sup>25</sup> or the Anti-Rape Law of 1997, provides the elements for the crime of rape:

Art. 266-A. *Rape; When and how committed.* - Rape is committed—

1) By a man who shall have **carnal knowledge of a woman** under any of the following circumstances:

- a) Through **force, threat, or intimidation**;
- b) When the offended party is deprived of reason or otherwise unconscious;

---

<sup>19</sup> 725 Phil. 324 (2014).

<sup>20</sup> *Rollo*, pp. 9-10.

<sup>21</sup> *Id.* at 10.

<sup>22</sup> *Id.* at 16.

<sup>23</sup> *Id.* at 18-19.

<sup>24</sup> *Id.* at 23-24.

<sup>25</sup> Approved on September 30, 1997.

- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. (Emphases supplied)

In this case, all the elements necessary to sustain a conviction for simple rape are present: (1) that accused-appellant had carnal knowledge of AAA; and (2) that said act was accomplished through the use of force or intimidation.<sup>26</sup> It was sufficiently established by the testimony of AAA that there was carnal knowledge between her and accused-appellant. This was corroborated by the medical findings of Dr. Lacorte which showed vaginal lacerations. Regarding the element of force or intimidation, or exertion of moral ascendancy, the RTC aptly concluded that although the rape was committed without physical force or intimidation, the moral ascendancy of accused-appellant over AAA renders it unnecessary to prove force or intimidation. It is settled that where the rape is committed by a close kin, such as the victim's father, stepfather, uncle, or the common-law spouse of her mother, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation.<sup>27</sup>

Accused-appellant argued that AAA's testimony was tainted with illogical details which were contrary to human experience. Specifically, accused-appellant harped on the presence of AAA's other siblings who were sleeping beside her in the same small room, and that her siblings continued sleeping soundly and failed to notice her cries during the alleged sexual abuse. This is a weak argument that deserves scant consideration. As correctly pointed out by the CA, thus:

However, as repeatedly underscored in the forensic canvass, lust is no respecter of time and place. Neither the crampedness of the room, the presence of other people therein, nor the high risk of being caught, has been held sufficient and effective obstacles to deter the commission of rape. Isolation is not a determinative factor to rule on whether a rape was committed or not and there is no rule that a woman can only be raped in seclusion. It can be committed, discreetly or indiscreetly, even in a room full of family members sleeping side by side.<sup>28</sup> Withal, it was not well-nigh unthinkable for the members of the victim's family to be in deep slumber and not to be awakened while a sexual assault is being committed.<sup>29</sup>

Likewise, accused-appellant's argument that AAA was only persuaded by ill-motive to file the case as an act of revenge against him because he

<sup>26</sup> See *People v. Lapore*, 761 Phil. 196, 204 (2015), citing *People v. Quintal*, 656 Phil. 513, 522 (2011).

<sup>27</sup> *People v. XXX*, G.R. No. 235662, July 24, 2019, citing *People v. Padua*, 661 Phil. 366, 370 (2011).

<sup>28</sup> Citing *People v. Gerandoy*, 743 Phil. 396 (2014).

<sup>29</sup> *Rollo*, p. 9, citing *People v. Descartin, Jr.*, 810 Phil. 881 (2017).

castigated her on the day of the alleged incident, must be rejected. As correctly opined by the CA, it was indeed highly improbable for a girl of tender years and not yet exposed to the ways of the world, like AAA, to impute a crime as serious as rape if the crime had not really been committed.<sup>30</sup>

In *People v. Rubio*,<sup>31</sup> the Court explained:

This Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her. Youth and immaturity are generally badges of truth. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.<sup>32</sup>

On accused-appellant's claim that the trial court should have dismissed the case considering that AAA executed an Affidavit of Desistance<sup>33</sup> which exonerated him from the charge, it is worthy to note that AAA's affidavit of desistance is not a ground for the dismissal of the case. As discussed in *People v. Bagsic*:<sup>34</sup>

Rape is no longer considered a private crime as R.A. No. 8353 or the Anti-Rape Law of 1997 has reclassified rape as a crime against persons. Rape may now be prosecuted *de officio*; a complaint for rape commenced by the offended party is no longer necessary for its prosecution. Hence, an affidavit of desistance, which may be considered as pardon by the complaining witness, is not by itself a ground for the dismissal of a rape action over which the court has already assumed jurisdiction.<sup>35</sup> (Citations omitted)

Moreover, it has been consistently held that courts look with disfavor on affidavits of desistance. In *Bagsic*, the Court had an occasion to discuss the rationale for this:

We have said in so many cases that retractions are generally unreliable and are looked upon with considerable disfavor by the courts. The unreliable character of this document is shown by the fact that it is quite incredible that after going through the process of having the

---

<sup>30</sup> Id. at 10.

<sup>31</sup> 683 Phil. 714 (2012).

<sup>32</sup> Id. at 722-723, citing *People v. Perez*, 595 Phil. 1232 (2008).

<sup>33</sup> Records, pp. 29-30.

<sup>34</sup> 822 Phil. 784 (2017).

<sup>35</sup> Id. at 795.

[appellant] arrested by the police, positively identifying him as the person who raped her, enduring the humiliation of a physical examination of her private parts, and then repeating her accusations in open court by recounting her anguish, [the rape victim] would suddenly turn around and declare that [a]fter a careful deliberation over the case, (she) find(s) that the same does not merit or warrant criminal prosecution.

Thus, we have declared that at most the retraction is an afterthought which should not be given probative value. It would be a dangerous rule to reject the testimony taken before the court of justice simply because the witness who gave it later on changed [her] mind for one reason or another. Such a rule [would] make a solemn trial a mockery and place the investigation at the mercy of unscrupulous witnesses.<sup>36</sup>

In this case, AAA's purported affidavit of desistance should be regarded as exceedingly unreliable more so, as aptly observed by the CA, that AAA testified that its execution was borne out of sheer commiseration for her siblings, and such justification can hardly affect the established fact that accused-appellant sexually abused her.

On accused-appellant's testimony on denial, a defense of denial and alibi cannot stand against the prosecution's evidence. As expounded by the Court in *People v. Carillo*:<sup>37</sup>

*Alibi* is an inherently weak defense because it is easy to fabricate and highly unreliable. To merit approbation, [he] 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.<sup>38</sup>

Accused-appellant failed in this regard. Besides, as correctly noted by the OSG, accused-appellant's denial and alibi belied his own testimony and that of his lone witness, CCC.

Indeed, the RTC did not err in giving full faith to AAA's credibility. In *Carillo*, the Court held that:

As a general rule, on the question [of] whether to believe the version of the prosecution or that of the defense, the trial court's choice is generally viewed as correct and entitled to the highest respect because it is more competent to conclude so, having had the opportunity to observe the witnesses' demeanor and deportment on the witness stand as they gave their testimonies. The trial court is, thus, in the best position to weigh conflicting testimonies and to discern if the witnesses were telling the

---

<sup>36</sup> Id. at 795-796.

<sup>37</sup> 813 Phil. 705 (2017).

<sup>38</sup> Id. at 715-716.



truth. Without any clear showing that the trial court and the appellate court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance, the rule should not be disturbed.<sup>39</sup>

Here, the Court finds no cogent reason to disturb the findings of the RTC, as correctly sustained by the CA, for accused-appellant's conviction of rape.

The Court notes, however, that the CA failed to pass upon and discuss the penalty imposed by the RTC. Thus, the Court deems it apt to re-examine the same.

Article 266-B provides for the penalties for rape, thus:

Article 266-B. *Penalties.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the **victim is under eighteen (18) years of age** and the **offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim[.]** (Emphases supplied)

The Court explained in *People v. Arcillas*:<sup>40</sup>

Rape is qualified and punished with death when committed by the victim's parent, ascendant, step-parent, guardian, or relative by consanguinity or affinity within the third civil degree, or by the common-law spouse of the victim's parent. However, an accused cannot be found guilty of qualified rape unless the information alleges the circumstances of the victim's over 12 years but under 18 years of age and her relationship with him. The reason is that such circumstances alter the nature of the crime of rape and increase the penalty; hence, they are special qualifying circumstances. As such, both the age of the victim and her relationship with the offender must be specifically alleged in the information and proven beyond reasonable doubt during the trial; otherwise, the death penalty cannot be imposed.<sup>41</sup> (Citations omitted)

In other words, to justify the imposition of the death penalty under the aforementioned provision, the twin circumstances of minority and relationship

<sup>39</sup> Id. at 714, citing *People v. Burce*, 730 Phil. 576 (2014).

<sup>40</sup> 692 Phil. 40 (2012).

<sup>41</sup> Id. at 52.

must be alleged in the *Information* and proved during the trial.<sup>42</sup>

In this case, AAA's minority was alleged in the *Information* and proven by the prosecution's documentary evidence that she was born on September 20, 1999. She was under the age of 18 when she was sexually abused by accused-appellant in 2012. Her relationship with the accused-appellant, however, as properly observed by the RTC, was not specified in the *Information*.

The Court ruled in *People v. Lapore*:<sup>43</sup>

Sections 8 and 9 of Rule 110 of the Rules on Criminal Procedure provide that for qualifying and aggravating circumstances to be appreciated, it must be alleged in the complaint or information. This is in line with the constitutional right of an accused to be informed of the nature and cause of the accusation against him. Even if the prosecution has duly proven the presence of the circumstances, the Court cannot appreciate the same if they were not alleged in the Information.<sup>44</sup>

Hence, although the prosecution has duly established that accused-appellant is the common-law spouse of BBB, AAA's mother, which, however, was not alleged in the *Information*, such circumstance could not be appreciated to qualify a crime from simple rape to qualified rape as defined under Article 266-B of the RPC, as amended. Thus, although AAA's minority went uncontroverted, the element of relationship was not competently established.

As a consequence, accused-appellant committed only simple rape, thus precluding the application of RA 9346.<sup>45</sup> Pursuant to Article 266-A of the RPC, the proper penalty is *reclusion perpetua*. Although the RTC correctly sentenced accused-appellant to suffer the penalty of *reclusion perpetua*, it, however, confusingly appended the phrase "without eligibility for parole" to *reclusion perpetua*. It should be stressed that the qualification of "without eligibility for parole" is material to qualify *reclusion perpetua* in order to emphasize that the appellant should have been sentenced to suffer the death penalty had it not been for RA 9346. Here, to reiterate, the death penalty is not warranted, the crime committed being only simple rape. Hence, there is no need to use and affix the phrase "without eligibility for parole" to qualify the penalty of *reclusion perpetua*; it is understood that convicted person penalized with an indivisible penalty is not eligible for

---

<sup>42</sup> See *People v. XXX*, G.R. No. 235662, July 24, 2019; *People v. Malibiran*, 600 Phil. 700 (2009), citing *People v. Barcena*, 517 Phil. 731 (2006).

<sup>43</sup> 761 Phil. 196 (2015).

<sup>44</sup> *Id.* at 203.

<sup>45</sup> An Act Prohibiting the Imposition of Death Penalty in the Philippines, approved on June 24, 2006; see *People v. Gallano*, 755 Phil. 120, 130-131; 135 (2015).

parole.<sup>46</sup> Accordingly, the phrase “without eligibility for parole” should be deleted to prevent confusion.

Finally, as to the RTC’s award of damages, the Court finds the same appropriate under the circumstances. Civil indemnity is mandatory upon the finding of the fact of rape, while moral damages are proper without need of proof other than the fact of rape by virtue of the undeniable moral suffering of the victim due to the rape. Under Article 2230 of the Civil Code, exemplary damages may be imposed in criminal cases as part of the civil liability when the crime was committed with one or more aggravating circumstances. Article 2229 of the same Code permits such damages to be awarded “by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.”<sup>47</sup> As to the amount, *People v. Jugeta*<sup>48</sup> provides that when the crime committed is simple rape which calls for the imposition of *reclusion perpetua* only, as in this case, the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present. The RTC was, therefore, correct in ordering accused-appellant to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

Similarly, the RTC properly imposed interest at the rate of 6% *per annum* on the monetary awards reckoned from the finality of the decision to complete the quest for justice and vindication on the part of AAA. This is pursuant to Article 2211 of the Civil Code, which states that in crimes and *quasi-delicts*, interest as a part of the damages may, in a proper case, be adjudicated in the discretion of the court.<sup>49</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Court finds Roger Padin y Tilar **GUILTY** beyond reasonable doubt of the crime of Rape as defined and penalized under Article 266-A, par. 1, in relation to Art. 266-B, par. (1) of the Revised Penal Code, as amended, and is hereby sentenced to suffer the penalty of *reclusion perpetua*, and ordered to pay the victim AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, with all such amounts to earn interest of six percent (6%) *per annum* from date of finality of this Decision until fully paid.

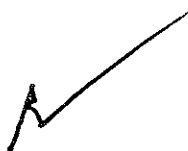
<sup>46</sup> A.M. No. 15-08-02-SC, Guidelines for the Proper Use of the Phrase “Without Eligibility For Parole” In Indivisible Penalties; August 4, 2014.

<sup>47</sup> *People v. Arcillas*, supra note 40, at 53.

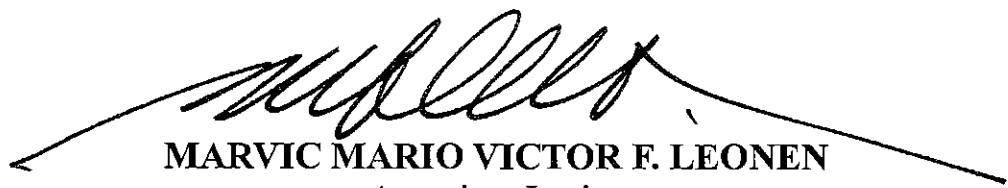
<sup>48</sup> 783 Phil. 806 (2016).

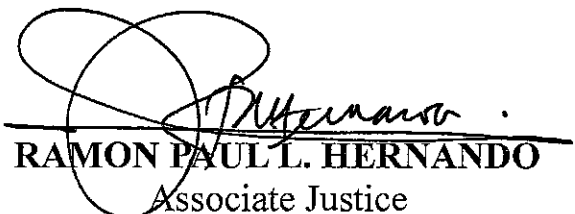
<sup>49</sup> *People v. Arcillas*, supra note 40, at 54.

**SO ORDERED.**

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

**WE CONCUR:**

  
**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice  
Chairperson

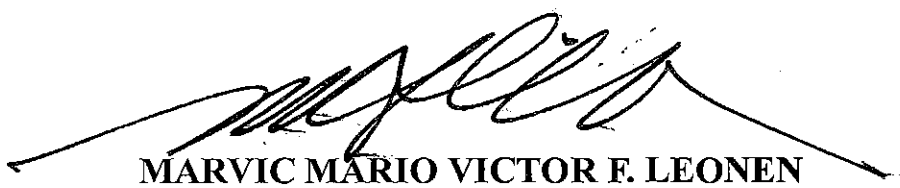
  
**RAMON PAUL L. HERNANDO**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

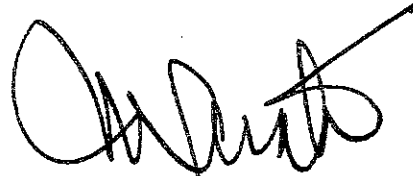
**ATTESTATION**

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.

  
**MARVIC MARIO VICTOR F. LEONEN**  
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.

A handwritten signature in black ink, appearing to read 'Diosdado M. Peralta', with a long, sweeping horizontal stroke extending to the right.

**DIOSDADO M. PERALTA**  
Chief Justice