



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

MERLINA R. DIAZ,  
Petitioner,

G.R. No. 213875

Present:

PERLAS-BERNABE, J.,  
Chairperson,  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
GAERLAN,\* JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,  
Respondent.

15 JUL 2020

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DECISION

**HERNANDO, J.:**

This Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court seeks to reverse and set aside the May 12, 2014 Decision<sup>2</sup> and August 11, 2014 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 132942. The CA dismissed the Petition for *Certiorari*<sup>4</sup> under Rule 65 of the Rules of Court, assailing the July 16, 2013<sup>5</sup> and September 20, 2013<sup>6</sup> Orders of Judge Francisco D. Paño of the Regional Trial Court (RTC) of San Pedro, Laguna, Branch 93, which denied the Motion to Quash Search Warrant<sup>7</sup> and Motion

\* Designated as additional member of the Second Division per Special Order No. 2780 dated May 11, 2020.

<sup>1</sup> *Rollo*, pp. 10-26.

<sup>2</sup> *CA rollo*, pp. 88-98; penned by Associate Justice Celia C. Libre-Leagogo and concurred in by Associate Justices Franchito N. Diamante and Melchor Q.C. Sadang.

<sup>3</sup> *Id.* at 116-117.

<sup>4</sup> *Id.* at 3-14.

<sup>5</sup> *Id.* at 15; penned by Judge Francisco Dizon Paño.

<sup>6</sup> *Id.* at 16.

<sup>7</sup> *Id.* at 17-30.

for Reconsideration,<sup>8</sup> respectively, filed by petitioner Merlina R. Diaz in Criminal Case No. 12-8358-SPL.

### **Factual Antecedents**

On April 27, 2012, on the basis of the application filed by and examination under oath of applicant Police Officer 2 Pio P. Avila (PO2 Avila), RTC Judge Agripino Morga, Presiding Judge of San Pablo City, Branch 32, issued Search Warrant No. 97 (12)<sup>9</sup> which read, in part, as follows:

It appearing to the satisfaction of the undersigned that after examining under oath by searching questions and answers PO2 Pio Pievro Avila, there exists a probable cause for Violation of RA 9165 which has been committed and there is a good sufficient reason to believe that MERLY DIAZ @ Merly Palayok has possession and control of undetermined amount of Metham[pheta]mine Hydrochloride commonly known as *shabu* which [she] is keeping and concealing in [her] house at Gitna, Brgy. Cuyab, San Pedro[,] Laguna.

You are, therefore, hereby commanded to make an immediate search at anytime of the day or anytime of the night the house aforestated and thereafter seize and bring said undetermined amount of Prohibited Drugs (*shabu*) to the undersigned so that the same could be dealt with in accordance with law.

In support of PO2 Avila's application, an informant, a certain Jericho S. Labrador (Labrador), submitted to Judge Morga two sketches of the house of petitioner in Gitna, Brgy. Cuyab, San Pedro, Laguna. The first sketch<sup>10</sup> of Labrador depicted a floor plan of a studio-type apartment with an anteroom where the entrance gate of the property was located. The second sketch<sup>11</sup> depicted three buildings along Gitna, one of which was marked with a large "X" enclosed in a square that supposedly identified petitioner's house.<sup>12</sup>

Pursuant to the search warrant, members of the San Pedro Police Station searched the house of petitioner. Approximately nine grams of *shabu* were then found in and seized from the premises. Petitioner was immediately arrested and detained by the members of the searching team for her alleged violation of Section 11 of Republic Act No. 9165 (R.A. No. 9165), or the Comprehensive Dangerous Drugs Act of 2002.<sup>13</sup>

Immediately after the search and petitioner's arrest, the following information was uncovered from petitioner: (1) that the complete address of her residence is No. 972, Gitna, Brgy. Cuyab, San Pedro, Laguna; and (2) that the house located at No. 972, Gitna, Brgy. Cuyab, San Pedro, Laguna was divided into five separate units each occupied by petitioner and her four

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<sup>8</sup> Id. at 99-105.

<sup>9</sup> Id. at 48.

<sup>10</sup> Id. at 25.

<sup>11</sup> Id. at 24.

<sup>12</sup> *Rollo*, pp. 13 and 117.

<sup>13</sup> Id. at 12 and 117.

siblings, namely, Nomer (Leomer) R. Diaz, Edwin R. Diaz, Flordeliza R. Diaz, and Leonora Diaz Nesola (Leonora), and their respective families.<sup>14</sup>

Thereafter, on May 2, 2012, Inquest Proceedings were conducted by Assistant Provincial Prosecutor Clarence R. Gaité. On the same day, an Information for Violation of Section 11 of R.A. No. 9165, docketed as Criminal Case No. 12-8358-SPL, was filed before the RTC of San Pablo City, Laguna, Branch 93, against petitioner.<sup>15</sup>

On May 22, 2012, petitioner filed before the RTC of San Pablo City, Laguna, Branch 32, a Motion to Quash Search Warrant No. 97 (12)<sup>16</sup> on the ground that the same was in the nature of a general warrant which failed to describe with particularity the place to be searched. Particularly, petitioner averred in her motion that: (a) house number 972 did not appear in her home address as stated in the search warrant; and (b) the search warrant failed to distinguish petitioner's unit, which was the place intended to be searched, from the other units or rooms representing the four other households inside the house located in Gitna, Brgy. Cuyab, San Pedro, Laguna.

On May 25, 2012, the RTC of San Pablo City, Laguna, Branch 32, issued an Order<sup>17</sup> forwarding the motion to the RTC of San Pedro, Laguna, Branch 93, for resolution.

On March 1, 2013, the prosecution filed its objection<sup>18</sup> to the Motion to Quash averring that the search warrant is presumed regular unless and until petitioner presents evidence to prove otherwise.

### **Ruling of the Regional Trial Court**

In an Order<sup>19</sup> dated July 16, 2013, the RTC of San Pedro, Laguna, Branch 93, denied petitioner's motion for lack of merit considering that the description of the place as stated in the search warrant was sufficient, thus:

Acting on the Motion to Quash filed by accused through counsel, with the objection thereto by the public prosecutor, the Court resolves to deny the said motion for utter lack of merit. The Court finds the description of the place as stated in the warrant sufficient as the officer with warrant can with reasonable effort, ascertain and identify the place intended to be searched.

SO ORDERED.

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<sup>14</sup> Id. 13-14 and 117-118.

<sup>15</sup> Id. at 12 and 117.

<sup>16</sup> *CA rollo*, pp. 17-30.

<sup>17</sup> Id. at 31.

<sup>18</sup> Id. at 35.

<sup>19</sup> Id. at 15.

The Motion for Reconsideration<sup>20</sup> filed by petitioner was denied by the RTC in its September 20, 2013 Order.<sup>21</sup> Unconvinced, petitioner filed a Petition for *Certiorari*<sup>22</sup> before the CA.

### **Ruling of the Court of Appeals**

Petitioner reiterated in her Petition for *Certiorari* the issues and arguments previously raised and passed upon by the RTC. Thus, in its May 12, 2014 Decision,<sup>23</sup> the CA dismissed the Petition and ruled that the search warrant did not partake of the nature of a general warrant as it sufficiently described with particularity the place to be searched stated therein. The CA explained that the police officers who served the warrant and conducted the search of petitioner's residence were able to identify the building where she actually resided notwithstanding the fact that the search warrant did not specifically indicate house number 972.

Petitioner sought reconsideration of the CA's May 12, 2014 Decision of the CA, which was, however, denied by the appellate court in its August 11, 2014 Resolution.<sup>24</sup>

### **Issues**

Undeterred, petitioner filed the instant Petition for Review on *Certiorari*<sup>25</sup> raising the following assignment of errors:

- A. THE COURT OF APPEALS ERRED WHEN IT RULED THAT SEARCH WARRANT NO. 97 (12) IS VALID AND [DOES] NOT CONSTITUTE A GENERAL WARRANT[.]
- B. THE COURT OF APPEALS ERRED WHEN IT RULED THAT THE ACTS OF PUBLIC RESPONDENT IN DENYING PETITIONER'S MOTION TO QUASH SEARCH WARRANT NO. 97 (12) AND DENYING HER MOTION FOR RECONSIDERATION DO NOT CONSTITUTE GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION[.]
- C. THE COURT OF APPEALS ERRED WHEN IT DISMISSED PETITIONER'S PETITION FOR CERTIORARI.<sup>26</sup>

Plainly, the threshold issue for resolution is whether Search Warrant No. 97 (12) is a general warrant for failing to describe the place to be searched with sufficient particularity.

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<sup>20</sup> Id. at 36-39.

<sup>21</sup> Id. at 16.

<sup>22</sup> Id. at 3-14.

<sup>23</sup> Id. at 88-98.

<sup>24</sup> Id. at 116-117.

<sup>25</sup> *Rollo*, pp. 10-26.

<sup>26</sup> Id. at 16-17.

## Our Ruling

We deny the Petition.

The requirements of a valid search warrant are laid down in Article III, Section 2 of the 1987 Constitution<sup>27</sup> and in Rule 126, Section 4<sup>28</sup> of the Rules Court, *viz.*: “(1) probable cause is present; (2) such probable cause must be determined personally by the judge; (3) the judge must examine, in writing and under oath or affirmation, the complainant and the witnesses he or she may produce; (4) the applicant and the witnesses testify on the facts personally known to them; and (5) the warrant specifically describes the place to be searched and the things to be seized.”<sup>29</sup> The absence of any of these requisites will cause the downright nullification of the search warrant.<sup>30</sup>

There is no question that the search warrant was issued after judicial determination of probable cause. This Court is thus confined in determining the presence or absence of the fifth requisite element as stated above, *i.e.*, whether the subject warrant specifically described the place to be searched.

“A search warrant issued must particularly describe the place to be searched and persons or things to be seized in order for it to be valid, otherwise, it is considered as a general warrant which is proscribed by both jurisprudence and the 1987 Constitution.”<sup>31</sup> The particularity of the place described is essential in the issuance of search warrants to avoid the exercise by the enforcing officers of discretion to decide on their own where to search and whom and what to seize.<sup>32</sup> “Additionally, the requisite of particularity is related to the probable cause requirement in that, at least under some circumstances, the lack of a more specific description will make it apparent that there has not been a sufficient showing to the [court] that the described items are to be found in a particular place.”<sup>33</sup>

Notably, it is well-entrenched in our jurisprudence that a description of a place to be searched is sufficient if the officer with the warrant can ascertain and identify with reasonable effort the place intended, and distinguish it from other places in the community. Hence, “[a] designation that points out the place to be searched to the exclusion of all others, and on inquiry unerringly

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<sup>27</sup> Article III, Section 2 of the 1987 Constitution states: The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

<sup>28</sup> Section 4. *Requisites for issuing search warrant.* - A search warrant shall not issue except upon probable cause in connection with one specific offense to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the things to be seized which may be anywhere in the Philippines.

<sup>29</sup> *People v. Mamaril*, 646 Phil. 660, 671 (2010); citation omitted.

<sup>30</sup> *Uy v. Bureau of Internal Revenue*, 397 Phil. 892, 906 (2000).

<sup>31</sup> *HPS Software and Communication Corp. v. Philippine Long Distance Telephone Company (PLDT)*, 700 Phil. 534, 571 (2012); citation omitted.

<sup>32</sup> *People v. Francisco*, 436 Phil 383, 393 (2002).

<sup>33</sup> *Paper Industries Corp. of the Phils. v. Asuncion*, 366 Phil 717, 737 (1999); citation omitted.

leads the peace officers to it, satisfies the constitutional requirement of definiteness.”<sup>34</sup>

Simply put, the test of whether the requirement of definiteness or particularity has been met is whether the description of the place to be searched under the warrant is sufficient and descriptive enough to prevent a search of other premises located within the surrounding area or community. A “place” may refer to a single building or structure, or a house or residence,<sup>35</sup> such as in the case at bar.

Thus, it has been held that a designation of a place to be searched as “MASAGANA compound located at Governor’s Drive, Barangay Lapidario, Trece Martires, Cavite City”;<sup>36</sup> “the house of the accused Estela Tuan at Brgy. Gabriela Silang, Baguio City”;<sup>37</sup> or “premises of Felix Gumpal Compound located at Ipil Junction, Echague, Isabela”<sup>38</sup> is sufficient description of the premises to be searched.

The search warrant in the instant case clearly complied with the foregoing standard since it particularly described the place to be searched, which is petitioner’s “house at Gitna, Brgy. Cuyab, San Pedro, Laguna.” The subject search warrant sufficiently described the place to be searched with clear indication that the same was intended to authorize a search of the entire house of petitioner, albeit confined to the area of her house, to the exclusion of the other two structures or buildings similarly located along the street of Gitna. Simply put, the constitutional requirement of definiteness has been met. We therefore agree with the CA when it held, *viz.*:

In this case, although the house number of petitioner’s house was not indicated in Search Warrant No. 97 (12), the description of the place to be searched was sufficient as the police officers who served the same were able, with reasonable effort, to ascertain and identify the house of petitioner at Gitna, Barangay Cuyab, San Pedro, Laguna, as stated in the search warrant. It bears emphasis that informant Jericho Labrador, when asked by Executive Judge Morga, also drew sketches where petitioner’s house was located as well [as] the floor plan of her house, which were used by the searching team.<sup>39</sup>

This notwithstanding, petitioner argued that the warrant was issued on a mistaken belief that the house was a single dwelling unit occupied by petitioner alone. Petitioner thus insisted that the inaccurate depiction of the

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<sup>34</sup> *Dimal v. People*, G.R. No. 216922, April 18, 2018; citation omitted. See also *People v. Tuan*, 642 Phil. 379, 406 (2010), and *Uy v. Bureau of Internal Revenue*, supra note 30, at 907-908.

<sup>35</sup> U.S. Federal courts consistently held that the “place” particularly described as required under the Fourth Amendment of the United States Constitution, when applied to dwellings, refers to a single living unit or residence. *United States v. Parmenter*, 7<sup>th</sup> Cir. 1982, 531 F. Supp. 975, citing *United States v. Hinton*, 7 Cir. 1955, 219 F.2d 324.

<sup>36</sup> *Yao, Sr. v. People*, 552 Phil. 195, 221 (2007).

<sup>37</sup> *People v. Tuan*, supra note 34.

<sup>38</sup> *Dimal v. People*, supra note 34.

<sup>39</sup> CA rollo, p. 95.

house's floor plan, and the consequent search of the entire premises of a supposed multiple-occupancy structure, invalidated the warrant.

In this regard, the records would confirm that the house described in the warrant was composed of and divided into five separate units or rooms each occupied by petitioner, and her four siblings and their families. Petitioner explained that although the units or rooms were contiguous to each other, each unit was a complete household independent of the other and may be entered only through their respective front doors. Considering the foregoing, petitioner stressed that the central issue in the instant case is not whether the police officers who enforced the warrant can, with reasonable effort, ascertain and identify the place to be searched, but rather, whether the *description* of the place to be searched set out in the warrant was sufficient which would prevent the officers from exercising discretion.

From the foregoing, it would appear that the issue on the requirement of definiteness raised by petitioner is two-tiered – that of the place to be searched, *i.e.*, her home at No. 972, Gitna, Brgy. Cuyab, San Pedro, Laguna, and the *interior* description thereof. Petitioner persists on the lack of sufficient definiteness of the latter.

While petitioner did not deny that the place actually searched by the police officers is her home in Gitna, Brgy. Cuyab, San Pedro, Laguna, she argued, however, that it was incumbent upon PO2 Avila and Labrador to inform Judge Morga of an accurate description or floor plan of the house so as to confine the scope of the search within the unit where petitioner actually resided. Considering PO2 Avila's and Labrador's failure to provide Judge Morga a full and accurate description of the house described in the warrant, *i.e.*, that the same was partitioned into five separate units, and that there were other families living in the other units of the house, Judge Morga was led to believe that the area to be searched comprised of the whole house.

Petitioner thus argued that the coverage of the warrant was broader than appropriate considering that the search covered the whole house and was not limited to the unit actually occupied by petitioner. To petitioner's mind, this gave the police officers undue discretion in enforcing the warrant, which they allegedly did when they searched the units occupied by petitioner's siblings, namely, Leomer and Leonora.

In support of her argument, petitioner cited *People v. Estrada*<sup>40</sup> (*Estrada*) and *Paper Industries Corp. of the Philippines v. Asuncion*<sup>41</sup> (*Asuncion*). In *Estrada*,<sup>42</sup> this Court invalidated the search warrant because it merely indicated the address of the compound where the place to be searched was located, without, however, pinpointing the specific house to be searched from the other buildings or structures which were also situated within the same

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<sup>40</sup> 357 Phil. 377, 394-395 (1998).

<sup>41</sup> *Supra* note 33 at 737-738 (1999).

<sup>42</sup> *Supra* note 40.

compound. Along the same lines, this Court, in *Asuncion*,<sup>43</sup> characterized the search warrant as a general warrant since it authorized a search of a compound, which, however, was made up of “200 offices/building, 15 plants, 84 staff houses, 1 airstrip, 3 piers/wharves, 23 warehouses, 6 POL depots/quick service outlets and some 800 miscellaneous structures, all of which are spread out over some one hundred fifty-five hectares.”

Petitioner’s reliance on the said cases, however, was misplaced as the factual milieus therein are not in all fours with the case at bench. The ruling in these cases were, on one hand, premised on the fact that the subject warrants gave the police officers unbridled discretion to search *several, if not all, structures* found inside the compounds – enclosed areas of land containing clusters of structures and/or buildings – while probable cause existed in only one of the several structures located in the compounds. Clearly, the warrants in these cases gave the police officers unbridled discretion and, therefore, illegal authority to search all the structures found inside the compounds. On the other hand, the instant case involved a single structure, and, unlike in the *Estrada* and *Asuncion* cases, was readily identifiable to the police officers serving the warrant from the other structures similarly located along the street where petitioner’s house was located. In other words, the description of petitioner’s house was sufficient and descriptive enough to prevent a search of other structures located within the surrounding area or community.

What is therefore involved in this case is a singular structure containing multiple family dwellings or units therein – a fact which was discovered only after the search warrant was enforced and the search of petitioner’s house was conducted by the police officers. The pith of the issue therefore lies in the validity of a warrant which appears to have authorized the search of the entire premises of a supposed multiple-occupancy structure containing several units occupied by other persons other than petitioner.

This Court finds that the omission of the warrant to (a) indicate that the place to be searched contained five rooms which were separately occupied by petitioner and her siblings; and (b) confine the search to petitioner’s unit is inconsequential and, therefore, does not affect the warrant's validity for the following reasons:

*First*, the units or rooms where petitioner and her siblings lived all form an integral part of the house, which, as already discussed, was sufficiently described with particularity under the warrant. The rooms inside the house, which were in fact occupied by family members of petitioner, cannot be treated separately as they form part of the house where petitioner actually resided.

*Prudente v. Dayrit*<sup>44</sup> is instructive on this point, *viz.*:

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<sup>43</sup> *Supra* note 33.

<sup>44</sup> 259 Phil. 541, 553 (1989); citation omitted.



Petitioner also assails the validity of the search warrant on the ground that it failed to particularly describe the place to be searched, contending that there were several rooms at the ground floor and the second floor of the PUP.

The rule is, that a description of a place to be searched is sufficient if the officer with the warrant can, with reasonable effort, ascertain and identify the place intended. In the case at bar, the application for search warrant and the search warrant itself described the place to be searched as the premises of the Polytechnic University of the Philippines, located at Anonas St., Sta. Mesa, Sampaloc, Manila more particularly, the offices of the Department of Military Science and Tactics at the ground floor, and the Office of the President, Dr. Nemesio Prudente, at PUP, Second Floor and other rooms at the second floor. The designation of the places to be searched sufficiently complied with the constitutional injunction that a search warrant must particularly describe the place to be searched, even if there were several rooms at the ground floor and second floor of the PUP.

*People v. Tuan*<sup>45</sup> also teaches that the description of the place to be searched under the warrant described as the “*house of the accused Estela Tuan at Brgy. Gabriela Silang, Baguio City,*” which contained several rooms, was specific enough and, therefore, satisfied the constitutional requirement of definiteness:

In the case at bar, the address and description of the place to be searched in the Search Warrant was specific enough. There was only one house located at the stated address, which was accused-appellant's residence, consisting of a structure with two floors and composed of several rooms.<sup>46</sup>

*Second*, even assuming that an ambiguity or inaccuracy in the interior description of the place to be searched may affect the validity of the warrant,<sup>47</sup> such finding, which only emerged after the warrant was issued, has no bearing on its validity or invalidity.

That the house of petitioner was composed of several units separately occupied by her siblings was discovered only after the search warrant was enforced and the search of petitioner's house was conducted by the police officers. Notably, PO2 Avila could not have known or detected the multi-unit character of petitioner's house prior to the actual search.

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<sup>45</sup> Supra note 34.

<sup>46</sup> Id. at 406.

<sup>47</sup> In *United States v. Parmenter* (supra note 35), the Supreme Court of the United States held that when a building subject of a search warrant is divided into more than one occupancy unit, probable cause must exist for each unit to be searched, and the search warrant must describe the particular sub-unit or units to be searched. An exception to this rule is when the officers who applied for and executed the warrant did not know or have reason to know of the multi-unit character of the premises prior to the actual search. Thus, in the case of *Maryland v. Garrison* [480 U.S. 79 (1987)], the Supreme Court of the United States upheld the validity of the warrant that authorized the search of “the premises known as 2036 Par Avenue third floor apartment.” In this case, while there were two apartments located on the third floor, the information made available to the officers who applied for the warrant indicated that the sole occupant of the third floor was a certain Lawrence McWebb, whose apartment was the subject of the search warrant applied for. Thus, despite the fact that the place to be searched under the warrant was broader than appropriate, and that the officers searched an apartment other than McWebb's, the Supreme Court nonetheless upheld the validity of the warrant and the resulting search conducted in the latter premises.

On this point, it has been held that the requirement of particularity as to the things to be seized does not require technical accuracy in the description of the property to be seized, and that a search warrant may be said to particularly describe the things to be seized when the description therein is as specific as the circumstances will ordinarily allow it to be described.<sup>48</sup> The same principle should be applied in the case at bench. It would be unreasonable to expect PO2 Avila, or an outsider such as Labrador for that matter, to have extensive knowledge of the interior set-up or floor plan of petitioner's house without, however, having apparent authority or opportunity to access the premises prior to the search.

In this regard, the Court holds that the validity of the warrant must be assessed on the basis of the pieces of information made available to Judge Morga at the time PO2 Avila applied for the issuance of the search warrant which, in this case, were sufficiently supported by the sketches of Labrador, and the testimonies of PO2 Avila and Labrador, who were, in fact, personally examined by Judge Morga in the form of searching questions and answers. Quoting Justice John Paul Stevens' opinion in *Maryland v. Garrison*<sup>49</sup>:

Those items of evidence that emerge after the warrant is issued have no bearing on whether or not a warrant was validly issued. Just as a discovery of the contraband cannot validate a warrant invalid when issued, so is it equally clear that the discovery of facts demonstrating that a valid warrant was unnecessarily broad does not retroactively invalidate the warrant. The validity of the warrant must be assessed on the basis of the information that the officers disclosed, or had a duty to discover and disclose, to the issuing Magistrate.

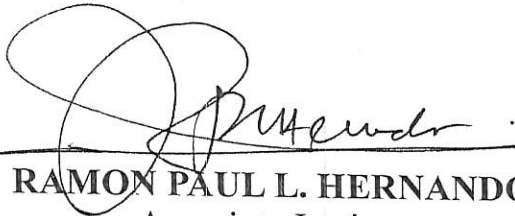
**WHEREFORE**, the Petition for Review on *Certiorari* is **DENIED**. The Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 132942, dated May 12, 2014 and August 11, 2014, respectively, are hereby **AFFIRMED**.

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<sup>48</sup> *Philippine Long Distance Company v. Alvarez*, 728 Phil. 391, 419 (2014).

<sup>49</sup> *Supra* note 47.

**SO ORDERED.**


  
**RAMON PAUL L. HERNANDO**  
Associate Justice

WE CONCUR:

  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice  
Chairperson


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

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice


**ATTESTATION**

I attest that 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.

  
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice  
Chairperson

**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.

  
**DIOSDADO M. PERALTA**  
Chief Justice