



Mis-PDCB-11  
MICHAEL DOMINICO C. BATTUNGHI  
Division Clerk of Court  
Third Division

MAR 23 2021

Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 246194  
PHILIPPINES,

*Plaintiff-Appellee,*

Present:

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

versus

Promulgated:

XXX,<sup>1</sup>

*Accused-Appellant.*

November 4, 2020

Mis-PDCB-11

X-----X

DECISION

**HERNANDO, J.:**

Before the Court is an appeal of the September 27, 2018 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08749, which affirmed with modification the August 10, 2016 Decision<sup>3</sup> of the Regional Trial Court (RTC) of Aparri, Cagayan, Branch 9 in Criminal Case No. II-11687, finding XXX (accused-appellant) guilty beyond reasonable doubt of the Rape of private complainant AAA.<sup>4</sup>

<sup>1</sup> Initials were used to identify the accused-appellant pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Namea/Personal Circumstances issued on September 5, 2017.

<sup>2</sup> *Rollo*, pp. 3-15, penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Stephen C. Cruz and Rafael Antonio M. Santos.

<sup>3</sup> *CA rollo*, pp. 51-59, penned by Presiding Judge Conrado T. Tabaco.

<sup>4</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims,

In the Information<sup>5</sup> dated September 11, 2014 filed before the RTC, accused-appellant was charged with Rape as defined and penalized under Articles 266-A(1)(d) and 266-B of the Revised Penal Code (RPC), as amended by Republic Act (RA) No. 8363 (RA 8363), in relation to RA 7610 and RA 8369, allegedly committed as follows:

That on or about June 10, 2013, in the [REDACTED],<sup>6</sup> Province of Cagayan, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by the use of force or intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the herein offended party, [AAA], a minor, under twelve (12) years old, all against her will and consent, the sexual assault thereby gravely threatening the survival and normal development of the child and demeaned her intrinsic worth as human being.<sup>7</sup>

During the arraignment on November 7, 2013, accused-appellant pleaded not guilty to the crime charged. After pre-trial, the RTC proceeded with the trial proper.

The prosecution called to the witness stand the private complainant herself; the private complainant's mother, BBB;<sup>8</sup> Dr. Ma. Rowena Guzman (Guzman); BBB's brother-in-law, CCC; and Police Officer (PO) 2 Mosby Melanie Ramos (Ramos). The prosecution additionally submitted as documentary evidence CCC's Affidavit, the private complainant's Sworn Statement, BBB's Sworn Statement, the private complainant's Medical Certificate issued by Dr. Guzman, and the private complainant's Birth Certificate.<sup>9</sup>

The evidence for the prosecution presented the following version of events:

[Private complainant], then an eight-year old minor, and [accused-appellant] were close neighbors in [REDACTED].<sup>10</sup> He is the grand uncle since his wife is the sister of her grandfather. She calls him [REDACTED].

At about 2:30 in the afternoon of June 10, 2013, her eighth birthday, [accused-appellant] called [private complainant] to his house then instructed her to buy candy for him at a nearby store. After buying, she returned to [accused-appellant's] house to give him the candy. When she was about to

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Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 15, 2004." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

<sup>5</sup> *Rollo*, pp. 3-4.

<sup>6</sup> Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015 dated September 5, 2017 Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances issued on September 5, 2017.

<sup>7</sup> *Rollo*, pp. 3-4.

<sup>8</sup> *Supra* note 3.

<sup>9</sup> *CA rollo*, p. 54.

<sup>10</sup> *Supra* note 5.

leave his house, he held her and forcibly laid her down on the floor and removed her short pants. He also removed his own shirt, pants and brief. He then went on top of her and inserted his private organ into hers.

Meanwhile, [private complainant's] uncle, [CCC], who was engaged in a drinking spree with [accused-appellant] and others just outside the house, was about to follow accused-appellant inside the house. Upon reaching the house, [CCC] saw from a window of the house that [accused-appellant] stood up while putting his underwear back on. About one meter from [accused-appellant], he saw [private complainant] lying down on the floor in the act of putting on her panty.

[CCC] went back to the place where they were having a drinking session and reported to a certain DDD what he saw. When he asked [private complainant] why was she on the floor putting her underwear back on, [private complainant] told [him] that [accused-appellant] pulled her and laid her down, then she cried.

[CCC] also went to [private complainant's] mother – whose house was only three meters away – to tell her about [accused-appellant's] dastardly act. [CCC] and [private complainant's] mother, together with other companions, immediately went to [accused-appellant's] house. A commotion ensued when they confronted him. Thereafter, the incident was reported to the Barangay.

On the following day, June 11, 2013, Barangay Officials x x x arrested and brought [accused-appellant] to the [REDACTED] Police Station. On the other hand, [private complainant] was brought to the Municipal Health Office of [REDACTED], Cagayan for medical examination. Dr. Ma. Rowena Guzman examined [private complainant's] reproductive organ and found hymenal lacerations on its 3, 6 and 9 o'clock positions.<sup>11</sup>

Evidence for the defense principally consisted of accused-appellant's testimony, together with his Medical Certificate and Counter-Affidavit. Accused-appellant recounted that:

10. The [accused-appellant] is the uncle of [BBB]; hence, he considers himself as the grandfather of [private complainant]. The [accused-appellant] denied having committed the crime of rape for the 10 June 2013 incident. According to him, on the morning of 10 June 2013, he prepared breakfast and the lunch of his own grandson, [EEE]. At around 9:30 o'clock, [CCC] invited him to go to DDD's house, which was less than fifty (50) meters and have a drinking spree.

11. The [accused-appellant] and his companions engaged in merriment as they all sang and drank at DDD's house. At around 3:00 o'clock in the afternoon, he left DDD's house and went home as he and the rest (CCC and DDD) were to go to [REDACTED] for a business transaction [at] 4:00 o'clock in the afternoon.

12. Upon arriving at his home, the [accused-appellant] saw EEE and [private complainant] playing. He instructed EEE to buy some shampoo but [private complainant] volunteered to buy and took the money away from

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<sup>11</sup> Id. at 68-69, Brief for the Plaintiff-Appellee.

EEE. [Private complainant] then left while EEE went to the back of the house. Considering that he was pressed for time, the [accused-appellant] took a bath. Thirty (30) minutes later, while the [accused-appellant] was already putting on his clothes, [private complainant] arrived and threw the shampoo and some candy. She was followed by [CCC] who shouted that they have to leave for [REDACTED]. [Private complainant] then went to her own house as she was called by [BBB].

13. Soon after, [BBB] called several persons, including [CCC], in order to beat up the [accused-appellant] for allegedly having raped [private complainant]. The [accused-appellant] went out of the house and was struck by [CCC] and DDD, hitting his left eye. He was pushed back inside his house by the two, who were shouting that the [accused-appellant] rapes children. The [accused-appellant] replied that they were lying as he just sent out [private complainant] to buy and asked them if they have seen anything. The [accused-appellant] had a bruised left eye and dislocated his left thumb because of the mauling he received from [CCC] and DDD. After the mauling, a barangay official named x x x arrived and accused him of having raped [private complainant] and advised to bring her to the hospital.

14. The [accused-appellant] then went to the [REDACTED] Hospital for medical treatment the following morning. After he was examined, he went to the [REDACTED] Police Station x x x for interrogation. He denied all the accusations against him.<sup>12</sup>

On August 10, 2016, the RTC promulgated its Decision finding accused-appellant guilty as charged and sentencing him, thus:

WHEREFORE, foregoing premises considered, the Court hereby finds [accused] guilty beyond reasonable doubt of the capital offense of Rape under Articles 266-A and 266-B of the Revised Penal Code, in relation to Republic Act 7610, as charged in the Information, and he is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA**. He is hereby ordered to indemnify [private complainant] the amount of **FIFTY THOUSAND (P50,000.00) PESOS** by way of civil indemnity; and another amount of **FIFTY THOUSAND PESOS (P50,000.00)** by way of moral damages, plus interest of six percent (6%) per *annum* on each item reckoned from finality of the Decision until full payment and directing him further to pay the cost of the suit.<sup>13</sup> (Emphasis in the original)

Acting on accused-appellant's appeal, the appellate court rendered a Decision dated September 27, 2018, affirming with modification the judgment of conviction of the RTC. The dispositive portion of the appellate court's Decision reads:

WHEREFORE, premises considered, the instant Appeal is **DENIED**. The Decision dated August 10, 2016 rendered by the Regional Trial court, Branch 9, Aparri, Cagayan in Criminal Case No. II-11687 is **AFFIRMED WITH MODIFICATION** in that the award[s] of civil indemnity and moral damages are both increased to P75,000.00. Accused-appellant is also

<sup>12</sup> Id. at 32-34, Brief for the Accused-Appellant.

<sup>13</sup> Id. at 59.

**ORDERED** to pay private complainant exemplary damages in the amount of P75,000.00.

All other aspects in the assailed Decision are **AFFIRMED**.

**SO ORDERED.**<sup>14</sup> (Emphasis in the original)

In its Resolution dated December 13, 2018, the appellate court gave due course to accused-appellant's Notice of Appeal and ordered the elevation of the records of his case to this Court.

Hence, the present appeal.

Both the plaintiff-appellee and the accused-appellant manifested that they will no longer file supplemental briefs, having already extensively discussed their respective positions in their previous briefs before the CA.<sup>15</sup>

In his Brief, accused-appellant assigned several errors on the part of the RTC, to wit:

I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED NOTWITHSTANDING THE INCREDIBILITY OF THE TESTIMONIES AND QUESTIONABLE BEHAVIOR OF THE PROSECUTION WITNESSES WHICH PUT GRAVE AND SERIOUS DOUBTS ON THEIR CREDIBILITY.<sup>16</sup>

II.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED AS THERE IS NO CONCLUSIVE FINDING THAT HE RAPED [PRIVATE COMPLAINANT] ILL-MOTIVE (sic) ON THE PART OF THE PROSECUTION'S WITNESSES.<sup>17</sup>

III.

THE COURT A QUO GRAVELY ERRED IN NOT CONSIDERING THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL.<sup>18</sup>

Accused-appellant is essentially challenging the findings of fact of both the trial court and the appellate court, raising doubts as to the credibility of the witnesses and the weight and credence accorded to the evidence of the

<sup>14</sup> *Rollo*, pp. 14-15.

<sup>15</sup> *Id.*; at 28-29, Manifestation (re: Resolution dated June 3, 2019) of Plaintiff-Appellee; and pp. 31-35, Manifestation in Lieu of Supplemental Brief of Accused-Appellant.

<sup>16</sup> *CA rollo*, p. 34.

<sup>17</sup> *Id.* at 45.

<sup>18</sup> *Id.* at 46.

prosecution. He highlights that private complainant failed to offer any resistance when she was supposedly raped; that she did not report the incident right away; that there are many other causes of hymenal lacerations; and that there was ill motive on the part of prosecution witness CCC who allegedly stole money from accused-appellant's wife.

The Court is not persuaded.

Rape is defined and penalized as follows under the RPC, as amended:

Article 266-A. *Rape; When and How Committed.* – Rape is committed

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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;

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.

x x x x

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

x x x x

In *People v. Lolos*<sup>19</sup> (*Lolos Case*), the Court expounded that:

The gravamen of the offense of rape is sexual congress with a woman by force and without consent. As provided in the Revised Penal Code, sexual intercourse with a girl below 12 years old is statutory rape. The two elements of statutory rape are: (1) that the accused had carnal knowledge of a woman; and (2) that the woman was below 12 years of age. Sexual congress with a girl under 12 years old is always rape.

From the foregoing, it is clear that what only needs to be established is that the accused had carnal knowledge of the victim who was under twelve (12) years old.<sup>20</sup>

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<sup>19</sup> 641 Phil. 624 (2010).

<sup>20</sup> *Id.* at 632.

In the case at bar, the trial court, as affirmed by the appellate court, concluded that the prosecution was able to prove beyond reasonable doubt that accused-appellant had carnal knowledge of the private complainant who was only eight (8) years old at the time of the incident. Private complainant positively identified accused-appellant and candidly testified that he undressed her, laid her down on the floor, and “inserted his penis [into her] vagina.”<sup>21</sup> Private complainant’s testimony was substantiated by Dr. Guzman, who, after conducting her medical examination just a day after the rape, reported that private complainant had hymenal lacerations at 3, 6, and 9 o’clock positions. Furthermore, private complainant’s age at the time she was raped, *i.e.*, eight (8) years old, was clearly established through her Birth Certificate.

Absent any compelling reason, the Court will not reverse the factual findings of both the trial and appellate courts. Findings of fact of the trial court, its calibration of the testimonial evidence, its assessment of the probative weight thereof, as well as its conclusions anchored on the said findings, are accorded high respect, if not conclusive effect, when affirmed by the appellate court. The trial court had the opportunity to observe the witnesses on the stand and detect if they were telling the truth.<sup>22</sup> Again, relevant herein are the following pronouncements of the Court in the *Lolos Case*:

Prevailing jurisprudence uniformly holds that findings of fact of the trial court, particularly when affirmed by the Court of Appeals, are binding upon this Court. As a general rule, on the question 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 truth.<sup>23</sup>

The Court is not swayed by accused-appellant’s insistence that private complainant did not behave normally during and after the purported rape. He points out to the lack of resistance on private complainant’s part as she was being raped, as well as her failure to disclose the rape right away to [CCC], her uncle. Similar arguments were also raised before but squarely rejected by the Court in the *Lolos Case*, thus:

The fact that the accused never threatened or forced AAA on that particular night and that she was still able to go out of the house and buy something from a store cannot exculpate him. **Even if she did not resist him or even gave her consent, his having carnal knowledge of her is still considered rape considering that she was only eight (8) years old at that time. It must be remembered that the accused is an uncle of the victim and has moral ascendancy over her.** Her behavior can be explained by the

<sup>21</sup> *Rollo*, pp. 9-11.

<sup>22</sup> *Roque v. People*, 757 Phil. 392, 398 (2015).

<sup>23</sup> *People v. Lolos*, *supra* note 18 at 632-633.

fear she had of the accused, who had repeatedly beaten her for various reasons. His moral ascendancy over her, combined with memories of previous beatings, was more than enough to intimidate her and render her helpless and submissive while she was being brutalized.

. . . . The behavior and reaction of every person cannot be predicted with accuracy. **It is an accepted maxim that different people react differently to a given situation or type of situation, and there is no standard form of behavioral response when one is confronted with a strange or startling experience. Not every rape victim can be expected to act conformably to the usual expectations of everyone.** Some may shout; some may faint; and some be shocked into insensibility, while others may openly welcome the intrusion. Behavioral psychology teaches us that people react to similar situations dissimilarly. There is no standard form of behavior when one is confronted by a shocking incident. The workings of the human mind when placed under emotional stress are unpredictable. This is true specially in this case where the victim is a child of tender age under the moral ascendancy of the perpetrator of the crime.<sup>24</sup> (Emphases supplied.)

To stress, there is no standard form of behavior for a rape victim, more so for a minor such as private complainant, who was just eight (8) years old and who was under the moral ascendancy of accused-appellant, a distant relative who she considers her *lolo* or grandfather.

Accused-appellant likewise fails to convince the Court that private complainant and her family were motivated by ill intentions in charging him with Rape. His claim that [CCC], private complainant's uncle and one of the prosecution witnesses, stole money from his wife, is unsubstantiated. The Court had previously declared that "[i]n the absence of evidence of any improper motive, it is presumed that no such motive exists" and "that it is wholly unnatural for a mother to sacrifice her own daughter, a child of tender years at that, and subject her to the rigors and humiliation of a public trial for Rape if she were not motivated by an honest desire to have her daughter's transgressor punished accordingly."<sup>25</sup> It makes it more implausible in this case that BBB as a mother would be willing to sacrifice her daughter's reputation for the sake of her brother-in-law.

Moreover, accused-appellant's denial cannot prevail over private complainant's positive identification of him as the perpetrator. The Court has consistently held that denial is an inherently weak defense. It is viewed upon with disfavor by the courts due to the ease with which it can be concocted. Inherently weak, denial as a defense crumbles in the light of positive identification of the accused. Mere denial, unsubstantiated by clear and convincing evidence, is negative self-serving evidence which cannot be given

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<sup>24</sup> Id. at 633-634.

<sup>25</sup> *People v. Bohol*, 415 Phil. 749, 762-763 (2001).

greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.<sup>26</sup>

Notably, the courts below prosecuted and convicted accused appellant with Rape committed against the minor victim as defined under **Article 266-A, Paragraph 1(d) of the RPC in relation to RA 7610**. Pursuant to our pronouncement in *People v. Tulagan*,<sup>27</sup> we find a need to fix the error in the nomenclature of accused-appellant's crime. Accused-appellant should be criminally held liable for Statutory Rape defined under **Article 266-A, Paragraph 1(d) penalized under Article 266-B of the RPC**.<sup>28</sup> **The correlation to RA 7610 is deleted.** *People v. Tulagan*<sup>29</sup> explains the *ratio* for a correct designation of offenses under Article 266-A, Paragraph 1(d) and Article 266-B of the RPC and not under RA 7610:

[W]e rule that when the offended party is under 12 years of age or is demented, only the first *proviso* of Section 5(b), Article III will apply, to wit: 'when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape x x x.' The penalty for statutory rape under Article 335 is *reclusion perpetua*, which is still the same as in the current rape law, *i.e.*, paragraph 1(d), Article 266-A in relation to Article 266(B) of the RPC, as amended by R.A. No. 8353, x x x .

x x x x

With this decision, We now clarify the principles laid down in *Abay, Pangilinan* and *Tubillo* to the effect that there is a need to examine the evidence of the prosecution to determine whether the person accused of rape should be prosecuted under the RPC or R.A. No. 7610 when the offended party is 12 years old or below 18.

**First, if sexual intercourse is committed with an offended party who is a child less than 12 years old or is demented, whether or not exploited in prostitution, it is always a crime of statutory rape; more so when the child is below 7 years old, in which case the crime is always qualified rape.**

x x x x

**T**herefore, there could be no instance that an Information may charge the same accused with the crime of rape where "force, threat or intimidation" is the element of the crime under the RPC, and at the same time violation of Section 5(b) of R.A. No. 7610 x x x.

x x x x

Assuming that the elements of both violations of Section 5(b) of R.A. No. 7610 and of Article 266-A, paragraph 1(a) of the RPC are mistakenly alleged in the same Information – *e.g.*, carnal knowledge or sexual intercourse was due to "force or intimidation" with the added phrase of "due to coercion

<sup>26</sup> *People v. Pancho*, 462 Phil. 193, 206 (2003).

<sup>27</sup> G.R. 227363, March 12, 2019.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

or influence," one of the elements of Section 5(b) of R.A. No. 7610; or in many instances wrongfully designate the crime in the Information as violation of "Article 266-A, paragraph 1 (a) in relation to Section 5(b) of R.A. No. 7610," although this may be a ground for quashal of the Information under Section 3(f) of Rule 117 of the Rules of Court – and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, **the accused should still be prosecuted pursuant to the RPC**, as amended by R.A. No. 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of R.A. No. 7610. Indeed, **while R.A. No. 7610 is a special law specifically enacted to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, We hold that it is contrary to the legislative intent of the same law if the lesser penalty (*reclusion temporal medium to reclusion perpetua*) under Section 5(b) thereof would be imposed against the perpetrator of sexual intercourse with a child 12 years of age or below 18.**

**Article 266-A, paragraph 1(a) in relation to Article 266-B of the RPC, as amended by R.A. No. 8353, is not only the more recent law, but also deals more particularly with all rape cases, hence, its short title "The Anti-Rape Law of 1997." R.A. No. 8353 upholds the policies and principles of R.A. No. 7610, and provides a "stronger deterrence and special protection against child abuse," as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the RPC x x x <sup>30</sup>(Emphasis supplied.)**

Thus, the rectification of accused-appellant's conviction under a single criminal law provision is in order. Accused-appellant is to be held liable for Statutory Rape as defined in Article 266-A, Paragraph 1(d) of the RPC.

Since accused-appellant's guilt for Statutory Rape under Article 266-A(1)(d) of the RPC, as amended, has been proven beyond reasonable doubt by the prosecution, he must perforce suffer the penalty of *reclusion perpetua* pursuant to Article 266-B of the RPC. The awards by the appellate court of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages are in accord with latest jurisprudence.<sup>31</sup> All monetary awards shall bear interest of six percent (6%) per *annum* from finality of this Decision until fully paid.

**WHEREFORE**, the appeal is hereby **DISMISSED**. The Decision dated September 27, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 08749 is **AFFIRMED** with **MODIFICATION** that accused-appellant XXX is hereby found guilty of Statutory Rape under Article 266(A)(1)(d) of the Revised Penal Code. He is sentenced to suffer the penalty of *reclusion perpetua* and to pay AAA ₱75,000 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All monetary awards shall bear interest at the rate of six percent (6%) per *annum* from finality of this Decision until fully paid.

<sup>30</sup> Id.

<sup>31</sup> *People v. Jugueta*, 783 Phil. 806, 840 (2016).

**SO ORDERED.**

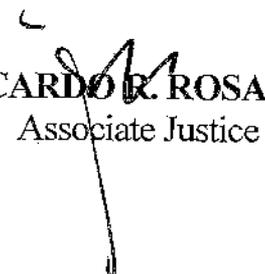
  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

WE CONCUR:

  
**MARVIC M. V. F. LEONEN**  
Associate Justice  
Chairperson

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

  
**EDGARDO L. DELOS SANTOS**  
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 M. V. F. LEONEN**  
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

CERTIFIED TRUE COPY

*MisDCAH*  
**MICHAEL DOMINGO C. BATTUNG III**  
Division Clerk of Court  
Third Division

MAR 23 2021