



Republic of the Philippines
Supreme Court
Manila

SPECIAL SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 227868

Present:

- versus -

PERALTA, C.J., *Acting Chairperson*,
LEONEN,
GISMUNDO,
HERNANDO, and
DELOS SANTOS, JJ.

ELY POLICARPIO y NATIVIDAD
alias "DAGUL,"
Accused-Appellant.

Promulgated:

JAN 20 2021

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RESOLUTION

PERALTA, C.J.:

This resolves the Motion for Reconsideration¹ of the April 5, 2017 Resolution² of the Court filed by accused-appellant Ely Policarpio y Natividad (*Policarpio*).

The Facts

Policarpio was indicted for Violation of Section 261(q) of Batas Pambansa Blg. 881 or the *Omnibus Election Code of the Philippines*, for possession of a .45 caliber pistol without authority from the Commission on Election during the election period (*COMELEC Gun Ban*). The case was docketed before the Regional Trial Court, Branch 35, Santiago City, Isabela (*RTC*) as Criminal Case No. 35-5585. Policarpio was also charged with Violation of Sections 11 and 12, Article II of Republic Act No. 9165 (*R.A. No. 9165*), otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*, for unlawful possession of 21.07 grams of *shabu* and illegal

¹ *Rollo*, pp. 38-46.

² *Id.* at 36.

possession of drug paraphernalia, which cases were docketed before the RTC as Criminal Case Nos. 35-5586 and 35-5587, respectively.

When arraigned, Policarpio pleaded not guilty to all the three charges.³ After pre-trial was terminated, a joint trial on the merits followed.

Version of the Prosecution

To substantiate its charges against Policarpio, the prosecution presented Intelligence Officer 3 Dexter Asayco (*IO3 Asayco*) of the Philippine Drug Enforcement Agency (*PDEA*), PDEA Agent Seymoure Darius Sanchez (*Agent Sanchez*), *Barangay* Chairman Glesie L. Tangonan (*Barangay Chairman Tangonan*) and Forensic Chemical Officer Roda Agcaoili (*Forensic Chemist Agcaoili*) of the Philippine National Police Crime Laboratory, Tuguegarao City, as its witnesses.

IO3 Asayco testified that he was a member of the PDEA team that implemented Search Warrant No. 0085 at the house of Policarpio located at No. 29 Purok 4, *Barangay* Malvar, Santiago City on April 12, 2007 at about 12 o'clock noon. The PDEA agents knocked on the door of Policarpio's house, and when Policarpio came out, their team leader, Police Senior Inspector Jaime De Vera (*PSI De Vera*) read to him the contents of the search warrant and gave him a copy thereof. The search of the house was conducted by him and agent Sanchez in the presence of accused-appellant's mother, Perla Policarpio, *Barangay* Chairman Tangonan and *Barangay Kagawad* Ohmar Zodiac Calimag. Policarpio was outside the house when the search was being conducted. In the process of implementing the search warrant, they confiscated nine (9) heat-sealed transparent plastic sachets containing white crystalline substance suspected to be methamphetamine hydrochloride or *shabu*, eleven (11) deposit slips and cash in the total amount of ₱17,700.00, which were all found inside a blue clutch bag; several pieces of drug paraphernalia, which were found in between the dura box and the wall of the room; and one (1) .45 caliber Colt pistol bearing Serial No. 452857 with magazine and live ammunitions, found beneath the bed cushion. The confiscated items were marked with IO3 Asayco's and agent Sanchez' initials before turning them over to their Chief Investigator Danilo Natividad (*CI Natividad*). The marking was done at the room of Policarpio in the presence of said accused, his mother, the *barangay* officials, the media and CI Natividad. He placed his initials "DBA" as his marking on the seized items. Policarpio signed the confiscation receipts at the place of search in the presence of his mother, the media and the operating team. The other witnesses also affixed their signatures on the confiscation receipts. Policarpio was immediately arrested and apprised of his constitutional rights.⁴

³ Records, p. 104.

⁴ TSN, June 29, 2010, pp. 1-13; TSN, August 10, 2010 pp. 1-4; TSN, August 16, 2011, pp. 1-6.



Agent Sanchez corroborated the testimony of IO3 Asayco in its material points and added that he placed his initials “SDS” on the seized items. He clarified that Jay-R Policarpio alias *Dagul*, indicated in the search warrant as the name of the subject thereof, and Ely Policarpio are one and the same person. He recounted that their team leader, PSI De Vera, already knew the exact address of Policarpio even before the implementation of the search warrant. Also, the *barangay* officials pointed to them the house of Policarpio. He recalled that Policarpio did not show any form of resistance during the implementation of the search warrant against him, and gave no reaction when they showed him the items seized. After marking the confiscated items, he turned over the same to their Chief Investigator, SPO1 Natividad, in the presence of Policarpio and the *barangay* officials.⁵

When *Barangay* Chairman Tangonan was called to the witness stand, the prosecution and the defense entered into a stipulation that she was present during the inventory of the confiscated items and that she signed the confiscation receipt. Afterwhich, the trial court dispensed with her testimony.⁶

The testimony of Forensic Chemist Agcaoili was, likewise, dispensed with after the parties stipulated that: (1) the nine (9) plastic sachets containing white crystalline substance, subject matter in Criminal Case No. 35-5586 for illegal possession of *shabu*, were submitted to her for examination on April 12, 2007; (2) the nine (9) plastic sachets with white crystalline substance tested positive for the presence of methamphetamine hydrochloride or *shabu*; and (3) her findings were reflected in Chemistry Report No. D-20-2007.⁷

Thereafter, the prosecution rested its case and formally offered its documentary evidence, among which is Search Warrant No. 0085.

It appears that on April 11, 2007, Executive Judge Efren M. Cacatian of the RTC, Branch 35, of Santiago City, Isabela issued Search Warrant No. 0085,⁸ on the strength of the testimonies of PSI De Vera of the PDEA and of a certain Fred Manabat. The search warrant reads:

TO ANY OFFICER OF THE LAW:

Greetings:

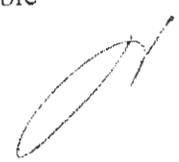
It appearing to the satisfaction of the Court after examining under oath the witnesses Fred Manabat and PSI Jaime De Vera that there is a probable

⁵ TSN, November 15, 2011, pp. 1-21.

⁶ TSN, July 10, 2012, pp. 1-3.

⁷ TSN, March 23, 2009, pp. 1-6.

⁸ Records (Criminal Case No. 35-5586), p. 4.



cause to believe that Jay-R Policarpio @ Dagul of Purok 4, Malvar, Santiago City committed and that there are good and sufficient reasons to believe that the respondent has in possession and control the following items:

- a.) Undetermined quantity of Methamphetamine Hydrochloride known as shabu;
- b.) Several drug paraphernalia used in repacking shabu.

NOW THEREFORE, you are hereby commanded to make an immediate search at any time in the day of the house of the respondent stated above and forthwith seize and take possession of the above-described grams of methamphetamine hydrochloride known as shabu and drug paraphernalia, bring them before me to be dealt with as the law directs.

SO ORDERED.

Version of the Defense

Policarpio vehemently denied the charges against him. He narrated that on April 12, 2007 at 6 o'clock in the morning, he was awakened by knocks on the door of his house located at No. 29 Purok 4, *Barangay* Malvar, Santiago City. He claimed that he is a resident of said address since birth. When he opened the door, two (2) police officers pointed their guns at him. The police officers then ordered him, his wife and children to go out of the house. And thereafter, the police officers asked him if he is Junior Policarpio, to which query he answered in the negative because his name is Ely Policarpio. They asked him to sign a search warrant and then they entered his house. The contents of the search warrant were not explained to him. When the police officers were done searching his house, they showed him something, but he had no idea what it was and where it came from. After a while, *Barangay* Chairman Tangonan arrived and signed a document. Thereafter, he was brought to the police station and later on, to the court. He denied having signed a confiscation receipt. He alleged that her mother, Perla Policarpio, was not a resident of his house at the time the search was conducted.⁹

The RTC Ruling

On October 15, 2013, the RTC rendered a Joint Decision¹⁰ finding Policarpio guilty of all the three charges, the dispositive portion of which reads:

WHEREFORE, the Court finds the accused GUILTY beyond reasonable doubt as follows:

⁹ TSN, April 18, 2013, pp. 1-8.

¹⁰ Penned by Judge Efren M. Cacatian; *CA rollo*, pp. 53-58.

- 1) In Criminal Case No. 35-5586, for possession of illegal drugs whereby he is sentenced to suffer the penalty of life imprisonment and a fine of FOUR HUNDRED THOUSAND (Php.400,000.00) PESOS;
- 2) In Criminal Case No. 35-5587, for possession of drug paraphernalia, whereby he is sentenced to suffer the penalty of imprisonment of SIX (6) MONTHS and ONE (1) DAY and a fine of TEN THOUSAND (Php.10,000.00) PESOS; and
- 3) In Criminal Case No. 35-5585, for violation of the Comelec gun ban, whereby he is sentenced to suffer the penalty of imprisonment of ONE (1) YEAR.

SO ORDERED.¹¹

The RTC ruled that the search of Policarpio's house was legal because the same was done by virtue of a valid search warrant and hence, the items seized are admissible in evidence against him. Anent the confiscated .45 caliber pistol, the RTC declared that Policarpio's possession thereof was in clear violation of the COMELEC Gun Ban. The RTC held that the prosecution adduced sufficient evidence to established beyond cavil of a doubt the guilt of Policarpio of the three crimes charged against him.

Not in conformity, Policarpio appealed the RTC verdict of conviction before the Court of Appeals (CA), which was docketed therein as CA-G.R. CR-H.C. No. 06648.

The CA Ruling

On August 18, 2016, the CA rendered its assailed Decision¹² affirming the conviction of Policarpio for Violation of Sections 11 and 12, Article II of R.A. No. 9165. It declared that all the elements of illegal possession of *shabu* and of illegal possession of drug paraphernalia were adequately proven by the prosecution. It rejected the appellant's argument that the prosecution failed to establish the factual details which constituted the essential elements of the crimes charged. The CA opined that the integrity and evidentiary value of the seized narcotics were not compromised because the chain of custody of the same remained unbroken. It upheld the validity of Search Warrant No. 0085 and, thus, the illegal drugs and pieces of drug paraphernalia confiscated by virtue thereof are admissible in evidence against Policarpio. It debunked the defense of denial interposed by Policarpio for being negative and self-serving evidence. The CA, however, acquitted Policarpio of Violation of Section 261(q) of the Omnibus Election Code of the Philippines. In the end, the CA decreed:

¹¹ *Id.* at 58.

¹² Penned by Associate Justice Samuel H. Gaerlan (now a Member of this Court), with Associate Justices Normandie B. Pizarro (Chairperson) and Ma. Luisa C. Quijano-Padilla, concurring; *rollo* pp. 2-17.

WHEREFORE, premises considered, the instant appeal is PARTLY GRANTED. The assailed Decision dated 15 October 2013 is hereby AFFIRMED with MODIFICATION that accused-appellant Ely Policarpio is ACQUITTED of violation of Section 261(q) of the Omnibus Election Code in Criminal Case No. 35-5585.

SO ORDERED.¹³

The Issues

Unperturbed, Policarpio filed the present appeal and posited the same assignment of errors he previously raised before the CA, to wit:

I

THE COURT *A QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY DESPITE THE APPARENT VIOLATION IN THE IMPLEMENTATION OF THE SEARCH WARRANT.

II

THE COURT *A QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT FOR VIOLATIONS OF SECTION 261 OF BATAS PAMBANSA BLG. 881; SECTION 11, ARTICLE II, OF R.A. NO. 9165; AND SECTION 12, ARTICLE II, OF R.A. NO. 9165.

III

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT NOTWITHSTANDING THE PROSECUTION'S FAILURE TO PROVE WITH CERTAINTY THE *CORPUS DELICTI* OF THE OFFENSE CHARGED.¹⁴

On April 5, 2017, the Court issued a Resolution¹⁵ dismissing Policarpio's appeal for his failure to sufficiently show reversible error in the assailed decision of the CA. The *fallo* of which reads:

WHEREFORE, the Court ADOPTS the finding of fact and conclusion of law of the Court of Appeals in its August 18, 2016 Decision in CA-G.R. CR-HC No. 06648, finding accused-appellant, Ely Policarpio y Natividad a.k.a. "Dagul," GUILTY beyond reasonable doubt of violation of Sections 11 and 12, Article II, Republic Act No. 9165 with MODIFICATION in that accused-appellant is hereby sentenced to suffer an indeterminate penalty of imprisonment of six (6) months and one (1) day, as minimum, to three (3) years, as maximum, in Criminal Case No. 35-5587.

SO ORDERED.¹⁶

¹³ *Id.* at 16.
¹⁴ *Id.* at 7-8.
¹⁵ *Id.* at 36.
¹⁶ *Id.*

Undaunted, Policarpio filed the present Motion for Reconsideration, insisting on his innocence of violation of Sections 11 and 12 of R.A. No. 9165. He contends anew that Search Warrant No. 0085 is invalid because it failed to specify the exact address of the place to be searched as well the items to be seized. Further, Policarpio maintains that the searching officers failed to comply with the procedure laid down in Section 21, Article II of R.A. No. 9165 because: (1) the allegedly seized items were not photographed immediately after confiscation and seizure, or even thereafter; and (2) the inventory of the allegedly seized items were not conducted in the presence of a representative of the media and DOJ officials. He assails the prosecution evidence for its failure to establish the proper chain of custody of the subject plastic sachets of shabu and drug paraphernalia. Policarpio concludes that he is entitled to acquittal of the foregoing charges leveled against him.

The Court's Ruling

After a second hard look on the evidence on record, the Court finds that the Motion for Reconsideration is partially meritorious. Policarpio's conviction for Violation of Sections 11 and 12, Article II of R.A. No. 9165 must be reversed.

Inceptively, the Court is in complete accord with the ruling of the CA that Search Warrant No. 0085 is valid. We note that Policarpio had previously raised the contention that the search warrant is invalid and fatally defective in his Motion to Quash Search Warrant and/or Suppression of Evidence¹⁷ filed before the RTC which was subsequently denied by the said trial court in its Resolution¹⁸ dated September 4, 2008. The Court similarly concludes that there was compliance with the constitutional requirement that there be a particular description of "the place to be searched and the persons or things to be seized."

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 and distinguish it from other places in the community. Any designation or description known to the locality that points out the place to the exclusion of all others, and on inquiry leads the officers unerringly to it, satisfies the constitutional requirement.¹⁹

In the case at bench, while the address stated in Search Warrant No. 0085 is merely "Purok 4, Malvar, Santiago City," the deponents in the application for the search warrant, namely, Fred Manabat and PSI De Vera,

¹⁷ Records (Criminal Case No. 35-5584), pp. 79-86.

¹⁸ *Id.* at 92-97.

¹⁹ *SPO4 Laud (Ret.) v. People*, 747 Phil. 503, 522-523 (2014).

were able to provide an outline of the location of Policarpio's house sufficient to distinguish it from other houses in Purok 4, Malvar Santiago City and, hence, there was no doubt as to the location of the intended subject of the search and seizure operation. Also, before the PDEA team proceeded to the house of Policarpio, they first coordinated with the *barangay* officials who accompanied the team to the house of said appellant. It is safe to presume that these *barangay* officials are familiar with the residents of *Barangay Malvar*, including Policarpio, who had resided therein since birth. More importantly, it appears that PSI De Vera knew the exact address of the appellant even prior to April 12, 2007 and he actually led the raiding team in the implementation of the search warrant. These, in the Court's view, are sufficient enough for the officers to, with reasonable effort, ascertain and identify the place to be searched, which they in fact did. Verily, the deficiency in the address stated in the search warrant is not of sufficient gravity that would spell the invalidation thereof.

The Court, likewise, finds that Search Warrant No. 0085 has satisfied the requirement on particularity of description of the items to be seized.

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; or when the description expresses a conclusion of fact — not of law — by which the warrant officer may be guided in making the search and seizure; or when the things described are limited to those which bear direct relation to the offense for which the warrant is being issued.²⁰ In *People v. Tee*,²¹ the Court wrote:

Thus, it has been held that term “narcotics paraphernalia” is not so wanting in particularity as to create a general warrant. Nor is the description “any and all narcotics” and “all implements, paraphernalia, articles, papers and records pertaining to” the use, possession, or sale of narcotics or dangerous drugs so broad as to be unconstitutional. A search warrant commanding peace officers to seize “a quantity of loose heroin” has been held sufficiently particular.

Tested against the foregoing precedents, the description “an undetermined amount of marijuana” must be held to satisfy the requirement for particularity in a search warrant. Noteworthy, what is to be seized in the instant case is property of a specified character, i.e., marijuana, an illicit drug. By reason of its character and the circumstances under which it would be found, said article is illegal. A further description would be unnecessary and ordinarily impossible, except as to such character, the place, and the circumstances. Thus, this Court has held that the description “illegally in possession of undetermined quantity/amount of dried marijuana leaves and Methamphetamine Hydrochloride (Shabu) and sets of paraphernalia” particularizes the things to be seized.

²⁰ *Bache and Co, (Phil.), Inc. v. Judge Ruiz, et al.*, 147 Phil. 794, 811 (1971).

²¹ 443 Phil. 521, 535-536 (2003). (Underscoring ours)

Guided by the foregoing principles, the Court finds that the phrase “Undetermined quantity of Methamphetamine Hydrochloride known as shabu; Several drug paraphernalia used in repacking shabu” as stated in the Search Warrant No. 0085 has satisfied the Constitution’s requirements on particularity of description of the items to be seized. Said warrant imposes a meaningful restriction upon the objects to be seized by the officers serving the warrant, and thus, it prevents exploratory searches.

Having ruled on the validity of Search Warrant No. 0085, we shall now proceed to the determination of the guilt of the appellant for Violation of Sections 11 and 12, Article II of R.A. No. 9165 with which he was charged.

In *People v. Romy Lim y Miranda*,²² the Court discussed the importance of the chain of custody rule, which adheres to the principle that real evidence must be authenticated prior to its admission into evidence. This is in accordance with Section 21(1), Article II of R.A. No. 9165, as amended by Section 1 of R.A. No. 10640. However, the original provision of Section 21(1) still applies to this case since the alleged crime was committed in 2007 prior to the amendment of the law in 2014. Section 21(1) states:

Section 21. x x x.

(1)The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused **or** the person/s from whom such items were confiscated and/or seized, **or** his/her representative or counsel, a representative from the media **and** the Department of Justice (DOJ), **and** any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof; (Emphasis supplied)

Section 21(a) of the Implementing Rules and Regulations of R.A. No. 9165 provides:

Section 21. x x x.

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: *Provided*, that the physical inventory and photograph shall be conducted at

²²

G.R. No. 231989, September 4, 2018.

the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items. (Underscoring ours)

Verily, the narcotics must be physically inventoried and photographed immediately after the seizure and confiscation of the same by the apprehending officer/team. Under the original provision of Section 21(1), the four persons who need to be present during the physical inventory and taking of photograph of the drugs are: (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel; (2) a representative from the media; (3) a representative from the DOJ; and (4) any elected public official. They shall be required to sign the copies of the inventory and shall be given a copy thereof. The presence of these persons will guarantee "against planting of evidence and frame up." They are "necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity."²³

Records of the case at bench failed to disclose that photographs of the allegedly seized *shabu* and drug paraphernalia were taken after their confiscation in the presence of the above-mentioned four persons. Neither of the two PDEA agents testified anent such photographing of the confiscated narcotics and drug paraphernalia. Agent Sanchez testified that they took photograph and place markings only on the .45 caliber pistol.²⁴ The prosecution did not submit any photos as proof that this requirement had been complied with.

Further, the Court observes that the physical inventory of the confiscated narcotics and drug paraphernalia was not witnessed by a representative from the media and by a DOJ official. We note that in the Joint Affidavit of Arrest²⁵ dated April 13, 2007, IO3 Asayco and Agent Sanchez stated that the conduct of the inventory of the seized items was done in the presence of the *barangay* officials and the representative from the media. IO3 Asayco even testified that the confiscation receipt was signed by Policarpio, the *barangay* officials and the media. A perusal of the nine (9) confiscation receipts,²⁶ however, would show that the same were signed only by CI Natividad, Policarpio, *Barangay* Chairman Tangonan and *Barangay Kagawad* Calimag. The confiscation receipts did not bear the signature of the representative from the media, which cast serious doubt as to whether the latter was indeed present during the inventory. Meanwhile, agent Sanchez knew nothing as to what transpired during the inventory

²³ *People v. Federico Seneres, Jr. y Ajero, etc.*, G.R. No. 231008, November 5, 2018.

²⁴ TSN, November 15, 2011, p. 9.

²⁵ Records (Criminal Case No. 35-5586), pp. 2-3.

²⁶ *Id.* at 6-14.

because after turning over the confiscated items to CI Natividad, he went out of the house.²⁷ No DOJ official attended the inventory of the allegedly confiscated shabu and drug paraphernalia. To the mind of the Court, the credibility and trustworthiness of the April 12, 2007 search and seizure, as well as the incrimination of appellant Policarpio, have not been adequately protected in view of the absence of the representative from the media and the DOJ during the conduct of the physical inventory. Lastly, there is no clear showing that Policarpio was given a copy of the nine confiscation receipts.

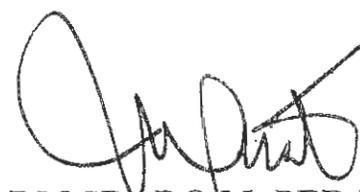
Pursuant to Section 21(a) of the IRR, non-compliance with the procedure shall not render void and invalid the seizure and custody of the drugs only when: (1) such non-compliance was under justifiable grounds; and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team. Here, no justifiable reason for the non-compliance with Section 21, R.A. No. 9165 was proffered.

The unexplained and unjustified lapses cast reasonable doubt as to the identity and integrity of the supposedly seized *shabu* and drug paraphernalia and, consequently, reasonable doubt as to the guilt of appellant Policarpio. All told, Policarpio must be acquitted for failure of the prosecution to prove the *corpus delicti* of the offenses charged.

WHEREFORE, the Motion for Reconsideration is **GRANTED**. The April 5, 2017 Resolution of the Court is hereby **REVERSED** and **SET ASIDE**. Accordingly, accused-appellant Ely Policarpio y Natividad alias “Dagul” is hereby **ACQUITTED** of the crimes of Violation of Sections 11 and 12, Article II of Republic Act No. 9165 on ground of reasonable doubt and is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for another cause.

Let a copy of this Resolution be furnished the Director of the Bureau of Corrections of Muntinlupa City for immediate implementation. The said Director is **ORDERED** to **REPORT** to this Court the action he has taken within five (5) days from receipt hereof.

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice
Acting Chairperson

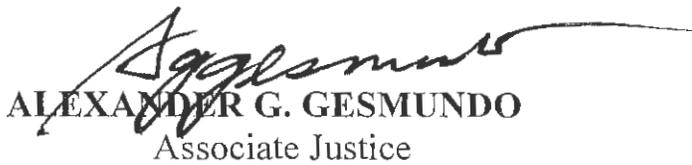
²⁷ TSN, November 15, 2011, pp. 18-19.

WE CONCUR:



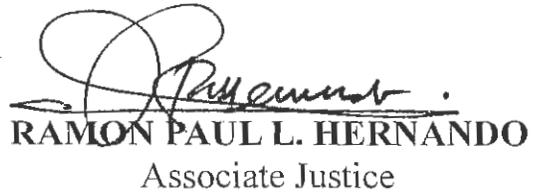
MARVIC M.V. F. LEONEN

Associate Justice



ALEXANDER G. GESMUNDO

Associate Justice



RAMON PAUL L. HERNANDO

Associate Justice

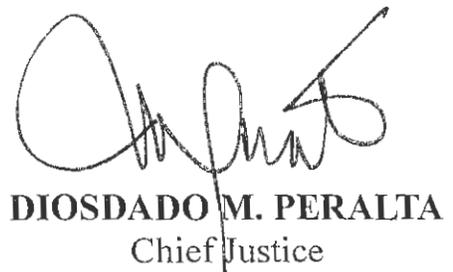


EDGARDO L. DELOS SANTOS

Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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