



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

LETICIA A. RAMIREZ,  
*Petitioner,*

G.R. No. 202661

Present:  
LEONEN, J.,  
*Chairperson,*  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
LOPEZ, J.Y., JJ.

- versus -

FELOMINO ELOMINA,  
represented by his attorney-in-  
fact, FEDERICO ELOMINA, \*  
*Respondent. \*\**

Promulgated:  
March 17, 2021  
MisDCCBett

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DECISION

**HERNANDO, J.:**

Challenged in this appeal<sup>1</sup> is the Court of Appeals' May 25, 2012 Resolution<sup>2</sup> ordering the issuance of an Entry of Judgment of its October 12, 2011 Decision<sup>3</sup> in CA-G.R. CV No. 92374 which declared respondent Felomino Elomina (Felomino) as the lawful owner of the subject property and ordered petitioner Leticia Ramirez (Ramirez) to reconvey said property to Felomino. The May 25, 2012 Resolution was issued in relation to the appellate court's December 21, 2011<sup>4</sup> Resolution which denied Ramirez's Motion for Reconsideration<sup>5</sup> for having been filed out of time.

\* Elomino in some parts of the records.

\*\* The Court of Appeals is dropped as party respondent pursuant to Section 4, Rule 45 of the Rules of Court.

<sup>1</sup> *Rollo*, pp. 3-25.

<sup>2</sup> *Id.* at 27; issued by Associate Justices Magdangal M. De Leon, Apolinario D. Bruselas, Jr. and Manuel M. Barrios.

<sup>3</sup> *CA rollo*, pp. 116-124; penned by Associate Justice Mario L. Guariña III and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Manuel M. Barrios.

<sup>4</sup> *Id.* at 170.

<sup>5</sup> *Id.* at 129-140.

**The Antecedent Facts:**

On May 11, 1994, Ramirez was issued an Original Certificate of Title (OCT) No. P-4884 pursuant to Free Patent No. 043404-94-1330 granted on May 2, 1994 over Lot No. 922, Cad-455-D located at Butong, Cabuyao, Laguna, with an area of 1,087 square meters.<sup>6</sup>

On July 11, 2000, Felomino filed a letter-protest with the Bureau of Lands of Los Baños, Laguna against the approval of the application and issuance of the free patent to Ramirez. Felomino claimed that the patent application was allegedly transferred to Ramirez by one Delfin Torinos (Torinos). Both Ramirez and Torinos were never in possession of the subject land. Felomino asserted that he was in possession of the subject land in the concept of an owner since birth.<sup>7</sup>

Consequently, the City Environment and Natural Resources Office (CENRO) Regional Executive Director of the Department of Environment and Natural Resources (DENR) issued an order directing the CENRO to conduct an investigation. On December 29, 2003, the Regional Executive Director issued an order cancelling and revoking the free patent of Ramirez. The DENR Legal Division was also directed to initiate proceedings leading to the cancellation of Ramirez's OCT No. P-4884 and the reversion of the subject land to the public domain.<sup>8</sup>

The DENR pointed out that, upon ocular inspection, it was found that the members of the Elomina family were in possession of the property, and that there was nothing to show that the Ramirezes or their predecessor-in-interest, Torinos, had ever occupied the subject property. Thus, Ramirez's application for free patent was found as having been tainted with misrepresentations constituting fraud and rendered void the application and free patent itself.<sup>9</sup>

On December 12, 2005, Felomino, represented by his attorney-in-fact, Federico Elomina (Federico), sued for reconveyance of title and damages before the Regional Trial Court (RTC), Biñan, Laguna, against Ramirez and the Registry of Deeds of Calamba City, Laguna. In an amended complaint, Felomino alleged that: (i) he is the actual possessor and occupant of the subject land; (ii) the property was first occupied and possessed by his father, Felix Elomina, since time immemorial; (iii) they were surprised when they were informed that on May 11, 1994, Ramirez was able to secure an OCT over the land pursuant to a free patent which the DENR subsequently cancelled and revoked; (iv) he was unlawfully deprived of a legitimate right

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<sup>6</sup> Id. at 116.

<sup>7</sup> Id. at 117,

<sup>8</sup> Id.

<sup>9</sup> Id.

and peaceful possession over the land when Ramirez was issued an OCT; and (v) he is entitled under the law to recover the subject property which was erroneously registered in the name of Ramirez.<sup>10</sup>

Felomino prayed that he be declared the lawful owner of the subject property. He also asked for compensation of damages and that Ramirez be ordered to reconvey the subject land to him and for the Register of Deeds to cancel Ramirez's OCT No. P-4884 and issue a new Transfer Certificate of Title (TCT) under his name.<sup>11</sup>

Ramirez filed a Motion to Dismiss on the ground of forum-shopping considering that there was also a pending case between the parties before the Supreme Court involving the same issues. However, the trial court denied the motion to dismiss.<sup>12</sup>

In her Answer, Ramirez interposed the following affirmative defenses — that the action is barred by prescription, the complaint states no cause of action and Felomino is not the real party-in-interest.<sup>13</sup>

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

In its March 13, 2008 Decision,<sup>14</sup> the trial court dismissed Felomino's complaint for lack of merit.

The trial court pointed out that Felomino had no cause of action since he failed to sufficiently prove his title to support his claim of ownership over the disputed property. At the time that OCT No. 4884 was issued to Ramirez in 1994, Felomino had not filed any application for patent on the land in question.<sup>15</sup>

Assuming *arguendo* that Ramirez committed misrepresentation in her patent application, Felomino was not the real party-in-interest to file the case. The trial court pointed out that the DENR recommended the State to file reversion proceedings. Thus, since the subject property originated from a grant by the State, the cancellation of the issued patent was between the grantor and the grantee.<sup>16</sup>

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<sup>10</sup> Id. at 117-118.

<sup>11</sup> Id. at 118.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id. at 97-103; penned by Presiding Judge Teodoro N. Solis.

<sup>15</sup> Id. at 102 and 119.

<sup>16</sup> Id. at 119.

Lastly, the RTC ruled that the cause of action had already prescribed. Ramirez's OCT was issued in May 1994 while Felomino filed the action more than 10 years later or in December 2005. The trial court held that an action for reconveyance resulting from fraud prescribes in four years from discovery, which was deemed to have taken place when the property was registered in 1994.<sup>17</sup>

The dispositive portion of the trial court's Decision reads:

WHEREFORE, in view of the foregoing, the instant case is ordered DISMISSED for lack of merit.

SO ORDERED.<sup>18</sup>

Felomino moved for reconsideration. Pending its resolution, the DENR, through its Regional Executive Director, received a letter from the Office of the Solicitor General (OSG) in response to his request for the filing of a complaint for cancellation of title against Ramirez.<sup>19</sup> The OSG wrote:

A cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefore is consequently void *ab initio*. The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant. Accordingly, it is Felomino Elomina, the intended beneficiary over the parcel of land in question, who should file the complaint for cancellation of free patent and certificate of title since he is the real party-in-interest.<sup>20</sup>

In its November 14, 2008 Order,<sup>21</sup> the trial court denied Felomino's Motion for Reconsideration. The trial court reiterated that the action has already prescribed and that he is not the real party in interest, since he is neither an applicant nor a registered owner of the Subject Land.<sup>22</sup>

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<sup>17</sup> Id.

<sup>18</sup> Id. at 103.

<sup>19</sup> Id. at 119.

<sup>20</sup> Id. at 120.

<sup>21</sup> Id. at 105-106.

<sup>22</sup> Id. at 120.

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

On appeal, Felomino maintained that he is the real party in interest<sup>23</sup> and that his cause of action has not yet prescribed.<sup>24</sup> He asserted that an action for reconveyance of title based on fraud is imprescriptible where the holder of the title has never been in possession and the land is possessed by the adverse party in the concept of an owner.<sup>25</sup>

In its October 12, 2011 Decision,<sup>26</sup> the appellate court reversed the judgment of the trial court. The relevant portion of the appellate court's Decision reads:

From the testimony of the plaintiff-appellant's son, Federico, it appears that their family had been living on Lot 922 dating back to the time of his grandfather Felix. In the time of Felomino alone, more than 70 years had passed. His father and he are still living on the lot, and during all this time, they did not know of anybody claiming right over the lot. Despite their continuous possession of the land, however, they could not show any document to show their ownership, as his father and grandfather were ignorant and did not know how to have the land titled in their names. Then in 1994, the defendant Ramirez surfaced and tried to evict them from the property, although she did not have any house on and was not in possession of the land. They filed a protest against the defendant with the DENR in July 2000, some 6 years later, because of lack of knowledge of his parents.

Fernando Velandres, the Chief of the Legal Division of the Regional Office [of the DENR], had gone to the area and confirmed the presence of more than ten houses where the family of Elomina were residing. There was nothing to indicate that the defendant had any house there.

There is no question that [the] land occupied by the plaintiff-appellant [Felomino] and his family is within the alienable portion of the public domain, or the DENR would not have agreed to issue a patent to the defendant-appellee [Ramirez]. It is also uncontested that they have been in possession for more than 70 years, practically since time immemorial, since the possession dates back to the time of his father. And it is as plain as day that the plaintiff-appellant is in present possession as confirmed by the DENR officials who made a personal inspection of the land. The defendant-appellee had never possessed the land, and she was able to obtain a patent only through the misrepresentation that she was the occupant. She was able to obtain registration through fraud on the rights of the rightful occupants who are the plaintiff-appellant and his family.

x x x x

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<sup>23</sup> Id. at 58-59.

<sup>24</sup> Id at 70-74.

<sup>25</sup> Id. at 120.

<sup>26</sup> Id. at 116-124.

In this case, the plaintiff-appellant, not counting the possession of his father, had lived on the property all his life, and he is now over 70 years old.

Prescinding from the fact that, by virtue of their possession, adverse and uninterrupted for more than the required period, the lot in question[,] Lot 922[,] has become private property and passed to their ownership through a presumed grant from the government, the plaintiff-appellant has absolutely the right to file an action for reconveyance to recover the title from the defendant-appellee who recorded it in her name without their knowledge through registration proceedings.<sup>27</sup>

The appellate court further pointed out that the four-year prescriptive period as to an action for reconveyance of real property resulting from fraud does not apply where the party applying for reconveyance is in possession of the property.<sup>28</sup>

The dispositive portion of the appellate court's Decision reads:

IN VIEW OF THE FOREGOING, the decision appealed from is reversed. The plaintiff-appellant Felomino Elomin[a] is declared the lawful owner of Lot 922 erroneously covered by OCT No. P-4884 in the name of the defendant-appellee Leticia Ramirez. The defendant-appellant is ordered to reconvey the property to the plaintiff-appellant, and the Register of Deeds of Calamba, Laguna to cancel the defendant-appellee's OCT No. P4884 and issue a new TCT to the plaintiff-appellant Felomino Elomina.

SO ORDERED.<sup>29</sup>

Ramirez received a copy of the foregoing Decision on October 17, 2011.<sup>30</sup> After 17 days from receipt thereof, or on November 3, 2011, she filed a Motion for Reconsideration.<sup>31</sup>

In a December 21, 2011 Resolution,<sup>32</sup> the appellate court denied said Motion for late filing and therefore the appellate court's jurisdiction to act on it had been lost.<sup>33</sup> Thus, in its May 25, 2012 Resolution,<sup>34</sup> the appellate court ordered the issuance of an Entry of Judgment in CA-G.R. CV No. 92374.<sup>35</sup> The court noted that on January 19, 2012, its October 12, 2011 Decision had become final and executory.<sup>36</sup>

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<sup>27</sup> Id. at 120-122.

<sup>28</sup> Id. at 123.

<sup>29</sup> Id.

<sup>30</sup> Id. at 129.

<sup>31</sup> Id. at 129-139.

<sup>32</sup> Id. at 170.

<sup>33</sup> Id. at 39, 110 and 170.

<sup>34</sup> *Rollo*, p. 27.

<sup>35</sup> Id. at 16 and 39.

<sup>36</sup> *CA rollo*, p. 174.

Undaunted, Ramirez filed the instant Petition for *Certiorari* under Rule 65 of the Rules of Court with prayer for the issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction.

### Issue

The instant Petition raised the lone assignment of error of whether or not the appellate court committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying Ramirez's Motion for Reconsideration for having been filed belatedly and thereafter issuing an order for the issuance of an entry of judgment to the alleged undue prejudice of petitioner.<sup>37</sup>

### Our Ruling

We resolve to dismiss the instant Petition.

Ramirez admits having committed the procedural infraction but asks for the relaxation of the rules. She explains that the inadvertent late filing of the November 3, 2011 Motion for Reconsideration with the appellate court was due to forgetfulness in view of her old age and frail condition.<sup>38</sup>

The Court is not persuaded.

Section 1, Rule 52 of the Rules of Court provides for the period to file a Motion for Reconsideration:

Section 1. *Period of filing.* – A party may file a motion for reconsideration of a judgment or final resolution **within fifteen (15) days from notice thereof**, with proof of service on the adverse party. (*Emphasis supplied*)

Rule 36, Section 2 of the same Rules also provides that a judgment or final order shall become final unless a Motion for Reconsideration is timely filed, to wit:

Section 2. *Entry of Judgments and Final Orders.* — **If no appeal or motion for new trial or reconsideration is filed within the time provided in these Rules, the judgment or final order shall forthwith be entered by the clerk in the book of entries of judgments. The date of finality of the judgment or final order shall be deemed to be the date of its entry.** The record shall contain the dispositive part of the judgment or final order and shall be signed by the clerk, with a certificate that such judgment or final order has become final and executory. (*Emphasis supplied*)

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<sup>37</sup> *Rollo*, pp. 13-14.

<sup>38</sup> *Id.* at 11-12

In the instant case, the following are the relevant dates: (i) On October 12, 2011 the appellate court issued its Decision; (ii) Ramirez received a copy of the appellate court's Decision on October 17, 2011;<sup>39</sup> (iii) After 17 days from receipt thereof, or on November 3, 2011, she filed a Motion for Reconsideration;<sup>40</sup> (iv) On December 21, 2011, the appellate court issued its Resolution denying the Motion since it was belatedly filed;<sup>41</sup> and (v) On May 25, 2012, the appellate court issued a Resolution directing the issuance of an entry of judgment in CA-G.R. CV No. 92374.<sup>42</sup>

The 15th day of the allowable period for Ramirez to file her Motion for Reconsideration fell on a holiday, November 1, 2011. Thus, Ramirez had until November 2, 2011 to file the same, reckoned from the date of her receipt of the appellate court's Decision. However, she filed the Motion the following day, or November 3, 2011. She explained that:

x x x x [She] entrusted the filing thereof to her son [Herdy Ramirez] who stayed at Antipolo City while she lived in Marikina City.

And because of [Leticia Ramirez's] old age and forgetfulness, the said decision was handed over by her to Herdy only on October 27, 2011 or five days prior to its expiration to file a Motion for Reconsideration.

x x x x

Herdy had to look for a lawyer during those times that can render services to them . . . in submitting the Motion for Reconsideration before the deadline – November 2, 2011[,] in lieu of November 1, 2011 because the latter date is an official holiday.

x x x x

Nonetheless, the said Motion for Reconsideration was finished exactly on the deadline period (November 2, 2012).

x x x x

Yet, despite the copies of the said Motion for Reconsideration being timely sent by registered mail on November 2, 2011 by Herdy himself at the Marikina Post Office to the addresses and parties in said case, Herdy who travelled immediately to the Court of Appeals to personally file the said Motion for Reconsideration (MR) arrived therein before the closing hours that afternoon but was not immediately accommodated because he was required by the Court of Appeals personnel to photocopy certain requirements for the filing of the subject Motion.

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<sup>39</sup> CA *rollo*, p. 129.

<sup>40</sup> Id. at 129-130.

<sup>41</sup> Id. at 39, 110 and 170.

<sup>42</sup> *Rollo*, pp. 16 and 39.

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But after finishing all the photocopies of the required documents at the Court of Appeals during that afternoon, the office where the motion is to be filed had already closed business transactions for that day, nonetheless, a court personnel advised Herdy to file the said Motion on the next day (November 3, 2011).

x x x x

Believing in good faith that the Motion for Reconsideration can still be filed on the next day (November 3, 2012), Herdy immediately filed the said Motion on November 3, 2012.<sup>43</sup>

Time and again, the Court has declared that “the right to appeal is neither a natural right nor a part of due process. It is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of law. Thus, one who seeks to avail of the right to appeal must comply with the requirements of the Rules. Failure to do so . . . leads to the loss of the right to appeal”<sup>44</sup>, such as the instant case.

This Court finds no compelling reason to justify the relaxation of the rules. Settled is the rule that “[a]nyone seeking exemption from the application of the reglementary period for filing an appeal has the burden of proving the existence of exceptionally meritorious instances warranting such deviation”.<sup>45</sup> However, this Court finds that Ramirez failed to discharge the same, thus warranting the appellate court’s denial of her Motion for Reconsideration.

We are not unaware that the technical rules of procedure should be used to promote, not frustrate, the cause of justice.<sup>46</sup> However, this liberality in the relaxation of the rules should be carefully weighed against the orderly administration of justice. Procedural rules are not to be belittled or dismissed simply because their non-observance may result in prejudice to a party's substantive rights. Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.<sup>47</sup>

As aptly discussed by this Court in *St. Louis University, Inc. v. Olaires*,<sup>48</sup> observance is the rule and non-observance is the exception, to wit:

It should be emphasized that procedural rules are tools designed to facilitate the adjudication of cases. Courts and litigants alike are, thus, enjoined to abide strictly by the rules. Although the Court, in some cases,

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<sup>43</sup> Id. at 11-12.

<sup>44</sup> *Dimaandal v. Ilagan*, 802 Phil. 546, 553-554 (2016); See also *Cortal v. Inaki A. Larrazabal Enterprises*, 817 Phil. 464, 474-475 (2017).

<sup>45</sup> *Prieto v. Alpadi Development Corp.*(Resolution), 715 Phil. 705, 719 (2013), citing *Neplum, Inc. v. Orbeso*, 433 Phil. 844, 868 (2002).

<sup>46</sup> *Santos v. Litton Mills*, 667 Phil. 640, 642 (2011).

<sup>47</sup> See *Spouses Bergonia v. Court of Appeals*, 680 Phil. 334, 343 (2012).

<sup>48</sup> 730 Phil. 444 (2014).

permits a relaxation in the application of the rules, this was never intended to forge a bastion for erring litigants to violate the rules with impunity. It is true that litigation is not a game of technicalities, but it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.<sup>49</sup>

The instant case is no exception to the foregoing rule. Thus, due to Ramirez's disregard of the Rules, the appellate court was justified in denying her motion.

This Court further notes that the instant Petition challenges the appellate court's May 25, 2012 Resolution which ordered the issuance of an Entry of Judgment. However, said Resolution was a necessary consequence of the appellate court's December 21, 2011 Resolution which denied the November 3, 2011 Motion for Reconsideration due to late filing.

Thus, the appropriate recourse would have been for Ramirez to timely file an appeal of the December 21, 2011 Resolution, which she received on January 5, 2012.<sup>50</sup> She had until January 20, 2012 to file an appeal, reckoned from the date of her receipt. However, the instant Petition was only filed on August 10, 2012, and thus likewise filed beyond the reglementary period to file an appeal.<sup>51</sup>

In view of the foregoing, We find no grave abuse of discretion on the part of the appellate court. A special civil action of *certiorari* under Rule 65 of the Rules of Court is designed to correct errors of jurisdiction and not errors in judgment.<sup>52</sup> Thus, We have repeatedly held that when "the court has jurisdiction over the case and person of the defendant, any mistake in the application of the law and the appreciation of evidence committed by a court may be corrected only by appeal."<sup>53</sup>

In the instant case, it is undisputed that the CA had jurisdiction over the case. What Ramirez actually seeks is the reversal of the appellate courts' ruling declaring Felomino as the lawful owner of the subject land. Therefore, assuming there was any error in the appellate court's interpretation of the law and appreciation of evidence, it may only be corrected through an appeal and

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<sup>49</sup> Id. at 459.

<sup>50</sup> *Rollo*, p. 12

<sup>51</sup> Rules of Court, Rule 43, sec. 4:

Section 4. *Period of appeal*. — The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency *a quo*. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.

<sup>52</sup> *Candelaria v. RTC, Br. 42, City of San Fernando*, 739 Phil. 1, 8 (2014).

<sup>53</sup> *Id.*

not through *certiorari*, since it is considered as an error of judgment and not of jurisdiction.<sup>54</sup>

Moreover, a special civil action of *certiorari* under Rule 65 of the Rules of Court can only strike down an act that was done with grave abuse of discretion. Settled is the rule that "[f]or *certiorari* to prosper, the abuse of discretion must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or personal hostility"<sup>55</sup>

In *Aujero v. Philippine Communications Satellite Corp.*,<sup>56</sup> this Court emphasized that "[n]ot every error in a proceeding, or every erroneous conclusion of law or fact, is an act in excess of jurisdiction or an abuse of discretion. The prerogative writ of *certiorari* does not lie except to correct, not every misstep, but a grave abuse of discretion."

In view of the belated filing of Ramirez's Motion, the appellate court's Decision had become final and executory. Basic is the rule that once a judgment had attained finality, it can no longer be disturbed, altered or modified, the controversy is settled and the matter is laid to rest.<sup>57</sup> In *Gatmaytan v. Sps. Dolor*<sup>58</sup> We pronounced:

[A] [final judgment] may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land.

Once a judgment becomes final, the court or tribunal loses jurisdiction, and any modified judgment that it issues, as well as all proceedings taken for this purpose are null and void.

**WHEREFORE**, the instant Petition is hereby **DISMISSED**. The assailed Court of Appeals' May 25, 2012 Resolution which ordered the issuance of an Entry of Judgment of its October 12, 2011 Decision in CA-G.R. CV No. 92374 is hereby **AFFIRMED**. No pronouncement as to costs.

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<sup>54</sup> *Id.* at 9.

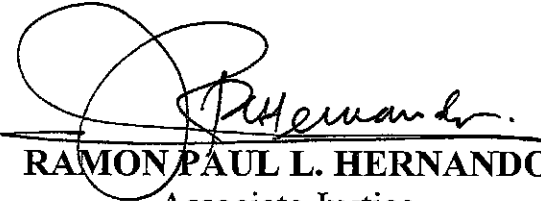
<sup>55</sup> *Sonic Steel Industries, Inc. v. Court of Appeals*, 640 Phil. 203, 209 (2010).

<sup>56</sup> 679 Phil. 463, 476-477 (2012).


<sup>57</sup> *Gatmaytan v. Sps. Dolor*, 806 Phil. 1, 8 (2017).

<sup>58</sup> *Id.* at 9.

**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

  
**JHOSEP Y. LOPEZ**  
Associate Justice

**ATTESTATION**

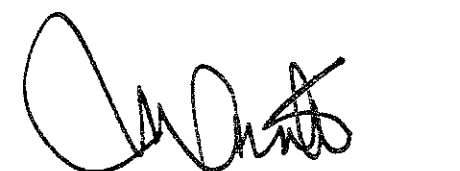
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**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