Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ARIEL PAOLO A. ANTE,
Petitioner,

- *versus* -

UNIVERSITY OF THE PHILIPPINES STUDENT DISCIPLINARY TRIBUNAL AND UNIVERSITY OF THE PHILIPPINES,
Respondents.

G.R. No. 227911

Present:
PERLAS-BERNABE, *S.A.J.*,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, *JJ.*

Promulgated:
MAR 14 2022

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DECISION

HERNANDO, *J.*:

This is a petition for review on *certiorari*[1] filed by petitioner Ariel Paolo A. Ante (Ante) assailing the October 6, 2015 Decision[2] and the September 27, 2016 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 120280. The CA reversed and set aside the November 19, 2009 Decision[4] of the Regional Trial Court (RTC) of Quezon City, Branch 83 nullifying the proceedings of respondent University of the Philippines' (UP) Student Disciplinary Tribunal (SDT collectively, respondents).

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1 *Rollo*, pp. 12-42.
2 CA *rollo*, pp. 599-613. Penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Florito S. Macalino.
3 Id. at 666-671.
4 Id. at 36-46.

The Factual Antecedents:

The present case stemmed from seven disciplinary actions filed on September 28, 2007 by UP before the SDT against Ante and others, namely: Marcelino G. Veloso III (Veloso), Keefe Dela Cruz (Dela Cruz), and Armand Lorenze V. Sapitan (Sapitan) (Ante, *et al*). The disciplinary actions, in the form of formal charges, were prompted by the death of Chris Anthony Mendez (Mendez) allegedly due to hazing activities/initiation rites conducted by the Sigma Rho Fraternity. In particular, the formal charges accused them of participating in the alleged hazing activities/initiation rites, leaving Mendez in the hospital, and failing to give information to the authorities, and to comply with the directives of UP's Vice Chancellor for Student Affairs to give information on the circumstances surrounding Mendez's death.[5]

Thereafter, Ante filed his answer with request for production of documents[6] before the SDT. In his answer, Ante emphasized that under Section 1, Rule III of the UP Revised Rules and Regulations Governing Fraternities, Sororities, and other Student Organizations[7] (Rules Governing Fraternities), a valid preliminary inquiry must first be conducted to determine whether a formal charge against any member or officer of a fraternity, sorority, or other student organization is warranted. During the proceedings, Ante likewise (a) requested copies of the documents and pieces of evidence upon which the charges were based on, (b) moved that he be furnished information with regard to two members of SDT, and (c) requested details on the selection process of the jurors, and a list of individuals from which said members were chosen. However, in separate Orders,[8] these requests were denied by SDT.

Thus, on November 20, 2007, Ante filed an omnibus motion,[9] which was also adopted by Veloso, Dela Cruz, and Sapitan as their own, seeking for: (a) the quashal of the formal charges and declaration of all the proceedings as void due to an invalid preliminary inquiry; and (b) the inhibition of the members of SDT who conducted the invalid preliminary inquiry on the ground of prejudgment, considering that SDT has concluded that a *prima facie* case already existed against Ante and others. In seeking for the quashal of the formal charges, Ante reasoned that the preliminary inquiry was invalid for violating Section 1, Rule III of the Rules Governing Fraternities, which requires that the preliminary inquiry be conducted "by any member of the Tribunal."

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5 *Rollo*, p. 44.
6 CA *rollo*, pp. 94-97.
7 Id. at 916-924.
8 Id. at 98-107.
9 Id. at 108-119.

In an Order[10] dated January 23, 2008, SDT denied the omnibus motion. In maintaining that a valid preliminary inquiry was conducted, SDT declared that under the Rules Governing Fraternities, no member or officer of a fraternity, sorority, or student organization shall be formally charged in the absence of such inquiry conducted by the SDT. Citing Black's Law Dictionary, SDT emphasized that the word "by," as utilized in the Rules Governing Fraternities, meant "through the means, act, agency, or instrumentality" of any member of the SDT.[11] SDT further explained that any of its members may thus be present during the preliminary inquiry called by itself, and if two or more members attend and exercise the authority, such would be in accordance with the Rules Governing Fraternities. As to the accusation of prejudgment, SDT explained that there was none, as the formal charges were drawn precisely to formally summon Ante and the others so their defenses may be properly heard, and their evidence be properly evaluated. Lastly, SDT maintained that there was no ground for the inhibition of any of its members. With this denial, Ante claimed that he verbally moved for its reconsideration, and the same was also denied by SDT. Meanwhile, Veloso, Dela Cruz, and Sapitan opted not to move for reconsideration.[12]

On March 6, 2008, Ante filed a petition for *certiorari* and prohibition[13] before the RTC of Quezon City. In the petition, Ante primarily assailed the validity of the preliminary inquiry, contending that it was in violation of Section 1, Rule III of the Rules Governing Fraternities. Ante likewise contended that they have been denied due process, and that the case has been prejudged against them.

Ruling of the Regional Trial Court:

In its Decision[14] dated November 19, 2009, the RTC found merit in Ante's petition and nullified the proceedings of SDT. The dispositive portion of the RTC Decision reads:

> WHEREFORE, premises considered, finding grave abuse of discretion amounting to excess in jurisdiction on the part of the respondents, the instant consolidated petition for certiorari is hereby GRANTED. Accordingly, the proceedings held in connection with SDT Case Nos. 07-016, 07-016(A), 07-016(B), 07-016(D), 07-016(E) and 07-016(F) are hereby declared null and void.

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[10] Id. at 133-136.
[11] Id. at 135.
[12] *Rollo*, p. 46.
[13] CA *rollo*, pp. 138-176.
[14] Id. at 36-46.

SO ORDERED.[15]

In granting the petition, the RTC agreed with Ante's argument that the preliminary inquiry was conducted not by SDT, but by the University Prosecutor, in violation of the Rules Governing Fraternities. Respondents moved for reconsideration but the same was denied.[16]

Aggrieved, respondents filed a notice of appeal[17] on December 20, 2010.

Ruling of the Court of Appeals:

On October 6, 2015, the CA promulgated the herein assailed Decision[18] reversing the RTC Decision. The dispositive portion of the CA Decision reads:

> **WHEREFORE**, premises considered, the instant *Appeal* is **GRANTED**. The *Decision* rendered by the trial court on 19 November 2009 nullifying the proceedings of the University of the Philippines and its Student Disciplinary Tribunal concerning the death of Chris Anthony Mendez, of which the Plaintiff-Appellees have allegedly been involved, is **NULLIFIED** and **SET ASIDE**.
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> **SO ORDERED**.[19]

In granting respondents' appeal, the CA disagreed with the RTC's conclusion and instead held that the preliminary inquiry conducted by SDT was valid and in accordance with the Rules Governing Fraternities. In support of its position, the CA explained –

> Even if our perusal of the matter extends beyond the face of the *Formal Charges*, this Court will still arrive at the same conclusion that the preliminary inquiries were validly conducted by the members of the Student Disciplinary Tribunal. The Plaintiffs-Appellees insist on a contrary stand relying upon their interpretation of the Rules Governing Fraternities and the word "by" as used therein. Simply because the Student Disciplinary Tribunal mentioned that the preliminary inquiries were conducted "before" them, this did not mean that they did not conduct the inquiries themselves. The word "before" must not be construed to mean that the members of the tribunal merely served as observers of the University Prosecutor, with themselves physically present thereat but meaning nothing at all to the Plaintiffs-Appellees. When the preliminary inquiries were conducted on 04 and 12 September 2007, before the members of the Tribunal, and the entire Tribunal *was comprised by each and every individual*

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[15] Id. at 46.
[16] *Rollo*, p. 47.
[17] Records, pp. 17-19.
[18] CA *rollo*, pp. 599-613
[19] *Rollo*, pp. 56-57; emphasis in the original.

member acting collectively. An official act made by the Tribunal is an act *performed by* each of its members.[20]

As to the claim of prejudice and prejudgment, the CA disagreed with *Ante, et al.* The CA stated that their assertions are "bare and speculative at most, unsupported by any reliable piece of evidence found in the records."[21]

Ante, et al. moved for reconsideration of the CA Decision, but it was denied in a Resolution[22] dated September 27, 2016.

Thus, the present petition for review on *certiorari* seeking for the reversal of the CA Decision and Resolution. Meanwhile, Veloso, Dela Cruz, and Sapitan no longer pursued their case.[23]

Issues

1. Was the preliminary inquiry conducted by SDT valid?

2. Is SDT guilty of prejudging the case against Ante, thereby violating the latter's right to due process?

Our Ruling

Preliminarily, the Court wishes to address the propriety of Ante's filing of a petition for *certiorari* and prohibition before the RTC of Quezon City.

To recap, Ante filed the petition upon the denial of his omnibus motion by SDT. In support of his petition, Ante argued that *certiorari* was proper since the denial of his omnibus motion was an interlocutory order; hence, unappealable. Meanwhile, SDT maintained that Ante was wrong, considering that while the denial may be interlocutory, Ante nevertheless had a plain, speedy, and adequate remedy: to go to trial. This should have barred him from filing the petition.

In resolving the issue, the CA held in its Decision that Ante's petition should have been dismissed summarily for the latter's failure to file a written motion for reconsideration of the denial of his omnibus motion, which is a

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[20] CA *rollo*, pp. 608-609.
[21] Id. at 611-612.
[22] Id. at 666-671.
[23] Records, pp. 91-92.

condition *sine qua non* before a petition for *certiorari* may be filed. Ante claimed that he verbally moved for reconsideration, which should have satisfied the requirement. The records are, however, bereft of any proof attesting to this claim.

The Court agrees with Ante in so far as he claims that a written motion for reconsideration may be dispensed with in this particular situation. Indeed, Section 7, Rule IV of the Rules Governing Fraternities prohibits the filing of such motion, to wit:

> **SECTION 7**. The filing of the following pleadings and motions is prohibited:
>
> x x x
>
> G. Motion for reconsideration of SDT rulings and/or resolutions.

Relevant to this is the pronouncement in *Siok Ping Tang v. Subic Bay Distribution, Inc.*,[24] where the Court recognized several exceptions to the requirement of a prior filing of a motion for reconsideration before a petition for *certiorari* may be resorted to:

> Concededly, the settled rule is that a motion for reconsideration is a condition *sine qua non* for the filing of a petition for *certiorari*. Its purpose is to grant an opportunity for the court to correct any actual or perceived error attributed to it by the re-examination of the legal and factual circumstances of the case. **The rule is, however, circumscribed by well-defined exceptions, such as** x x x; (d) **where, under the circumstances, a motion for reconsideration would be useless;** x x x.[25] (Emphases supplied).

In the case at bar, We find that the filing of a written motion for reconsideration before SDT would have been useless, and thus falls on the exceptions above, precisely because it is prohibited by the Rules Governing Fraternities. Thus, the same may be dispensed with and should not operate as a bar to the filing of a petition for *certiorari*, contrary to the pronouncement of the CA.

This, however, does not mean that the petition was proper, for the Court agrees with SDT that Ante had a plain, speedy, and adequate remedy; that is, to go to trial.

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[24] 653 Phil. 124 (2010).
[25] Id. at 136.

In *Enrile v. Manalastas*,[26] the Court declared that the remedy against the denial of a motion to quash is for the movant to go to trial. Further, the Court explained that the denial, being an interlocutory order, is not appealable, and may not be the subject of a petition for *certiorari* due to other remedies available to the movant. Considering that Ante himself likened the proceedings before SDT to a preliminary investigation in a criminal case,[27] we see no reason not to apply the same principle to the present case.

In summary, the Court holds that the petition for *certiorari* and prohibition filed by Ante before the RTC should have been summarily dismissed; not because of Ante's failure to file a motion for reconsideration, but because the denial of a motion to quash is not the proper subject of a petition for *certiorari*.

However, even if we brush aside the procedural faults committed by Ante at the trial court level, we still find the appeal lacking in merit.

The preliminary inquiry conducted by SDT was valid.

The disagreement as to the validity of the preliminary inquiry conducted by SDT all boils down to the interpretation of Section 1, Rule III of the Rules Governing Fraternities, which states:

> **SECTION 1.** No member or officer of a fraternity, sorority or student organization shall be formally charged before the SDT **unless a preliminary inquiry has been conducted by any member of the SDT**, which must be finished not later than five (5) working days from the date of filing of the complaint; x x x[28] (Emphasis supplied).

In particular, the parties argue over the correct interpretation of the phrase "*by any member of the SDT*." Since it is undisputed that the University Prosecutor performed the preliminary inquiry, Ante theorizes that this is in violation of the provision, by making a distinction between the terms "*by*" and "*before*"; he argues that the preliminary inquiry was done *by* the University Prosecutor, and not by SDT, although *before* it. On the other hand, SDT, citing Black's Law Dictionary, contends that the phrase should be construed as "through the means, act, agency or instrumentality" of "any member of the

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[26] 746 Phil. 43, 48 (2014).
[27] *Rollo*, p. 56.
[28] Entitled "REVISED RULES AND REGULATIONS GOVERNING FRATERNITIES, SORORITIES AND OTHER STUDENT ORGANIZATIONS." Approved: October 24, 1995.

SDT," thus making the preliminary inquiry compliant with the provision and therefore, valid.

We disagree with Ante.

Ante suggests that the terms "*by*" and "*before*" are mutually opposed; that one necessarily negates the other – they are not and do not. As correctly held by the CA, simply because SDT stated in the formal charges that the preliminary inquiries were conducted "*before*" them, does not mean that they themselves did not conduct nor participate in the same. The term "inquiry," which means "to request for information"[29] in its ordinary sense, necessarily implies that SDT took part in the conduct of such. This alone, satisfies the requirement that the preliminary inquiry be conducted "by a member of the SDT." Moreover, we agree with the CA that it would be bordering absurdity if the statement be interpreted to mean that SDT "merely served as observers of the University Prosecutor, with themselves physically present thereat but meaning nothing at all."[30] Thus, contrary to Ante's assertion, to split hairs between the phrases "by the Student Disciplinary Tribunal" and "before the Student Disciplinary Tribunal" is actually a trifling matter.

Moreover, the interchangeability of the terms "*by*" and "*before,*" when being used in rules or in statutes, and provided it would not cause grammatical confusion, is actually not unheard of. Take for example Section 1(a), Rule 116 of the Rules of Court, which states:

> **Section 1.** *Arraignment and plea; how made –*
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> (a) The accused **must be arraigned before the court** where the complaint or information was filed or assigned for trial. **The arraignment shall be made in open court by the judge or clerk** by furnishing the accused with a copy of the complaint or information, reading the same in the language or dialect known to him, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information. (Emphases supplied).

According to the provision, "the arraignment shall be made x x x *by* the judge or clerk." Now, following Ante's logic, does this mean that if an accused pleads – and therefore participates in the arraignment process – *before* a judge or a clerk, would the arraignment be in violation of the rule for not having been done *by* a judge or a clerk? We think not. In addition, the first sentence of the provision already states that the arraignment shall be done "*before* the court." The second sentence repeats this thought, albeit by using the term "*by.*"

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[29] Merriam-Webster. (2011). Inquiry. In *Merriam-Webster' Dictionary of Law* (2011 ed., p. 246).
[30] *Rollo,* p. 609.

Another illustration, although admittedly tangential in similarity, is Section 2, Rule 112 of the Rules of Court on Preliminary Investigation, which states:

> **Section 2.** *Officers authorized to conduct preliminary investigations.* –
>
> The following may conduct preliminary investigations:
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> (a) Provincial or City Prosecutors and their assistants;
>
> (b) National and Regional State Prosecutors; and
>
> (c) Other officers as may be authorized by law.

While the provision does not expressly use the term "*by*," the same result can be achieved by rephrasing, thus: "preliminary investigations may be conducted *by* the following officers x x x." Taking this reworded paragraph as an example and again, following Ante's logic, does this mean that if someone else, not the officer, participates in the preliminary investigation, would it not have been conducted *by* the authorized officers, in violation of the rule? Definitely not. Further, similar to the situation at hand, isn't it that preliminary investigations are likewise conducted *before* these officers? Surely, even though the term used is "*by*." All these support SDT's interpretation that the term should mean "through the means, act, agency or instrumentality," which We find to be more in sync with logic and sound reasoning.

By making these examples, the Court aims to highlight the fact that these terms are in fact sometimes being used interchangeably, either for sense or for style, and should not always be given strict and literal meaning, contrary to Ante's assertions.

Another reason which militates against Ante's postulate is the fact that, closely analyzing the provision in question, it is apparent that the charges are to be filed before SDT. Again, the provision states:

> **SECTION 1.** No member or officer of a fraternity, sorority or student organization **shall be formally charged before the SDT** unless a preliminary inquiry has been conducted by any member of the SDT, which must be finished not later than five (5) working days from the date of filing of the complaint; x x x (Emphasis supplied).

In other words, SDT will act as the judge that will hear and decide the case filed before it. Given this, if we are to follow Ante's submissions – that SDT, alone and in itself, conducts the preliminary inquiry preparatory to the filing of the formal charges – then what will result is an anomalous situation of a judge hearing his/her own case.

To illustrate better, let us have a hypothetical scenario where Person X, who was involved in a hazing activity, is to be charged. Following Ante's interpretation of the subject provision, SDT shall conduct a preliminary inquiry on Person X's infractions. Satisfied that there is sufficient basis to charge Person X, SDT shall then prepare the formal charges. Thereafter, following the provision, SDT shall file the formal charges before itself. This will result to a situation where SDT shall hear the case it prepared and filed in the first place. Clearly, this could not have been the situation contemplated by the Rules Governing Fraternities.

Akin to this is Section 5(b) and (d), Canon 3 of the Code of Judicial Conduct which states:

> **Section 5.** Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:
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> x x x
>
> (b) the judge previously served as a lawyer or was a material witness in the matter in controversy;
>
> x x x
>
> (d) The judge served as executor, administrator, guardian, trustee or lawyer in the case or matter in controversy, or a former associate of the judge served as counsel during their association, or the judge or lawyer was a material witness therein;

The rationale behind this provision is illustrated in *Lai v. People*:[31]

> As such, the mere appearance if his name as the public prosecutor in the records of Criminal Case No. 17446 sufficed to disqualify Judge Elumba from sitting on and deciding the case. Having represented the State in the prosecution

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[31] 762 Phil. 434 (2015).

> of the petitioner, he could not sincerely claim neutrality or impartiality as the trial judge who would continue to hear the case. Hence, he should have removed himself from being the trial judge in Criminal Case No. 17446.[32]

Given all the foregoing, the Court holds that the preliminary inquiry conducted by SDT was valid.

There was no violation of Ante's right to due process.

In asserting that his right to due process was violated, Ante claims that SDT is guilty of prejudice when it found a *prima facie* case against him, even though what is required by the school regulations is merely the determination of the sufficiency of a report or complaint. Ante contends:

> 8.28. Section 8 of the UP Rules and Regulations On Student Council and Discipline state that the function of a preliminary inquiry is merely to determine the sufficiency of a report or complaint against a UP student, to wit:
>
> > Section 8. *Preliminary Inquiry.* – Upon receipt of the complaint or report, the tribunal of the Dean of the College, as the case may be **shall determine whether such complaint or report is sufficient to warrant formal investigation.**
>
> 8.29. **The rule is clear.** In the required preliminary inquiry, **only the sufficiency of a complaint or report to warrant a formal investigation** should be determined. The *(sic)* present case, the UP Prosecutor went further to find not only the sufficiency of the complaint against Petitioner Ante but to rule, with the acquiescence of the SDT, that there existed a prima facie case against him.[33] (Emphases and underscoring supplied)

Ante then proceeds to state that the finding of a *prima facie* case against him amounts to a prejudgment, since a *prima facie* case denotes "evidence which, if unexplained or uncontradicted, is sufficient to sustain the proposition it supports or to establish the facts, or to counter-balance the presumption of innocence to warrant a conviction."[34] Ante likewise stresses that this effectively shifts the burden of proof to him, in violation of the presumption of innocence in his favor.

We do not agree.

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[32] Id. at 445.
[33] *Rollo*, p. 34.
[34] Id.

Initially, We wish to point out that Ante's argument of due process violation is premature. In the landmark case of *Guzman v. National University*[35] (*Guzman*), the Court laid down the requisites for the satisfaction of due process in disciplinary cases involving students. It explained:

> But, to repeat, the imposition of disciplinary sanctions requires observance of procedural due process. And it bears stressing that due process in disciplinary cases involving students does not entail proceedings and hearings similar to those prescribed for actions and proceedings in courts of justice. The proceedings in student discipline cases may be summary; and cross-examination is not, contrary to petitioners' view, an essential part thereof. **There are withal minimum standards which must be met to satisfy the demands of procedural due process; and these are, that (1) the students must be informed in writing of the nature and cause of accusation against them; (2) they shall have the right to answer the charges against them, with the assistance of counsel, if desired; (3) they shall be informed of the evidence against them; (4) they shall have the right to adduce evidence in their own behalf; and (5) the evidence must be duly considered by the investigating committee or official designated by the school authorities to hear and decide the case.**[36] (Emphasis supplied).

The ruling in *Guzman* was in fact reiterated in *Cudia v. Superintendent of the Philippine Military Academy*,[37] where the Court held that "what is crucial is that official action must meet minimum standards of fairness to the individual, which generally encompass the right of adequate notice and a meaningful opportunity to be heard."

In the present case, and following *Guzman*, we fail to see how can there be a violation of Ante's right to due process when formal proceedings are only yet to begin. SDT is in fact asking Ante to participate – the very essence of due process – but the latter so stubbornly refuses to do so and instead resorts to procedural devices meant to avoid the proceedings.

Even if we disregard the prematurity of Ante's claim, the same still fails to persuade. As to the argument that the finding of a *prima facie* case against him amounts to prejudgment, we find the same lacking in merit. Neither does it shift the burden of proof to him, nor violate the presumption of innocence in his favor.

Section 1, Rule 131 of the Rules of Court defines what is burden of proof:

> **Section 1.** *Burden of proof.* – Burden of proof is the duty of a party to present evidence on the facts in issue necessary to establish his claim or defenses by the amount of evidence required by law.

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[35] 226 Phil. 596 (1986).
[36] Id. at 603-604.
[37] 754 Phil. 590, 662 (2015).

Further, it is a basic principle that whoever alleges a fact has the burden of proving it.[38]

Meanwhile, burden of evidence is "that logical necessity which rests on a party at any particular time during the trial to create a *prima facie* case in his favor or to overthrow one when created against him."[39] Similarly, it is elementary that the burden of evidence shifts from party to party depending upon the exigencies of the case.[40]

In the present case, and guided by the foregoing, it is clear that the burden of proof is not shifted to Ante. Contrary to his assertions, only the *burden of evidence* is shifted, which requires him to present evidence that weighs in his favor to counteract the findings of SDT. This, nevertheless, does not require him to prove his innocence; *i.e.*, that he did not do the infractions charged. The distinction between the two lies in the subtle but important detail that Ante may successfully overthrow SDT's *prima facie* case against him, without necessarily proving his innocence. In other words, Ante may adduce defenses or exculpatory evidence on his behalf; and if sufficient, would defeat the case against him. However, does this automatically mean that he did not commit the acts and omissions charged against him? Certainly not. Needless to say, Ante need not prove his innocence, for he has in his favor such presumption.

Instead, the burden of proof logically lies with SDT, since it is the party alleging a fact – that Ante participated in the hazing activities which led to the death of Mendez. Thus, in conducting its preliminary inquiry which resulted to a finding of a *prima facie* evidence against Ante, SDT merely found evidence good and sufficient on its face, enough to support the filing of the formal charges against Ante. However, we emphasize that this *prima facie* evidence is in no way conclusive of the truth or falsity of the allegations sought to be established – a determination which is best attained after an exhaustive trial.

As a final note, the Court takes this opportunity to remind litigants that, while perfectly within their rights, resort to procedural devices must be tempered, especially if the same results to unnecessary delays to the main proceedings where a more exhaustive and conclusive adjudication of the parties' rights and liabilities may be had.

WHEREFORE, the petition is hereby **DISMISSED**. The October 6, 2015 Decision and September 27, 2016 Resolution of the Court of Appeals in CA-G.R. SP No. 120280 are **AFFIRMED**.

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[38] *BP Oil And Chemicals International Philippines, Inc., v. Total Distribution & Logistics Systems, Inc.*, 805 Phil. 244, 260 (2017).

[39] *People v. Court of Appeals, 21st Division*, 755 Phil. 80, 109 (2015).

[40] *Bautista v. Sarmiento*, 223 Phil. 181, 185-186 (1985).

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

RODIL V. ZALAMEDA
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JOSE MIDAS P. MARQUEZ
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.

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.

ALEXANDER G. GESMUNDO
Chief Justice