



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

JAN MICHAEL B. AGUILING,
Petitioner,

G.R. No. 263038

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Present:

CAGUIOA, J., *Chairperson*,
INTING,
GAERLAN,
DIMAAPAO, and
SINGH, * JJ.

Promulgated:

Feb 17 2025

MIS/DCB-H

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DECISION

GAERLAN, J.:

This Petition for Review on *Certiorari*¹ seeks to annul and set aside the February 23, 2021 Decision² and the June 22, 2022 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 12965 which reversed and set aside the Orders dated April 15, 2019⁴ and April 26, 2019,⁵ and Decision⁶ dated May 6, 2019 of Branch 17 of the Regional Trial Court (RTC) of Roxas City, Sixth Judicial Region in Criminal Case Nos. C-474-16, C-475-16, and C-476-16. The CA Decision found that the RTC acted with grave abuse of discretion

* On leave.

¹ *Rollo*, pp. 4–20.

² *Id.* at 29–40. Penned by Associate Justice Dorothy P. Montejo-Gonzaga and concurred in by Associate Justices Gabriel T. Ingles, and Bautista G. Corpin, Jr. of the Eighteenth (18th) Division, Court of Appeals, Cebu City.

³ *Id.* at 43–47. Penned by Associate Justice Bautista G. Corpin, Jr. and concurred in by Associate Justices Mercedita G. Dadole-Ygnacio and Eleuterio L. Bathan of the Special Former Eighteenth (18th) Division, Court of Appeals, Cebu City.

⁴ *Id.* at 54–59. Penned by Presiding Judge Lorencito B. Diaz.

⁵ *Id.* at 67.

⁶ *Id.* at 68–71.

when it accepted petitioner Jan Michael B. Aguiling's (Aguiling) proposal for plea bargaining despite the prosecution's objection.⁷

The Antecedent Facts

Aguiling was charged with violations of Article II, Sections 5, 11, and 12 of Republic Act No. 9165⁸ in three separate Informations,⁹ all dated October 10, 2016. The charges pertained to the illegal sale of 0.0131 gram of methamphetamine hydrochloride, otherwise known as *shabu*; the illegal possession of two heat-sealed transparent sachets containing 0.0094 gram and 0.0110 gram, respectively, of the same dangerous drug; and the illegal possession of drug apparatus and/or paraphernalia.¹⁰

When arraigned on March 2, 2017, Aguiling pleaded "not guilty" to the offenses charged. Trial ensued thereafter.¹¹

During the presentation of the prosecution's evidence, Aguiling filed a Proposal for Plea Bargaining (Proposal),¹² dated May 29, 2018. Citing A.M. No. 18-03-16-SC,¹³ he asserted that he may be allowed to plead guilty to the lesser offense of violating Section 12 of Republic Act No. 9165, in lieu of his violations of Sections 5 and 11 of the same law in Criminal Case Nos. C-474-16 and C-475-16. He likewise sought to plead guilty to violating Section 15 of Republic Act No. 9165, in substitution for his violation of Section 12 of the same law in Criminal Case No. C-476-16.¹⁴

On July 25, 2018, the prosecution filed a Comment/Objection,¹⁵ contending that Department of Justice (DOJ) Circular No. 027¹⁶ provides that in cases involving a violation of Section 5 of Republic Act No. 9165, the accused may only plead guilty to a lesser offense under Section 11. Since Aguiling proposed to plead guilty to a violation of Section 12, which is not

⁷ *Id.* at 37.

⁸ Entitled "AN ACT INSTITUTING THE COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, REPEALING REPUBLIC ACT NO. 6425, OTHERWISE KNOWN AS THE DANGEROUS DRUGS ACT OF 1972, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES." Approved on June 7, 2002.

⁹ *Rollo*, pp. 130–131, 132–133 & 134–135.

¹⁰ *Id.*

¹¹ *Id.* at 30.

¹² *Id.* at 48–51.

¹³ Entitled "ADOPTION OF THE PLEA BARGAINING FRAMEWORK IN DRUGS CASES" dated April 10, 2018.

¹⁴ *Rollo*, p. 49.

¹⁵ *Id.* at 52–53.

¹⁶ AMENDED GUIDELINES ON PLEA BARGAINING FOR REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002." Dated: June 26, 2018.

permitted under DOJ Circular No. 027, the prosecution maintained that they could not consent to the proposed plea bargain.¹⁷

In an Order¹⁸ dated April 15, 2019, the RTC granted Aguiling's Proposal for Plea Bargaining despite the prosecution's opposition. Consequently, Aguiling was re-arraigned for the downgraded offenses of violations of Sections 12 and 15 of Republic Act No. 9165.

The Ruling of the RTC

In its Decision¹⁹ dated May 6, 2019, the RTC cited A.M. No. 18-03-16-SC and the ruling of the Court in *Estipona v. Judge Lobrigo*²⁰ as bases for allowing the plea bargain. The dispositive portion thereof reads:

WHEREFORE, in light of the foregoing premises, accused Jan Michael Aguiling y Bernas is found guilty beyond reasonable doubt in Criminal Case Nos. C-474-16 and C-475-16 which are both for violation of Section 12, Article II, Republic Act No. 9165, as amended, and in Criminal Case No. C-476-16 which is for violation of Section 15 of the same law for use of a dangerous drug. He is sentenced as follows:

1. In Criminal Case No. C-474-16, to be imprisoned for six (6) months and one (1) day, as minimum, to four (4) years, as maximum, and to pay a fine of twenty thousand pesos (P20,000.00);
2. In Criminal Case No. C-475-16, to be imprisoned for six (6) months and one (1) day, as minimum, to four (4) years, as maximum, and to pay a fine of twenty thousand pesos (P20,000.00); and
3. In Criminal Case No. C-476-16, inasmuch as based on the Drug Dependency Evaluation dated 18 October 2018 he is not a drug dependent, to undergo both an occasional random drug testing and drug counseling at the Department of Health Treatment and Rehabilitation Center (DOH-TRC), Rumbang, Pototan, Iloilo.

If qualified under Article 29 of the Revised Penal Code, as amended by R.A. No. 6127, and further amended by Executive Order No. 214, accused, if he had agreed in writing to abide by the same disciplinary rules imposed upon convicted prisoners, shall be credited with the full duration of his preventive imprisonment; otherwise, he shall only be credited in the service of his sentence with four-fifth (4/5) of the time during which he had undergone preventive imprisonment.

¹⁷ *Rollo*, p. 53.

¹⁸ *Id.* at 54–59.

¹⁹ *Id.* at 68–71.

²⁰ 816 Phil. 789 (2017) [Per J. Peralta, *En Banc*].

The items which had been marked as A(P-JMBA-1), B(P-JMBA-2), C(BB-JMBA-1), D(P-JMBA-3), E(JMBA-4) and F(JMBA-7), being illegal *per se* and the instruments in the commission of the offenses charged, are ordered confiscated, the same to be turned-over to the Philippine Drug Enforcement Agency (PDEA) for proper destruction.

Costs de oficio.

SO DECIDED.²¹ (Italics in the original)

Consequently, the People, through the Office of the Solicitor General (OSG), sought to annul the RTC's Order dated April 15, 2019 granting the plea bargaining proposal of Aguiling to a lesser crime over and above the objections of the prosecution; and the Order dated April 26, 2019 denying the prosecution's motion for reconsideration via a Petition for *Certiorari*²² dated July 1, 2019 before the CA.

The OSG averred that under the Rules of Court and prevailing jurisprudence, the public prosecutor's consent is required in plea bargaining. Hence, Judge Lorencito B. Diaz, Presiding Judge of Branch 17, RTC, Roxas City, committed grave abuse of discretion amounting to lack or excess of jurisdiction, correctible only by *certiorari*, in granting Aguiling's plea bargaining proposal over the public prosecutor's objection.²³

The Ruling of the CA

In its assailed Decision²⁴ dated February 23, 2021, the CA granted the respondent's petition, the *fallo* thereof reads:

WHEREFORE, in view of the foregoing, the *Petition for Certiorari* is **GRANTED**. The *Orders* dated 15 April 2019 and 26 April 2019, and *Decision* dated 06 May 2019 of the Regional Trial Court (RTC) of Roxas City, 6th Judicial Region, Branch 17, in Criminal Case Nos. C-474-16, C-475-16, and C-476-16, are **REVERSED** and **SET ASIDE**. The Regional Trial Court is hereby **ORDERED** to immediately proceed with the trial of the mentioned criminal cases filed against private respondent Jan Michael Aguiling y Bernas.

SO ORDERED.²⁵ (Emphasis and italics in the original)

²¹ *Rollo*, pp. 70–71.

²² *Id.* at 72–90.

²³ *Id.* at 73.

²⁴ *Id.* at 29–40.

²⁵ *Id.* at 39.

In so ruling, the appellate court concluded that the parties failed to reach a consensus on the plea bargaining, as the prosecution rejected Aguililing's proposals, for the reason that it contravenes DOJ Circular No. 027. Be that as it may, the matter of consent to a plea of guilty to a lesser penalty is solely within the prosecution's discretion, with which courts should not interfere in the absence of grave abuse of discretion.²⁶

Aguiling filed a Motion for Reconsideration²⁷ dated April 8, 2021, which was later denied by the CA in its Resolution²⁸ dated June 22, 2022.

The Present Petition

Aguiling asserts that the CA gravely erred in broadly ruling that a plea bargain entered into without the consent of the prosecution is void, as this contradicts the Court's position set forth in A.M. No. 18-03-16-SC. Furthermore, Aguililing contends that the issuance of Department of Justice Circular No. 18 has effectively addressed and cured the issue of lack of prosecutorial consent.²⁹

The Ruling of the Court

We grant the Petition.

Contrary to the findings of the CA, the RTC did not act with grave abuse of discretion amounting to lack or excess of jurisdiction when it allowed the plea bargain in the case.

It is a well-settled rule that a Petition under Rule 65 imposes a stringent standard. As an extraordinary remedy, it may be invoked only in exceptional circumstances where the act being assailed is marred by grave abuse of discretion. The concept of grave abuse of discretion is firmly established, referring to a capricious, arbitrary, or whimsical exercise of power. It must be so blatant and egregious as to amount to an evasion of a positive duty or a virtual refusal to perform a legal obligation—effectively rendering the act as no action at all in the eyes of the law—or where power is wielded arbitrarily and despotically, driven by passion or hostility. A special civil action for *certiorari* under Rule 65 of the Rules of Court is specifically designed to rectify errors of jurisdiction, not mere errors of law.³⁰

²⁶ *Id.* at 37.

²⁷ *Id.* at 175–178.

²⁸ *Id.* at 43–47.

²⁹ *Id.* at 11.

³⁰ *Tresvalles v. People*, G.R. No. 260214, April 17, 2023 [Per J. Singh, Third Division].

When assessed against this standard, the Court concludes that the RTC Decision and Order permitting Aguiling to enter into a plea bargain are not tainted with grave abuse of discretion.

Plea bargaining is a “process whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval.”³¹ It usually involves the defendant pleading guilty to a lesser offense or to only one or some of the counts of a multicount indictment in return for a lighter sentence than that for the graver charge. It is essentially a give-and-take negotiation wherein both the prosecution and the defense make concessions to avoid potential losses.³² Plea bargaining to a lesser offense is governed by Section 2, Rule 116 of the Revised Rules of Criminal Procedure, which reads:

Section 2. *Plea of Guilty to a Lesser Offense.* – At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.³³

With the promulgation of *Estipona v. Judge Lobrigo*,³⁴ the Court expressly recognized the permissibility of plea bargaining in illegal drugs cases. Consequently, A.M. No. 18-03-16-SC was issued, establishing a uniform framework for plea bargaining in drug-related cases to be implemented by all trial courts. In line with this development, the Department of Justice issued DOJ Circular No. 27 to provide prosecutors with guidelines for evaluating plea bargaining proposals in such cases.

Significantly, A.M. No. 18-03-16-SC and DOJ Circular No. 27 differ in the lesser offense allowed for plea bargaining in cases involving a violation of Section 5 of Republic Act No. 9165. Under DOJ Circular No. 27, an accused facing charges under Section 5 for less than five grams of *shabu* or less than 300 grams of *marijuana* may plead guilty to the lesser offense under Section 11, paragraph 3 (Possession of Dangerous Drugs). Meanwhile, A.M. No. 18-03-16-SC permits plea bargaining for a violation of Section 5 involving 0.01 to 0.99 gram of *shabu* or 0.01 to 9.99 grams of *marijuana*, allowing the accused to plead guilty to the lesser offense under Section 12 (Possession of Equipment, Instrument, Apparatus, and Other Paraphernalia for Dangerous Drugs).³⁵

³¹ *Sayre v. Judge Xenos*, 871 Phil. 86, 109 (2020) [Per J. Carandang, *En Banc*].

³² *Id.*

³³ RULES OF CRIMINAL PROCEDURE, rule 116, Sec. 2.

³⁴ 816 Phil. 789 (2017) [Per J. Peralta, *En Banc*].

³⁵ *People v. Vianzon and San Pedro*, G.R. No. 255031, January 17, 2023 [Notice, First Division].

This inconsistency has been addressed in DOJ Circular No. 18,³⁶ which amended DOJ Circular No. 27. The recent circular now conforms to A.M. No. 18-03-16-SC specifically as regards the acceptable plea bargain on Section 5 of Republic Act No. 9165 to Section 12 of the same law.

In the significant ruling of *People v. Montierro*,³⁷ the Court *En Banc* determined that courts have the authority to dismiss the prosecution's objections to plea bargain proposals in drug-related cases. This is applicable when the objections are solely based on the assertion that the proposed plea bargain does not align with the acceptable terms set forth in any internal rules or guidelines of the DOJ, although it adheres to the plea bargaining framework established by the Court.

In the present case, the proposed plea bargain aligns with the Plea Bargaining Framework in Drug Cases. Aguiling was originally charged with a violation of Section 5 of Republic Act No. 9165 for the sale of 0.0131 gram of *shabu*. The RTC permitted him to plead guilty to the lesser offense of violating Section 12 of the same law. This decision adheres to the Plea Bargaining Framework, which explicitly provides that when the charge involves a violation of Section 5 of Republic Act No. 9165, and the quantity of *shabu* seized ranges from 0.01 to 0.99 gram, the appropriate lesser offense for plea bargaining is a violation of Section 12 which pertains to possession of equipment, instruments, or paraphernalia for dangerous drugs.³⁸

Similarly, the trial court properly overruled the prosecution's objection, which was found solely on the argument that Aguiling's plea bargaining proposal was inconsistent with the acceptable plea under DOJ Circular No. 27, despite being fully compliant with the plea bargaining framework established by the Court. In any event, the prosecution's objection is deemed withdrawn with the issuance of DOJ Circular No. 18, which explicitly recognizes Section 12 as the appropriate lesser offense to which Aguiling may plead guilty.

As to the OSG's contention that the public prosecutor's consent is required in plea bargaining, it is indeed acknowledged that plea bargaining is a process aimed at reaching a "mutually satisfactory disposition of a case," Section 2 of Rule 116, however, grants the trial court discretion in determining whether to permit the accused to enter such a plea. Therefore, while plea bargaining necessitates the agreement of both parties, the final approval of a plea bargain rests within the sound discretion of the court.³⁹

³⁶ REVISED AMENDED GUIDELINES ON PLEA BARGAINING FOR REPUBLIC ACT NO. 9165 OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002." Dated: May 10, 2022.

³⁷ 926 Phil. 430 (2022) [Per J. Caguioa, *En Banc*].

³⁸ *Tresvalles v. People*, G.R. No. 260214, April 17, 2023 [Per J. Singh, Third Division].

³⁹ *People v. Montierro*, 926 Phil. 430, 450 (2022) [Per J. Caguioa, *En Banc*].

Thus, by adhering to the Plea Bargaining Framework in Drug Cases instead of the prosecution's stance that DOJ Circular No. 27 prohibits plea bargaining in Aguiling's case, the RTC simply exercised its discretion and resolved the matter in accordance with the law and the applicable rules. Evidently, there is no showing that the RTC, in so ruling, was motivated by any desire to abuse its power or to prejudice the parties in an arbitrary or despotic manner. In acting promptly to allow the plea bargain, to re-arraign Aguiling, and to promulgate the RTC Decision, the trial court was only ensuring that no person should be deprived of liberty for a period beyond what the law allows.

As Aguiling submitted his proposal for plea bargaining during the presentation of the prosecution's evidence, the RTC was left with insufficient opportunity to assess the strength of the evidence, which is essential for deciding whether to accept the plea bargain. Additionally, the RTC made no evaluation as to whether Aguiling had a history of recidivism, was recognized in the community as a drug addict and troublemaker, had previously undergone rehabilitation but experienced a relapse, or had faced multiple charges.

In previous cases, the Court has resolved similar issues by remanding the case to the court of origin, in accordance with the guidelines set forth in *Montierro*, which process has inevitably led to further delays in the resolution of these cases. In particular, matters that have already adjudicated, with sentences duly imposed, are required to be revisited to reassess the sufficiency of the prosecution's evidence and the character of the accused, notwithstanding the absence of any objection on these grounds in the prosecution's objection to the plea bargain motion.

This inordinate delay has been addressed in the recent case of *Aquino v. People*.⁴⁰ The Court, speaking through Associate Justice Dimaampao, elucidated as follows:

Forcing a trial court to make a determination as to the existence and propriety of grounds for objecting to a plea bargaining proposal where the prosecution itself did not even bother to propound such grounds in the first place is akin to arrogating upon such court the power to determine whether to interpose an objection, what ground to use for such objection, both of which are highly critical determinations reserved solely for the Executive. After all, the power to prosecute is purely an Executive function, and the prosecutor has a wide discretion of whether, what, and whom to charge due to the range of variables present when pursuing a criminal case.

⁴⁰ G.R. No. 259094, January 28, 2025 [Per J. Dimaampao, *En Banc*].

In the Court's considered view, a solution to this conundrum is to apply the principle behind the *Omnibus Motion Rule*, espoused in Rule 15, Section 8 of the Rules of Court. The provision states:

Section 8. *Omnibus motion.* — Subject to the provisions of Section 1 of Rule 9, a motion attacking a pleading, order, judgment, or proceeding shall include all objections then available, and all objections not so included shall be deemed waived.

In effect, where the prosecution's objection is anchored only on one or a few—but not all—grounds for opposing such proposal, all other possible grounds not thus raised shall be deemed waived.⁴¹

Accordingly, in *Aquino*, the Court has promulgated new guidelines to supplement those laid down in *Montierro*, thus:

1. Offers for plea bargaining must be initiated in writing by way of a formal written motion filed by the accused in court.
2. The lesser offense which the accused proposes to plead guilty to must necessarily be included in the offense charged.
3. Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Plea Bargaining Framework in Drugs Cases, the judge shall order that a drug dependency assessment be administered. If the accused admits drug use, or denies it but is found positive after a drug dependency test, then he/she shall undergo treatment and rehabilitation for a period of not less than six months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then he/she will be released on time served, otherwise, he/she will serve his/her sentence in jail minus the counselling period at rehabilitation center.
4. As a rule, plea bargaining requires the mutual agreement of the parties and remains subject to the approval of the court. Regardless of the mutual agreement of the parties, the acceptance of the offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right, but is a matter addressed entirely to the sound discretion of the court. Although the prosecution and the defense may agree to enter into a plea bargain, it does not follow that the courts will automatically approve the proposal. Judges must still exercise sound discretion in granting or denying plea bargaining, taking into account ***the objections raised by the prosecution and*** other relevant circumstances, including the character of the accused.

⁴¹ *Id.*

5. In cases where the prosecution, in its comment or opposition to the accused's motion to plea bargain, raised only a few but not all possible grounds for opposing the motion, it must be understood that the prosecution has waived such grounds not raised, similar to the principle behind the *Omnibus Motion Rule*.

6. The court shall not allow plea bargaining if the objection to the plea bargaining is valid and supported by evidence to the effect that:

- a. the offender is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times; or
- b. when the evidence of guilt is strong.

7. Plea bargaining in drugs cases shall not be allowed when the proposed plea bargain does not conform to the Court-issued Plea Bargaining Framework in Drugs Cases.

8. Judges may overrule the objection of the prosecution if it is based solely on the ground that the accused's plea bargaining proposal is inconsistent with the acceptable plea bargain under any internal rules or guidelines of the DOJ, although in accordance with the plea bargaining framework issued by the Court, if any.

9. If the prosecution objects to the accused's plea bargaining proposal due to the circumstances enumerated in **item no. 6**, the trial court is mandated to hear the prosecution's objection and rule on the merits thereof. If the trial court finds the objection meritorious, it shall order the continuation of the criminal proceedings. ***The trial court shall hear and receive evidence on any and all grounds raised by the prosecution for opposing the motion to plea bargain and must rule on each ground accordingly.***

10. If an accused applies for probation in offenses punishable under Republic Act No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Section 24 thereof, then the law on probation shall apply.

11. Where the prosecution has raised multiple grounds in its opposition, but the trial court only ruled in one but was silent with regard to the rest, either the appellate court or this Court shall direct the trial court to rule on such pending issues in accordance with the principles in Montierro and this case.

12. Where the records before either the appellate court or this Court are incomplete to determine if it falls in any of the preceding scenarios, the trial court shall be directed to rule again on the matter following the principles laid down in Montierro and this case.

13. As a result of the foregoing rule, if the trial court or the appellate court has ruled correctly on the issue, the correct judgment shall be reinstated or affirmed, as the case may be.

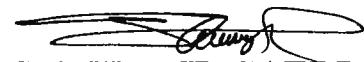
14. In cases where both the trial court and the appellate court ruled incorrectly on the issue (i.e., not in accordance with Montierro), a new judgment shall be entered by the Court directing the trial court to allow plea bargaining in the accused's case, and to render a guilty verdict accordingly.⁴² (Emphasis and italics in the original, citations omitted)

In this case, considering that the prosecution's objection was based solely on the inconsistency between DOJ Circular No. 27 and the Court's Plea-Bargaining Framework—a ground that the trial court correctly overruled—the Court finds no necessity to remand the case to the RTC for further proceedings. This approach is in faithful adherence to the supplementary guidelines articulated in *Aquino*.

Accordingly, the Orders dated April 15, 2019 and April 26, 2019, and the Decision dated May 6, 2019 of the RTC—adjudging Aguiling guilty beyond reasonable doubt of the lesser offenses under Sections 12 and 15 of Republic Act No. 9165—shall be reinstated.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated February 23, 2021 and the Resolution dated June 22, 2022 of the Court of Appeals in CA-G.R. SP No. 12965 are **REVERSED and SET ASIDE**. The Orders dated April 15, 2019 and April 26, 2019, and the Decision dated May 6, 2019 of Branch 17 of the Regional Trial Court of Roxas City, Sixth Judicial Region in Criminal Case Nos. C-474-16, C-475-16, and C-476-16 are hereby **REINSTATED**.

SO ORDERED.



SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:



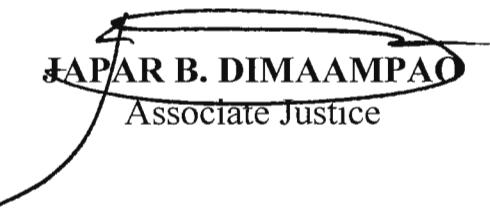
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁴² *Id.*



HENRI JEAN PAUL B. INTING

Associate Justice



JAPAR B. DIMAAMPAO

Associate Justice

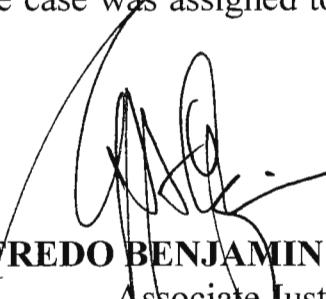
(On leave)

MARIA FILOMENA D. SINGH

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.



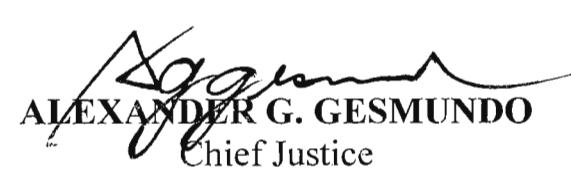
ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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