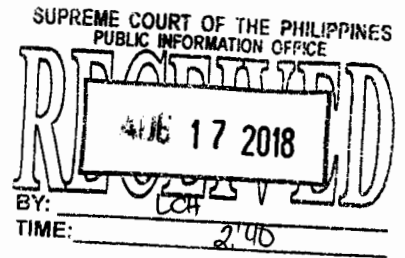




Republic of the Philippines
 Supreme Court
 Manila

FIRST DIVISION



PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218804

Present:

LEONARDO-DE CASTRO,
*Acting Chairperson,**
 DEL CASTILLO,
 TIJAM,
 REYES, JR.,** *and*
 GESMUNDO,*** *JJ.*

- versus -

LEONARDO QUIAPO @ "LANDO",
Accused-Appellant.

Promulgated:
AUG 06 2018

x - - - - -

DECISION

DEL CASTILLO, J.:

On appeal is the April 24, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 00669-MIN affirming with modification the September 5, 2008 Decision² of the Regional Trial Court (RTC) of Liloy, Zamboanga del Norte, Branch 28 in Criminal Case Nos. L-0098 to L-00103 convicting Leonardo Quiapo @ "Lando" (appellant) of one count of attempted rape and five counts of consummated rape.

Antecedent Facts

Appellant was charged before the RTC of Liloy, Zamboanga del Norte, Branch 28 in six separate Informations with rape under Article 335 of the Revised Penal Code (RPC) and which were docketed as Criminal Case Nos. L-0098 to L-00103, inclusive.

* Per Special Order No. 2559 dated May 11, 2018.
 ** Designated as additional member per October 18, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.
 *** Per Special Order No. 2560 dated May 11, 2018.
¹ CA *rollo*, pp. 211-229; penned by Associate Justice Edward B. Contreras and concurred in by Associate Justices Edgardo T. Lloren and Rafael Antonio M. Santos.
² Id. at 125-155; penned by Judge Oscar D. Tomarong.

The accusatory portions of the Informations read, as follows:

Criminal Case No. L-0098

That, in the afternoon, on or about the 20th day of September, 1996, in x x x Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one MMM,³ an 11 year old child, against her will and without her consent.

CONTRARY TO LAW (Viol. of Art. 335, Revised Penal Code).⁴

Criminal Case No. L-0099

That, in the evening, on or about the 21st day of September, 1996, in x x x Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one MMM, an 11 year old child, against her will and without her consent.

CONTRARY TO LAW (Viol. of Art. 335, Revised Penal Code).⁵

Criminal Case No. L-00100

That, in the morning, on or about the 18th day of April, 1996, in x x x Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one AAA, a 12 year old child, against her will and without her consent.

CONTRARY TO LAW (Viol. of Art. 335, Revised Penal Code).⁶

Criminal Case No. L-00101

That, at noon, on or about the 18th day of April, 1996, in x x x Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved



³ “The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties for its Violation, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004.” *People v. Dumadag*, 667 Phil. 664, 669 (2011).

⁴ Records (Vol. 1), p. 1.

⁵ Id. at 4.

⁶ Records (Vol. 2), p. 1.

by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one AAA, a 12 year old child, against her will and without her consent.

CONTRARY TO LAW (Viol. of Art. 335, Revised Penal Code).⁷

Criminal Case No. L-00102

That, in the evening, on or about the 18th day of April, 1996, in x x x Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one AAA, a 12 year old child, against her will and without her consent.

CONTRARY TO LAW (Viol. of Art. 335, Revised Penal Code).⁸

Criminal Case No. L-00103

That, in the evening, on or about the 13th day of May, 1996, in x x x Zamboanga del Norte, within the jurisdiction of this Honorable Court, the said accused, moved by lewd and unchaste desire and by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously succeed in having sexual intercourse with one AAA, a 12 year old child, against her will and without her consent.

CONTRARY TO LAW (Viol. of Art. 335, Revised Penal Code).⁹

Appellant pleaded not guilty to the charges. Thereafter, trial on the merits ensued.

The CA and the Office of the Solicitor General (OSG) summarized the prosecution's version of the incidents in the following manner:

Criminal Case Nos. L-0100, L-0101, L-0102 and L-0103:
Rapes committed on AAA:

In the summer of 1996, AAA stayed with x x x appellant Leonardo Quiapo, and Aunt [BBB] Quiapo at their residence x x x, per request of AAA's Aunt [BBB]. While living with the spouses, AAA helped out in the daily household chores x x x. Everytime that [BBB] leaves the house, Leonardo would ask her to come to him.

In the afternoon of 18 April 1996, while AAA was fetching water, Leonardo followed and beckoned her to come to him x x x. At first, AAA did not

⁷ Id. at 6.

⁸ Id. at 11.

⁹ Id. at 16.



respond to Leonardo's call. x x x Eventually, [AAA] succumbed to [appellant's] unrelenting request and came near him. Immediately thereafter, Leonardo x x x [undressed AAA and threatened her] not to shout.

Terrified by the bolo [hanging] at the side of Leonardo and the threat of killing her x x x, AAA yielded to [her] uncle's desire. Leonardo laid her on the grass and took out his penis x x x and positioned himself on top of AAA. However, Leonardo was not able to fully insert his penis into AAA's vagina.

Days after, Leonardo's second sexual attack on AAA took place at the Quiapos^[1] house x x x. While AAA was sleeping together with her aunt and cousins in the same room – which was dark because the light[s] were off – Leonardo advanced towards AAA. Despite AAA's three (3) shouts for help, her aunt [and cousins] did not wake up. x x x Leonardo succeeded in penetrating her [causing her severe] pain and x x x vaginal bleeding. She was sure that it was Leonardo because she recognized x x x his voice.

The third rape incident was committed in the grassy portion surrounding the house of the Quiapos^[1] x x x while AAA was fetching water. Similarly, AAA felt severe pain and vaginal bleeding resulting from Leonardo's penetration of her.

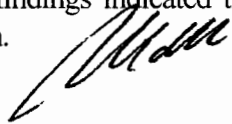
For the fourth time, Leonardo raped AAA while she was sleeping together with all the members of the Quiapo family in the same room. Her shouting twice [at] the top of her voice did not wake her aunt or anybody in the room x x x. Leonardo covered her mouth to prevent her from shouting further. He succeeded in undressing and laying on top of AAA by threatening her that [he] would kill her. Again, Leonardo successfully penetrated AAA resulting in another episode of pain and vaginal bleeding on the part of AAA.

The fifth episode happened one morning while AAA was carrying palay from the rice mill. Moments after reaching the house, AAA was commanded by Leonardo to come close to him. When AAA did not accede, x x x Leonardo grabbed her hand. At this point, [BBB] saw what her husband was doing to her niece. [BBB] hurriedly went inside the house and a fight ensued thereafter. [BBB] inquired from AAA what her husband did to her and AAA confessed the sexual molestations made by appellant against her x x x. On the same day, AAA was brought to her house x x x. She was also brought to the doctor for medical examination and to the police for investigation.

x x x x

Dr. Joshua G. Brillantes, Rural Health Physician of Labason, Zamboanga del Norte conducted the physical examination on AAA on May 29, 1997. During the examination, Dr. Brillantes observed that there was a complete laceration of hymenal membrane which [had] already healed[, which laceration was] possibly caused by a penis inserted through the hymen causing it to break.

On internal examination or manual examination, it was discovered that AAA's vaginal womb readily admit[ted] the tip of the little finger without any resistance[. This was] a result of the insertion of any object x x x to the vagina which [had] caused the elasticity of the vaginal muscles. He testified that the above mentioned findings indicated that a previous penetration occurred prior to the examination.



x x x x

Criminal Case Nos. L-0098 and L-0099:
Rapes committed on MMM

Sometime in September 1996, MMM was invited by her Aunt [BBB] to stay in the latter's house x x x to be a playmate to the latter's two children. MMM would [be] sleeping [in] a small room beside her Aunt [BBB] who was, in turn, lying beside Leonardo.

[In the evening] of 20 September 1996 [MMM] was sleeping inside her Aunt [BBB] and Leonardo's bedroom. At that time, her aunt was not around. While she was sleeping, appellant came to lie beside her, x x x. While MMM tried to move away[,] Leonardo pulled her towards him x x x. Leonardo held her hand, then shoulders, covered her mouth and undressed her. MMM attempted to shout but Leonardo managed to cover her mouth.

Eventually, after successfully pulling down MMM's panty, Leonardo removed his own clothes and [laid] on top of her. MMM suddenly felt much pain when Leonardo inserted his penis into her vagina. Maintaining such position, Leonardo continued with a series of 'push and pull' movements until MMM felt something x x x flowed inside her vagina.

After Leonardo was through, he x x x warned her that[,] if she [would] report x x x what [had] happened, he [would] kill her and her mother. Leonardo also promised to give MMM money. Driven by an overwhelming fear, MMM did as she was told. Leonardo was armed with an air gun beside him while he was committing these acts.

The following day, 21 September 1996 at around 4:00 PM, while MMM was [on a trail] through the nearby grassy portion, Leonardo shouted at [her] and instructed her to come near him because he had something to tell her. Thereat, Leonardo raped MMM for the second time [and] blood oozed out of MMM's vagina after another painful sexual attack made by appellant.

MMM reported the sexual molestations caused to her by her uncle to the police x x x [in] May 1997 or approximately eight (8) months when her cousin AAA, who was also raped by her uncle, appellant Leonardo, reported the matter to MMM's mother.

Dr. Brillantes was also the one who conducted the physical examination on MMM on May 29, 1997. Dr. Brillantes observed that there was a complete laceration of hymenal membrane which [had] already healed. He testified that the above mentioned findings [indicated] that MMM was 'no longer a virgin' at the time of the examination [and] the same result as that of his examination with AAA.¹⁰

On the other hand, appellant relied on denial and alibi. He denied ever having carnal knowledge of AAA and MMM as he was no longer a resident of the place where the occurrences transpired. He alleged that the accusations against him

¹⁰ CA rollo, pp. 215-218.



were fabricated and instigated by the complainants' grandmother who was driven by a grudge against him.

Ruling of the Regional Trial Court

The RTC gave more credence to the testimonies of AAA and MMM. It rejected appellant's defenses of denial and alibi applying the principle that these defenses cannot prevail over the positive testimony and identification of the accused. The RTC was not persuaded that the charges were just fabricated as it was not clearly established that the grandmother of the complainants really had a grudge on him. However, in Criminal Case No. L-0100, the RTC found appellant liable only for attempted rape since the prosecution failed to prove that appellant's penis was able to penetrate, however slight, AAA's vagina. Thus, on September 5, 2008, the RTC rendered its Decision, the decretal portion of which reads:

WHEREFORE, premises considered, the court finds accused *LEONARDO QUIAPO alias Lando*, guilty beyond reasonable doubt of the following:

1. For the crime of Attempted Rape in Criminal Case No. L-0100 and sentences [him] to an indeterminate penalty of imprisonment ranging from two (2) years, four (4) months and one (1) day of *prision correccional* as minimum, to eight (8) years and one (1) day of *prision mayor* as maximum and to pay Victim -AAA x x x the sum of Php30,000.00 as civil indemnity; Php25,000.00 as moral damages and Php10,000.00 as exemplary damages, and
2. For two (2) counts of Consummated Rape, in Criminal Case Nos. L-0098, L-0099, and sentences him to suffer the penalty of *Reclusion Perpetua* in two (2) counts, and to pay the Victim -- MMM x x x the sum of Php75,000.00; Php25,000.00 as exemplary damages and Php75,000.00 as moral damages, for each case.
3. For three (3) counts of Consummated Rape in Criminal Case Nos. L-0101, L-0102, and L-0103 and sentences him to suffer the penalty of *Reclusion Perpetua* in three (3) counts, and to pay the Victim -- AAA x x x the sum of Php75,000.00[,] Php25,000.00 as exemplary damages and Php75,000.00 as moral damages, for each case.

SO ORDERED.¹¹

Insisting on his innocence, appellant appealed to the CA.



¹¹ Id. at 152-153.

Ruling of the Court of Appeals

The CA found the testimonies of AAA and MMM clear, candid and straightforward and was convinced that appellant's guilt was proven beyond reasonable doubt. It rejected his defenses of denial and alibi holding that affirmative testimony was far stronger than negative testimony especially when it comes from a reliable witness. The CA ruled that appellant failed to prove his physical impossibility to be at the *situs criminis* at the time and date the crimes were committed. The precise time and date when the rapes took place had no substantial bearing on its commission. Moreover, the CA held that the delay in reporting the incidents did not militate against the credibility of AAA and MMM as they were threatened with death by appellant. Thus, on April 24, 2015, the CA disposed of appellant's appeal, as follows:

WHEREFORE, the appealed decision of the Regional Trial Court, Branch 28, in Liloy, Zamboanga del Norte in Criminal Case Nos. L-0098, L-0099, L-0100, L-0101, L-0102 and L-0103, is AFFIRMED with MODIFICATION. Appellant Leonardo Quiapo is found guilty beyond reasonable doubt of:

(a) statutory rape under paragraph 1(d), article 266-A of the Revised Penal Code in Criminal Case Nos. L-0098 and L-0099 and sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole, and to further pay the victim, MMM, for each count of rape the amounts of [a] ₱50,000.00 as civil indemnity, [b] ₱50,000.00 as moral damages, and [c] ₱30,000.00 as exemplary damages.

(b) simple rape under paragraph 1(a), Article 266-A of the Revised Penal Code in Criminal Case Nos. L-0101, L-0102 and L-0103 and sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole, and to further pay the victim, AAA, for each count of rape the amounts of [a] ₱50,000.00 as civil indemnity, [b] ₱50,000.00 as moral damages, and [c] ₱30,000.00 as exemplary damages.

(c) attempted rape in Criminal Case No. [L-]0100 for which he is sentenced to prison term of two (2) years, four (4) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum. He is likewise ordered to pay the victim, MMM, the amounts of [a] ₱30,000.00 as civil indemnity, [b] ₱25,000.00 as moral damages, and [c] ₱10,000.00 as exemplary damages.

Upon finality of this decision, appellant is further directed to pay interest, at the rate of 6% *per annum*, on all monetary awards for damages from the date of finality until fully paid.

SO ORDERED.¹²



¹² Id. at 227-228.

Hence, this appeal.

In our Resolution¹³ dated August 5, 2015, we required the parties to submit their respective supplemental briefs within 30 days from notice, if they so desired. The parties filed their separate manifestations that they were no longer filing supplemental briefs; instead, they were adopting their briefs filed before the CA.¹⁴

Our Ruling

The appeal is unmeritorious.

In assailing his conviction, appellant harps on the credibility of AAA and MMM contending that their respective recollection of the events were conflicting and contradictory regarding the details of the place, date and time of the incidents; and, their delayed disclosure of the incidents to their parents.

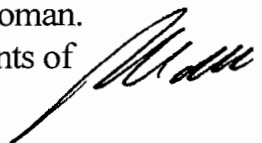
Appellant explains that the Information in Criminal Case No. L-0100 stated that the crime was committed in the morning on or about the 18th day of April, 1996; in Criminal Case No. L-0101 stated that the crime was committed at noon or about the 18th day of April, 1996; in Criminal Case No. L-0102 stated that the crime was committed in the evening on or about the 18th day of April, 1996; and; in Criminal Case No. L-0103 stated that the crime was committed on or about the 13th day of May, 1996. However, AAA testified during the trial that she was sexually abused in the year 1996 but could not remember the dates and gave inconsistent testimonies on the details. Appellant also avers that MMM could not state with consistency the place where the incidents of rape happened on September 20 and 21, 1996. Moreover, appellant posits that the delay in reporting the incidents hardly conforms to human experience.

Appellant's submissions are not tenable.

“[T]he date of the commission of the rape is not an essential element of the crime of rape, for the gravamen of the offense is carnal knowledge of a woman. Inconsistencies and discrepancies in details which are irrelevant to the elements of

¹³ *Rollo*, p. 24.

¹⁴ *Id.* at 46-47.



the crime are not grounds for acquittal.”¹⁵ Thus, any discrepancy regarding the dates, place and time of the incidents deserves scant consideration. In *People v. Sarcia*,¹⁶ the Court “ruled, time and again that the date is not an essential element of the crime of rape, for the gravamen of the offense is carnal knowledge of a woman. As such, the time or place of commission in rape cases need not be accurately stated.”

Neither the delay of AAA and MMM in reporting the incidents undermines their credibility. We have already ruled that “delay in reporting rape incidents, in the face of threats of physical violence, cannot be taken against the victim because delay in reporting an incident of rape is not an indication of a fabricated charge and does not necessarily cast doubt on the credibility of the complainant.”¹⁷

The courts below correctly rejected appellant’s defenses of denial and alibi. Well established is the rule that “a mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the victim of the identity and involvement of appellant in the crimes attributed to him.”¹⁸ The same is true with his claim of alibi. As observed by the courts below, appellant failed to prove his physical impossibility to be at the crime scene during their alleged commissions.

Anent appellant’s ascription of ill-motive in filing the charges against him, the Court already ruled that “motives such as resentment, hatred or revenge have never swayed this Court from giving full credence to the testimony of a minor rape victim.”¹⁹

Incidentally, appellant’s contentions basically relate to the trial court’s appreciation of the evidence adduced by the prosecution and its factual findings based thereon particularly the credibility of the prosecution witnesses.

The time-honored rule is that ‘the issue of credibility of witnesses is a question best addressed to the province of the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses’ deportment on the stand while testifying, x x x and absent any substantial reason which would justify the reversal of the trial court’s assessments and conclusions, the reviewing court is generally bound by the former’s findings,



¹⁵ *People v. Arpon*, 678 Phil. 752, 773 (2011).

¹⁶ 615 Phil. 97, 116 (2009) citing *People v. Purazo*, 450 Phil. 651, 671 (2003).

¹⁷ *People v. Rusco*, 796 Phil. 147, 157-158 (2016).

¹⁸ *People v. Pamintuan*, 710 Phil. 414, 424 (2013).

¹⁹ Id.

particularly when no significant facts and circumstances are shown to have been overlooked or disregarded, which when considered would have affected the outcome of the case. This rule finds an even more stringent application where the said findings are sustained by the CA.²⁰

This Court is convinced that the courts below were correct in giving full credence to the complainants.

The Court agrees with the CA that appellant should be held liable for statutory rape in Criminal Case Nos. L-0098 and L-0099. The elements of the crime of statutory rape under Article 266-A(1)(d) are: (1) that the offender had carnal knowledge of a woman; and (2) that such a woman is under 12 years of age or is demented.²¹ Essentially, the foregoing elements are the same as those provided under paragraph 3 of Article 335, the law in force when the rapes on MMM transpired. Thus based on records, the prosecution had established the element of carnal knowledge through the testimony of MMM with her age of being under 12 years old supported by her Certificate of Live Birth.

With respect to the rapes committed on AAA, the CA made a clear conclusion which we quote:

However, with respect to AAA, the Court upholds the trial court in finding appellant only liable for simple rape in Criminal Case Nos. L-0101, L-0102 and L-0103. While it may appear that AAA was under twelve (12) years old at the time appellant raped her, the same was not properly alleged in the Information. Consequently, due to the defect in the information charging appellant of rape, he can only be made liable for simple rape even if it was proven during trial that AAA was under twelve (12) years old at the time of the commission of the crimes charged.²²

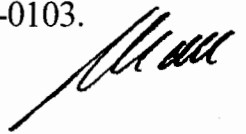
In addition, the Court finds no compelling reason to deviate from the findings of the CA affirming that of the trial court that appellant can only be made liable for attempted rape in Criminal Case No. L-0100 in view of the absence of any showing of the slightest penetration of appellant's penis inside AAA's vagina.

Consequently, the CA properly imposed on appellant the penalty of *reclusion perpetua* in Criminal Case Nos. L-0098, L-0099, L-0101, L-0102 and L-0103.

²⁰ *People v. Biala*, 773 Phil. 464, 480 (2015).

²¹ *People v. Pamintuan*, supra note 18 at 422.

²² *CA rollo*, p. 225.



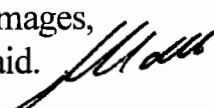
Recent jurisprudence²³ however, constrains us to modify the amount of damages awarded by the CA. The awards of civil indemnity, moral and exemplary damages have to be modified and increased to ₱75,000.00 each in the aforementioned cases, which amounts shall bear interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

While we sustain the prison term of two (2) years, four (4) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum, imposed by the CA in Criminal Case No. L-0100 for attempted rape, we find a need also for some modifications in the award of damages in line with recent jurisprudence. The award of ₱30,000.00 as civil indemnity must be reduced to ₱25,000.00 while the amount of ₱10,000.00 as exemplary damages is increased to ₱25,000.00. The award of ₱25,000.00 as moral damages is retained. All the amounts awarded shall bear interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The assailed April 24, 2015 Decision of the Court of Appeals in CA-G.R. CR HC No. 00669-MIN is **AFFIRMED** with **MODIFICATIONS**:

1. In Criminal Case Nos. L-0098 and L-0099, the appellant is found **GUILTY** of statutory rape and sentenced to suffer the penalty of *reclusion perpetua* for each count. He is ordered to pay MMM ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages for each count, all with interest at 6% *per annum* from finality of this Decision until fully paid.

2. In Criminal Case Nos. L-0101, L-0102 and L-0103, the appellant is found **GUILTY** of simple rape and sentenced to suffer the penalty of *reclusion perpetua* for each count. He is ordered to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages for each count, all with interest at 6% *per annum* from finality of this Decision until fully paid.

3. In Criminal Case No. L-0100, the appellant is found **GUILTY** of attempted rape and sentenced to a prison term of two (2) years, four (4) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum. He is ordered to pay AAA ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages and ₱25,000.00 as exemplary damages, all with interest of 6% *per annum* from finality of this Decision until fully paid. 

²³ *People v. Jugueta*, 783 Phil. 806 (2016).

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson


NOEL GIMENEZ TIJAM
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

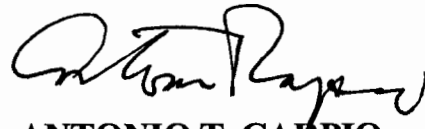
ATTESTATION

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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.



ANTONIO T. CARPIO

Acting Chief Justice

