



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 229507

Present:

CARPIO, J., Chairperson,  
PERALTA,  
PERLAS-BERNABE,  
CAGUIOA, and  
REYES, JR, JJ.

- versus -

DOMINGO ASPA, JR. y RASIMO,  
Accused-Appellant.

Promulgated:

06 AUG 2018

*[Handwritten signature]*

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DECISION

PERALTA, J.:

Assailed in this appeal is the January 14, 2016 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06767, which affirmed the April 2, 2014 Decision<sup>2</sup> of the Regional Trial Court, Branch 20, Vigan City, Ilocos Sur (RTC), finding accused-appellant Domingo Aspa, Jr. y Rasimo (*Aspa*) guilty beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 (*R.A. No. 9165*), otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

The antecedents are as follows:

Aspa was indicted for violation of Section 5, Article II of R.A. No. 9165 in an Information,<sup>3</sup> dated September 3, 2011. The accusatory portion of which reads:

<sup>1</sup> Penned by Associate Justice Mario V. Lopez, with Associate Justices Rosmari D. Carandang and Myra V. Garcia-Fernandez, concurring; *rollo*, pp. 2-7.  
<sup>2</sup> Penned by Judge Marita Balloquing; *CA rollo*, pp. 42-52.  
<sup>3</sup> Records, pp. 1-2.

*[Handwritten signature]*

That, on or about the 2<sup>nd</sup> day of September, 2011, in the City of Vigan, Province of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully, unlawfully and feloniously sell and deliver to a poseur-buyer 7.8471 grams, more or less, of marijuana fruiting tops, a dangerous drug.

Contrary to law.

When arraigned, Aspa pleaded not guilty to the charge. After pre-trial was terminated, trial on the merits ensued.

### *Version of the Prosecution*

As summarized by the Office of the Solicitor General (*OSG*) in the Appellee's Brief,<sup>4</sup> the People's version of the event is as follows:

On September 2, 2011 while on duty at the Vigan City Police Station, Deputy Chief of Police PCI Mar Louise Tamargo Bundoc received a report from a confidential informant that a certain Domingo Aspa, Jr. is selling marijuana. Thereafter, a buy-bust team against the suspect was constituted with PCI Mar Louise Bundoc, SPO4 Elpidio Ponce, SPO2 Dionisio Adela, SPO1 Amado Somera, Jr., PO2 Denni[s] Reoliquio and PO1 Mark Anthony Italin as members. PO1 Italin was briefed to act as the poseur-buyer and accompany the confidential informant.

Later around 9:45 am, the buy-bust team proceeded to the northern part of the Vigan Public Market near Pardo's Lechon Manok, where the buy-bust operation will be conducted. They positioned themselves in front of Pardo's Lechon Manok and in front of the north portion of the public market. After a few minutes, appellant Domingo Aspa arrived. PO1 Italin, along with the civilian informant, went to the alley beside Pardo's Lechon Manok. Then PO1 Italin heard the confidential informant asking Aspa whether he already has the marijuana, to which Aspa answered in the affirmative. After their conversation, Aspa handed over to the confidential informant three (3) heat-sealed plastic sachets allegedly containing dried marijuana leaves. In turn, the confidential informant handed over to Aspa the buy-bust money worth Php300.00, in three (3) Php100.00 bills. After the transaction, the confidential informant gave the pre-arranged signal, then Aspa was immediately arrested.

At the crime scene, the recovered evidence were inventoried and marked by SPO1 Somera, in front of appellant [and] in the presence of PO1 Italin, members of the media and councilor from Barangay VIII. Thereafter, PO1 Lopez photographed the evidence. The suspect was then turned over to the investigation section. The three (3) sachets of marijuana, on the other hand, were carried by SPO1 Somera who then proceeded to the Crime Laboratory at Ilocos Norte, together with the letter request for the confirmation and identification of the substance personally prepared and delivered by him, signed by PCI Mar Louise Bundoc. PSI Roanalaine B. Baligod received the

said letter request and conducted a qualitative examination to determine the presence of marijuana after the examination. Consequently, she prepared the pertinent laboratory and chemistry reports finding that the specimen submitted yielded positive results to the test of marijuana, a dangerous drug.<sup>5</sup>

### *Version of the Defense*

Aspa raised the defense of denial. He gave the following version in the Appellant's Brief<sup>6</sup> to support his plea for exoneration:

x x x x

13. On 2 September 2011, at around 8:00 o'clock in the morning, DOMINGO R. ASPA, a tricycle driver by trade, was about to park his vehicle on the road along the Vigan City Public Market to await passengers when a fellow pedicab driver, Ernie Figuerres (Ernie), asked him to spare Two Hundred Pesos (P200.00) to purchase marijuana. Not having the exact amount, he gave him Five Hundred Pesos (P500.00). Upon his return, Ernie handed the accused Three Hundred Pesos (P300.00) together with three (3) plastic sachets containing marijuana leaves.

14. After parting ways, the accused walked towards his tricycle. However, he was unable to reach the same as he was *strangled* on his way to it. Barely able to breath, he fell down and was then asked where he secured the contraband by his assailant who later introduced himself as a policeman.

15. The police officer sat on him while placing a call on his cellular phone and after about twenty (20) to twenty-five (25) minutes, more policemen arrived. While waiting, the officer asked him the source of his marijuana in exchange for his liberty. The accused answered that the officer saw the exchange as it transpired. The accused then denied all the accusations leveled against him.<sup>7</sup>

After the trial, the RTC rendered judgment finding accused-appellant Aspa guilty beyond reasonable doubt of the crime charged. The dispositive portion of the RTC Decision, dated April 2, 2014, reads:

WHEREFORE, in view of the foregoing premises, the Court finds the accused DOMINGO ASPA, Jr., y RASIMO, GUILTY beyond reasonable doubt of the offense charged in the Information, hereby sentencing him to suffer LIFE IMPRISONMENT without eligibility of parole and to pay a fine of five hundred thousand pesos (Php500,000.00).

The 7.8471 grams of marijuana fruiting tops are hereby ordered confiscated in favor of the government for proper disposal.

The Branch Clerk of Court is hereby directed to prepare the MITTIMUS.

<sup>5</sup> *Id.* at 63-64. (Citations omitted)

<sup>6</sup> *Id.* at 29-40.

<sup>7</sup> *Id.* at 34-35. (Citations omitted)

SO ORDERED.<sup>8</sup>

According to the RTC, all the elements of the crime of illegal sale of dangerous drugs were satisfactorily established by the prosecution. The RTC gave weight and credence on the testimonies of the prosecution witnesses PO1 Mark Anthony Italin (*PO1 Italin*), SPO1 Amado Somera, Jr. (*SPO1 Somera*) and PO2 Dennis Reoliquio (*PO2 Reoliquio*) which proved that Aspa was caught *in flagrante delicto* selling 7.8471 grams of marijuana during a legitimate buy-bust operation.

The RTC declared that the integrity and evidentiary value of the confiscated narcotics were duly preserved. It rejected the defense of denial interposed by the appellant because the same was not substantiated by clear and convincing evidence.

Undaunted, Aspa appealed his conviction for illegal sale of dangerous drugs before the CA.

### *The CA Ruling*

On January 14, 2016, the CA rendered its assailed Decision affirming Aspa's conviction based on the same ratiocinations the RTC had rendered, the *fallo* of which states:

FOR THESE REASONS, the appeal is DENIED.

SO ORDERED.<sup>9</sup>

The CA ruled that the elements of illegal sale of dangerous drugs have been adequately proven by the prosecution. The appellate court declared that the absence of the representative from the Department of Justice during the buy-bust is of no moment and would not affect the guilt of Aspa because the chain of custody of the seized marijuana remains unbroken and evidentiary value thereof was duly preserved. Lastly, the CA brushed aside Aspa's defense of denial for being self-serving and unsupported by any plausible proof.

Maintaining his claim of innocence, Aspa filed the present appeal and posited the same assignment of errors he previously raised before the CA, to wit:



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<sup>8</sup> *Id.* at 52.

<sup>9</sup> *Rollo*, p. 7.

## I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL CREDENCE TO THE PROSECUTION'S VERSION DESPITE THE PATENT IRREGULARITIES IN THE CONDUCT OF THE BUY-BUST OPERATION.

## II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH THE IDENTITY AND INTEGRITY OF THE ALLEGED CONFISCATED DRUGS CONSTITUTING THE *CORPUS DELICTI* OF THE CRIME.<sup>10</sup>

In its Resolution<sup>11</sup> dated March 20, 2017, the Court directed both parties to submit their Supplemental Briefs, if they so desire. On May 23, 2017, the OSG filed its Manifestation and Motion<sup>12</sup> stating that it will no longer file a supplemental brief as its Appellee's Brief had sufficiently ventilated the issues raised. On June 16, 2017, Aspa filed a Manifestation (In Lieu of Supplemental Brief)<sup>13</sup> averring that he would adopt all his arguments in his Appellant's Brief filed before the CA.

Aspa insists that his arrest has no legal anchor because no buy bust or entrapment operation was ever conducted against him. The three sachets of marijuana were given to him by a certain Ernie as payment for the ₱200.00 he earlier lent the latter.

The appeal is bereft of merit. Aspa's conviction for violation of Section 5, Article II of R.A. No. 9165 must stand.

In the main, Aspa wants this Court to reevaluate and reexamine the credibility of the prosecution witnesses *vis-a-vis* defense witness. Fundamental is the rule that findings of the trial court, which are factual in nature and which involve the credibility of witnesses, are accorded respect when no glaring errors, gross misapprehension of facts or speculative, arbitrary and unsupported conclusions can be gathered from such findings.<sup>14</sup> The reason is obvious. The trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during the trial.<sup>15</sup>

We carefully examined the records of this case since what is at stake here is no less than the liberty of Aspa. Try as we might, however, this Court failed to identify any error committed by the RTC and the CA in the

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<sup>10</sup> CA rollo, p. 31.

<sup>11</sup> Rollo, pp. 13-14.

<sup>12</sup> *Id.* at 15-16.

<sup>13</sup> *Id.* at 19-21.

<sup>14</sup> *People v. De Guzman*, 564 Phil. 282, 290 (2007).

<sup>15</sup> *People v. Villamin*, 625 Phil. 698, 713 (2010).

appreciation of the evidence as well as in the similar conclusions they reached. The courts *a quo* have not overlooked or disregarded arbitrarily any significant facts and circumstances in the case at bench.

Primarily, buy-bust operations are recognized in this jurisdiction as a legitimate form of entrapment of the persons suspected of being involved in drug dealings.<sup>16</sup> Unless there is a clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimonies with respect to the operation deserve full faith and credit.<sup>17</sup> In the prosecution of illegal sale of dangerous drugs in a buy-bust operation, there must be a concurrence of all the elements of the offense: (1) the identity of the buyer and the seller, the object, and the consideration; and (2) the delivery of the thing sold and the payment thereof. The prosecution must also prove the illegal sale of the dangerous drugs and present the *corpus delicti* in court as evidence.<sup>18</sup> The commission of the offense of illegal sale of dangerous drugs requires merely the consummation of the selling transaction, which happens the moment the buyer receives the drug from the seller. The crime is considered consummated by the delivery of the goods.<sup>19</sup>

All the above elements are present in the case at bench. PO1 Italin gave an unequivocal account of the sale that took place on September 2, 2011 leading to the arrest of the appellant. PO1 Italin testified that he was assigned to accompany the confidential informant who acted as the poseur-buyer in a buy-bust operation conducted at the northern part of the Vigan City Public Market; that upon reaching the target site, he and the confidential informant proceeded in front of Pardo's Lechon Manok, while the rest of the team strategically positioned themselves around the parking area of the market; that after a few minutes, Aspa arrived and led the informant to an alley; that he followed them closely as he was then only 2 to 3 meters away from the two; that he heard the informant asked Aspa if he has the marijuana, to which Aspa answered in the affirmative; and, that Aspa handed the three sachets containing dried marijuana leaves to the informant who, in turn, gave the buy-bust money consisting of three ₱100.00 bills with the marking "DR," the initials of PO2 Dennis Reoliquio, the one who prepared the buy-bust money. SPO1 Somera and PO2 Reoliquio corroborated the testimony of PO1 Italin in its material points having also seen how the transaction between Aspa and the confidential informant took place. This Court notes that the accounts of these police operatives of the incident dovetailed each other and uniformly testified of having apprehended Aspa in the entrapment operation.



<sup>16</sup> *People v. Rebotazo*, 711 Phil. 150, 162 (2013).

<sup>17</sup> *People v. Miranda*, 560 Phil. 795, 806 (2007).

<sup>18</sup> *People v. Taculod*, 723 Phil. 627, 641 (2013).

<sup>19</sup> *People v. Dumlao*, 584 Phil. 732, 738 (2008).

We find that the credible and positive testimonies of PO1 Italin, SPO1 Somera and PO2 Reoliquio are sufficient to prove that an illegal transaction or sale of marijuana took place. Also, when the *corpus delicti* (three plastic sachets containing 7.8471 grams of marijuana) were presented in court, PO1 Italin and SPO1 Somera positively identified the same as the sachets of marijuana leaves that Aspa sold to the confidential informant during the entrapment operation. Each bears the marking of "AES", the initials of SPO1 Amado Somera, Jr. The totality of the evidence presented during trial clearly points to Aspa as being engaged in the illegal sale of marijuana at the time he was arrested.

Yet, Aspa wants us to undo his conviction. In his attempt at exculpation, He argues that the failure of the police operatives to comply with the procedure laid down in Section 21(1) of R.A. No. 9165 because the representative from the Department of Justice was not present during the inventory of the alleged confiscated narcotics, is fatal to the prosecution's cause. In the light of his foregoing submission, Aspa maintains that he is entitled to an acquittal of the charge leveled against him.

The Court is not persuaded.

Evidence on record shows that the physical inventory of the seized marijuana leaves and the taking of the photograph thereof were immediately conducted at the place of the buy-bust operation by SPO1 Somera in the presence of Aspa, Michael Angelo Patron (*Patron*), a member of the media from the *Bombo Radyo*, and Edgar Palos (*Palos*), a *barangay kagawad* of *Barangay VIII*.<sup>20</sup> On cross-examination, PO1 Italin admitted that they did not have with them the representative from the Department of Justice at that time.<sup>21</sup> While nowhere in the prosecution evidence disclose an explanation why the police operatives failed to secure the presence of a representative from the Department of Justice, such omission shall not render Aspa's arrest illegal or the items seized/confiscated from him as inadmissible in evidence.

In *People v. Dasigan*,<sup>22</sup> the Court declared that the chain of custody is not established solely by compliance with the prescribed physical inventory and photographing of the seized drugs in the presence of the enumerated persons. In said case, no photographs were taken by the apprehending officers, and the inventory was not shown to have been made in the presence of selected public officials, yet we sustained the judgment of conviction. This Court explained:



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<sup>20</sup> TSN, June 13, 2012, p. 6.

<sup>21</sup> *Id.* at 19.

<sup>22</sup> 753 Phil. 288, 300 (2015).

However, this Court has, in many cases, held that while the chain of custody should ideally be perfect, in reality it is not, “as it is almost always impossible to obtain an unbroken chain.” The most important factor is the preservation of the integrity and the evidentiary value of the seized items as they will be used to determine the guilt or innocence of the accused. Hence, the prosecution’s failure to submit in evidence the physical inventory and photograph of the seized drugs as required under Article 21 of R.A. No. 9165, will not render the accused’s arrest illegal or the items seized from him inadmissible.<sup>23</sup>

Also, in the more recent case of *People v. Teng Moner y Adam*,<sup>24</sup> we sustained accused-appellant’s conviction despite the fact that no physical inventory and photograph of the seized item in the presence of the accused, or his representative or counsel, with an elected public official and a representative of the National Prosecution Service or the media. In that case, the Court wrote –

To reiterate past pronouncements, while ideally the procedure on the chain of custody should be perfect and unbroken, in reality, it is not as it is almost always impossible to obtain an unbroken chain. Unfortunately, rigid obedience to procedure creates a scenario wherein the safeguards that we set to shield the innocent are likewise exploited by the guilty to escape rightful punishment. Realizing the inconvenient truth that no perfect chain of custody can ever be achieved, this Court has consistently held that the most important factor in the chain of custody rule is the preservation of the integrity and evidentiary value of the seized items.

When the confiscated and/or seized drugs were not handled precisely in the manner prescribed by the chain of custody rule, particularly the making of inventory and the photographing of the drugs, its consequence would not relate to inadmissibility that would automatically destroy the prosecution’s case but rather to the evidentiary merit or probative value to be given the evidence.<sup>25</sup> More importantly in this connection, the Court, in the recent case of *People v. Vicente Sipin y De Castro*,<sup>26</sup> wrote:

The ponente further submits that the requirements of marking the seized items, conduct of inventory and taking photograph in the presence of a representative from the media or the DOJ and a local elective official, are police investigation procedures which call for administrative sanctions in case of non-compliance. Violation of such procedure may even merit penalty under R.A. No. 9165, to wit:

x x x x

However, non-observance of such police administrative procedures should not affect the validity of the seizure of the evidence, because the issue

<sup>23</sup> *People v. Dasigan, supra.*

<sup>24</sup> G.R. No. 202206, March 5, 2018.

<sup>25</sup> *People v. Teng Moner y Adam, supra.*

<sup>26</sup> G.R. No. 224290, June 11, 2018. (Underscoring ours)





of chain of custody is ultimately anchored on the admissibility of evidence, which is exclusively within the prerogative of the courts to decide in accordance with the rules on evidence.

At any rate, the Court finds that the presence of mediaman Patron and *barangay kagawad* Palos during the conduct of the physical inventory and taking of photograph of the confiscated drugs has protected the credibility and trustworthiness of the September 2, 2011 buy-bust operation as well as the incrimination of Aspa. Further, the Court is in complete accord with the findings of the RTC and the CA that the identity and probative value of the seized marijuana leaves have not been compromised. The prosecution had adequately shown the continuous and unbroken possession and subsequent transfers of the subject three plastic sachets of marijuana leaves, through the testimonies of PO1 Italin, SPO1 Somera, PO2 Reoliquio and Forensic Chemist PSI Roanalaine B. Baligod (*PSI Baligod*), as well as the documentary evidence adduced by the prosecution.

Prosecution evidence tends to show that PO1 Italin seized the three (3) sachets of suspected marijuana leaves from accused-appellant Aspa and turned them over to SPO1 Somera, who immediately marked each sachet with AES (which stands for Amado Echalar Somera), his signature and the date of the buy-bust operation. SPO1 Somera prepared an inventory receipt of the items seized at the place of the buy-bust operation, while PO1 Bryan Lopez took pictures of the subject drugs and the inventory proceedings. PO1 Italin was still in the area but he was helping the other members of the PNP in controlling the crowd. SPO1 Somera retained possession and carried the confiscated drugs when the buy-bust team headed back to the PNP, Vigan City Police Station, where a request for laboratory examination was prepared and signed by PCI Mar Louise Bundoc. SPO1 Somera, together with PCI Bundoc, delivered the request and the three specimens at the Ilocos Norte Crime Laboratory, where they were received by Forensic Chemist PSI Baligod and it was the latter who, after a full qualitative examination, confirmed that the seized items were positive for marijuana, a dangerous drug. PSI Baligod reduced her findings in Chemistry Report No. D-043-2011.

In addition, PSI Baligod had shed light anent the post-examination custody of the subject marijuana leaves. She testified that after examining the seized narcotics, she placed them inside a brown envelope, sealed it with masking tape and placed her markings which consisted of the case number, her initials and date of examination. Thereafter, she turned over the possession of the specimens to SPO3 Teodoro Casela Floco, the Evidence Custodian of the Ilocos Norte Provincial Crime Laboratory, from whom she got the same specimens before coming to the RTC to testify.<sup>27</sup>



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<sup>27</sup> TSN, February 8, 2012, pp. 7-9.

Verily, the foregoing prosecution evidence persuasively proved that the three plastic sachets of marijuana leaves presented in court were the same items seized from Aspa during the entrapment operation. The prosecution had unwaveringly established that the dangerous drug presented in court as evidence against Aspa are the same as those seized from him in the first place. Moreover, it bears stressing that PO1 Italin and SPO1 Somera have positively identified the three plastic sachets of marijuana presented in court as the same narcotics which their confidential informant had purchased and received from Aspa during the September 2, 2011 entrapment operation. With regard to the handling of the confiscated marijuana leaves, it appears that there were no conflicting testimonies or glaring inconsistencies that would cast doubt on the integrity and identity thereof, as the evidence presented and scrutinized in the trial court. In fine, there is no question as to the integrity and identity of the subject three sachets of marijuana.

In comparison to the overwhelming evidence of the prosecution, all that Aspa could muster is the defense of denial. To begin with, we observe that he failed to proffer sufficient, competent and independent evidence to support and bolster his defense of denial. In any event, Aspa's denial must fail in the light of his positive identification by PO1 Italin, SPO2 Somera and PO2 Reoliquio in open court to be the same person they caught red-handed selling marijuana. His bare denial, therefore, cannot prevail over such positive identification made by the said prosecution witnesses<sup>28</sup> who harbored no ill-will against him. More telling was Aspa's own admission that he only met the prosecution witnesses when he was arrested and that he cannot think of any reason why said police officers would charge him with such an offense.<sup>29</sup> This goes to show that the prosecution witnesses were not impelled with improper motive to falsely testify against the appellant.

Finally, the Court finds that the phrase "*without eligibility for parole*" need not be appended to qualify Aspa's prison term of life imprisonment in line with the instructions given by the Court in A.M. No. 15-08-02-SC<sup>30</sup> and, hence, must be deleted. Besides, parole is extended only to those convicted of divisible penalties.<sup>31</sup> Therefore, the dispositive portion of this

<sup>28</sup> *People v. Bongalon*, 425 Phil. 96, 115 (2002).

<sup>29</sup> TSN, July 17, 2013, pp. 14-15.

<sup>30</sup> Section II of A.M. No. 15-08-02-SC (Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties) states:

x x x x

II.

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase "*without eligibility for parole*":

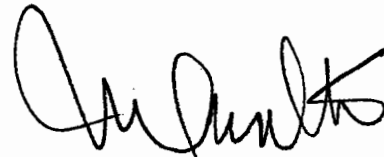
- (1) In cases where the death penalty is not warranted, there is no need to use the phrase "*without eligibility for parole*" to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
- (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 9346, the qualification of "*without eligibility for parole*" shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

<sup>31</sup> *Id.*, August 4, 2015.

decision should simply state that Aspa is sentenced to suffer the penalty of life imprisonment without any qualification.

**WHEREFORE, PREMISES CONSIDERED,** the appeal is **DISMISSED**. The Court of Appeals Decision dated January 14, 2016 in CA-G.R. CR-HC No. 06767 is hereby **AFFIRMED** with **MODIFICATION**. Accused-appellant Domingo Aspa, Jr. y Rasimo is found **GUILTY** beyond reasonable doubt of violation of Section 5, Article II of Republic Act No. 9165 and is sentenced to suffer the penalty of Life Imprisonment and to pay a fine of Five Hundred Thousand Pesos (₱500,000.00).

**SO ORDERED.**

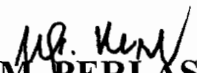


**DIOSDADO M. PERALTA**  
Associate Justice


**WE CONCUR:**




**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**ESTELA M. PERLAS BERNABE**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**ANDRES B. REYES, JR.**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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**  
Senior Associate Justice  
(Per Section 12, Republic Act  
No. 296, The Judiciary Act of  
1948, as amended)