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*Wenceslao Y. Lapitan*  
 WENCESLAO Y. LAPITAN  
 Division Clerk of Court

Republic of the Philippines  
 Third Division

**SUPREME COURT** FEB 02 2018

Manila

**THIRD DIVISION**

**NORLINA G. SIBAYAN,**  
 Petitioner,

**G.R. No. 233395**

Present:

- versus -

VELASCO, JR., J., Chairperson,  
 BERSAMIN,  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO, JJ.

**ELIZABETH O. ALDA, through  
 her Attorney-in-Fact, RUBY O.  
 ALDA,**

Respondent.

Promulgated:

January 17, 2018

x-----*Wenceslao Y. Lapitan*-----x

**DECISION**

**VELASCO, JR., J.:**

**Nature of the Case**

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the October 25, 2016 Decision<sup>1</sup> and the August 9, 2017 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 137921. The challenged rulings affirmed the June 9, 2014 and August 26, 2014 Orders<sup>3</sup> of the Office of the General Counsel and Legal Services of the Bangko Sentral ng Pilipinas (OGCLS-BSP) denying herein petitioner Norlina G. Sibayan's (Norlina) resort to modes of discovery in connection with an administrative case filed against her.

**The Facts**

The case stemmed from a letter-complaint filed by respondent Elizabeth O. Alda (Elizabeth), through her daughter and attorney-in-fact, Ruby O. Alda (Ruby), with the Office of Special Investigation of the Bangko Sentral ng Pilipinas (OSI-BSP). Elizabeth charged Norlina, who was then the Assistant Manager and Marketing Officer of Banco De Oro

<sup>1</sup> Penned by Associate Justice Noel G. Tijam (now a Member of this Court) and concurred in by Associate Justices Francisco P. Acosta and Eduardo B. Peralta, Jr.; *rollo*, pp. 52-63.

<sup>2</sup> *Id.* at 49-50.

<sup>3</sup> Issued by Hearing Officer Atty. Leymar K. Cañete; *id.* at 99-104.

Unibank, Inc. (BDO) San Fernando, La Union Branch, with unauthorized deduction of her BDO Savings Account with Account Number 0970097875, as well as for failure to post certain check deposits to the said account.<sup>4</sup>

The complaint alleged that while Elizabeth did not make any withdrawals from her BDO savings account from 2008-2009, its balance of One Million Seventy One Thousand Five Hundred Sixty One and 73/100 Pesos (₱1,071,561.73) as of July 22, 2008 was reduced to only Three Hundred Thirty Four and 47/100 Pesos (₱334.47) by October 31, 2008.<sup>5</sup>

Further, Elizabeth claimed that two crossed manager's checks, to wit: 1) United Coconut Planters Bank (UCPB) Check No. 0000005197 in the amount of Two Million Seven Hundred Forty Three Thousand Three Hundred Forty Six Pesos (₱2,743,346) issued to her by Ferdinand Oriente (Ferdinand), and 2) Bank of the Philippine Islands (BPI) Check No. 0000002688 in the amount of Two Million Two Hundred Thirty Seven Thousand Three Hundred Forty One and 89/100 Pesos (₱2,237,341.89) issued to her by Jovelyn Oriente (Jovelyn) were not posted on her BDO savings account despite the fact that the said checks were deposited on October 27, 2008.<sup>6</sup>

As for Norlina's defense, she argued that the charges were only meant to harass her and BDO as the latter previously filed a criminal case against Elizabeth, Ruby, and their cohorts, for theft, *estafa*, and violation of Republic Act No. 8484, otherwise known as the Access Devise Regulation Act of 1998.<sup>7</sup> The said case proceeded from the acts of Elizabeth and her co-defendants therein of withdrawing and laundering various amounts erroneously credited by BDO to Ruby's Visa Electron Fast Card Account (Fastcard) with Account Number 4559-6872-3866-2036, which Elizabeth opened for and in the name of Ruby on April 21, 2006.<sup>8</sup>

According to Norlina, when BDO merged with Equitable PCI Bank in May 2007, the former acquired all of the latter's accounts, products and services, including the Fastcard, which functions the same way as a regular Automated Teller Machine (ATM) card but with an added feature that allows its holders to withdraw local currencies from ATMs overseas bearing the Visa Plus logo. Thus, using her Fastcard at various ATMs in Dubai, United Arab Emirates, where she was based, Ruby was able to withdraw the funds sent to her by Elizabeth, who was then working in Taiwan.<sup>9</sup>

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<sup>4</sup> Id. at 53.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. at 6.

<sup>9</sup> Id.

Sometime in September 2008, BDO, however, discovered that from November 15, 2007 to September 20, 2008, Ruby was able to withdraw the total amount of Sixty Four Million Two Hundred Twenty Nine Thousand Two Hundred Ninety Seven and 50/100 Pesos (₱64,229,297.50) despite Elizabeth only having remitted the amount of One Million Six Hundred Forty Five Thousand Four Hundred Eighty Six Pesos (₱1,645,486). BDO conducted an investigation and discovered that Ruby learned of the erroneous crediting of funds as early as November 2007 and utilized BDO's system error to successfully launder money by transferring funds withdrawn from Ruby's Fastcard Account to various bank accounts in the Philippines under the names of Elizabeth, Ruby and their friends and relatives.<sup>10</sup>

The foregoing facts were allegedly admitted by Ruby, as evidenced by her execution before the Philippine Consulate in Dubai of certain documents in BDO's favor, to wit:

1. Undertaking with Authorization<sup>11</sup> dated October 21, 2008 promising to pay BDO the total amount of money erroneously credited to her Fastcard account, including all charges, and authorizing BDO to setoff and apply as payment whatever monies or properties to her credit or account on the books of BDO or any other entity;

2. Special Power of Attorney<sup>12</sup> dated October 22, 2008 authorizing BDO to setoff and apply any money or other property on the books of BDO and/or other entities, banks, and financial institutions under her name or account for the payment of her obligation; and

3. Deed of Dation in Payment<sup>13</sup> dated October 22, 2008 acknowledging her debt to BDO in the amount of Php62,670,681.60 and conveying to BDO all of her interests, rights and title in the properties described under the List of Properties<sup>14</sup> attached in the said Deed

Included in the afore-stated List of Properties purportedly ceded by Ruby to BDO are the following bank accounts:

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<sup>10</sup> Id. at 7-8.

<sup>11</sup> Id. at 182-186.

<sup>12</sup> Id. at 189-191.

<sup>13</sup> Id. at 196-200.

<sup>14</sup> Id. at 199-200.

Bank/ Account Number	Account Name
BDO Account No. 0970097875	Elizabeth O. Alda
UCPB Account No. 2351047157	Ferdinand Oriente
BPI Account No. 85890237923	Jovelyn Oriente

Pursuant to the foregoing documents executed by Ruby, BDO debited Elizabeth's savings account and the proceeds thereof were applied to Ruby's outstanding obligation to BDO. Thereafter, Ferdinand and Jovelyn, who are relatives of Elizabeth and Ruby, went to BDO San Fernando, La Union branch and presented to Norlina the above-mentioned UCPB and BPI manager's checks, the proceeds of which were also purportedly applied as payment by Ruby to BDO.

After the parties' submission of their respective pleadings, the OSI-BSP issued a Resolution<sup>15</sup> dated June 13, 2012 finding a *prima facie* case against Norlina for Conducting Business in an Unsafe or Unsound Manner under Section 56.2<sup>16</sup> of Republic Act No. 8791 ("The General Banking Law of 2000"), punishable under Section 37 of Republic Act No. 7653 ("The New Central Bank Act"). The OGCLS-BSP then directed Norlina to submit her sworn answer to the formal charge filed by the OSI-BSP.

Meanwhile, on October 19, 2012, Norlina filed a Request to Answer Written Interrogatories<sup>17</sup> addressed to Elizabeth, Jovelyn, and Ferdinand. Norlina also filed a Motion for Production of Documents<sup>18</sup> praying that UCPB and BPI be ordered to produce and allow the inspection and copying or photographing of the Statements of Account pertaining to UCPB Account No. 2351047157 and BPI Account No. 85890237923, respectively, alleging that Ruby is the legal and beneficial owner of both accounts.

<sup>15</sup> As stated in the CA Decision, *id.* at 54.

<sup>16</sup> Section 56. *Conducting Business in an Unsafe or Unsound Manner.* — In determining whether a particular act or omission, which is not otherwise prohibited by any law, rule or regulation affecting banks, quasi-banks or trust entities, may be deemed as conducting business in an unsafe or unsound manner for purposes of this Section, the Monetary Board shall consider any of the following circumstances:

X X X X

56.2. The act or omission has resulted or may result in material loss or damage or abnormal risk to the institution's depositors, creditors, investors, stockholders or to the Bangko Sentral or to the public in general.

<sup>17</sup> *Rollo*, pp. 105-152.

<sup>18</sup> *Id.* at 153-161.

Elizabeth, through Ruby, and Ferdinand filed their respective Objections<sup>19</sup> to Norlina's request, while Jovelyn's counsel filed a Manifestation<sup>20</sup> stating that the former could not submit her answer since she is working overseas.

### **OGCLS-BSP Ruling**

In its June 9, 2014 Order,<sup>21</sup> the OGCLS-BSP denied Norlina's motions, ruling as follows:

#### **Motion for Production of Bank Documents**

X X X X

The respondent also alleged that the examination is exempted from the rule on secrecy of bank deposit because the money deposited in the subject bank accounts is the subject matter of litigation. This Office rules otherwise. The present action is an administrative proceeding aimed at determining respondent's liability, if any, for violation of banking laws. A deposit account may be examined or looked into if it is the subject matter of a pending litigation. The phrase "subject matter of the action" pertains to physical facts, things, real or personal, money, lands, chattels, and the like by which the suit is prosecuted. It does not refer to the delict or wrong committed by the defendant.

Hence, the Motion for Production of Bank Documents filed by the respondent is DENIED.

#### **Request to Answer Written Interrogatories**

With respect to respondent's Request to Answer Written Interrogatories addressed to Mr. Ferdinand Oriente, Ms. Jovelyn Oriente, and Ms. Elizabeth Alda, the same is DENIED due to the fact that the aforementioned persons are all witnesses for the prosecution. Respondent will be afforded the right to confront these witnesses during the presentation of the prosecution's evidence. Moreover, this Office cannot compel Elizabeth Alda and Jovelyn Oriente to answer the written interrogatories since they are out of the country as manifested by the prosecution.

SO ORDERED.<sup>22</sup>

Norlina's motion for reconsideration was likewise denied by the OGCLS-BSP in its August 26, 2014 Order.<sup>23</sup>

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<sup>19</sup> Id. at 205-214.

<sup>20</sup> Id. at 215-216.

<sup>21</sup> Id. at 99-101.

<sup>22</sup> Id. at 100-101.

<sup>23</sup> Id. at 102-104.

Assailing that the OGCLS-BSP committed grave abuse of discretion in denying her motions, Norlina filed a petition for *certiorari* before the CA.

### CA Ruling

In its October 25, 2016 Decision, the CA upheld the OGCLS-BSP's rulings, viz:

**WHEREFORE**, premises considered, the Petition for Certiorari is **DENIED**. The Orders of Public Respondent dated June 9, 2014 and August 26, 2014 in Administrative Case No. 2012-047 are hereby **AFFIRMED**.

**SO ORDERED.**<sup>24</sup>

The CA found that the OGCLS-BSP did not commit grave abuse of discretion when it denied Norlina's motion for the production of bank documents and requests to answer written interrogatories. It highlighted the fact that the proceedings before the OGCLS-BSP is summary in nature and to grant Norlina's motions would merely delay the resolution of the case. The CA ruled that Norlina's persistence to utilize modes of discovery will be futile since the information she supposedly seeks to elicit are sufficiently contained in the pleadings and attachments submitted by the parties to aid the OGCLS-BSP in resolving the case before it.<sup>25</sup>

Norlina then filed a motion for reconsideration but the same was denied by the CA in its August 9, 2017 Resolution.

Hence, the instant petition.

### The Issue

Norlina anchors her plea for the reversal of the assailed Decision on the following grounds:<sup>26</sup>

#### I.

THERE EXISTS NO SUBSTANTIAL GROUNDS FOR THE DENIAL OF PETITIONER SIBAYAN'S REQUESTS TO ANSWER WRITTEN INTERROGATORIES.

A. REQUESTS TO ANSWER WRITTEN INTERROGATORIES MAY BE SERVED ON ANY PERSON, INCLUDING WITNESSES FOR THE PROSECUTION, SUCH AS RESPONDENT ELIZABETH, FERDINAND AND JOVELYN.

B. PETITIONER SIBAYAN'S REQUESTS FOR WRITTEN INTERROGATORIES ARE RELEVANT AND MATERIAL TO THE CASE *A QUO*.

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<sup>24</sup> Id. at 62.

<sup>25</sup> Id. at 57-58.

<sup>26</sup> Id. at 16-17.

## II.

PETITIONER SIBAYAN IS ENTITLED TO THE PRODUCTION OF BANK DOCUMENTS PURSUANT TO SECTION 1, RULE 27 OF THE RULES OF COURT.

Succinctly put, the pivotal issue to be resolved is whether or not grave abuse of discretion can be attributed to the OGCLS-BSP in denying Norlina's resort to modes of discovery.

### The Court's Ruling

We find no error in the ruling of the Court of Appeals.

***Technical rules of procedure and evidence are not strictly adhered to in administrative investigations***

Throughout the petition, Norlina persistently relies and quotes the provisions of the Rules of Court<sup>27</sup> on modes of discovery and argues her right to utilize the same. To her eyes, the denial of her requests to answer written interrogatories and motion for production of bank documents deprived her of availing of the rightful remedies which shall bring to the fore material and relevant facts for the OGCLS-BSP's consideration.<sup>28</sup> Thus, Norlina postulates that the OGCLS-BSP would now be forced to resolve the case against her in an arbitrary manner.<sup>29</sup>

We disagree.

At the outset, it bears stressing that the proceeding involved in the present case is administrative in nature. Although trial courts are enjoined to observe strict enforcement of the rules on evidence, the same does not hold true for administrative bodies. The Court has consistently held that technical rules applicable to judicial proceedings are not exact replicas of those in administrative investigations.<sup>30</sup> Recourse to discovery procedures as sanctioned by the Rules of Court is then not mandatory for the OGCLS-BSP. Hence, We cannot subscribe to Norlina's tenacious insistence for the OGCLS-BSP to strictly adhere to the Rules of Court so as not to purportedly defeat her rights.

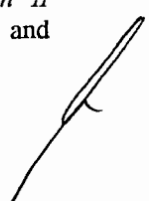
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<sup>27</sup> Particularly Rules 23, 25, and 27 thereof providing for the rules on Depositions Pending Action, Interrogatories to Parties, and Production or Inspection of Documents or Things.

<sup>28</sup> *Rollo*, p. 26.

<sup>29</sup> *Id.* at 24.

<sup>30</sup> *Geronimo v. Spouses Calderon*, G.R. No. 201781, December 10, 2014; *Tacloban II Neighborhood Association, Inc. v. Office of the President*, G.R. No. 168561, September 26, 2008; and *Office of the Court Administrator v. Indar*, A.M. No. RTJ-10-2232, April 10, 2012.



Furthermore, it is important to emphasize that the nature of the proceedings before the OGCLS-BSP is summary in nature. Section 3, Rule 1 of the BSP Rules of Procedure on Administrative Cases,<sup>31</sup> states:

Section 3. *Nature of Proceedings.* - The proceedings under these Rules shall be summary in nature and shall be conducted without necessarily adhering to the technical rules of procedure and evidence applicable to judicial trials. Proceedings under these Rules shall be confidential and shall not be subject to disclosure to third parties, except as may be provided under existing laws.

The rationale and purpose of the summary nature of administrative proceedings is to achieve an expeditious and inexpensive determination of cases without regard to technical rules.<sup>32</sup> As such, in proceedings before administrative or quasi-judicial bodies, like the OGCLS-BSP, decisions may be reached on the basis of position papers or other documentary evidence only. They are not bound by technical rules of procedure and evidence.<sup>33</sup> To require otherwise would negate the summary nature of the proceedings which could defeat its very purpose.

In this light, OGCLS-BSP did not gravely abuse its discretion in denying Norlina's request for written interrogatories as the allowance of the same would not practically hasten, as it would in fact delay, the early disposition of the instant case. We agree with the CA's discussion on this matter, to wit:

Further to grant the written interrogatories would merely delay the resolution of the issue brought before [the OGCLS-BSP]. The fraud purportedly executed by [Elizabeth], along with her daughter, her attorney-in-fact, assuming as true, is plain and clear from the records of the case, specifically the Undertaking and Authorization allegedly executed by Ruby admitting the erroneous withdrawal of various amounts from her peso FAST CARD account, to wit:

x x x x

In Our minds, the defense of fraud[,] is sufficiently contained in the pleadings and attachments of the parties as to aid the Public Respondent in resolving the case before it.

We note that at the time of resolution of [Norlina's] motions, Jovelyn Oriente, one of the persons requested to answer the written interrogatories, was already out of the country. While her deposition may nevertheless be taken outside of the country, the same will definitely delay the resolution of an otherwise summary case.<sup>34</sup>


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<sup>31</sup> Bangko Sentral ng Pilipinas Circular No. 477, series of 2005, otherwise known as the "Bangko Sentral ng Pilipinas (BSP) Rules of Procedure on Administrative Cases Involving Directors and Officers of Banks, Quasi-Banks and Trust Entities."

<sup>32</sup> *Oriental Shipmanagement Co., Inc. v. Bastol*, G.R. No. 186289, June 29, 2010, 622 SCRA 352.

<sup>33</sup> *Securities and Exchange Commission v. Interport Resources Corporation*, G.R. No. 135808, October 6, 2008.

<sup>34</sup> *Rollo*, pp. 57-59.





Additionally, the denial of the motion for production of bank documents pertaining to 1) UCPB Account No. 2351047157 and 2) BPI Account No. 85890237923<sup>35</sup> is justified as the bank accounts sought to be examined are privileged. Section 2 of Republic Act No. 1405, otherwise known as The Law on Secrecy of Bank Deposit, provides:

Section 2. All deposits of whatever nature with banks or banking institutions in the Philippines including investments in bonds issued by the Government of the Philippines, its political subdivisions and its instrumentalities, are hereby considered as of an absolutely confidential nature and may not be examined, inquired or looked into by any person, government official, bureau or office, except upon written permission of the depositor, or in cases of impeachment, or upon order of a competent court in cases of bribery or dereliction of duty of public officials, or in cases where the money deposited or invested is the subject matter of the litigation.

Norlina contends, however, that Ruby is the legal and beneficial owner of the foregoing accounts and that the latter gave her permission to look into the said accounts as stated in the Undertaking with Authorization,<sup>36</sup> Special Power of Attorney,<sup>37</sup> and Deed of Dation in Payment<sup>38</sup> executed by her in BDO's favor.

We are not convinced.

Records show that the account holder or depositor of UCPB Account No. 2351047157 is Ferdinand Oriente while the account holder or depositor of BPI Account No. 85890237923 is Jovelyn Oriente.<sup>39</sup> Perforce, the documents executed by Ruby purportedly granting BDO access to the foregoing accounts do not equate to Ferdinand and Jovelyn's permissions. Based on this alone, the denial for Norlina to gain access to these bank accounts is warranted.

Clearly then, the Requests to Answer Written Interrogatories and Motion for Production of Documents were both unnecessary and improper.

***Norlina was not denied due process of law***

Norlina bemoans that by suppressing her right to avail of discovery measures, the OGCLS-BSP violated her right to due process. She maintains that the administrative character of the proceedings involved is not sufficient to defeat such right.<sup>40</sup>

Norlina's claims are without merit.

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<sup>35</sup> Id. at 157.

<sup>36</sup> Id. at 182-186.

<sup>37</sup> Id. at 189-191.

<sup>38</sup> Id. at 196-200.

<sup>39</sup> Id. at 199-200.

<sup>40</sup> Id. at 39.

Administrative due process cannot be fully equated with due process in its strict judicial sense. It is enough that the party is given the chance to be heard before the case against him is decided.<sup>41</sup> This was further expounded in the recent case of *Prudential Bank v. Rapanot*,<sup>42</sup> viz:

“The essence of due process is to be heard.” In administrative proceedings, due process entails “a fair and reasonable opportunity to explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process cannot be fully equated with due process in its strict judicial sense, for in the former a formal or trial-type hearing is not always necessary, and technical rules of procedure are not strictly applied.”

As established by the facts, Norlina was afforded the opportunity to be heard and to explain her side before the OGCLS-BSP. She was allowed to submit her answer and all documents in support of her defense. In fact, her defense of fraud committed by Elizabeth and Ruby is sufficiently contained in the pleadings and attachments submitted by the parties to aid the OGCLS-BSP in resolving the case before it.

Evidently, the information sought to be elicited from the written interrogatories, as well as the bank documents, are already available in the records of the case. As correctly pointed out by the CA, the grant of Norlina’s motions would merely delay the resolution of the case. In fine, the OGCLS-BSP’s issuance of the assailed orders did not violate Norlina’s right to due process and was in accord with the summary nature of administrative proceedings before the BSP. The opportunity accorded to Norlina was enough to comply with the requirements of due process in an administrative case. The formalities usually attendant in court hearings need not be present in an administrative investigation, as long as the parties are heard and given the opportunity to adduce their respective sets of evidence.<sup>43</sup>

Further, even assuming that the pleadings and attachments on record are not sufficient for the just resolution of the case against Norlina, the facts, arguments, and defenses put forward in the pleadings of the parties, as well as the information Norlina seeks to obtain from Elizabeth, Ruby and other witnesses, may be brought to light in a clarificatory hearing under Section 7 of the BSP Rules of Procedure on Administrative Cases,<sup>44</sup> to wit:

Section 7. Hearing. - After the submission by the parties of their position papers, the Hearing Panel or Hearing Officer shall determine whether or not there is a need for a hearing for the purpose of cross-examination of the affiant(s).

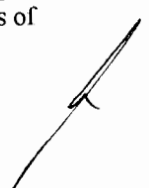
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<sup>41</sup> *Office of the Court Administrator v. Indar*, A.M. No. RTJ-10-2232, April 10, 2012, 669 SCRA 24.

<sup>42</sup> G.R. No. 191636, January 16, 2017.

<sup>43</sup> *Barcelona v. Lim*, G.R. No. 189171, June 3, 2014, 724 SCRA 433.

<sup>44</sup> Bangko Sentral ng Pilipinas Circular No. 477, series of 2005, otherwise known as the “Bangko Sentral ng Pilipinas (BSP) Rules of Procedure on Administrative Cases Involving Directors and Officers of Banks, Quasi-Banks and Trust Entities.”



If the Hearing Panel or Hearing Officer finds no necessity for conducting a hearing, he shall issue an Order to that effect.


In cases where the Hearing Panel or Hearing Officer deems it necessary to allow the parties to conduct cross-examination, the case shall be set for hearing. The affidavits of the parties and their witnesses shall take the place of their direct testimony.

All told, the denial of Norlina's motions to resort to modes of discovery did not, and will definitely not, equate to a denial of her right to due process. It must be stressed that Norlina's fear of being deprived of such right and to put up a proper defense is more imagined than real. Norlina was properly notified of the charges against her and she was given a reasonable opportunity to answer the accusations against her. As correctly ruled by the lower tribunals, Norlina's attempt to resort to modes of discovery is frivolous and would merely cause unnecessary delay in the speedy disposition of the case.

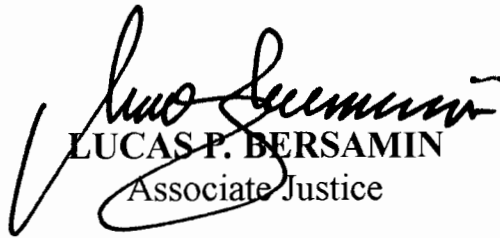
Thus, no error or grave abuse of discretion can be ascribed to the OGCLS-BSP in not granting Norlina's plea for written interrogatories and production of bank documents. Absent any showing that the OGCLS-BSP had acted without jurisdiction or in excess thereof or with such grave abuse of discretion as would amount to lack of jurisdiction, as in the present case, its orders dispensing with the need to resort to modes of discovery may not be corrected by *certiorari*.

**WHEREFORE**, in view of the foregoing, the petition is hereby **DENIED**. The Decision dated October 25, 2016 and the Resolution dated August 9, 2017 of the Court of Appeals in CA-G.R. SP No. 137921 are hereby **AFFIRMED**.

**SO ORDERED.**

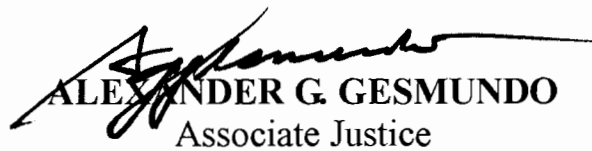
  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

WE CONCUR:

  
**LUCAS P. BERSAMIN**  
 Associate Justice


  
**MARVIC M.V.F. LEONEN**  
 Associate Justice

  
**SAMUEL R. MARTIRES**  
 Associate Justice

  
**ALEXANDER G. GESMUNDO**  
 Associate Justice

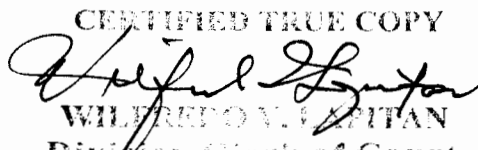
**ATTESTATION**


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.

  
**PRESBITERO J. VELASCO, JR.**  
 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.

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LITITAN**  
 Division Clerk of Court  
 This Division  
 FEB 02 2018

  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice