



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 243985

Present:

- versus -

ROGELIO SEROJALES y
CARABALLA a.k.a. "Tatay," and
JUANITA GOYENOCHÉ y GEPIGA
a.k.a. "Nita,"

Accused.

PERALTA, C.J., Chairperson,
CAGUIOA,
REYES, J., JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

JUANITA GOYENOCHÉ y GEPIGA
a.k.a. "Nita,"

Accused-Appellant.

Promulgated:

SEP 03 2020

X-----X

DECISION

PERALTA, C.J.:

On appeal is the September 4, 2018 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01772-MIN which affirmed the August 7, 2017 Consolidated Decision² of the Regional Trial Court (RTC), Branch 44, Initao, Misamis Oriental West, in Criminal Cases No. 2011-2064, 2011-2065 and 2011-2066, finding accused Rogelio Serojales y Caraballa a.k.a. "Tatay" and accused-appellant Juanita Goyenoche y Gepiga a.k.a. "Nita" guilty beyond reasonable doubt of violating Sections 5 (Illegal Sale of Dangerous Drugs) and 11 (Illegal Possession of Dangerous Drugs), Article II of Republic Act (R.A) No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002*.

¹ Penned by Associate Justice Oscar V. Badelles, with Associate Justices Romulo V. Borja and Tita Marilyn Payoyo-Villordon concurring; *rollo*, pp. 4-13.

² Penned by Presiding Judge Marissa P. Estabaya; CA *rollo*, pp. 54-65.

The accused are charged with violation of Sections 5 and 11, Article II of R.A. 9165 in the following Informations quoted as follows:

CRIMINAL CASE NO. 2011-2064

That on September 2, 2011, in Poblacion, Laguindingan, Misamis Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, without being authorized by law, did then and there willfully, unlawfully, feloniously and knowingly deliver to poseur-buyer, for and in consideration of Php 500.00, with Serial Number TM336888, a marked money, one (1) small plastic sachet containing 0.02 gram of white crystalline substance which gave positive result to the tests for the presence of Methamphetamine Hydrochloride (Shabu), a dangerous drug.

CONTRARY TO and in violation of Art. II, Sec. 5 of R.A. 9165.

CRIMINAL CASE NO. 2011-2065

That on September 2, 2011, in Poblacion, Laguindingan, Misamis Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully, feloniously and knowingly possess, one (1) sealed transparent plastic [sachet] containing a total weight of point eight (0.8) gram of Methamphetamine Hydrochloride (Shabu), a dangerous drug.

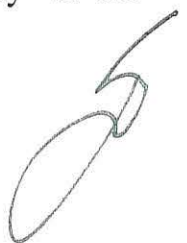
CONTRARY TO and in violation of Art. II, Sec. 11 of R.A. 9165.

CRIMINAL CASE NO. 2011-2066

That on September 2, 2011, in Poblacion, Laguindingan, Misamis Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without being authorized by law, did then and there willfully, unlawfully, feloniously and knowingly possess, seven (7) sealed transparent plastic sachets containing a total weight of point twenty-nine (0.29) gram of Methamphetamine Hydrochloride (Shabu), a dangerous drug.

CONTRARY TO and in violation of Art. II, Sec. 11 of R.A. 9165.³

On arraignment, Serojales and Goyenoche pleaded "not guilty" to the charges. Thereafter, trial on merits ensued.



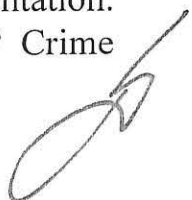
Version of the Prosecution

On September 2, 2011, around 10:00 a.m., a confidential informant reported that Serojales known as “*Tatay*,” was selling illegal drugs in Laguindingan and other neighboring municipalities in Misamis Oriental. Consequently, a team of Philippine Drug Enforcement Agency (PDEA) agents was formed to conduct a buy-bust operation. The buy-bust team was composed of IO-3 Rubietania L. Aguilar who was designated as poseur-buyer, while IA-1 Rodolfo S. De La Cerna was tasked as the arresting officer. Thereafter, IO-3 Aguilar was provided with one ₱500.00 bill with serial number TM336888 to be used as buy-bust money.

On the same day, at 12:00 noon, the team, together with the confidential informant, proceeded to Laguindingan, Misamis Oriental to pursue the buy-bust operation. At the time of the team’s arrival, IO3 Aguilar and the confidential informant alighted from their vehicle and waited for “*Tatay*” in a waiting shed along the national highway. After a few moments, accused “*Tatay*” and accused-appellant Goyenoché arrived. Subsequently, IO3 Aguilar was introduced by the confidential informant as buyer. Serojales then asked IO3 Aguilar for his money. IO3 Aguilar handed the marked money to the accused. After that, Serojales asked Goyenoché to give IO3 Aguilar a sachet of shabu. IO3 Aguilar examined the contents of the sachet. At that point, IO3 Aguilar executed the pre-arranged signal by dialing the number of IA1 De La Cerna. Following that, IA1 De La Cerna came together with the rest of the team and introduced himself as a PDEA Agent. Accused were then informed of the violation they had committed and apprised them of their constitutional rights.

The team conducted a search on the persons of the accused and recovered 7 pieces of transparent plastic sachets, all containing white crystalline substance believed to be *shabu* in the possession of Goyenoché. While the buy-bust money and one (1) transparent plastic sachet containing white crystalline substance believed to be *shabu* was found in the possession of Serojales.

IO3 Aguilar then turned over to IA1 De La Cerna the sachet of *shabu* that she bought from the accused for inventory, which was marked with BB-LRA. The inventory and marking of evidence were conducted in the presence of Barangay Councilor Lyn K. Denham and Sheila Joy Labrador from ABS-CBN, as the representative from media. Serojales and Goyenoché were then brought to the PDEA office for proper disposition and legal documentation. Thereafter, all the confiscated items were forwarded to the PNP Crime Laboratory for examination.



Version of the Defense

Accused Serojales and Goyenoche vehemently denied the charge against them. They alleged that they were waiting for a jeepney at the aforementioned waiting shed, when a vehicle stopped in front of them and its passengers jumped out from it and shouted "*dapal*" (lie on the ground). After which they were frisked while on the ground. When nothing was found on their persons, Serojales heard a PDEA agent's call wherein he heard the other person on the line saying "*pangita mog idea*" (Find another way). After that, another PDEA agent brought to the scene a sachet of *shabu*, the ownership of which was imputed to Serojales and Goyenoche. They denied the imputation against them. Nevertheless, they were photographed with it and were then taken to the Police Station of Laguindingan.

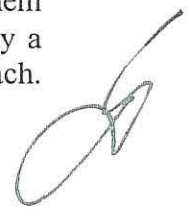
The accused argued that the prosecution failed to establish the chain of custody requirement under the law. They maintained that there was a break in the very first link of the chain of custody when IA1 De La Cerna failed to mark the sachets of *shabu* immediately upon seizing them from the accused. They further contended that the marking after the seizure is the starting point of the custodial link; hence, it is vital that the seized contraband be immediately marked to prevent contamination, planting or switching of evidence. Thus, for the failure of the certificate of inventory to reveal the marks on the items enumerated therein, the accused alleged that it created a reasonable doubt to the factuality of the marking.

RTC Ruling

After trial, the RTC handed a guilty verdict on both accused Serojales and Goyenoche for violation of Sections 5 (*Illegal Sale of Dangerous Drugs*) and 11 (*Illegal Possession of Dangerous Drugs*), Article II of R.A No. 9165. The dispositive portion of the August 7, 2017 Decision⁴ states:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

1. In Criminal Case No. 2011-2064: FINDING both accused ROGELIO SEROJALES y CARABALLA a.k.a. "Tatay" and JUANITA GOYENOCHÉ y GEPIGA a.k.a. "Nita" GUILTY beyond reasonable doubt of violation of Section 5 of Republic Act 9165, hereby sentences them to suffer the penalty of life imprisonment and to pay a fine of Five hundred thousand pesos (P500,000.00) each.



2. In Criminal Case No. 2011-2065: FINDING accused ROGELIO SEROJALES y CARABALLA a.k.a. "Tatay" GUILTY beyond reasonable doubt of violation of Section 11 of Republic Act 9165, hereby sentences him to suffer the penalty of imprisonment of twelve (12) years and one (1) day to twenty (20) years, and to pay a fine of Three hundred thousand pesos (P300,000.00).
3. In Criminal Case No. 2011-[2066]: FINDING accused JUANITA GOYENOCHÉ y GEPIGA a.k.a. "Nita" GUILTY beyond reasonable doubt of violation of Section 11 of Republic Act 9165, hereby sentences the accused to suffer the penalty of imprisonment of twelve (12) years and one (1) day to twenty (20) years, and to pay a fine of Three hundred thousand pesos (P300,000.00).

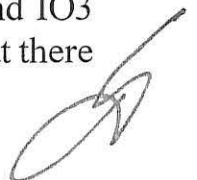
The drugs and buy-bust money amounting to Five hundred pesos (P500.00) subject matter of these cases are hereby ordered confiscated and forfeited in favor of the government to be dealt with in accordance with the law.

SO ORDERED.⁵

In ruling that the arrest of the accused was an arrest *in flagrante delicto* made in pursuance of Section 5(a)(1), Rule 113 of the Rules of Court which states that "the person to be arrested must execute an overt act indicating that he has just committed, is actually committing, or is attempting to commit a crime," the RTC observed that the arrest was effected after Serojales and Goyenoche performed the overt act of selling to IO3 Aguilar the sachets of shabu. Thus, Serojales and Goyenoche were lawfully arrested. Moreover, the RTC gave credence to the testimonies of the arresting officers as to what happened during the buy-bust operation, stating that the testimonies were expressed in a candid and straightforward manner and finding absence of any improper motive. Further, the RTC ruled that the prosecution was able to establish all the elements for the prosecution of illegal sale and possession of dangerous drugs. Lastly, the RTC is of the opinion that the integrity and evidentiary value of the seized items were preserved.

CA Ruling

On appeal, the CA affirmed the RTC Decision. The CA ruled that all the elements for the illegal sale and possession of shabu were established by the prosecution. The CA agreed with the findings of the trial court that the prosecution duly established the identity of accused as drug sellers and IO3 Aguilar as the poseur-buyer. The appellate court was in the position that there



is no question that Serojales and Goyenoche were caught *in flagrante delicto* by the police officers in a valid entrapment or “buy-bust” operation. In ruling that the testimonies of the apprehending officers deserve full faith and credit, the CA opined that accused-appellants bear the burden of showing that the evidence was tampered or meddled with in order to overcome the presumption of regularity in the handling of exhibits by public officers and the presumption that public officers properly discharged their duties. Further, the appellate court, concluded that evidence clearly show an unbroken chain of custody with respect to the seized illegal drugs; thus, ruling that the preservation of the integrity and the evidentiary value of the seized drugs were sufficiently maintained.

In a Resolution⁶ dated March 14, 2018, the CA resolved to dismiss the case against Serojales in view of his death on September 4, 2017, to wit:

Consequently, Serojales’ death on 4 September 2017 renders the Court’s 30 January 2018 Resolution irrelevant and ineffectual as to him, and is therefore set aside. Accordingly, the criminal case against Serojales is dismissed. The appeal of Rogelio Serojales culminating in the extinguishment of his criminal liability does not have any effect on his co-accused-appellant Juanita Goyenoche. The extinguishment of Rogelio Serojales’ criminal and pecuniary liabilities is predicated on his death and not on his acquittal.⁷

Before us, the People and the accused-appellant Goyenoche, manifested that they would no longer file a Supplemental Brief, taking into account the thorough and substantial discussions of the issues in their respective appeal briefs before the CA.

Our Ruling

We find the appeal meritorious. The judgment of conviction is reversed and set aside, and Serojales and Goyenoche should be acquitted based on reasonable doubt.

Under Section 5, Article II of R.A. No. 9165 or illegal sale of prohibited drugs, in order to be convicted of the said violation, the following must concur: (1) the identity of the buyer and the seller, the object of the sale and its consideration; and (2) the delivery of the thing sold and the payment therefor.⁸ The delivery of the illicit drug to the *poseur*-buyer and the receipt of the marked money by the seller successfully consummate the buy-bust transaction. What is material, therefore, is the proof that the transaction or

⁶ CA rollo, pp. 68-70.

⁷ *Id.* at 70.

⁸ *People v. Ismael*, 806 Phil. 21, 29 (2017).

sale transpired, coupled with the presentation in court of the *corpus delicti*, as evidence.⁹

On the other hand, in prosecutions for illegal possession of dangerous drugs, it must be shown that: (1) the accused was in possession of an item or an object identified to be a dangerous drug; (2) such possession is not authorized by law; and (3) the accused was freely and consciously aware of being in possession of the drug.¹⁰ The existence of the drug is the very *corpus delicti* of the crime of illegal possession of dangerous drugs and, thus, a condition *sine qua non* for conviction.¹¹

To ensure an unbroken chain of custody, Section 21(1) of R.A. No. 9165 specifies:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]

It bears stressing however, that failure to strictly comply with the foregoing procedure will not render an arrest illegal or the seized items inadmissible in evidence, in view of the qualification permitted by Section 21 (a) of the Implementing Rules and Regulations (IRR) of RA No. 9165, to wit:¹²

- a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; **Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.]**

⁹ *People v. Vicente Sipin y De Castro*, G.R. No. 224290, June 11, 2018.

¹⁰ *Id.*

¹¹ *People v. Martinez*, 652 Phil. 347, 369 (2010).

¹² *People v. Dalawis*, 772 Phil. 406, 417 (2015).

Section 1(b) of Dangerous Drugs Board Regulation No. 1, Series of 2002, which implements R.A. No. 9165, defines chain of custody, to wit:

Chain of custody refers to the duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping, to presentation in court for destruction.

Well-entrenched in our jurisprudence is the rule that the identity of the dangerous drug be established beyond reasonable doubt.¹³ It is axiomatic that the dangerous drug be proven with certitude and that the substance bought during the buy-bust operation is exactly the same substance offered in evidence before the court. In the instant case, the prosecution failed to establish the chain of custody of the seized *shabu* from the time they were recovered from the accused up to the time they were presented in court.

***The prosecution failed to
establish that the seized drugs
were marked in the presence of
Serojales and Goyenoche***

There are ostensibly four links in the chain of custody that should be established: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.¹⁴

In this case, the prosecution failed to establish the very first link in the chain of custody.

Crucial in proving chain of custody is the marking of the seized drugs or other related items immediately after they are seized from the accused. Marking after seizure is the starting point in the custodial link, thus, it is vital that the seized contraband are immediately marked because succeeding handlers of the specimens will use the markings as reference. The marking of the evidence serves to separate the marked evidence from the corpus of all other similar or related evidence from the time they are seized

¹³ *Cacao v. People*, 624 Phil. 634, 643 (2010).

¹⁴ *People v. Jack Muhammad y Gustaham*, G.R. No. 218803, July 10, 2019.

from the accused until they are disposed of at the end of criminal proceedings, obviating switching, "planting," or contamination of evidence.¹⁵

The chain of custody rule requires that the marking of the seized contraband be done "(1) in the presence of the apprehended violator, and (2) immediately upon confiscation."¹⁶

Here, there is no showing that the seized items were marked in the presence of Serojales and Goyenoche. All that the prosecution established was that, IO3 Aguilar turned over the sachet of *shabu* to IA1 De La Cerna, who marked it with the letters "BB-LRA" and that the inventory and marking of evidence were conducted in the presence of Barangay Councilor Lyn J. Denham and Sheila Joy Labrador from ABS-CBN.¹⁷ Other details are left out for this Court to guess. It bears stressing, however, that it must be shown that the marking was done in the presence of the accused to assure that the identity and integrity of the drugs were properly preserved. Failure to comply with this requirement is fatal to the prosecution's case.¹⁸ The prosecution did not provide any justification from this deviation. Corollarily, the Court finds that the prosecution failed to establish the *corpus delicti* of the crime charged against him.

The prosecution's failure to present evidence to account for the very first link in the chain of custody already puts the rest of the chain into question and compromises the integrity and evidentiary value of the sachets of *shabu* supposedly seized from accused. Hence, there is already reasonable doubt as to whether the seized drugs were exactly the same drugs presented in court as evidence.

***The prosecution failed to
secure the required witnesses
under Sec. 21 of R.A. No. 9165***

In *People v. Federico Señeres, Jr.*,¹⁹ the Court was instructive on the number of witnesses required in prosecutions for illegal sale or possession of dangerous drugs, to ensure the integrity and evidentiary value of the seized drugs:

Under the original provision of Section 21 of R.A. No. 9165, after seizure and confiscation of the drugs, the apprehending team is required to immediately conduct a physically inventory and photograph the same in the presence of (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel; (2) a

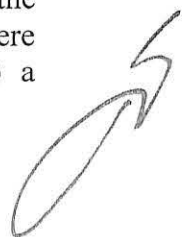
¹⁵ *People v. Mantalaba*, 669 Phil. 461, 478 (2011).

¹⁶ *People v. Gayoso*, 808 Phil. 19, 32 (2017).

¹⁷ CA rollo, p. 100.

¹⁸ *People v. Ismael*, *supra* note 8, at 37.

¹⁹ G.R. No. 231008, November 5, 2018. (Emphases supplied)



representative from the media **and** (3) from the DOJ; and (4) any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof. It is assumed that the presence of these persons will guarantee "against planting of evidence and frame up," *i.e.*, they are "necessary to insulate the apprehension and incrimination proceedings from any taint of illegitimacy or irregularity." Now, the amendatory law mandates that the conduct of physical inventory and photograph of the seized items must be in the presence of (1) the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel; (2) an elected public official; and (3) a representative of the National Prosecution Service **or** the media who shall sign the copies of the inventory and be given a copy thereof. **In the present case, the old provisions of Section 21 of R.A. No. 9165 and its IRR shall apply since the alleged crime was committed before the amendment.**

In the present case, the Informations filed against Serojales and Goyenoché show that the crime charged against them was committed on or about September 2, 2011, while the amendatory law took effect much later, or only on July 15, 2014. Hence, the original provision of Section 21(1) and its IRR as quoted above applies.

It is undisputed that the inventory and marking of evidence were conducted only in the presence of Barangay Councilor Lyn K. Denham and Sheila Joy Labrador as the representative from the media.²⁰ However, the prosecution did not bother to explain the absence of a representative from the DOJ during the physical inventory and the taking of photographs of the seized drugs nor was there any evidence offered to prove that the police officers exerted any effort to seek their presence. The buy-bust operation, by its nature, was arranged and scheduled in advance – the police officers formed an apprehending team, coordinated with the Philippine Drug Enforcement Agency, prepared the buy-bust money, and held a briefing. Simply put, the buy-bust team had enough time and opportunity to bring with them said witnesses.²¹ Yet, the prosecution failed to ensure that a representative from the DOJ would be present during the physical inventory and the taking of photographs of the seized drugs. Thus, for failure of the prosecution to provide justifiable grounds or to show that it exerted genuine efforts in securing the witnesses required under Section 21, Article II of R.A. No. 9165, the Court is constrained to rule that the integrity and the evidentiary value of the seized drugs have been compromised.

It cannot be overemphasized that it is the prosecution who has the positive duty to establish that earnest efforts were employed in contacting the representatives enumerated under Section 21(1) of R.A. 9165, or that there was a justifiable ground for failing to do so.²² The rules require that the apprehending officers do not simply mention a justifiable ground, but also clearly state this ground in their sworn affidavit, coupled with a statement on

²⁰ CA rollo, p. 100.

²¹ *People v. Tomawis*, G.R. No. 228890, April 18, 2018, 862 SCRA 131, 146.

²² *People v. Umipang*, 686 Phil. 1024, 1053 (2012).

the steps they took to preserve the integrity of the seized item.²³ In the instant case, all the prosecution has done is to assert a self-serving claim that the integrity of the seized pack has been preserved despite the numerous procedural lapses it has committed. The fatal errors of the apprehending team can only lead this Court to seriously doubt the integrity of the *corpus delicti*.

Thus, in *People v. Ernesto Silayan*,²⁴ the Court acquitted the accused for the prosecution's failure to secure the attendance of the required witnesses. The Court held:

To repeat, the burden to prove that there were justifiable grounds for the non-compliance with the procedure laid down in Section 21 (1), Article II of RA 9165 and its IRR lies with the prosecution. It must show that the apprehending team exerted earnest efforts to secure the attendance of the necessary witnesses.

However, in this case, there was not even an attempt to explain why the required witnesses were not present during the inventory. No evidence was adduced to prove that earnest efforts were exerted to comply with the requirements of Section 21 (1), Article II of RA 9165 and its IRR. As this was a buy-bust operation, it is by its nature a planned activity — the police officers had every chance to comply with the procedural requirements of the law. The prosecution offered no explanation for the failure of the buy-bust team to secure the required witnesses under the law. The total failure of the prosecution to explain the non-compliance with the procedural requirements of Section 21 (1), Article II of RA 9165 and its IRR creates doubt on whether the buy-bust team was able to preserve the integrity and evidentiary value of the items seized from Silayan.

Considering that the prosecution failed to: (1) prove the *corpus delicti* of the crime; (2) establish an unbroken chain of custody of the seized drugs; and (3) provide justifiable grounds for the apprehending team's deviation from the rules laid down in Section 21 of RA 9165, it follows that the integrity and evidentiary value of the *corpus delicti* have thus been compromised. In light of this, Serojales and Goyenoche must perforce be acquitted.

WHEREFORE, premises considered, the September 4, 2018 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01772-MIN, which affirmed the August 7, 2017 Consolidated Decision of the Regional Trial Court, Branch 44, Initao, Misamis Oriental West, in Criminal Cases No. 2011-2064, 2011-2065 and 2011-2066, finding accused Rogelio Serojales y Caraballa a.k.a. "Tatay" and accused-appellant Juanita Goyenoche y Gepiga a.k.a. "Nita" guilty beyond reasonable doubt of violating Sections 5 (*Illegal Sale of Dangerous Drugs*) and 11 (*Illegal Possession of Dangerous Drugs*), Article II of Republic Act No. 9165, or the *Comprehensive Dangerous Drugs Act of 2002*, is **REVERSED** and **SET ASIDE**. Accordingly, accused Rogelio

²³ *People v. Señeres*, *supra* note 19.

²⁴ G.R. No. 229362, June 19, 2019.

Serojales y Caraballa and accused-appellant Juanita Goyenoche y Gepiga a.k.a. "Nita" are **ACQUITTED** on reasonable doubt. The Penal Superintendent of the Davao Prison and Penal Farm is **ORDERED** to **IMMEDIATELY CAUSE THE RELEASE** of appellant Juanita Goyenoche y Gepiga a.k.a. "Nita" from detention, unless she is being held for some other lawful cause, and to inform this Court her action hereon within five (5) days from receipt of this Decision.

SO ORDERED.



DIOSDADO M. PERALTA
Chief Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



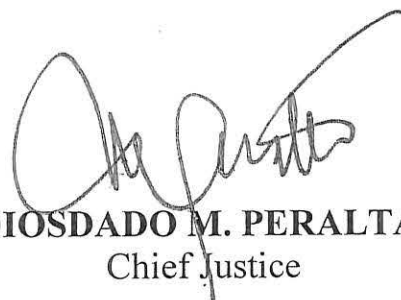
AMY C. LAZARO-JAVIER
Associate Justice



MARION LOPEZ
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.



DIOSDADO M. PERALTA
Chief Justice