



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

DOMINADOR G. MARZAN,  
*Petitioner,*

G.R. No. 226167

-versus-

PEOPLE OF THE  
PHILIPPINES,  
*Respondent.*

Present:

PERLAS-BERNABE, SAJ., \*  
HERNANDO,  
*Acting Chairperson,\*\**  
INTING,  
GAERLAN, and  
DIMAAPAO, JJ.

Promulgated:

OCT 11 2021

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DECISION

HERNANDO, J.:

Challenged in this appeal are the January 25, 2016 Decision<sup>1</sup> and the July 21, 2016 Resolution<sup>2</sup> of the Sandiganbayan in Criminal Case No. 28391 which found petitioner Dominador G. Marzan (Marzan) liable under Section 3(a) of Republic Act No. (RA) 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, and denied the Motion for Reconsideration thereof, respectively.

\* On official leave.

\*\* Per Special Order No. 2846 dated October 6, 2021.

<sup>1</sup> *Rollo*, Volume 1, pp. 38-56; penned by Associate Justice Napoleon E. Inoturan and concurred in by Associate Justices Teresita V. Diaz-Baldos and Oscar C. Herrera, Jr.

<sup>2</sup> *Id.* at 59-64

**The Antecedent Facts:**

In an Information<sup>3</sup> dated October 19, 2005 filed before the Sandiganbayan, Marzan and one Atty. Basilio Pascual Rupisan (Atty. Rupisan) were charged with violation of Section 3(a) of RA 3019, the accusatory portion of which reads:

That on or about the 21<sup>st</sup> of May 2001, or sometime prior or subsequent thereto, in Solano, Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, accused BASILIO PASCUAL RUPISAN, a public officer and a Provincial Department Head, being then the Provincial Legal Officer of Nueva Vizcaya, with salary grade 27, committing the offense in relation to [his] office, did then and there willfully, unlawfully and criminally persuade, induce or influence accused DOMINADOR GATAB MARZAN, a public officer, being then a Senior Jail Officer 3 (SJO3) of the Bureau of Jail Management and Penology, to release without Court Order and in violation of existing rules and regulations, from detention, Cyrus Dulay [Cyrus] and Wendell Pascua [Pascua] as they were legally detained when they were arrested in flagrante delicto and by virtue of the commitment and detention order issued by the Hon. Municipal Trial Judge Alexander S. Balut on May 21, 2001 by making representation that the commitment and detention were unlawful since there were no warrants issued for their arrest and issuing recognizance document which was not in proper form and without Court approval stating, among others, that he is taking custody of Cyrus Dulay and Wendell Pascua which was shown to accused DOMINADOR GATAB MARZAN who, then and there willfully and feloniously allowed himself to be persuaded, induced or influenced by accused BASILIO PASCUAL RUPISAN, by accepting and/or favorably acting on the said representation and releasing from detention Cyrus Dulay and Wendell Pascua, knowing fully well that the same was against existing laws, rules and regulations, to the damage and prejudice of private complainant Dennis F. Butic [Butic] and of the government office.

CONTRARY TO LAW.<sup>4</sup>

On December 19, 2005, an Order of Arrest and a Hold Departure Order were issued against both accused. They voluntarily surrendered and posted cash bonds to obtain their provisional liberty.<sup>5</sup>

Upon arraignment, both accused pleaded not guilty to the offense charged.<sup>6</sup>

During the pre-trial, the prosecution and the defense stipulated that: (i) Atty. Rupisan, then Provincial Legal Officer of Nueva Vizcaya, issued a Recognizance<sup>7</sup> for the release of Cyrus Dulay (Cyrus) and Wendell Pascua (Pascua); (ii) Marzan, then Senior Jail Officer 3 of the Bureau of Jail Management and Penology (BJMP), Solano, Nueva Vizcaya, released Cyrus

<sup>3</sup> Records, pp. 1-3.

<sup>4</sup> *Rollo*, Volume I, pp. 38-39; See also records, pp. 1-2.

<sup>5</sup> *Rollo*, Volume I, p. 39.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 516.

and Pascua by virtue of the Recognizance signed by Atty. Rupisan; and (iii) Cyrus and Pascua were returned to the Solano District Jail on May 23, 2001.<sup>8</sup>

Thereafter, trial on the merits ensued.

### **Evidence of the Prosecution:**

On May 19, 2001, during the night duty of Senior Police Officer 2 Bernard Tapiru (SPO2 Tapiru) and his team members, they were passing by the Nueva Vizcaya Provincial Capitol when they noticed a commotion nearby, involving some persons who were throwing bottles of Red Horse Beer. Pascua, who went out of the videoke bar as if to attack someone with a bottle of beer, was immediately collared by the police officers and brought to the patrol car. Cyrus and a certain Maximino Pascua (Maximino), who were shouting at no one, were also apprehended and brought to the patrol car. After gathering information from bystanders, SPO2 Tapiru's team learned that Dulay, Pascua, and Maximino attacked a certain Dennis F. Butic (Butic), who suffered a broken teeth after being hit with a bottle of Red Horse Beer.

On May 21, 2001, Butic submitted his Complaint-Affidavit against Cyrus and Pascua to SPO2 Tapiru. The latter them prepared a criminal complaint for Frustrated Homicide against Cyrus and Pascua, which was filed before the Municipal Trial Court (MTC) of Bayombong, Nueva Vizcaya and received by MTC Utility Worker Cirila Labrador on the same day.<sup>9</sup>

Thereafter, SPO2 Tapiru requested the MTC to issue a Commitment Order for the turn-over of Cyrus and Pascua to the proper custodian. Thus, Acting Municipal Trial Court (MTC) Judge Alexander S. Balut of Bayombong, Nueva Vizcaya issued a Commitment Order. At around noontime of the same day, Jail Officer Mando Liwliw (Liwliw) of the BJMP received custody of Cyrus and Pascua.<sup>10</sup>

At around 8:00 o'clock in the evening, SPO2 Tapiru reported back to the police station and was informed that Cyrus and Pascua were released. By morning of the following day, SPO2 Tapiru went to the provincial jail and confirmed from the prison logbook that Cyrus and Pascua were released at 4:00 o'clock in the afternoon of May 21, 2001 on recognizance under the custody of Atty. Rupisan and with the consent of Marzan.<sup>11</sup>

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<sup>8</sup> Id. at 13-14 and 39-40.

<sup>9</sup> Id. at 14.

<sup>10</sup> Id.

<sup>11</sup> Id. at 15.

SPO2 Tapiru was shown a copy of the said Recognizance and noticed that it was issued by Atty. Rupisan and not by a court.<sup>12</sup>

Meanwhile, Jail Chief Inspector Alberto Tapiru, Jr. (Alberto) was informed by Liwliw that Cyrus and Pascua were released from detention without any court order. Alberto then asked Marzan about the details of the said release and ordered him to re-arrest Cyrus and Pascua, their release being in violation of Section 2(d), Article 13 of the BJMP Manual on the Release of Detention Prisoners (BJMP Manual). Thereafter, Cyrus and Pascua were re-arrested.<sup>13</sup>

In view of the foregoing, administrative charges and criminal complaints were filed against Marzan and Atty. Rupisan with the Office of the Ombudsman.<sup>14</sup> After preliminary investigation, they were both charged with violation of Section 3(a) of RA 3019.<sup>15</sup>

### **Evidence of the Defense:**

Marzan claimed that the document entitled "Recognizance" and an unsigned Commitment Order were shown by his superior, Renato Goyo (Goyo), to him. Thereafter, the latter instructed him to release Cyrus and Pascua from detention, to which he obliged.<sup>16</sup>

On the other hand, Atty. Rupisan claimed that on May 21, 2001, at around 10:00 o'clock in the morning, Ciriaco Dulay (Ciriaco), the father of Cyrus, requested that he intercede for the release of Cyrus. Atty. Rupisan obliged and wrote a letter requesting any officer of the law to release Cyrus, if there is no case filed against him yet. A few hours later, Ciriaco returned with a computerized document designated as Recognizance and asked Atty. Rupisan to sign the said document, to which the latter obliged. Thereafter, he learned that Cyrus and Pascua were released from detention.<sup>17</sup>

### **Ruling of the Sandiganbayan:**

On July 23, 2010, Atty. Rupisan filed a Demurrer to Evidence,<sup>18</sup> which the Sandiganbayan denied in its June 29, 2011 Resolution.<sup>19</sup>

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<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> *Rollo*, Volume II, pp. 570 and 685.

<sup>15</sup> Id. at 685.

<sup>16</sup> *Rollo*, Volume I, p. 16.

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

<sup>18</sup> *Rollo*, Volume II, p. 559.

<sup>19</sup> Id. at 559-573.

In its January 25, 2016 Decision,<sup>20</sup> the Sandiganbayan convicted both Marzan and Atty. Rupisan of the crime charged. The dispositive portion of said Decision reads:

WHEREFORE, premises considered, this Court finds accused Dominador Gatab Marzan and Basilio Pascual Rupisan **GUILTY** beyond reasonable doubt of Violation of Section 3(a) of R.A. No. 3019, otherwise known as The ANTI-GRAFT and CORRUPT PRACTICES ACT, and are hereby sentenced to each suffer an indeterminate penalty of imprisonment of SIX (6) YEARS and ONE (1) MONTH as minimum to TEN (10) YEARS as maximum, with perpetual disqualification to hold public office.

**SO ORDERED.<sup>21</sup>**

Aggrieved, Marzan and Atty. Rupisan filed their respective Motions for Reconsideration, which the Sandiganbayan dismissed in its July 21, 2016 Resolution.<sup>22</sup>

Undaunted, Marzan filed the instant Petition for Review on *Certiorari* under Rule 45 of the Rules of Court.

#### **Issue:**

In his Petition, Marzan raises a lone assignment of error: Whether or not the Sandiganbayan gravely erred in convicting him despite the prosecution's alleged failure to prove all the elements of Section 3(a) of RA 3019 beyond reasonable doubt.<sup>23</sup>

#### **Our Ruling**

The petition is denied.

Marzan mainly argues that the prosecution failed to prove beyond reasonable doubt that he allowed himself to be persuaded, induced or influenced by Atty. Rupisan to release both Cyrus and Pascua from detention in violation of Section 2(d), Article 13 of the BJMP Manual or that he deliberately intended to do the same.<sup>24</sup> He asserts that he released them from detention pursuant to the instruction of his superior, Goyo, and not by virtue of Atty. Rupisan's inducement or influence.<sup>25</sup> Moreover, he claims that if indeed he was persuaded, induced or influenced to release Cyrus and Pascua from detention, it was

<sup>20</sup> *Rollo*, Volume I, pp. 38-56.

<sup>21</sup> *Id.* at 55.

<sup>22</sup> *Id.* at 59-64.

<sup>23</sup> *Id.* at 18.

<sup>24</sup> *Id.* at 21.

<sup>25</sup> *Id.* at 22-23.

through a private individual Ciriaco, the father of Cyrus, who was a relative of the town's Vice Mayor.<sup>26</sup>

We find the foregoing argument unmeritorious.

Both Marzan and Atty. Rupisan were charged with Violation of Section 3(a) of RA 3019, in view of the Recognizance which was issued in violation of the Rules of Court. As a consequence thereof, detention prisoners Cyrus and Pascua were released in clear violation of the BJMP Manual. RA 3019, Section 3(a) provides:

Section 3. *Corrupt practices of public officers.* --- In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.<sup>27</sup>

The elements of Section 3(a) of RA 3019 are:

- (i) The offender is a public officer;
- (ii) The offender persuades, induces or influences **another** public officer to perform an act **or** the offender allows himself to be persuaded, induced, or influenced to commit an act;
- (iii) The act performed by the other public officer or committed by the offender constitutes a violation of rules and regulations duly promulgated by competent authority **or** an offense in connection with the official duty of the latter.<sup>28</sup> (Emphasis in the original).

In the instant case, We find that the prosecution duly established the existence of the foregoing elements.

Firstly, it is undisputed that Marzan was a public officer at the time of the commission of the crime. The parties have stipulated that Marzan was a Senior Jail Officer 3 (SJO3) of the BJMP, Solano, Nueva Vizcaya, while Atty. Rupisan was the Provincial Legal Officer of the Province of Nueva Vizcaya.<sup>29</sup>

<sup>26</sup> Id. at 30.

<sup>27</sup> *Agdeppa v. Office of the Ombudsman*, 734 Phil. 1, 48 (2014).

<sup>28</sup> *Ampil v. Office of the Ombudsman*, 715 Phil. 733, 754-755 (2013).

<sup>29</sup> *Rollo*, Volume 1, p. 51.

Secondly, the crime of violation of Section 3(a) of RA 3019 may be committed in either of the following modes: (1) when the offender persuades, induces or influences another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the public officer; or (2) when the public officer allowed himself to be persuaded, induced or influenced to perform said act which constitutes a violation of rules and regulations promulgated by competent authority or an offense in connection with the official duties of the public officer.<sup>30</sup>

To recall, Cyrus and Pascua were arrested and detained on May 21, 2001 pending their preliminary investigation for allegedly inflicting injury on Butic during a commotion on that day. In *Rural Bank of Mabitac, Laguna, Inc. v. Canicon*,<sup>31</sup> this Court held that “[a] preliminary investigation is required before the filing of a complaint or information for an offense where the penalty prescribed by law is at least four years, two months, and one day without regard to fine. x x x This investigation terminates with the determination by the public prosecutor of the absence or presence of probable cause. In case of the latter, an information is filed with the proper court”. Thus, Cyrus and Pascua were unlawfully released when a preliminary investigation of their case was still being conducted.

On the part of Atty. Rupisan, the Sandiganbayan found him guilty under the first mode of Section 3(a) of RA 3019 in view of his unauthorized intervention in the processing of the release of Cyrus and Pascua in the form of a Recognizance despite the pendency of the preliminary investigation.<sup>32</sup>

As regards Marzan, the Sandiganbayan likewise correctly found him liable under the second mode of Section 3(a) of RA 3019 for allowing himself to be persuaded, induced, or influenced by Atty. Rupisan who unlawfully issued the Recognizance and consequently caused the release of both Cyrus and Pascua. The law is clear that the second mode merely requires that the offender who allowed himself to be persuaded, induced, or influenced, is a public officer, such as Marzan.

Thus, in reference to the second mode of Section 3(a) of RA 3019, it is immaterial whether the one who induced him was likewise a public officer or a private individual, such as Ciriaco. The records show that in an Investigation Relative to Complaint filed against Marzan dated June 13, 2001,<sup>33</sup> the following findings as to how Marzan was influenced by both Ciriaco and Rupisan was reported:

<sup>30</sup> *Ampil v. Office of the Ombudsman*, supra note 28.

<sup>31</sup> G.R. No. 196015, June 27, 2018

<sup>32</sup> *Rollo*, Volume 1, p. 52.

<sup>33</sup> Id. at 529.

That upon commitment and receipt by Jail Offenders of said District Jail, the father of one of the accused immediately peddled for influence for the release of his son and his son's co-accused.

That the accused successfully secured a document signed by the Provincial Legal Officer, a prominent figure in the political and legal arena and a close ally of the Provincial Governor stating therein that he will take under his custody abovenamed accused, disregarding proper judicial process, verbally citing further, in apparent intent to confuse subject personnel that the commitment and detention of the accused are unlawful since no warrant for their arrest was issued which should preclude the issuance of a commitment order, without mentioning with which he was clearly knowledgeable as a man of law, cases of apprehension thru *in flagrante delicto* as it was applicable in the case at hand;

That aside from said Provincial Legal Officer, one of the accused, through his father dropped the name of the Vice-Mayor [of] this municipality, the same upcoming mayor, with whom they are, to the knowledge of the undersigned, related by consanguinity.<sup>34</sup>

*Lastly*, Marzan unlawfully released Cyrus and Pascua. To stress, Cyrus and Pascua were lawfully detained pursuant to a duly issued commitment order of a court of law and yet they were released pursuant to an improperly issued Recognizance, without an accompanying Court Order, in violation of the law and BJMP rules and regulations.

Section 15, Rule 114 of the Revise Rules of Court provides:

SEC. 15. *Recognizance*. Whenever allowed by law or these Rules, the Court may release a person in custody on his own recognizance or that of a responsible person.

The instances when an accused may be released on recognizance were identified in *Torrevillas v. Navidad*,<sup>35</sup> thus:

The accused may be released on recognizance under Republic Act No. 6036[,] P.D. No. 603[,] and P.D. 968, as amended. Also, Section 16 of Rule 114, Revised Rules of Criminal Procedure explicitly provides, "A person in custody for a period equal to or more than the minimum of the principal penalty prescribed for the offense charged, without application of the Indeterminate Sentence Law or any modifying circumstance, shall be released on a reduced bail or on his own recognizance, at the discretion of the court."<sup>36</sup>

The Sandiganbayan aptly held that Atty. Rupisan took advantage of his position as Provincial Legal Officer to exert influence on Marzan as a jail officer. It held that:

<sup>34</sup> Id.

<sup>35</sup> 605 Phil. 1 (2009).

<sup>36</sup> Id. at 15.

It is thus easy to perceive that accused [Atty. Rupisan] took advantage of his position as the Provincial Legal Officer of Nueva Vizcaya to exert influence on a jail officer. As Provincial Legal Officer of Nueva Vizcaya, he had considerable authority and influence over other public officials in the province especially when it came to legal matters. His issuance of the *Recognizance* undoubtedly demonstrated sufficient persuasion, inducement and influence which led his co-accused SJO3 Dominador G. Marzan to release Cyrus Dulay and Wendell Pascua.<sup>37</sup>

On the other hand, the Sandiganbayan ruled, and this Court agrees, that Marzan allowed himself to be persuaded, induced or influenced to perform said act which constitutes a violation of the rules and regulations or an offense in connection with his official duty.<sup>38</sup>

As a jail officer, Marzan was bound by the provisions of the BJMP Manual on the *Manner of Releasing* prisoners. Section 2(d), Article 13 of the BJMP Manual provides:

d. No offender shall be released on a mere verbal order or by telephone. The release of an inmate by reason of acquittal, dismissal of case, payment of fines and/or indemnity or filing of bond, shall only be given effect *upon receipt of the Release Order*. The **court order** shall bear the full name of the offender, the crime charged, the criminal case number and such other details as will enable the officer in charge to properly identify the offender to be released.<sup>39</sup> [Emphasis supplied].

Moreover, Marzan, as a jail officer, should know the import of BJMP Manual, in particular Section 2(d) of Article 13 thereof. It was his duty to apply this provision despite the influence exerted by Atty. Rupisan, or Ciriaco, or the alleged pressure he received from his superior, Goyo. He confirmed in his testimony no less his knowledge of the relevant rules on detention:

Prosecutor Ronquillo (Q): x x x So, now, Mr. Witness, you said you are with the BJMP for fifteen years, is that correct and when you enter your Office in the Wall there are Rules and Regulations and Policy in taking out Offenders, is that correct, Mr. Witness?

Marzan (A): x x x Yes, Ma'am

x x x x

Q: Please answer, one of the policies stated, which was posted on the Walls of your Office as a reminder to all the Jail Guard that Offender shall not be taken out of Jail only upon proper Order issued by a Court of competent Authority having jurisdiction against the offender, is that correct?

x x x x

A: Yes, Ma'am

<sup>37</sup> *Rollo*, Volume I, p. 53.

<sup>38</sup> Id. at 53-54.

<sup>39</sup> Id. at 531.

Q: And there was also a policy never to release or to allow offenders to be taken out of Jail by a mere phone call from the Court or any competent authority and always ask for a written order and check its veracity is that correct?

A: Yes, Ma'am

Q: Are you familiar with that policy?

A: Yes, Ma'am

Q: In fact this policy [is] reiterated in the Manual of the Jail and Management and Penology, is that correct?

A: Yes, Ma'am

x x x x

Chairman: [xxx] When the . . . Provincial Administrator ordered you to release them, did you not ask for a court order?

A: No, Your Honor.<sup>40</sup>

In the instant case, all the elements of the offense under Section 3(a) of RA 3019, were established his guilt beyond reasonable doubt. Contrary to Marzan's claim, there was a Commitment Order<sup>41</sup> duly signed and issued by the Acting MTC Judge of Bayombong, Nueva Vizcaya for the detention of Cyrus and Pascua. He then released them without a proper court order but by virtue of the Recognizance signed by Atty. Rupisan. These acts were in blatant violation of the procedure provided by law for the issuance of a recognizance and contrary to the BJMP Manual.

On a final note, the Sandiganbayan meted on Marzan the penalty of imprisonment of six (6) years and one (1) month, as minimum, to ten (10) years as maximum, and perpetual disqualification from public office, for violation of Section 3(a) of RA 3019.

Section 9 of RA 3019, as amended by Batas Pambansa (B.P.) Blg. 195,<sup>42</sup> provides the penalty for violation of Section 3(a) of imprisonment for not less than six (6) years and one (1) month to not more than fifteen (15) years and perpetual disqualification from public office and confiscation and forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income. Under Section 1 of the Indeterminate Sentence Law or Act No. 4103, as amended by Act No. 4225, if the offense is punished by a special law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

<sup>40</sup> *Rollo*, Volume I, TSN (of Marzan dated December 2, 2010), pp. 415-417.

<sup>41</sup> Id. at 513; *See also rollo*, Volume I, p. 498-499.

<sup>42</sup> Amending Certain Sections of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act), Batas Pambansa Blg. 195, March 16, 1982.

Thus, in this case, the penalty imposed by the Sandiganbayan upon Marzan of imprisonment for six (6) years and one (1) month as minimum to ten (10) years as maximum and perpetual disqualification from public office is in accord with law.

However, this is Marzan's very first time. We note that during his long service with the BJMP for the period of 1992 to 2008, his sole infraction is the instant case and its corresponding administrative<sup>43</sup> case. We further take notice of the following findings in the June 13, 2001 Investigation<sup>44</sup> Relative to Complaint filed against Marzan:

3. . . .[T]he undersigned respectfully requests consideration for SJO3 Dominador G. Marzan, a public servant for twenty-three years who logged the best years of his life for the service of the Bureau considering that he was subjected to extreme pressure and harassment by coddlers who have utter disregard for the impartiality of justice, and considering further that reason, forgiveness and reconciliation already prevailed upon the complainant manifested thru his affidavit.

4. The undersigned hopes and prays for consideration of para[graph] 3 for humanitarian reasons.

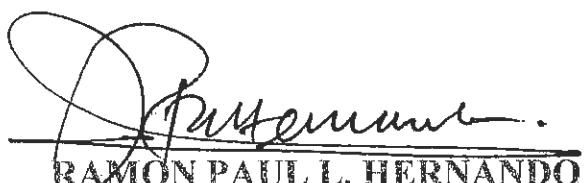
In view of the foregoing, We find it appropriate to reduce Marzan's penalty. Thus, We modify his penalty. Instead of imprisonment of six (6) years and one (1) month as minimum to ten (10) years as maximum, he is sentenced to the reduced period of six (6) years and one (1) month as minimum *to seven (7) years as maximum.*

**WHEREFORE**, the assailed January 25, 2016 Decision and the July 21, 2016 Resolution of the Sandiganbayan in Criminal Case No. 28391 which found petitioner Dominador Gatab Marzan liable for violation of Section 3(a) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, are **AFFIRMED** with the **MODIFICATION** that his penalty of imprisonment for six (6) years and one (1) month as minimum to ten (10) years as maximum is **REDUCED** to six (6) years and one (1) month as minimum, to seven (7) years as maximum, with perpetual disqualification to hold public office.

<sup>43</sup> Rollo, Volume I, pp. 428-430.

<sup>44</sup> Id. at 530.

SO ORDERED.



**RAMON PAUL L. HERNANDO**  
Associate Justice  
Acting Chairperson

WE CONCUR:

On official leave.

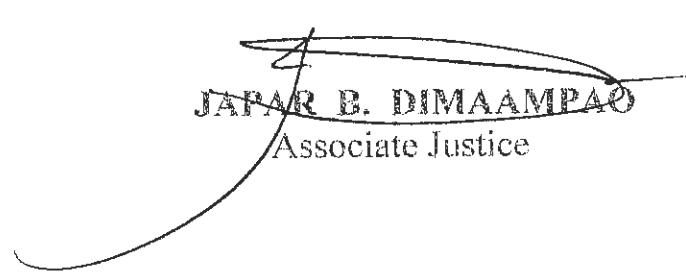
**ESTELA M. PERLAS-BERNABE**  
Senior Associate Justice



**HENRI JEAN PAUL B. INTING**  
Associate Justice



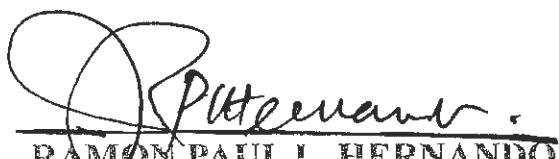
**SAMUEL H. GAERLAN**  
Associate Justice



**JAPAR B. DIMAAMPAO**  
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.



RAMON PAUL L. HERNANDO  
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.



ALEXANDER G. GESMUNDO  
Chief Justice