



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 241911  
*Petitioner,*

- versus -

ANGELO O. MONTILLA,  
*Respondent.*

SPOUSES RODOLFO PALMES G.R. No. 242375  
& ESMAELITA PALMES,  
*Petitioners, Present:*

- versus -

CAGUIOA, J., *Chairperson,*  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, JJ.

THE HONORABLE COURT OF  
APPEALS, ANGELO O.  
MONTILLA, and DORIS P.  
LAPUZ,

Promulgated:

*Respondents.* February 8, 2023

*MicRDCBatt*

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DECISION

SINGH, J.

The Court resolves two Petitions for Review on *Certiorari* under Rule 45 of the Rules of Court filed by the Office of the Solicitor General (**OSG**),<sup>1</sup> on behalf of the petitioner People of the Philippines, and by the Spouses Rodolfo Palmes and Esmaelita Palmes (**Spouses Palmes**).<sup>2</sup> Both Petitions assail the Decision,<sup>3</sup> dated January 22, 2018, and the Resolution,<sup>4</sup> dated August 31, 2018, of the Court of Appeals (**CA**) in CA-G.R. SP No. 07901-MIN, which reinstated the Order, dated October 10, 2014, of the Regional Trial Court (**RTC**) of Davao City, Branch 16, dismissing the criminal case for double murder against respondents Angelo O. Montilla (**Montilla**) and Doris P. Lapuz (**Lapuz**).

### *The Facts*

On August 9, 2004, several persons were criminally charged with double murder before the RTC-Cotabato City, Branch 15, for the killing of Richard Escobia (**Escobia**) and Aileen Palmes-Lustre (**Lustre**) on October 25, 2003 in Buluan, Maguindanao. The case was docketed as Criminal Case No. 034-SA.<sup>5</sup>

Imelda B. Reyes (**Reyes**) and Jerry B. Mamaki (**Mamaki**) were subsequently included as additional accused and warrants for their arrest were issued. On January 18, 2007, the RTC-Cotabato City, Branch 15, quashed the warrant of arrest against Reyes and ordered the Provincial Prosecutor's Office of Maguindanao, headed by Prosecutor Ringear B. Pinote (**Pros. Pinote**), to conduct a re-investigation (**First Reinvestigation**) of the case.<sup>6</sup>

On May 4, 2007, the RTC-Cotabato City, Branch 15, issued an order reiterating its previous order to conduct a re-investigation, now addressed to Assistant Provincial Prosecutor Rodolfo S. Yanson (**Asst. Pros. Yanson**). After re-investigation, Asst. Pros. Yanson issued a Resolution, dated June 12, 2007, which included Montilla and Lapuz as additional accused and dropped Reyes and Mamaki from the case for lack of evidence. Asst. Pros. Yanson then filed a Motion to Admit the Second Amended Information

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<sup>1</sup> *Rollo* (G.R. No. 241911), pp. 26-61.

<sup>2</sup> *Rollo* (G.R. No. 242375), pp. 3-17.

<sup>3</sup> *Id.* at 24-31. Penned by Associate Justice Oscar V. Badelles and concurred in by Associate Justices Romulo V. Borja and Tita Marilyn Payoyo-Villordon.

<sup>4</sup> *Id.* at 21-23.

<sup>5</sup> *Id.* at 5.

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



before the RTC-Cotabato City, Branch 15, without the approval of the Provincial Prosecutor.<sup>7</sup>

However, on June 19, 2007 and July 20, 2007, Pros. Pinote successively filed a Motion to Recall the Second Amended Information and a Motion to Dismiss or Withdraw the Second Amended Information alleging, among others, that the Second Amended Information and the accompanying Motion to Admit the same were filed without his approval, in violation of Section 46, Rule 112 of the Rules of Court. He then submitted to the RTC-Cotabato City, Branch 15, the result of his own re-investigation and issued a Resolution, dated June 22, 2007, dismissing the charges against Montilla and Lapuz.<sup>8</sup>

Pending the resolution of Pros. Pinote's motions, Montilla filed a Petition under Rule 65 of the Rules of Court before the CA assailing, among others, the validity of the Second Amended Information and the warrants of arrest issued. Meanwhile, on January 10, 2008, Asst. Pros. Yanson filed another Second Amended Information before the RTC-Cotabato City, Branch 15, now with the approval and the signature of the Officer-in-Charge (OIC) Provincial Prosecutor Kasan K. Abdulrakman. On the same date, the RTC-Cotabato City, Branch 15, admitted the same and issued warrants of arrest against Montilla and Lapuz. However, the said warrants were not served upon both parties in view of the pendency of the Rule 65 Petition before the CA.<sup>9</sup>

On August 1, 2008, the CA denied Montilla's Petition for being grossly premature as the RTC-Cotabato City, Branch 15, had not yet issued an order granting or denying Pros. Pinote's Motion to Recall the Second Amended Information. The CA also ruled that the Petition was rendered moot and academic by the filing of the Second Amended Information bearing the approval of the OIC Provincial Prosecutor and its admission by the trial court.<sup>10</sup>

On September 9, 2009, this Court affirmed the dismissal of Montilla's Petition before the CA. On October 21, 2009, the RTC-Cotabato City, Branch 15, issued an alias warrant of arrest against Montilla.<sup>11</sup>

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<sup>7</sup> *Id.*  
<sup>8</sup> *Id.* at 6.  
<sup>9</sup> *Id.*  
<sup>10</sup> *Id.*  
<sup>11</sup> *Id.* at 7.



On May 24, 2010, Montilla filed a Petition for Change of Venue before this Court, docketed as A.M. No. 11-4-67-RTC, claiming that the prosecutors and the Presiding Judge in Sultan Kudarat and Cotabato City are biased against him. On June 15, 2011, Montilla's petition was granted and the venue of the trial of the case was transferred from RTC-Cotabato City, Branch 15, to the RTC-Davao City, Branch 11.<sup>12</sup>

On September 12, 2011, Montilla filed an Omnibus Motion to Recall/Quash Warrant of Arrest and/or Judicial Determination of Probable Cause. On January 9, 2012, the RTC-Davao City, Branch 11, partially granted the motion and directed the City Prosecutor of Davao City to conduct a re-investigation (**Second Reinvestigation**) of the case and suspended the implementation of the warrant of arrest against Montilla. The prosecution moved for a reconsideration of the ruling, while Lapuz filed a Motion to Recall/Quash Warrant of Arrest of Accused Doris Lapuz and for Suspension, in the Interim, of Implementation of Warrant of Arrest. On August 30, 2012, the RTC-Davao City, Branch 11 denied the prosecution's motion for being filed out of time, but granted Lapuz's motion.<sup>13</sup>

Aggrieved, the prosecution filed a Petition for *Certiorari* before the CA, alleging grave abuse of discretion against the RTC-Davao City, Branch 11 when it issued the January 9 and August 30, 2012 Orders. On February 6, 2013, the Presiding Judge of RTC-Davao City, Branch 11 voluntarily inhibited herself from hearing the case. Later, the murder case was re-raffled to the RTC- Davao City, Branch 16.<sup>14</sup>

In the meantime, on March 18, 2014, the CA granted the Petition and reversed the January 9 and August 30, 2012 Orders of the RTC-Davao City, Branch 11. The CA reasoned that the RTC could not, in the performance of its judicial function of determining probable cause for the issuance of a warrant of arrest, pass this duty to the public prosecutor in the guise of ordering the latter to conduct another investigation. The issuance of Alias Warrants of Arrest against Montilla and Lapuz was ordered.<sup>15</sup>

However, in an Order,<sup>16</sup> dated October 10, 2014, the RTC-Davao City, Branch 16 *motu proprio* dismissed the criminal charges against Montilla and Lapuz for lack of probable cause based on the evidence presented during the preliminary investigation. The prosecution immediately

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 7-8.

<sup>14</sup> *Id.* at 8.

<sup>15</sup> *Id.* at 9.

<sup>16</sup> *Rollo* (G.R. No. 241911), pp. 98-108.



moved for the inhibition of the Presiding Judge of RTC-Davao City, Branch 16, which was granted. The case was re-raffled to RTC-Davao City, Branch 15, where the prosecution filed a motion for reconsideration.<sup>17</sup>

On December 10, 2015, the RTC-Davao City, Branch 15 granted<sup>18</sup> the motion and reinstated the criminal proceedings based on the doctrine of judicial stability:<sup>19</sup>

The herein questioned Order dated October 10, 2014 of the Regional Trial Court Branch 16-Davao City which effectively set aside and voided the earlier Order of RTC Branch 15 of Cotabato City to the mind of this Court violates the principle of Judicial Stability because the said Order effectively set aside and nullified the earlier Order issued by RTC Branch 15 of Cotabato City, through its Presiding Judge Hon. Cader P. Indar finding existence of probable cause for issuance of warrant of arrest and the corresponding issued warrant of arrest against accused Angelo Montilla and Doris P. Lapuz. Thus, the order herein sought to be reconsidered is indeed not proper.

**FOR THE FOREGOING**, the Court finds merit in the instant Motion for Reconsideration, hence, **GRANTED**. Accordingly, (1) the order dated October 10, 2014 issued by RTC Branch 16-Davao City dismissing the criminal case against accused Angelo Montilla and Doris P. Lapuz is hereby reconsidered and set aside. (2) The Motion for Alias Warrant of Arrest filed by the Prosecution is **GRANTED**. Consequently, let alias Warrant of Arrest be issued against Angel Montilla and Doris P. Lapuz.

**SO ORDERED.**<sup>20</sup>

Montilla sought the reconsideration of the December 10, 2015 Order, but it was denied by the RTC-Davao City, Branch 15, which further directed the continuation of the reception of the prosecution's evidence.<sup>21</sup>

Montilla thus elevated the case to the CA.

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<sup>17</sup> *Rollo* (G.R. No. 242375), p. 9.

<sup>18</sup> *Rollo* (G.R. No. 241911), pp. 110-114.

<sup>19</sup> *Rollo* (G.R. No. 242375), p. 9.

<sup>20</sup> *Id.* at 28. Emphasis in the original.

<sup>21</sup> *Id.* at 9.



***The CA Ruling***

On January 22, 2018, the CA granted the Petition and reinstated the October 10, 2014 Order of the RTC-Davao City, Branch 16, which dismissed the criminal charges against Montilla and Lapuz:

WHEREFORE, premises considered, the petition is hereby GRANTED. The assailed 10 December 2015 and 27 October 2016 Orders of the RTC Branches 15 and 17, Davao City are hereby REVERSED and SET ASIDE. The 10 October 2014 Order of RTC Branch 16, Davao City dismissing the case is hereby REINSTATED and the case for double murder with respect to herein petitioner Angelo O. Montilla and Doris P. Lapuz is hereby DISMISSED

SO ORDERED.<sup>22</sup>

In granting the petition, the CA ruled that the doctrine of judicial stability was misapplied because the conflicting rulings of the different RTC branches involved the same case. There was no interference by one RTC branch in one case with another RTC branch in a different case. It explained:

The doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court states that a branch of a Regional Trial Court of a province or city should not and cannot interfere with the orders or other judgments in cases pending in other branches of the RTC in that city or province. The reason for this is that, the power to open, modify, or vacate a judgment is not only possessed by, but is restricted to the court in which the judgment was rendered. xxx

Here in the present case, We find that the said doctrine has been misapplied. There is no interference by one RTC branch with the cases of another RTC branch. Rather, this involves one and the same case which, unfortunately, has been transferred and re-raffled from one branch of the RTC to another. When the RTC Branch 16, Davao City dismissed the case against the petitioner and Doris, it did so as the court having jurisdiction over the case that was raffled to it. This is pursuant to the court's inherent power to correct itself by opening, modifying or vacating an order or judgment it previously issued.<sup>23</sup>

Both the People and the Spouses Palmes challenged the CA ruling.

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<sup>22</sup> *Id.* at 30.

<sup>23</sup> *Id.* at 29.



### *The Issue*

Did the CA commit an error in reinstating the Order, dated October 10, 2014, of the RTC-Davao City, Branch 16, dismissing the case against Montilla and Lapuz for lack of probable cause?

### *The Ruling of the Court*

*Death of Montilla extinguishes his criminal and civil liabilities*

The Court finds it in order to dismiss the appeal as to Montilla, who passed away last June 6, 2021 while the Petition is pending resolution. In a Manifestation, dated August 24, 2021, Montilla's counsel attached a certified true copy of the Certificate of Death, dated June 24, 2021, which states that Montilla died due to COVID-19 complications.

Article 89 of the Revised Penal Code states:

Article 89. How criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties and as to pecuniary penalties, liability therefore is extinguished only when the death of the offender occurs before final judgment[.]

The Court has expounded on the foregoing provision:

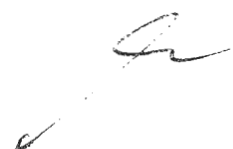
From this lengthy disquisition, we summarize our ruling herein:

1. Death of the accused pending appeal of his conviction extinguishes his criminal liability[,] as well as the civil liability[,] based solely thereon. As opined by Justice Regalado, in this regard, "the death of the accused prior to final judgment terminates his criminal liability and only the civil liability directly arising from and based solely on the offense committed, *i.e.*, civil liability *ex delicto* in *sensu strictiore*."<sup>24</sup>

Thus, Criminal Case No. 034-SA of the RTC-Davao City, Branch 15, is dismissed insofar as Montilla is concerned because of his death.

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<sup>24</sup> *People v. Momroyo*, G.R. No. 223708 (Resolution), October 9, 2019, citing *People v. Culas*, 810 Phil. 205 (2017).



The Court now resolves the present Petition as to the determination of probable cause against Lapuz.

*Doctrine of judicial stability or non-interference with a co-equal court*

The Court agrees that the doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court or a court of concurrent jurisdiction is a basic procedural precept:

This doctrine states that the judgment of a court of competent jurisdiction may not be interfered with by any court of concurrent jurisdiction. The rationale for the same is founded on the concept of jurisdiction — verily, a court that acquires jurisdiction over the case and renders judgment therein has jurisdiction over its judgment, to the exclusion of all other coordinate courts, for its execution and over all its incidents, and to control, in furtherance of justice, the conduct of ministerial officers acting in connection with this judgment.<sup>25</sup>

The doctrine is founded on the concept of jurisdiction. Once a court acquires jurisdiction over a subject matter, the court retains authority over the same until finality of judgment. Other courts of concurrent jurisdiction must respect and not interfere with the court's jurisdiction, lest there will be confusion and inconsistency in the administration of justice.

The doctrine finds no application when another court with concurrent jurisdiction later acquires jurisdiction pursuant to a sanctioned change of venue.

It is important now to distinguish between jurisdiction and venue. Venue simply refers to the physical or geographical location where court proceedings will be held, while jurisdiction is abstract and refers to the power or authority of a court to hear and decide a case. In *Radiowealth Finance Company, Inc. v. Pineda*,<sup>26</sup> the Court aptly distinguished:

Petitioner confuses the concepts of jurisdiction and venue. In *City of Lapu-Lapu v. Philippine Economic Zone Authority*:

On the one hand, jurisdiction is “the power to hear and determine cases of the general class to which the

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<sup>25</sup> *First Gas Power Corp. v. Republic*, 717 Phil. 44 (2013).

<sup>26</sup> 837 Phil. 419 (2018).





proceedings in question belong.” Jurisdiction is a matter of substantive law. Thus, an action may be filed only with the court or tribunal where the Constitution or a statute says it can be brought. Objections to jurisdiction cannot be waived and may be brought at any stage of the proceedings, even on appeal. When a case is filed with a court which has no jurisdiction over the action, the court shall *motu proprio* dismiss the case.

On the other hand, venue is “the place of trial or geographical location in which an action or proceeding should be brought.” In civil cases, venue is a matter of procedural law. A party’s objections to venue must be brought at the earliest opportunity either in a motion to dismiss or in the answer; otherwise the objection shall be deemed waived. When the venue of a civil action is improperly laid, the court cannot *motu proprio* dismiss the case.

Wrong venue is merely a procedural infirmity, not a jurisdictional impediment. Jurisdiction is a matter of substantive law, while venue is a matter of procedural law.

In the present case, when the RTC-Davao City, Branch 16 dismissed the criminal case against Lapuz, it did not overstep the jurisdiction of the RTC-Cotabato City, Branch 15 because the jurisdiction over the said criminal case remained with the RTC of the territory or province where the crime or any of its essential elements occurred. The change of venue from Cotabato City to Davao City was sanctioned by this Court. The RTC-Cotabato City, Branch 15 was divested of its jurisdiction to decide the criminal case. This jurisdiction, along with the exercise of the inherent powers of every court, was then transferred to the RTC-Davao City, Branch 16. Thus, when the RTC-Davao City, Branch 16 ordered the dismissal of the criminal charges based on lack of probable cause, it acted well within its jurisdiction.

Consequently, as correctly pointed out by the CA, the RTC-Davao City, Branch 16 had complete authority to act accordingly, even to amend or reverse orders previously issued by other branches of the RTC-Cotabato City and RTC-Davao City, pursuant to a court’s inherent powers under Section 5(g), Rule 135 of the Rules of Court:

Sec. 5. Inherent powers of courts. – Every court shall have power:

x x x

(g) To amend and control its process and orders so as to make them conformable to law and justice[.]



That being said, the Court is, more importantly, called upon to determine if the CA erred in reinstating the order of dismissal in favor of Lapuz.

The Court finds no error in the CA ruling.

*There is a plain, adequate, and speedy remedy available*

While the OSG is correct in arguing that a Rule 65 Petition is not a remedy to question a denial of a motion to quash an Information, the absence of probable cause, as determined by the RTC-Davao City, Branch 16, justifies the dismissal of the criminal charge for double murder.

An order denying a motion to quash an Information may not be subject of a Rule 65 Petition because there is a plain, adequate, and speedy remedy available to the accused, which is to proceed to trial and seek an acquittal. Otherwise, an absurd situation may arise wherein an Information is dismissed by a Rule 65 Petition, reversing the denial of a motion to quash, but the accused in that same Information is found guilty by the trial court, which continued to hear and decide the criminal case pending resolution of the Rule 65 Petition.

The Court explained in *Tulfo v. People*:<sup>27</sup>

It is well-settled that a special civil action for *certiorari* is not the proper remedy to assail the denial of a motion to quash information. As a rule, the denial of a motion to quash cannot be “a proper subject of a petition for *certiorari* which can be used only in the absence of an appeal or any other adequate, plain and speedy remedy.” The plain and speedy remedy is to proceed to trial and to determine the guilt or innocence of the accused. The remedy against a denial of a motion to quash an information is not to resort forthwith to *certiorari* or prohibition, but to continue with the case in due course and, when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law.

Since the determination of probable cause is preliminary, the accused still has the opportunity to prove his or her innocence during trial. If found guilty, the accused may still appeal the ruling.

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<sup>27</sup> G.R. No. 237629. April 28, 2021.



At any rate, despite this procedural misstep, the issue now to be resolved is whether there exists probable cause to indict Lapuz. The Court finds none.

*Judicial determination of probable cause*

There are two kinds of determination of probable cause, one is executive and the other is judicial. The executive determination of probable cause is done by the public prosecutor, while the judicial determination is done by trial court judges. The Court in *Leviste v. Alameda*<sup>28</sup> expounded:

The judicial determination of probable cause is one made by the judge to ascertain whether a warrant of arrest should be issued against the accused. The judge must satisfy himself that based on the evidence submitted, there is necessity for placing the accused under custody in order not to frustrate the ends of justice. If the judge finds no probable cause, the judge cannot be forced to issue the arrest warrant. Paragraph (a), Section 5, Rule 112 of the Rules of Court outlines the procedure to be followed by the RTC.

The judge is vested with the sole authority to personally examine the records of the case in assessing whether probable cause exists. In the present case, the most recent judicial determination of probable cause was done by the Presiding Judge of the RTC-Davao City, Branch 16. In its Order, dated October 10, 2014, the RTC-Davao City, Branch 16, found the evidence insufficient to indict Lapuz and, thus, dismissed the criminal charge for double murder against her. This is contrary to the Order, dated December 10, 2015, of the RTC-Davao City, Branch 15, which reversed the ruling of RTC-Davao City, Branch 16, and directed the issuance of a warrant of arrest against Lapuz, without making a personal determination of probable cause. When it overturned the finding of probable cause, the RTC-Davao City, Branch 16 merely held that the RTC-Davao City, Branch 15 violated the doctrine of judicial stability. As discussed earlier, such ruling is misplaced because jurisdiction over the criminal case remained with the RTC and only the venue was transferred, at first, to the RTC-Davao City, Branch 11 from the RTC-Cotabato City, Branch 15, before it was transferred to RTC-Davao City, Branch 16 and, subsequently, to Branches 15 and 17. The doctrine of judicial stability is inapplicable and, absent a more recent judicial determination of probable cause, the RTC-Davao City, Branch 16's finding of lack of probable cause stands.

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<sup>28</sup> 640 Phil. 620 (2010).



This notwithstanding, after a review of the Resolution,<sup>29</sup> dated January 4, 2008, of Asst. Pros. Yanson, which was the basis for indicting Lapuz, and the Order,<sup>30</sup> dated October 10, 2014, of the RTC-Davao City, Branch 16, which dismissed the criminal charge against Lapuz for lack of probable cause, the Court upholds the findings of the RTC-Davao City, Branch 16.

First, the Resolution, dated January 4, 2008, of Asst. Pros. Yanson recommending the inclusion of Lapuz as additional accused appears to be based chiefly on the allegations and defenses of Reyes, one of the accused in the prior Information filed, as narrated in her Counter-Affidavit, which was dated February 8, 2007 or four months after she was indicted on October 19, 2006. In fact, Lapuz was among the persons who initially executed an affidavit that led to the filing of the first Complaint, dated April 4, 2003, and Amended Information, dated October 19, 2006, which indicted Reyes, among others. The belated accusations against Lapuz squarely placed the motivation of Reyes in focus, especially since Lapuz' earlier affidavit contributed to the filing of the murder charges against Reyes.

Second, a review of Reyes' affidavit shows that the sole basis for implicating Lapuz was her alleged ill feelings against Lustre, who supposedly intended to divulge the financial anomalies in the City Government of Tacurong that would place Lapuz in jeopardy. As the Officer-in-Charge in the Office of the City Treasurer with a strong interest in being appointed as City Treasurer, Lapuz was ascribed with ill motive to kill Escobia, who was then the Assistant Treasurer and next in rank to be appointed City Treasurer. However, as correctly found by the RTC, there was no evidence to corroborate this claim. Allegation is not proof.<sup>31</sup>

Third, and most telling is that it goes against common sense and ordinary human instinct for Lapuz to order the killing of Escobia when they were together on board the vehicle seized by the armed men on October 25, 2003, prior to the murder. No right-thinking person would place himself or herself in such a dangerous position, even to eliminate an enemy.

There is thus no factual circumstance which would lead a reasonable man to believe that Lapuz is probably guilty of the criminal charge. It must be noted that Pros. Pinote even raised a vehement opposition to the filing of an Information against Lapuz.

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<sup>29</sup> *Rollo* (G.R. No. 241911), pp. 253-300.

<sup>30</sup> *Id.* at 98-108.

<sup>31</sup> *Menez v. Status Maritime Corporation*, 839 Phil. 360 (2018) and *Espina v. Court of Appeals*, 548 Phil. 255 (2007).



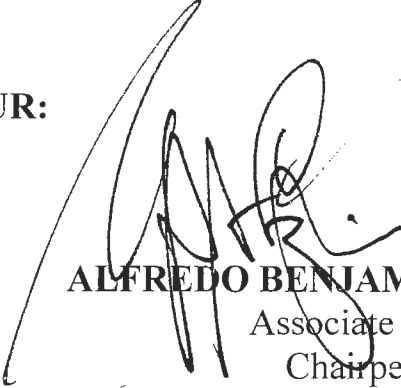
In the absence of facts and circumstances to raise a well-engendered belief that Lapuz was probably guilty of killing Escobia and Lustre, the criminal charge against her was correctly dismissed.

**WHEREFORE**, the Petitions for Review on *Certiorari* are **DENIED**. The Decision, dated January 22, 2018, and the Resolution, dated August 31, 2018, of the Court of Appeals in CA-G.R. SP No. 07901-MIN are **AFFIRMED**.

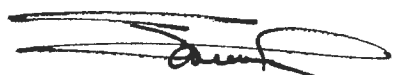
**SO ORDERED.**

  
**MARIA FILOMENA D. SINGH**  
Associate Justice

**WE CONCUR:**

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Chairperson

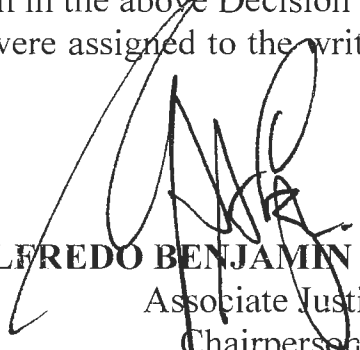
  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

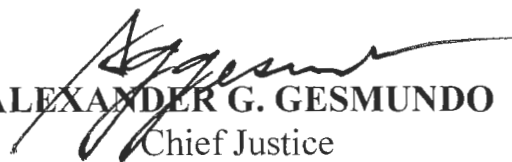
**ATTESTATION**

I attest that the conclusion in the above Decision had been reached in consultation before these cases were assigned to the writer of the opinion of the Court's Division.

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice  
Chairperson

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusion in the above Decision had been reached in consultation before these cases were assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

