



Republic of the Philippines
Supreme Court
Baguio City

SECOND DIVISION

FELIX NATHANIEL “ANGEL”
VILLANUEVA MANALO II,
Petitioner,

G.R. No. 265585

Present:

LEONEN, *SAJ*, Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ*.

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

APR 15 2024

X-----X

DECISION

LOPEZ, J., *J*:

This Court resolves the Petition for Review on *Certiorari*¹ assailing the Decision² and the Resolution³ of the Court of Appeals (CA), which affirmed the denial of the Motion to Quash filed by Felix Nathaniel “Angel” Villanueva Manalo II (Manalo).

The Antecedents

On March 2, 2017, police officers conducted a search and seizure operation at the house of Manalo inside the compound of Iglesia ni Cristo

¹ *Rollo*, pp. 12–41.

² *Id.* at 44–53. The July 13, 2022 Decision in CA-G.R. SP No. 166960 was penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Gabriel T. Robeniol and Michael P. Ong of the Seventh Division, Court of Appeals, Manila.

³ *Id.* at 54–57. The December 19, 2022 Resolution in CA-G.R. SP No. 166960 was penned by Associate Justice Marlene B. Gonzales-Sison and concurred in by Associate Justices Gabriel T. Robeniol and Michael P. Ong of the Former Seventh Division, Court of Appeals, Manila.

(INC) in Tandang Sora Avenue, Quezon City under Search Warrant No. 5326(7).⁴ During the search, several unlicensed firearms and ammunition were allegedly discovered and confiscated. Subsequently, Manalo, Victor Eraño Manalo Hemedez (Hemedez), Jonathan S. Ledesma (Ledesma), and several other individuals were placed in detention. Several Informations were then filed at the Office of the City Prosecutor of Quezon City (OCP-QC), including a charge for illegal possession of firearms and ammunition under Section 28(b) of Republic Act No. 10591 docketed as Criminal Case No. R-QZN-17-03231-CR.⁵ The accusatory portion of the Information⁶ against Manalo states:

That on or about the 2nd day of March 2017, in Quezon City, Philippines, the said accused, without any authority of law, did, then and there, willfully, unlawfully and knowingly have in his possession and under his custody and control the following small arms or Class A light weapons, to wit:

- a) one (1) M-16 Colt Ar 15 rifle with serial number 4952780
- b) one (1) M1 carbine with serial number 4161809
- c) one (1) 12 gauge Action shotgun with serial number 116534

without first having secured the necessary license/permit issued by the proper authorities.

CONTRARY TO LAW.⁷

Manalo filed a Motion for Reinvestigation,⁸ which was granted by the Regional Trial Court (RTC), Branch 84 of Quezon City (RTC Branch 84). Thus, the RTC directed the OCP-QC to conduct a preliminary investigation.⁹

The city prosecutor issued a Resolution¹⁰ affirming the finding of probable cause against Manalo, Hemedez, and Ledesma.¹¹ During the interim, Manalo filed his Motion to Fix Bail.¹²

Subsequently, Police Chief Inspector Jun G. Fortunato (PCINSP Fortunato) filed a Motion for Partial Reconsideration¹³ praying that the charge against Manalo be upgraded since the alleged unlicensed firearm supposedly contained loaded ammunition in accordance with the qualification under

⁴ *Id.* at 16, 100–101.

⁵ *Id.* at 16.

⁶ *Id.* at 107–108.

⁷ *Id.*

⁸ *Id.* at 109–113.

⁹ *Id.* at 16.

¹⁰ *Id.* at 132–140. The September 14, 2017 Resolution (Re-Investigation) in XV-03-INQ-17C-01095 was penned by Senior Assistant City Prosecutor Veronica G. Pagayatan and approved by City Prosecutor Donald T. Lee of the Office of the City Prosecutor, Quezon City.

¹¹ *Id.* at 140.

¹² *Id.* at 46.

¹³ *Id.* at 142–159.

Section 28(e) of Republic Act No. 10591.¹⁴

During the hearing of Manalo's Motion to Fix Bail, the prosecution filed a Motion to Admit Attached Amended Information.¹⁵ It explained that due to inadvertence, the prosecution failed to allege in the original Information that one of the firearms retrieved during the search, particularly a 12-gauge action shotgun bearing Serial No. 116534, was loaded with ammunition as alleged in the Police Letter Referral Report.¹⁶ Thus, the prosecution sought the amendment of the original Information (Amended Information) to reflect in the accusatory portion as follows:

That on or about the 2nd day of March 2017, in Quezon City, Philippines, the said accused, without any authority of law, did, then and there, willfully, unlawfully and knowingly have in his possession and under his custody and control the following small arms or Class A light weapons, to wit:

one (1) M-16 Colt Ar 15 rifle with serial number 4952780
 one (1) M1 carbine with serial number 4161809
 one (1) 12 gauge Action shotgun with serial number 116534
Loaded with seven (7) live ammunitions

without first having secured the necessary license/permit issued by the proper authorities.

CONTRARY TO LAW.¹⁷ (Emphasis in the original)

Consequently, the RTC Branch 84 issued a Joint Resolution¹⁸ denying the Motion to Fix Bail, granting the prosecution's Motion to Admit Attached Amended Information, and setting the arraignment and pre-trial of the accused.¹⁹

¹⁴ Republic Act No. 10591 (2013), sec. 28(e) states:

SECTION 28. *Unlawful Acquisition, or Possession of Firearms and Ammunition.* — The unlawful acquisition, possession of firearms and ammunition shall be penalized as follows:

....

(e) The penalty of one (1) degree higher than that provided in paragraphs (a) to (c) in this section shall be imposed upon any person who shall unlawfully possess any firearm under any or combination of the following conditions:

- (1) Loaded with ammunition or inserted with a loaded magazine;
- (2) Fitted or mounted with laser or any gadget used to guide the shooter to hit the target such as thermal weapon sight (TWS) and the like;
- (3) Fitted or mounted with sniper scopes, firearm muffler or firearm silencer;
- (4) Accompanied with an extra barrel; and
- (5) Converted to be capable of firing full automatic bursts.

¹⁵ *Rollo*, pp. 160–161.

¹⁶ *Id.*

¹⁷ *Id.* at 162.

¹⁸ *Id.* at 191–199. The November 20, 2017 Joint Resolution in Crim. Case Nos. Q-17-03230–31 & 33-CR was penned by Presiding Judge Luisito G. Cortez of Branch 84, Regional Trial Court, Quezon City.

¹⁹ *Id.* at 198.

9

Manalo filed a Motion for Reconsideration²⁰ and a Motion to Inhibit²¹ seeking the disqualification of the presiding judge of RTC Branch 84.

In a Joint Order,²² the RTC Branch 84 granted the Motion to Inhibit, and the case was ordered to be re-raffled.²³

The case was then raffled to RTC Branch 85. However, in a Resolution,²⁴ the presiding judge voluntarily inhibited due to a related case previously decided by the same *sala*.²⁵ Thus, the case was re-raffled to RTC Branch 216.²⁶

An Omnibus Order²⁷ was issued by the RTC Branch 216 where, among others, the Motion for Reconsideration of Manalo was denied.²⁸ Manalo elevated the denial of his Motion through a Petition for *Certiorari* to the CA, entitled *Felix Nathaniel "Angel" Villanueva Manalo II v. The Honorable Presiding Judge of the Regional Trial Court-Quezon City, Branch 84, The Honorable Presiding Judge of the Regional Trial Court-Quezon City, Branch 216, and the People of the Philippines*, docketed as CA-G.R. SP No. 159024.²⁹

Meanwhile, on January 18, 2019, Manalo was arraigned in Criminal Case No. R-QZN-17-03231. However, due to inadvertence, what was read to Manalo was the contents of the original Information. With the assistance of his counsel, Manalo entered a plea of not guilty to the original Information. After entering a plea of not guilty, the public prosecutor inquired as to which Information had been read. It was then discovered that the original Information was read by mistake. The RTC Branch 216 then directed the reading of the Amended Information.³⁰ However, when the Amended Information was read, Manalo refused to enter a plea, arguing that he had already pleaded not guilty based on the original Information. Thus, the RTC entered a plea of "not guilty" on Manalo's behalf.³¹

²⁰ *Id.* at 200–227.

²¹ *Id.* at 247–258.

²² *Id.* at 261–265. The December 20, 2017 Joint Order in Crim. Case Nos. Q-17-03230–31 & 33-CR was penned by Presiding Judge Luisito G. Cortez of Branch 84, Regional Trial Court, Quezon City.

²³ *Id.* at 264.

²⁴ *Id.* at 266–270. The April 12, 2018 Resolution in Case Nos. Q-17-03230–2-CR & R-QZN-17-11875-CR was penned by Presiding Judge Juris S. Dilinila-Callanta of Branch 85, Regional Trial Court, Quezon City.

²⁵ *Id.* at 269.

²⁶ *Id.* at 271.

²⁷ *Id.* at 359–365. The October 30, 2018 Omnibus Order in Criminal Case Nos. R-QZN-17-03230–32-CR was penned by Presiding Judge Alfonso C. Ruiz II of Branch 216, Regional Trial Court, Quezon City.

²⁸ *Id.* at 364.

²⁹ *Id.* at 47.

³⁰ *Id.*

³¹ *Id.*

Manalo filed a Motion to Quash the Amended Information,³² arguing that since he was already arraigned based on the original Information, his right against double jeopardy had been violated when he was rearraigned under the Amended Information. Manalo insisted that no person shall be put twice in jeopardy of punishment for the same offense.³³ Hence, he moved that the Amended Information be quashed.

The RTC Branch 216 issued its Order³⁴ denying the Motion to Quash Information filed by Manalo for lack of merit.³⁵

In an Order,³⁶ the RTC Branch 216 denied Manalo's Motion for Reconsideration.³⁷ It held that the correct and only valid Information in this case was the Amended Information and not the original Information. Considering that the original Information was no longer correct and valid, Manalo's answer to the charge was not the proper plea under the law. Instead, the "not guilty" plea entered by the trial court for Manalo to the charge in the Amended Information was the valid plea.³⁸

The RTC Branch 216 explained that Manalo could not have made a valid plea to the original Information as it was not sufficient in form and in substance to sustain a conviction for the crime charged. The RTC Branch 216 highlighted that Section 28(e) of Republic Act No. 10591, as a qualified offense, could not be absorbed by the simple offense of illegal possession of firearms and ammunitions under Section 28(b), a lesser offense.³⁹

The RTC Branch 216 added that a re-reading of the Amended Information neither resulted in Manalo's conviction or acquittal nor operated to dismiss or terminate the case without his consent. Instead, it was a mere correction of an inadvertence in the reading of an Information involving one continuous trial over one offense.⁴⁰

The RTC Branch 216 also stressed that while it was the original Information that was first read to Manalo, the prosecution immediately inquired whether what was read to him was the Amended Information. When they learned that it was the original Information that was read to Manalo, they immediately moved for the re-reading of the Amended Information, which the court allowed. For the RTC Branch 216, this showed their intention to proceed

³² *Id.* at 60–67.

³³ *Id.* at 64–67.

✓ ³⁴ *Id.* at 58–59. The June 28, 2019 Order in Criminal Case Nos. R-QZN-17-03230–32 was penned by Presiding Judge Alfonso C. Ruiz II of Branch 216, Regional Trial Court, Quezon City.

³⁵ *Id.* at 59.

✓ ³⁶ *Id.* at 70–73. The September 14, 2020 Order in Criminal Case Nos. R-QZN-17-03230–32 was penned by Presiding Judge Alfonso C. Ruiz II of Branch 216, Regional Trial Court, Quezon City.

³⁷ *Id.* at 75–84.

³⁸ *Id.* at 72.

³⁹ *Id.*

⁴⁰ *Id.*

under the Amended Information. It found that it was the court that made the error in reading an Information, which was earlier requested to be amended. As such, the RTC Branch 216 concluded that it would be unfair to make the prosecution suffer any consequence arising from an inadvertence it did not commit.⁴¹

Aggrieved, Manalo filed a Petition for *Certiorari*⁴² before the CA.

In a Decision,⁴³ the CA affirmed the ruling of the RTC. It held that Manalo's reliance on the doctrine of double jeopardy was misplaced.⁴⁴ The CA emphasized that the first jeopardy had not attached yet due to the absence of the following elements: (1) after a valid indictment; (2) when a valid plea has been entered; and (3) dismissal or termination of the case without the express consent of the accused.⁴⁵ As the assailed Orders of the RTC were supported by law and evidence on record, the CA ruled that no grave abuse of discretion attended the ruling of the RTC.⁴⁶

Manalo moved for reconsideration,⁴⁷ which the CA denied in a Resolution.⁴⁸

Hence, Manalo filed the instant Petition.

In the present Petition, Manalo contends that: (1) the prosecution is already bound by his initial plea based on the original Information;⁴⁹ (2) all the requisites for double jeopardy are present;⁵⁰ and (3) the retraction of a plea or arraignment is allowed only in certain instances, none of which is present in this case.⁵¹

Meanwhile, in its Comment,⁵² the Office of the Solicitor General (OSG) argued that the Amended Information supersedes the original Information and renders the latter without legal effect. As such, it maintained that no valid plea could be derived from the original Information.⁵³ The OSG also insisted that there was no violation of the right against double jeopardy considering that the first jeopardy only attached upon a plea to the Amended Information, and this has yet to be terminated.⁵⁴

⁴¹ *Id.* at 73.

⁴² *Id.* at 368.

⁴³ *Id.* at 44-53.

⁴⁴ *Id.* at 49-50.

⁴⁵ *Id.* at 50-52.

⁴⁶ *Id.* at 52.

⁴⁷ *Id.* at 87-97.

⁴⁸ *Id.* at 54-57.

⁴⁹ *Id.* at 24-26.

⁵⁰ *Id.* at 27-31, 33-35.

⁵¹ *Id.* at 31-33.

⁵² *Id.* at 460-477.

⁵³ *Id.* at 464-470.

⁵⁴ *Id.* at 471-475.

9

Issue

Whether the Amended Information filed against petitioner Felix Nathaniel “Angel” Villanueva Manalo II should be quashed on the ground of double jeopardy.

This Court’s Ruling

The Petition must be denied.

To recall, petitioner’s Motion to Quash Amended Information was anchored on the ground of double jeopardy that is found in Rule 117, Section 3(i) of the Rules of Court.⁵⁵ The requisites of double jeopardy are enumerated in Rule 117, Section 7 of the Rules of Court, which states:

SECTION 7. *Former conviction or acquittal; double jeopardy.* — When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense[,] which necessarily includes or is necessarily included in the offense charged in the former complaint or information. (Emphasis in the original)

Based on the foregoing, double jeopardy exists when the following requisites concur: (1) a first jeopardy attached prior to the second; (2) the first jeopardy has been validly terminated; and (3) a second jeopardy is for the same offense as in the first.⁵⁶

The first jeopardy attaches: (1) after a valid indictment; (2) before a competent court; (3) after arraignment; (4) when a valid plea has been entered; and (5) when the accused was acquitted or convicted, or the case was dismissed or otherwise terminated without their express consent.⁵⁷

In the present case, the insistence of petitioner that double jeopardy exists is misplaced. As correctly determined by the CA, the elements for the

⁵⁵ RULES OF COURT, Rule 117, sec. 3(i) states:

SECTION 3. *Grounds.* — The accused may move to quash the complaint or information on any of the following grounds:

....

(i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.

⁵⁶ *SSgt. Pacoy v. Hon. Cajigil*, 560 Phil. 598, 612 (2007) [Per J. Austria-Martinez, Third Division].

⁵⁷ *People v. Cawaling*, 355 Phil. 1, 24 (1998) [Per J. Panganiban, First Division].



first jeopardy to attach were not established. The fourth and fifth elements are not present as it was not shown that petitioner had entered a valid plea on the prior charge and that he had been either convicted or acquitted, or that the case against him was dismissed or terminated without his express consent.

In *Cabangangan v. Concepcion*,⁵⁸ an Amended Information was filed to include an additional fact material to the case, but it was the original Information that was erroneously read by the trial court to the accused during arraignment. Strikingly, it was the counsel of the accused who immediately pointed out to the trial court about the error. Nevertheless, without reading the contents of the Amended Information, the trial court proceeded to convict the accused of the charge in the Amended Information. In remanding the case to the trial court for further proceedings, this Court ruled, among others, that the original Information had already been superseded by the Amended Information.⁵⁹

On the other hand, in the case of *Binabay v. People of the Phil.*,⁶⁰ this Court ruled that when an accused is inadvertently rearraigned under the original Information even though it had been superseded by the Amended Information, the original Information is legally nonexistent. This Court explained that:

As a consequence, the rearraignment under such original [I]nformation and petitioner's plea to the charge therein set forth were properly declared null and void, and no valid judgment could have been rendered in the case[.]⁶¹

In the present case, petitioner did not make a valid plea to the original Information as the same had already been superseded by the Amended Information. While it is not denied that what was first read to petitioner was the original Information, the prosecution immediately inquired whether what was read to him was the Amended Information. The prosecution promptly moved for the re-reading of the Amended Information after it was discovered that it was the original Information that was inadvertently read to petitioner. This is a clear expression of the State's intention to prosecute petitioner under the Amended Information. As it was the trial court that made the error in reading the original Information that was already superseded by the Amended Information, the RTC Branch 216 was correct in ruling that it would be unfair to make the prosecution suffer the consequences that may arise because of a mistake it did not commit.⁶²

⁵⁸ 95 Phil. 87 (1954) [Per C.J. Paras, *En Banc*].

⁵⁹ *Id.* at 90.

⁶⁰ 147 Phil. 402 [Per J. Concepcion, Second Division].

⁶¹ *Id.* at 406.

⁶² *Rollo*, p. 73.

Further, a re-reading of the Amended Information neither results in petitioner’s conviction or acquittal nor operates to dismiss or terminate the case without his consent. Instead, it was a mere correction of an inadvertence in the reading of an Information involving one continuous trial over one offense.⁶³

ACCORDINGLY, the Petition is **DENIED**. The assailed July 13, 2022 Decision and December 19, 2022 Resolution of the Court of Appeals in CA-G.R. SP No. 166960 are **AFFIRMED**.

The Amended Information in Criminal Case No. R-QZN-17-03231-CR is **ADMITTED**. The Regional Trial Court, Branch 216, Quezon City is **ORDERED** to proceed with the arraignment and pre-trial of Felix Nathaniel “Angel” Villanueva Manalo II with dispatch.


SO ORDERED.

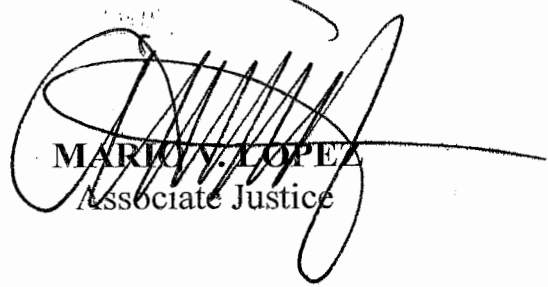

JHOSE P. LOPEZ
Associate Justice

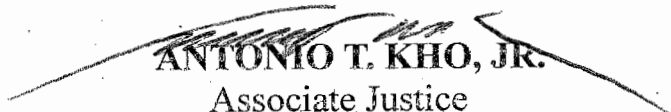
WE CONCUR:

I dissent. Please see separate opinion in


MARVIC M.V.F. LEONEN
Senior Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. LOPEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

⁶³ *Id.*

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ATTESTATION

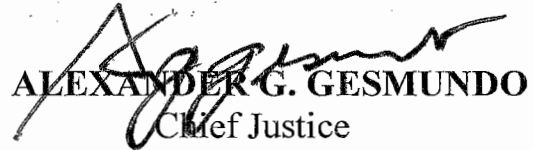
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 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 this Court's Division.



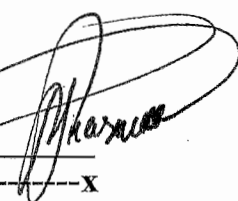
ALEXANDER G. GESMUNDO
Chief Justice

SECOND DIVISION

G.R. No. 265585 – FELIX NATHANIEL “ANGEL” VILLANUEVA MANALO II, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.

Promulgated:

APR 15 2024



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DISSENTING OPINION

LEONEN, J.:

I respectfully disagree with the *ponencia* in upholding the denial of petitioner Felix Nathaniel “Angel” Villanueva Manalo II’s (Manalo) Motion to Quash the Amended Information on the ground of double jeopardy.¹

Considering that what was read to Manalo was the original Information to which he already pleaded not guilty,² the prosecution is bound by his initial plea and his conviction should only be based on the original Information. Otherwise, his constitutionally protected right against double jeopardy will be violated.

I

The proscription against double jeopardy is one of the fundamental rights enshrined in our Constitution which shields the accused not from the danger of a second punishment but from being prosecuted for the same offense.³ Article III, Section 21 of the 1987 Constitution provides:

Section 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

The constitutional concept of double jeopardy assures “that an accused may *not* be harassed with constant charges or revisions of the same charge arising out of the same facts constituting a single offense.”⁴ Once the accused

¹ *Ponencia*, pp. 1, 9.

² *Id.* at 4.

³ *Pacoy v Cajigal*, 560 Phil. 598, 607 (2007) [Per J. Austria-Martinez, Third Division].

⁴ *Corpus, Jr. v. Pamular*, 839 Phil. 731, 775 (2018) [Per J. Leonen, Third Division]. (Emphasis supplied)



goes over the allegations in the Information by entering a *plea* on arraignment, they are already placed in jeopardy of conviction. Having understood the charges and then entering a plea, the accused will thereafter prepare their arguments and defense based on the prosecution's possible evidence. The safeguard afforded to the accused by the double jeopardy rule attaches not only after an acquittal or conviction, but also *after entry of plea* and when there is a previous dismissal for violation of speedy trial.⁵

II

Pertinently, under Rule 117, Section 3 of the Revised Rules for Criminal Procedure, one of the grounds to quash an Information is double jeopardy:

Section 3. *Grounds.* — The accused may move to quash the complaint or information on any of the following grounds:

....

- i) That the accused has been previously convicted or acquitted of the offense charged, or the case against [them] was dismissed or otherwise terminated without [their] express consent.

For a plausible defense of double jeopardy, Section 7 of the same Rule states:

Section 7: *Former Conviction or Acquittal; Double Jeopardy.* — When an accused has been convicted or acquitted, or *the case against [them] dismissed or otherwise terminated without [their] express consent* by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information. (Emphasis supplied)

Thus, the requisites of double jeopardy are that: “(1) *a first jeopardy attached prior to the second*; (2) the first jeopardy has been validly terminated; and (3) a second jeopardy is for the same offense as in the first.”⁶ The first jeopardy only attaches “(a) after a valid indictment; (b) before a competent court; (c) after arraignment; (d) when a valid plea has been entered; and (e)

⁵ *Id.* at 775–776.

⁶ *Pacoy v. Cajigal*, 560 Phil. 598, 612 (2007) [Per J. Austria-Martinez, Third Division]. (Emphasis supplied)

when the accused was acquitted or convicted, or the case was dismissed or otherwise terminated without [their] express consent.”⁷

In my view, Manalo’s invocation of his right against double jeopardy is meritorious.⁸ Due to the trial court’s inadvertence, he was read the original Information, to which he pleaded not guilty. When the prosecution brought the error to the trial court’s attention, the latter directed the reading of the amended Information. Manalo refused to enter a plea. The trial court then entered a “not guilty” plea on his behalf.⁹ In doing so, the trial court effectively *terminated* the case based on the original Information.

However, Manalo’s consent to the termination cannot simply be assumed or implied; it “must be expressed as to have no doubt as to [his] conformity,”¹⁰ which was evidently unavailing here. Therefore, the trial court cannot just move to read the amended Information and enter a plea of “not guilty” on his behalf without violating his right against double jeopardy.

The trial court’s mistake in reading the original Information instead of the amended one should *not* also be taken against Manalo. Given that his life and liberty are at stake, courts ought to be more circumspect in dealing with criminal cases,¹¹ as in the one at hand.

ACCORDINGLY, I vote to **GRANT** the Petition.



MARVIC M.V.F. LEONEN
Senior Associate Justice

⁷ *Id.* (Emphasis supplied)

⁸ *Ponencia*, p. 6.

⁹ *Id.* at 4.

¹⁰ *Tupaz v. Ulep*, 374 Phil. 474, 487 (1999) [Per J. Pardo, First Division].

¹¹ *People v. Tizon*, 375 Phil. 1096, 1098 (1999) [Per J. Vitug, *En Banc*].

