



Republic of the Philippines
Supreme Court
Baguio City

Certified True Copy
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Deputy Division Clerk of Court
Third Division
APR 23 2014

THIRD DIVISION

EMMANUEL M. OLORES,
Petitioner,

G.R. No. 201663

Present:

VELASCO, JR., J., *Chairperson*,
PERALTA,
ABAD,
PERLAS-BERNABE,* and
LEONEN, JJ.

- versus -

MANILA DOCTORS COLLEGE
and/or TERESITA O. TURLA,
Respondent.

Promulgated:

March 31, 2014

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Wilfredo V. Lapitan X

DECISION

PERALTA, J.:

Before us is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court seeking the reversal of the January 9, 2012¹ and April 27, 2012² Resolutions of the Court of Appeals (CA) in CA-G.R. SP No. 122596.

The facts, as found by the National Labor Relations Commission (NLRC), are as follows:

Respondent is a private higher educational institution dedicated to providing academic degrees and certificate courses related to Allied Medical Services and Liberal Arts and Sciences.

[Petitioner] was hired as a part-time faculty of respondent on 07 November 2005. He was assigned at the Humanities Department of the College of Arts and Sciences. Thereafter, he signed fixed term

* Designated Acting Member in lieu of Associate Justice Jose Catral Mendoza, per Special Order No. 1656 dated March 27, 2014.

¹ Penned by Associate Justice Ramon A. Cruz, with Associate Justices Romeo F. Barza and Antonio L. Villamor, concurring; *rollo*, pp. 47-48.

² *Id.* at 50-52.

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employment contracts as part-time instructor. From 03 November 2008, [petitioner] signed fixed term employment contracts, this time as a full-time instructor.

For the second semester of academic year 2009-2010, [petitioner] was given the following load assignments:

Subject	Year/Section	No. of Students
Bioethics	BSN 11-B6	46
Bioethics	BSN 11-B7	40
Bioethics	BSN 11-A3	40
Bioethics	BSN 11-A4	40
Bioethics	BSN – A10	41
Philosophy of Man	PSYCH 11	23
Philosophy of Man	HNCA 1	43

Respondent's course syllabus for Bioethics and Philosophy of Man outlined the grading system as follows:

“Bioethics

1. *Class Standing (40%)
Quizzes; Recitation; Individual/Group Oral Presentation; Reflection/Reaction Papers*
2. *Midterm/Final Examinations (60%)*

Philosophy of Man

1. *Class Standing (40%)
Term Paper and Completion of Reflection Papers; Group Debates on Current Issues; Group Presentation/Discussion; Exercises/Seat Work/Board Work; Recitation; Quizzes; Long Test*
2. *Midterm/Final Examinations (60%)”*

The midterm/final examination questionnaires for Bioethics and Philosophy of Man were divided into two (2) parts with the following corresponding points:

	Bioethics	Philosophy of Man
Part I Multiple Choice	65 pts	60 pts
Part II Essay	15 pts	20 pts
Total	80 pts	80 pts

[Petitioner] submitted the final grades of his students to Mr. Jacinto Bernardo, Jr. (Bernardo), the chair of the Humanities Area. On 13 April 2010, Bernardo charged [petitioner] with gross misconduct and gross inefficiency in the performance of duty. [Petitioner] was accused of employing a grading system not in accordance with the system because he: a) added 50 pts to the final examination raw scores; b) added 50 pts to students who have not been attending classes; c) credited only 40% instead of 60% of the final examination; d) did not credit the essay questions; and e) added further incentives (1-4 pts) aside from 50 pts. In so doing, [petitioner] gave grades not based solely on scholastic records.

On 14 April 2010, [petitioner] submitted his answer stating that he: a) did not add 50 pts to the raw scores as verified by the dean and academic coordinator; b) made certain adjustments to help students pass; c) did not credit the essay questions because these have never been discussed in the meetings with Bernardo; and d) did have the judgment to give an incentive for a task well done. Also on this date, [petitioner] wrote a letter to respondent's Human Resources Manager asking that he should now be granted a permanent status.

Meanwhile, summer classes started on 15 April 2010 without [petitioner] having signed an employment contract.

Acting on the report of Bernardo, respondent created the Manila Doctors Tribunal (MDT) which was tasked to ascertain the truth. The MDT sent notices of hearing to [petitioner].

During the administrative hearing, [petitioner] stood pat on his answer. He, however, elucidated on his points by presenting slides.

On 31 May 2010, the MDT submitted its recommendation to the president of respondent. The culpability of [petitioner] was established, hence, dismissal was recommended. On 07 June 2010, respondent terminated the services of [petitioner] for grave misconduct and gross inefficiency and incompetence.

Aggrieved by the decision of respondent, [petitioner] filed a case for: a) illegal dismissal with a claim for reinstatement; b) non-payment of service incentive leave and 13th month pay; c) moral and exemplary damages; d) attorney's fees; and e) regularization.³

In a Decision⁴ dated December 8, 2010, the Labor Arbiter found merit in petitioner's charge for illegal dismissal. However, it dismissed petitioner's claim for regularization. The decretal portion of said decision reads:

WHEREFORE, judgment is hereby made finding the [petitioner] to have been illegally dismissed from employment. Concomitantly, the respondent school is hereby ordered to reinstate him as faculty member under the same terms and conditions of his employment, without loss of seniority rights but without backwages. However, instead of being reinstated, the [petitioner] is hereby given the option to receive a separation pay equivalent to his full month's pay for every year of service, a fraction of at least six months to be considered a full year or the amount of ₱100,000.00 (his monthly salary of ₱20,000.00) multiplied by the equivalent of five years' service.

Other claims are dismissed for lack of merit.

SO ORDERED.⁵

³ *Id.* at 68-71.

⁴ *Id.* at 93-103.

⁵ *Id.* at 102-103.

Respondent appealed from the aforesaid decision to the NLRC. However, the same was denied in a Resolution⁶ dated February 10, 2011. The NLRC reasoned that respondent's appeal was not accompanied by neither a cash nor surety bond, thus, no appeal was perfected from the decision of the Labor Arbiter. Pertinent portion of said resolution reads:

Records disclose that the appeal was not accompanied by neither a cash nor surety bond as mandated by Section 6, Rule VI of the 2005 Revised Rules of Procedure of the NLRC, to wit –

“SECTION 6. BOND. – In case the decision of the Labor Arbiter involves a monetary award, an appeal by the employer may be perfected only upon the posting of a bond, which shall either be in the form of cash deposit or surety bond equivalent in amount to monetary award, exclusive of damages and attorney's fees.”

The Supreme Court in *Rural Bank of Coron (Palawan) Inc. vs. Annalisa Cortes*, December 6, 2006, emphasized that:

“In the case at bar, petitioner did not post a full or partial appeal bond within the prescribed period, thus, no appeal was perfected from the Decision of the Labor Arbiter. For this reason, the decision sought to be appealed to the NLRC had become final and executory, and therefore, immutable. Clearly then, the NLRC has no authority to entertain the appeal much less to reverse the decision of the Labor Arbiter. Any amendment or alteration made which substantially affects the final and executory judgment is null and void for lack of jurisdiction, including the entire proceeding held for that purpose.”

On account of this infirmity, We are (sic) do not have the jurisdictional competence to entertain the appeal.

WHEREFORE, the appeal is DISMISSED for Non-Perfection.

SO ORDERED.⁷

Respondent, thus, sought reconsideration of the NLRC's resolution.

In a Decision⁸ dated September 30, 2011, the NLRC granted respondent's appeal and reversed its earlier resolution. Its *fallo* reads:

WHEREFORE, premises considered, the appeal is GRANTED. The 08 December 2010 Decision is Reversed and a new one entered: a)

⁶ *Id.* at 90-92.

⁷ *Id.* at 91. (Emphasis in the original)

⁸ *Id.* at 67-88.

dismissing the complaint for lack of merit; and b) ordering respondent Manila Doctors College to pay [petitioner]'s service incentive leaves for the last three years.

SO ORDERED.⁹

Resultantly, petitioner filed a *certiorari* petition with the CA.

In a Resolution dated January 9, 2012, the CA held that since petitioner failed to file a motion for reconsideration against the NLRC decision before seeking recourse to it via a *certiorari* petition, the CA dismissed petitioner's special civil action for *certiorari*, viz.:

It appears that petitioner has not shown that other than this special civil action under Rule 65, he has no plain, speedy and adequate remedy in the ordinary course of law against his perceived grievance.

It is now settled in our jurisdiction that while it is true that the only way by which a labor case may reach this Court is through a petition for *certiorari* under Rule 65 of the Rules of Court, it must, however, be shown that the NLRC acted without or in excess of jurisdiction, or with grave abuse of discretion, and there is no appeal, nor any plain, speedy and adequate remedy in the ordinary course of law. Section 15, Rule VII of the 2005 Revised Rules of Procedure of the NLRC, which allows the aggrieved party to file a motion for reconsideration of any decision, resolution or order of the NLRC, constitutes a plain, speedy and adequate remedy which said party may avail of. Accordingly, in the light of the doctrine of exhaustion of administrative remedies, a motion for reconsideration must first be filed before the special civil action for *certiorari* may be availed of.

In the instant case, the records do not show and neither does petitioner make a claim that it filed a motion for reconsideration of the challenged decision before it came to us through this action. It had not, as well, suggested any plausible reason for direct recourse to this Court against the decision in question.

WHEREFORE, the instant special civil action for *certiorari* is DISMISSED.

SO ORDERED.¹⁰

Petitioner filed a motion for reconsideration against said resolution.

In a Resolution dated April 27, 2012, the CA denied petitioner's motion for reconsideration. It ruled that except for his bare allegations, petitioner failed to present any plausible justification for dispensing with the

⁹ *Id.* at 88.

¹⁰ *Id.* at 47-48. (Emphasis in the original)

requirement of a prior motion for reconsideration. The CA further stated that although there are exceptions to the rule that *certiorari* will not lie unless a motion for reconsideration is filed, petitioner nevertheless failed to prove that his case falls within any of the recognized exceptions.

Accordingly, petitioner filed the present petition.

Petitioner raises the following grounds to support his petition:

I.

THE COURT OF APPEALS FAR DEPARTED FROM ACCEPTED AND USUAL COURSE OF JURISPRUDENCE WHEN IT IGNORED THE GROSSLY ERRONEOUS DECISION OF THE NLRC GIVING DUE COURSE TO AN APPEAL WITHOUT THE POSTING OF A BOND AS MANDATED BY ARTICLE 223 OF THE LABOR CODE AND THE 2005 NLRC RULES OF PROCEDURE.

II.

THE COURT OF APPEALS FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JURISPRUDENCE WHEN IT FAILED TO RULE THAT THE NLRC DID NOT ACQUIRE JURISDICTION TO REVERSE THE 08 DECEMBER 2010 DECISION OF THE LABOR ARBITER IN FAVOR OF PETITIONER, HENCE, THE SAME BECAME FINAL, EXECUTORY AND UNAPPEALABLE ON THE PART OF RESPONDENTS.

III.

THE COURT OF APPEALS FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JURISPRUDENCE WHEN IT REQUIRED PETITIONER TO FILE ANOTHER MOTION FOR RECONSIDERATION AND GIVE THE NLRC MULTIPLE OPPORTUNITIES TO RECONSIDER THE CASE BEFORE FILING A PETITION FOR CERTIORARI.

IV.

THE COURT OF APPEALS FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JURISPRUDENCE WHEN IT FAILED TO REALIZE THAT CIRCUMSTANCES SURROUNDING THE INSTANT CASE, NONETHELESS, FALLS UNDER THE EXCEPTIONS THE REQUIREMENT OF A MOTION FOR RECONSIDERATION PRIOR TO THE FILING OF A PETITION FOR CERTIORARI.

V.

THE NLRC FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JURISPRUDENCE WHEN IT FAILED TO RULE THAT PETITIONER HAD ALREADY ATTAINED REGULAR STATUS AND REVERSED THE FINDING OF LABOR ARBITER AMANSEC THAT PETITIONER WAS ILLEGALLY DISMISSED.¹¹

¹¹ *Id.* at 16-17.

Essentially, the issues are: (1) whether respondent's appeal with the NLRC was perfected despite its failure to post a bond; and (2) whether the CA erred in dismissing petitioner's Rule 65 petition.

Petitioner asserts that Section 223 of the Labor Code and Section 6, Rule VI of the 2005 Revised Rules of Procedure of the NLRC are consistent in saying that in case of judgment involving a monetary amount, an appeal by the employer may be perfected only upon posting a cash or surety bond. Thus, he argues that since the NLRC did not acquire jurisdiction over the instant case, the decision of the Labor Arbiter had already become final and executory.

Second, petitioner contends that a motion for reconsideration prior to the filing of a *certiorari* petition admits of certain exceptions, that is, when the order appealed from is a patent nullity and when there is urgency of relief. He argues that the instant case falls under one of the exceptions, thus, it should be entertained by the court.

Conversely, respondent asserts that the decision of the Labor Arbiter does not impose a clear and unqualified monetary obligation upon the respondent, thus, it has no obligation to post a bond.

Respondent further avers that the CA did not commit grave abuse of discretion in dismissing petitioner's *certiorari* petition for failure to comply with the mandatory requirement of filing a motion for reconsideration. It stresses that there is no showing that the instant case falls under one of the recognized exceptions to the rule of filing a prior motion for reconsideration.

There is merit in the petition.

At the outset, it must be emphasized that Article 223¹² of the Labor Code states that an appeal by the employer to the NLRC from a judgment of

¹² **Art. 223. Appeal.** Decisions, awards, or orders of the Labor Arbiter are final and executory unless appealed to the Commission by any or both parties within ten (10) calendar days from receipt of such decisions, awards, or orders. Such appeal may be entertained only on any of the following grounds:

1. If there is prima facie evidence of abuse of discretion on the part of the Labor Arbiter;
2. If the decision, order or award was secured through fraud or coercion, including graft and corruption;
3. If made purely on questions of law; and
4. If serious errors in the findings of facts are raised which would cause grave or irreparable damage or injury to the appellant.

In case of a judgment involving a monetary award, an appeal by the employer may be perfected only upon the posting of a cash bond issued by a reputable bonding company duly accredited by the Commission in the amount equivalent to the monetary award in the judgment appealed from.

In any event, the decision of the Labor Arbiter reinstating a dismissed or separated employee, insofar as the reinstatement aspect is concerned, shall immediately be executory, even pending appeal. The

a Labor Arbiter, which involves a monetary award, may be perfected only upon the posting of a cash or surety bond issued by a reputable bonding company duly accredited by the NLRC, in an amount equivalent to the monetary award in the judgment appealed from.¹³

Sections 4 (a) and 6 of Rule VI of the New Rules of Procedure of the NLRC, as amended, reaffirm the explicit jurisdictional principle in Article 223.¹⁴ The relevant provisions state:

SECTION 4. REQUISITES FOR PERFECTION OF APPEAL. –

(a) The appeal shall be: 1) filed within the reglementary period provided in Section 1 of this Rule; 2) verified by the appellant himself in accordance with Section 4, Rule 7 of the Rules of Court, as amended; 3) in the form of a memorandum of appeal which shall state the grounds relied upon and the arguments in support thereof, the relief prayed for, and with a statement of the date the appellant received the appealed decision, resolution or order; 4) in three (3) legibly type written or printed copies; and 5) accompanied by i) proof of payment of the required appeal fee; ii) **posting of a cash or surety bond as provided in Section 6 of this Rule**; iii) a certificate of non-forum shopping; and iv) proof of service upon the other parties.

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SECTION 6. BOND. – **In case the decision of the Labor Arbiter or the Regional Director involves a monetary award, an appeal by the employer may be perfected only upon the posting of a bond, which shall either be in the form of cash deposit or surety bond equivalent in the amount to the monetary award, exclusive of damages and attorney’s fees.**¹⁵

The posting of a bond is indispensable to the perfection of an appeal in cases involving monetary awards from the decisions of the Labor Arbiter. The lawmakers clearly intended to make the bond a mandatory requisite for the perfection of an appeal by the employer as inferred from the provision that an appeal by the employer may be perfected “only upon the posting of a

employee shall either be admitted back to work under the same terms and conditions prevailing prior to his dismissal or separation or, at the option of the employer, merely reinstated in the payroll. The posting of a bond by the employer shall not stay the execution for reinstatement provided herein.

To discourage frivolous or dilatory appeals, the Commission or the Labor Arbiter shall impose reasonable penalty, including fines or censures, upon the erring parties.

In all cases, the appellant shall furnish a copy of the memorandum of appeal to the other party who shall file an answer not later than ten (10) calendar days from receipt thereof.

The Commission shall decide all cases within twenty (20) calendar days from receipt of the answer of the appellee. The decision of the Commission shall be final and executory after ten (10) calendar days from receipt thereof by the parties.

Any law enforcement agency may be deputized by the Secretary of Labor and Employment or the Commission in the enforcement of decisions, awards or orders. (As amended by Section 12, Republic Act No. 6715, March 21, 1989) (Emphasis supplied)

¹³ *Mindanao Times Corporation v. Confesor*, G.R. No. 183417, February 5, 2010, 611 SCRA 748, 752.

¹⁴ *Ramirez v. Court of Appeals*, G.R. No. 182626, December 4, 2009, 607 SCRA 752, 760.

¹⁵ Emphasis supplied.

cash or surety bond.” The word “only” makes it clear that the posting of a cash or surety bond by the employer is the essential and exclusive means by which an employer’s appeal may be perfected. Moreover, the filing of the bond is not only mandatory, but a jurisdictional requirement as well, that must be complied with in order to confer jurisdiction upon the NLRC. Non-compliance therewith renders the decision of the Labor Arbiter final and executory. This requirement is intended to assure the workers that if they prevail in the case, they will receive the money judgment in their favor upon the dismissal of the employer’s appeal. It is intended to discourage employers from using an appeal to delay or evade their obligation to satisfy their employees’ just and lawful claims.¹⁶

Here, it is undisputed that respondent’s appeal was not accompanied by any appeal bond despite the clear monetary obligation to pay petitioner his separation pay in the amount of ₱100,000.00. Since the posting of a bond for the perfection of an appeal is both mandatory and jurisdictional, the decision of the Labor Arbiter sought to be appealed before the NLRC had already become final and executory. Therefore, the NLRC had no authority to entertain the appeal, much less to reverse the decision of the Labor Arbiter.

Nevertheless, assuming that the NLRC has jurisdiction to take cognizance of the instant case, this Court would still be inclined to favor petitioner because the instant case falls under one of the recognized exceptions to the rule that a motion for reconsideration is necessary prior to the filing of a *certiorari* petition.

The general rule is that a motion for reconsideration is indispensable before resort to the special civil action for *certiorari* to afford the court or tribunal the opportunity to correct its error, if any. The rule is well settled that the filing of a motion for reconsideration is an indispensable condition to the filing of a special civil action for *certiorari*.¹⁷

The rationale for the requirement of first filing a motion for reconsideration before the filing of a petition for *certiorari* is that the law intends to afford the tribunal, board or office an opportunity to rectify the errors and mistakes it may have lapsed into before resort to the courts of justice can be had.¹⁸

¹⁶ *McBurnie v. Ganzon*, G.R. Nos. 178034 & 178117; G.R. Nos. 186984-85, September 18, 2009, 600 SCRA 658, 667.

¹⁷ *Metro Transit Organization, Inc. v. Court of Appeals*, 440 Phil. 743, 751 (2002).

¹⁸ *Alcosero v. National Labor Relations Commission*, G.R. No. 116884, March 26, 1998, 288 SCRA 129, 137-138.

However, said rule is subject to several recognized exceptions:

- (a) Where the order is a patent nullity, as where the court *a quo* has no jurisdiction;
- (b) **Where the questions raised in the certiorari proceedings have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court;**
- (c) Where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable;
- (d) Where, under the circumstances, a motion for reconsideration would be useless;
- (e) Where petitioner was deprived of due process and there is extreme urgency for relief;
- (f) Where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable;
- (g) Where the proceedings in the lower court are a nullity for lack of due process;
- (h) Where the proceeding was *ex parte* or in which the petitioner had no opportunity to object; and
- (i) Where the issue raised is one purely of law or where public interest is involved.¹⁹

In the instant case, the NLRC had all the opportunity to review its ruling and correct itself.

The NLRC issued a ruling on February 10, 2011 in favor of petitioner dismissing respondent's appeal on the ground that the latter failed to file an appeal bond. However, upon a motion for reconsideration filed by respondent, the NLRC completely reversed itself and set aside its earlier resolution dismissing the appeal. The NLRC had more than enough opportunity to pass upon the issues raised by both parties on appeal of the ruling of the Labor Arbiter and the subsequent motion for reconsideration of its resolution disposing the appeal. Thus, another motion for reconsideration would have been useless under the circumstances since the questions raised in the *certiorari* proceedings have already been duly raised and passed upon by the NLRC.

In a similar case, the Labor Arbiter rendered a decision dismissing petitioner's case for lack of merit. On appeal, the NLRC rendered a decision reversing the decision of the Labor Arbiter and ordered the respondent therein to pay petitioner full backwages, separation pay, salary differentials, 13th month pay and allowances. Not satisfied, respondent therein moved for reconsideration of the aforesaid NLRC resolution. The NLRC, thereafter,

¹⁹ *Abraham v. National Labor Relations Commission*, 406 Phil. 310, 316 (2001). (Emphasis supplied)

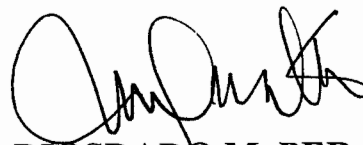
granted respondent's motion and reversed its previous ruling. In a like manner, the petitioner therein filed a *certiorari* petition without first filing a motion for reconsideration with the NLRC.²⁰ Thus, the Court ruled in that case –

The rationale for the requirement of first filing a motion for reconsideration before the filing of a petition for *certiorari* is that the law intends to afford the tribunal, board or office an opportunity to rectify the errors and mistakes it may have lapsed into before resort to the courts of justice can be had. **In the present case, the NLRC was already given the opportunity to review its ruling and correct itself when the respondent filed its motion for reconsideration of the NLRC's initial ruling in favor of petitioner. In fact, it granted the motion for reconsideration filed by respondent and reversed its previous ruling and reinstated the decision of the Labor Arbiter dismissing the complaint of the petitioner. It would be an exercise in futility to require the petitioner to file a motion for reconsideration since the very issues raised in the petition for *certiorari*, i.e., whether or not the petitioner was constructively dismissed by the respondent and whether or not she was entitled to her money claims, were already duly passed upon and resolved by the NLRC. Thus, the NLRC had more than one opportunity to resolve the issues of the case and in fact reversed itself upon reconsideration.** It is highly improbable or unlikely under the circumstances that the Commission would reverse or set aside its resolution granting a motion for reconsideration.²¹

All told, the petition is meritorious. However, since this Court is not a trier of facts,²² we cannot rule on the substantive issue of the case, i.e., whether petitioner has attained regular status, inasmuch as the CA has not yet passed upon the factual issues raised by the parties.

WHEREFORE, premises considered, the instant petition is hereby **GRANTED** and the Resolutions dated January 9, 2012 and April 27, 2012, respectively, of the Court of Appeals in CA-G.R. SP No. 122596, are hereby **REVERSED** and **SET ASIDE**. The case is **REMANDED** to the Court of Appeals for further proceedings.

SO ORDERED.



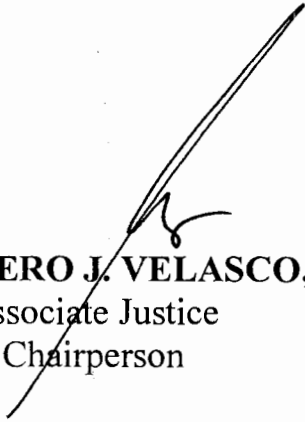
DIOSDADO M. PERALTA
Associate Justice


²⁰ *Id.* at 316-317.


²¹ *Id.* (Emphasis supplied)

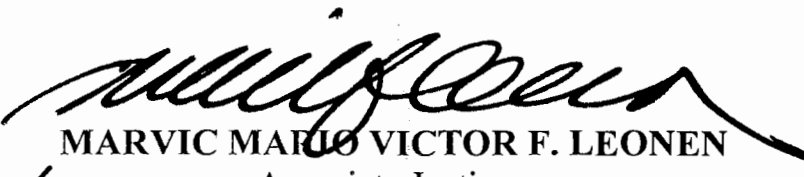
²² *Spouses Andrada v. Pilhino Sales Corporation*, G.R. No. 156448, February 23, 2011, 644 SCRA 1, 8-9.

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson

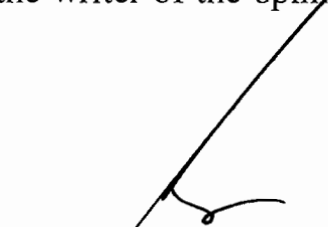

ROBERTO A. ABAD
 Associate Justice


ESTELA M. BERLAS-BERNABE
 Associate Justice


MARVIC MARIO VICTOR F. LEONEN
 Associate Justice


ATTESTATION

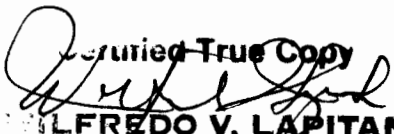
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

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


MARIA LOURDES P. A. SERENO
 Chief Justice


WILFREDO V. LAPITAN
 Deputy Division Clerk of Court
 Third Division

APR 23 2014