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SOLICITOR GENERAL  
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Third Division

AUG 01 2016

Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff -Appellee,

**G.R. No. 200537**

Present:

VELASCO, JR., J.,  
*Chairperson,*  
PERALTA,  
DEL CASTILLO,\*  
PEREZ, and  
REYES, JJ.\*\*

- versus -

**RODRIGO QUITOLA y BALMONTE,**  
Accused-Appellant.

Promulgated:

**July 13, 2016**

*[Signature]*

X ----- X

**DECISION**

**PEREZ, J.:**

Before this Court is an appeal of the May 13, 2011 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 04237 affirming the October 21, 2009 Decision<sup>2</sup> of the Regional Trial Court (RTC) of Urdaneta City, Pangasinan, Branch 47 in Crim. Case No. U-15476, finding accused-appellant Rodrigo Quitola y Balmonte (accused-appellant) guilty beyond reasonable doubt of the special complex crime of Robbery with Homicide as defined and penalized under Article 294, sub-paragraph (1) of the Revised Penal Code.

On March 19, 2008, an Information<sup>3</sup> for the special complex crime of

\* Designated as Additional Member in lieu of Justice Francis H. Jardeleza per raffle dated July 4, 2016.

\*\* On Wellness Leave.

<sup>1</sup> *Rollo*, pp. 2-14; penned by Associate Justice Stephen C. Cruz, concurred by Associate Justices Isaias P. Dicedican and Socorro B. Inting.

<sup>2</sup> CA *rollo*, pp. 19-27; penned by Judge Meliton G. Emuslan.

<sup>3</sup> Records, p. 1.

*[Signature]*

Robbery with Homicide was filed against accused-appellant, to wit:

“That on or about March 15, 2008 at Nice Place Compound, Bgy. Poblacion, [Urdaneta City,] Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, with intent to gain by means of force and violence, did then and there willfully, unlawfully and feloniously *take, steal and rob Maria Fe Valencia y Supan* her *cash money amounting to PHP6,000.00, one (1) Nokia Cellphone and assorted jewelries* against her will, and by reason or on the occasion of the robbery, accused with intent to kill, did, then and there willfully, unlawfully and feloniously with abuse of superior strength and cruelty [*stabbed*] *to death* said Maria Fe Valencia y Supan, inflicting upon her *multiple stab wounds*, to the damage and prejudice of her heirs.

Contrary to Art. 294, par. 1, Revised Penal Code as amended by R.A. 7659.”<sup>4</sup>

On arraignment, accused-appellant entered a plea of GUILTY.<sup>5</sup> However, during the scheduled hearing for the presentation of the prosecution’s evidence, accused-appellant withdrew his earlier plea and entered a plea of NOT GUILTY.<sup>6</sup> Trial on the merits ensued thereafter.

### The Facts

The antecedent facts culled from the Appellee’s Brief<sup>7</sup> and the records of the case are summarized as follows:

On March 15, 2008, the lifeless body of Maria Fe Valencia y Supan was found inside her rented room at Nice Place Compound, Bgy. Nancayasan, Urdaneta City, Pangasinan.<sup>8</sup> Based on the joint investigation conducted by P/Supt. Regis, Sr., PO2 Ramos and their team, it was determined that the victim suffered several stab wounds on her chest, right hand, left elbow, neck and back. The initial investigation conducted disclosed that the victim entered the room at about 10:00 in the evening of March 14, 2008, as recorded in the logbook of on duty security guard, Rodrigo Quitola. The investigation also revealed that some of her personal belongings were missing.<sup>9</sup> The investigating team also found a broken knife with blood stains, uprooted hair strands of the victim, other hair strands of unknown origin, and blood stains on the walls and floor.<sup>10</sup>

In the course of the follow-up investigation, Police Officer 2 Herminigildo Ramos (PO2 Ramos) discovered that accused-appellant, who

<sup>4</sup> Id.

<sup>5</sup> Id. at 48.

<sup>6</sup> Id. at 70.

<sup>7</sup> CA rollo, pp. 70-88.

<sup>8</sup> TSNs, October 9, 2008, pp. 6-7 and November 6, 2008, p. 7.

<sup>9</sup> Supra note 3 at 5; Exhibit “K”.

<sup>10</sup> Id. at 35-37.

happened to be the outgoing security guard of the Nice Place Compound on March 15, 2008, was seen by one Chat Siquig Baculad (Baculad). The witness, a coffee vendor, narrated that at around 5:30 in the morning, the accused-appellant bought a cup of coffee from her. She noticed that the latter's right arm was covered and when she asked him about it, he merely said he had an accident. According to the witness, accused-appellant asked for her help in packing his and his pregnant wife's clothes as they were leaving the city, but she declined. The witness left the compound and returned after a couple of hours. Upon her return, she chanced upon accused-appellant and his wife boarding a black car, allegedly owned by Maria Fe Valencia (Valencia), with all their belongings already loaded.

Upon finding out that accused-appellant, the security guard on duty, was nowhere to be found during the initial investigations, the police investigators proceeded to his rented room in Camanang, Urdaneta City. When they got there, the room was already abandoned. Convinced that accused-appellant was a possible suspect, the policemen conducted further investigations. Accused-appellant's relatives from Natividad, Pangasinan averred no knowledge regarding the whereabouts of accused-appellant. On September 8, 2008, accused-appellant was eventually arrested in Aklan.

On September 10, 2008, accused-appellant was interviewed by Joana Fe Tacason (Tacason), ABS-CBN field reporter. The interview was conducted inside the detention cell. During said interview, accused-appellant voluntarily relayed to Tacason that at early dawn of March 15, 2008, he was in the apartment of the deceased because he tried to borrow money from her.<sup>11</sup> He narrated that deceased refused to lend him money. In frustration, he got money from deceased's bag he saw lying on top of the table.<sup>12</sup> When asked what happened next, accused-appellant responded with "*Hindi ko na alam ang sumunod na nangyari.*" The interview was taped and was aired the next day. The recorded interview forms part of the records of the case as Exhibit "U".

The deceased's car, a black Mitsubishi Lancer with Plate No. AEM-184, was later surrendered by Raffy Quitola (Raffy), accused-appellant's brother. Raffy claimed that the same was left in his possession by his brother, who paid him a visit on August 17, 2008 and stayed with him for about a month. Surmising that the car was related to the crime his brother was arrested for, Raffy turned over the car to the Philippine National Police (PNP) of Calamba, Laguna.<sup>13</sup>

Accused-appellant vehemently denied the accusation. According to

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<sup>11</sup> Exhibit "U"; Video Compact Disc (VCD) of ABS-CBN, Regional Network, Dagupan City.

<sup>12</sup> TSN, January 29, 2009, pp. 8-10.

<sup>13</sup> TSN, March 19, 2009, pp. 4-10.



accused-appellant, at around 9 o'clock in the morning of March 15, 2008, he and his wife left for Cubao, Quezon City after he had rendered duty at the Nice Place Compound the night before. Accused-appellant claimed that they were bound for Aklan for the reason that his wife wanted to give birth there. He also denied visiting his brother in Laguna. More notable is his claim that his confession before Tacason was merely prompted by fear.

### **Ruling of the Regional Trial Court**

The RTC admitted the extra-judicial confession and held that the denial of accused-appellant did not overcome the overwhelming evidence of the prosecution. The court found accused-appellant guilty of the crime of Robbery with Homicide. The dispositive portion of the decision reads:

WHEREFORE, premises considered, judgment is rendered as follows:

1. FINDING accused RODRIGO QUITOLA y BALMONTE GUILTY beyond reasonable doubt of the crime of robbery with homicide, he is hereby sentenced to suffer *reclusion perpetua*.
2. ORDERING accused to pay the heirs of the deceased the amount of P50,000.00 as indemnity and the additional sum of P50,000.00 as moral damages.

Costs against the accused.

SO ORDERED.<sup>14</sup> (Boldface omitted)

### **Ruling of the Court of Appeals**

Aggrieved by the RTC decision, accused-appellant elevated the case to the CA. In an attempt to shatter the prosecution's case, accused-appellant contends that the interview was impelled by extreme fear because the same was conducted while accused-appellant was inside the detention cell and while police officers were around. In addition, the defense argues that the circumstantial evidence relied upon by the RTC were insufficient to establish accused-appellant's guilt.

The appellate court found no cogent reason to disturb the ruling of the trial court. The dispositive portion of the decision reads:



<sup>14</sup> CA rollo, pp. 68-69.

“**WHEREFORE**, the instant appeal is **DISMISSED**. The Decision dated October 21, 2009 of the Regional Trial Court of Urdaneta City, Pangasinan, Branch 47, that convicted accused-appellant Rodrigo B. Quitola for the special complex crime of **ROBBERY WITH HOMICIDE** as defined and penalized under Article 294, sub paragraph (1) of the Revised Penal Code, is hereby **AFFIRMED**.

**SO ORDERED.**”<sup>15</sup>

In a Resolution<sup>16</sup> dated March 19, 2012, this Court required the parties to submit their respective supplemental briefs. Both the Solicitor General (Sol Gen.) and the accused-appellant manifested that they are adopting all the arguments contained in their respective briefs in lieu of filing supplemental briefs.<sup>17</sup>

In his brief, accused-appellant assigned the following errors:

“I.

THE COURT *A QUO* GRAVELY ERRED IN ADMITTING AS EVIDENCE THE ACCUSED-APPELLANT’S EXTRA-JUDICIAL CONFESSION.

II.

THE COURT *A QUO* GRAVELY ERRED IN FINDING THAT THE PROSECUTION ESTABLISHED THE ACCUSED-APPELLANT’S GUILT FOR THE CRIME CHARGED BEYOND REASONABLE DOUBT.”

### **Our Ruling**

This Court finds no merit in the appeal for reasons to be discussed hereunder. We find no reason to deviate from the findings and conclusions of the courts below as the degree of proof required in criminal cases has been met in the case at bar.

We agree with the Sol Gen. that extra-judicial confession given by accused-appellant during the interview conducted by the field reporter is admissible in evidence. Accused-appellant asserts that the confession was involuntarily given and was made under extreme fear because he was interviewed while he was inside the detention cell and while surrounded by police officers. We are not persuaded. That the confession was given without the assistance of counsel and was therefore involuntary is immaterial. We have consistently held that the Bill of Rights does not

<sup>15</sup> *Rollo*, p. 13.

<sup>16</sup> *Id.* at 20.

<sup>17</sup> *Id.* at 21 and 24.

concern itself with relations between private individuals.<sup>18</sup> The prohibitions therein are primarily addressed to the State and its agents; thus, accused-appellant's confession to field reporter Tacason is not covered by Section 12(1) and (3) of Article III of the Constitution. Furthermore, accused-appellant would have this Court believe that the confession was given under a tense and fearful atmosphere, similar to that of a custodial investigation. In a previous case<sup>19</sup> with similar circumstances, We observed that the presence of the police officers did not exert any undue pressure or influence on the accused, coercing him into giving his confession. The interview was not in the nature of a custodial investigation as the response of the accused-appellant was made in answer to questions asked by the reporter and not by the police. There is no showing that the field reporter colluded with the police authorities to elicit inculpatory evidence against accused-appellant. Neither is there anything on record which suggests that the reporter was instructed by the police to extract information from him. Moreover, accused-appellant could have refused to be interviewed, but instead, he agreed. A review of the taped interview<sup>20</sup> would show that he answered the questions freely and spontaneously. The same can also be inferred from the testimony of the field reporter, to wit:<sup>21</sup>

Q: And were you able to interview the suspect, Rodrigo Quitola [y] Balmonte, Madam Witness?

A: Yes sir.

Q: Where Madam Witness?

A: At the City Police Station of Urdaneta, sir.

Q: So when you were able to interview the accused, what did he tell you if any?

A: I asked him if we could interview him.

COURT:

Q: Was he already inside the detention jail or still outside the detention jail?

A: Inside the detention jail sir.

Q: Of PNP-Urdaneta City?

A: Yes sir.

COURT : Proceed.

ATTY. TINIO:

Q: So when the accused consented to be interviewed by you, were you able to interview the accused?

A: Yes sir.

Q: So what did the accused tell you during the course of the interview

<sup>18</sup> *People v. Domantay*, 366 Phil. 459, 474 (1999).

<sup>19</sup> Id.

<sup>20</sup> Supra note 11.

<sup>21</sup> Supra note 12.

if any?

A: He told me that Madam Fe arrived at early dawn.

Q: What else did he tell you?

A: He said that Madam Fe entered the house and he also entered the house.

xxxx

Q: Then after that what happened next?

A: He said that the accused was requesting Madam Fe to lend him money.

Q: What did this [Madame] Fe, the deceased tell the accused relative to his request to be extended a loan?

A: He said the deceased did not mind him.

Q: So when he told you that the deceased did not mind him, what did he tell you afterwards?

A: I asked him what did he do?

Q: And what did he tell you?

A: He said "I saw her place[d] her bag on top of the table".

Q: After that what did he tell you?

A: He said that he saw money inside the bag.

Q: When accused saw money inside the bag what else did he do and tell you during the course of interview?

A: He said he tried to get the money inside the bag but Madam Fe saw him getting the money.

Q: At that point when the accused told you that he tried getting the money and Ma Fe Valencia already saw him, what did you ask?

A: I asked him if what happened, then he told me "I do not know what happened next *dahil nagdilim na ang aking paningin.*"

Q: After that what happened next?

A: Then I asked him if he really committed that?

Q: And what was the reply of the accused?

A: And he said "yes".

Q: And when he answered "yes" Madam Witness, as a Field Reporter at that time, did he answer that or say that freely or voluntarily?

A: Yes Sir.

xxxx

As can be gleaned from both the taped interview and the testimony of the reporter, accused-appellant's confession was replete with details describing the manner by which the crime was committed. This Court has held that "the voluntariness of a confession may be inferred from its

language such that if, upon its face, the confession exhibits no sign of suspicious circumstances tending to cast doubt upon its integrity, it being replete with details which could be supplied only by the accused reflecting spontaneity and coherence which, psychologically, cannot be associated with a mind to which violence and torture have been applied, it maybe considered voluntary.”<sup>22</sup> In the often cited case of *United States v. De los Santos*,<sup>23</sup> We stated:

“If a confession be free and voluntary—the deliberate act of the accused with a full comprehension of its significance, there is no impediment to its admission as evidence, and it then becomes evidence of a high order; since it is supported by the presumption—a very strong one—that no person of normal mind will deliberately and knowingly confess himself to be the perpetrator of a crime, especially if it be a serious crime, unless prompted by truth and conscience.”

Rule 133, Section 3 of the Rules of Court provides that an extra-judicial confession shall not be a sufficient ground for conviction, unless corroborated by evidence of *corpus delicti*. In the case at bar, the confession made by accused-appellant was corroborated by other evidence. While there was no prosecution witness who positively identified accused-appellant as the assailant, his culpability was nonetheless proven through circumstantial evidence. Time and again, this Court has held that direct evidence is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt.<sup>24</sup> The rules of evidence allow a trial court to rely on circumstantial evidence to support its conclusion of guilt. At times, resort to circumstantial evidence is imperative since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community.<sup>25</sup> Circumstantial evidence is sufficient to sustain a conviction if: (a) there is more than one circumstances; (b) the facts from which the inferences are derived [and] proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.<sup>26</sup> A meticulous review of the records of the case would lead Us to the conclusion that the following circumstantial evidence presented by the prosecution established beyond reasonable doubt the guilt of accused-appellant:

- (1) That accused together with his wife were seen by Chat Baculad in the morning of March 15, 2008 at the Nice Place Compound in Nancatasan, Urdaneta City, boarding a black car, which she recognized as the service vehicle of the deceased;
- (2) Accused abandoned his duty or work as security guard of Nice Place Compound;

<sup>22</sup> *People v. Taboga*, 426 Phil. 908, 921-922 (2002).

<sup>23</sup> 24 Phil. 329, 358 (1913).

<sup>24</sup> *Salvador v. People*, 581 Phil. 430, 439 (2008); *People v. Gallarde*, 382 Phil. 718, 733 (2000).

<sup>25</sup> *People v. Uy*, 664 Phil. 483, 499-500 (2011).

<sup>26</sup> REVISED RULES OF COURT, Rule 133, Sec. 4.





- (3) Accused likewise abandoned the room he was then renting in Urdaneta City;
- (4) Accused was in possession and control of the service car of the deceased, which he left with his brother Raffy Quitola at the latter's residence in Calamba, Laguna after he left for Aklan with his wife; and
- (5) Accused went into hiding until he was arrested in Aklan in September 2008.

The aforementioned circumstances were sufficiently proven by the prosecution witnesses and the exhibits submitted. Well established is the rule that factual findings made by the trial court, which had the opportunity to directly observe the witnesses and to determine the probative value of the testimonies, are entitled to great weight and respect because the trial court is in a better position to assess the same.<sup>27</sup> We agree with the lower courts that the circumstances proven by the prosecution lead to the inescapable conclusion that accused-appellant is the author of the crime. It is significant to note that accused-appellant's own brother testified that accused-appellant had custody of deceased's car. Indeed, it would be against the presumption of good faith that a prosecution witness would falsely testify against an accused,<sup>28</sup> particularly in this case when the witness is the accused's own brother. Moreover, no evidence of ill-motive or strained relation has been offered to indicate motive for any of the prosecution witnesses to give false testimony against accused-appellant.

Accused-appellant relies heavily on the defense of denial and alibi. "[F]or the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time the crime was committed but that it was likewise physically impossible for him to be at the *locus criminis* at the time of the alleged crime."<sup>29</sup> In the instant case, accused-appellant failed to prove and demonstrate the physical impossibility of his being at the scene of the crime at the approximate time of its commission. According to the initial spot report<sup>30</sup> and the SOCO report,<sup>31</sup> the crime was most likely committed on the night of March 14 or in the early morning of March 15, 2008. The logbook entries<sup>32</sup> submitted in evidence clearly place accused-appellant within close proximity of the scene of the crime during the approximate time of its commission. Another circumstance to be considered is accused-appellant's impromptu move to Aklan. On cross-examination, accused-appellant mentioned that he and his wife had discussions about moving to another province for the birth of their child long before March 15, 2008.<sup>33</sup> Thus, the hasty packing up of their belongings just hours before they

<sup>27</sup> *People v. Visaya, et al.* 405 Phil. 384, 399 (2001), citing *People v. Andales*, 379 Phil. 67, 82 (2000).

<sup>28</sup> *People v. Zuniega*, 405 Phil. 16, 32 (2011).

<sup>29</sup> *People v. Altabano*, 376 Phil. 57, 64 (1999), citing *People v. Umali*, 312 Phil. 20, 27 (1995).

<sup>30</sup> Records, p. 35; Exhibit "J".

<sup>31</sup> Id. at 291.

<sup>32</sup> Id. at 305; Exhibit "L".

<sup>33</sup> TSN, September 16, 2009, p. 12.

left for Aklan arouses suspicion. It has been ruled that flight *per se* cannot prove the guilt of an accused. However, if the same is considered in the light of other circumstances, it may be deemed a strong indication of guilt.<sup>34</sup> Taken altogether, these circumstances and the extra-judicial confession of the accused, form an unbroken chain which leads to a fair and reasonable conclusion that accused-appellant perpetrated the crime.

We hold that the trial and appellate courts committed no error in convicting Rodrigo Quitola of Robbery with Homicide. Article 294, paragraph (1) of the Revised Penal Code, as amended by R.A. 7659, reads:

“Art. 294 – Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.”

To warrant a conviction for Robbery with Homicide, the prosecution must prove the confluence of the following elements: (1) the taking of personal property with the use of violence or intimidation against a person; (2) the property thus taken belongs to another; (3) the taking is characterized by intent to gain or *animus lucrandi*; and (4) on occasion of the robbery or by reason thereof, the crime of homicide, which is used in a generic sense, was committed.<sup>35</sup> In proving Robbery with Homicide, it is necessary that the robbery itself be established conclusively as any other essential element of the crime.<sup>36</sup> In the instant case, the testimonies of prosecution witnesses, the extra-judicial confession of accused-appellant<sup>37</sup> and the Investigation Report of Urdaneta City Police Station<sup>38</sup> support the charge of the component offense of Robbery. It should also be noted that in Robbery with Homicide, the original criminal design of the malefactor is to commit robbery; thus, the intent to commit robbery must precede the taking of human life.<sup>39</sup> In previous cases,<sup>40</sup> this Court had occasion to explain that intent to rob is an internal act but it may be inferred from proof of violent unlawful taking of personal property, and when the fact of asportation has been established beyond reasonable doubt, conviction is justified even if the subject property is not presented in court. “After all, the property stolen may have already been abandoned, thrown away or destroyed by the robber.”<sup>41</sup>

<sup>34</sup> Supra note 25.

<sup>35</sup> *People v. Consejero*, 404 Phil. 914, 932 (2001), citing *People v. Nang*, G.R. No. 107799, April 15, 1998, 289 SCRA 16, 28.

<sup>36</sup> *People v. Dizon*, 394 Phil. 261, 283 (2000), citing *People v. Contega*, 388 Phil. 533, 549 (2000).

<sup>37</sup> Supra note 11.

<sup>38</sup> Records, p. 5; Exhibit “K”.

<sup>39</sup> *People v. Ponciano*, G.R. No. 86453, December 5, 1991, 204 SCRA 627, 639.

<sup>40</sup> *People v. De Leon*, 608 Phil. 701, 717 (2009); *People v. Puloc*, 279 Phil. 190, 197 (1991).

<sup>41</sup> *People v. Corre, Jr.*, 415 Phil. 386, 398 (2001).

Considering that the motive for robbery can exist regardless of the exact amount or value involved, the prosecution is not expected to prove the actual value of the property stolen.<sup>42</sup> More importantly, accused-appellant's extrajudicial confession glaringly reveals his intention to rob the deceased.

Anent the damages awarded, We find that modification is in order. The trial court, as affirmed by the appellate court, ordered accused-appellant to pay the heirs of the deceased the amount of ₱50,000.00 as indemnity and the additional sum of ₱50,000.00 as moral damages. Pursuant to the recent jurisprudential guidelines on adjusted damages laid down by this Court in *People v. Jugueta*,<sup>43</sup> accused-appellant shall be held liable for ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages. Actual damages were not awarded by the trial court for the unfortunate reason that the prosecution failed to adduce evidence to support an award for actual damages. Time and again, this Court has held that only expenses supported by receipts and which appear to have been actually expended in connection with the death of the victims may be allowed.<sup>44</sup> Hence, the rulings<sup>45</sup> on temperate damages apply. Given that the amount of actual damages for funeral expenses cannot be determined because no substantiating documentary evidence was presented in court, the amount of ₱50,000.00 as temperate damages shall be awarded.<sup>46</sup>

**WHEREFORE**, the Decision dated May 13, 2011 of the Court of Appeals is **AFFIRMED** with **MODIFICATION**. Accused-appellant Rodrigo Quitola y Balmonte is hereby found guilty beyond reasonable doubt of the crime of Robbery with Homicide, the penalty of which is *reclusion perpetua* in view of the absence of any modifying circumstance. Accused-appellant is also liable to pay the heirs of the victim ₱50,000.00 as temperate damages, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

<sup>42</sup> Supra note 40.

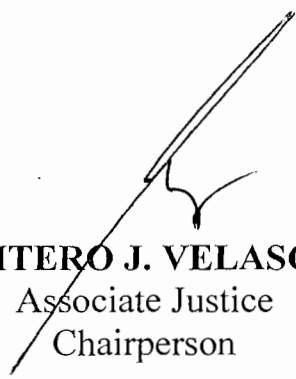
<sup>43</sup> G.R. No. 202124, April 5, 2016.

<sup>44</sup> *People v. Salibad*, G.R. No 210616, November 25, 2015.

<sup>45</sup> *People v. Werba*, G.R. No. 144599, June 9, 2004, 431 SCRA 482, 499.

<sup>46</sup> Supra note 43.

**WE CONCUR:**



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson



**DIOSDADO M. PERALTA**  
Associate Justice

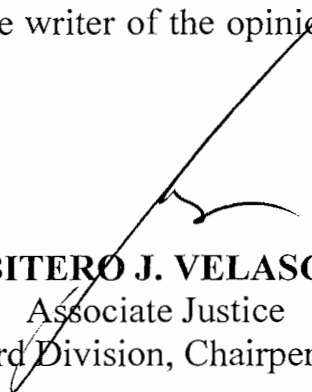


**MARIANO C. DEL CASTILLO**  
Associate Justice

(On Wellness Leave)  
**BIENVENIDO L. REYES**  
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.



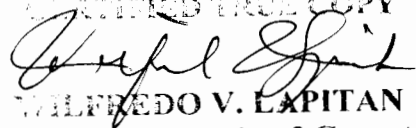
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Third Division, Chairperson

**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

CERTIFIED TRUE COPY  
  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division  
 AUG 01 2016