Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Petitioner,

- versus -

ROBERTO REY E. GABIOSA, SR.,
Respondent.

G.R. No. 248395

Present:

PERALTA, *C.J., Chairperson*,
CAGUIOA,
REYES, JR.,
LAZARO-JAVIER, and
LOPEZ, *JJ.*

Promulgated:
JAN 29 2020

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DECISION

CAGUIOA, *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] (Petition) filed by the People of the Philippines, through the Office of the Solicitor General (OSG), assailing the Decision[2] dated February 13, 2019 and Resolution[3] dated July 10, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 08536-MIN, both of which declared Search Warrant No. 149-2017 (search warrant) issued by Judge Arvin Sadiri B. Balagot (Judge Balagot) against Roberto Rey E. Gabiosa, Sr. (Gabiosa) null and void.

The Facts

The facts, as summarized by the CA, are as follows:

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[1] *Rollo*, pp. 27-46.

[2] Id. at 51-61. Penned by Associate Justice Tita Marilyn Payoyo-Villordon, with Associate Justices Evalyn M. Arellano-Morales and Loida S. Posadas-Kahulugan concurring.

[3] Id. at 62-65. Penned by Associate Justice Loida S. Posadas-Kahulugan and concurred in by Associate Justices Walter S. Ong and Evalyn M. Arellano-Morales.

On January 20, 2017, Police Superintendent Leo Tayabas Ajero (P/Supt Ajero), the Officer-in-Charge of the Kidapawan City, Police Station, applied for the issuance of a search warrant against petitioner before the Executive Judge Arvin Sadiri B. Balagot (Judge Balagot).

In support of his application, P/Supt Ajero attached the Affidavit of his witness, Police Officer 1 Rodolfo M. Geverola (PO1 Geverola). The material averments of the said affidavit are as follows:

> x x x x
>
> 2. That sometime on January 7, 2017, our intelligence Section received information from informant that Roberto Rey Gabiosa Alias Jojo, a resident of Apo Sandawa Homes Phase 1, Brgy. Poblacion, Kidapawan City is selling illegal drugs particularly Methamphetamine Hydrochloride otherwise known as shabu in his house located at the aforementioned place;
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> 3. That after we conducted casing and monitoring, we noticed that there were male persons come and go (*sic*) to his house and some of them are really noted as drug users and so I and other Intel Operatives look(*ed*) for potential person to be used as Action Agent who can buy shabu from Roberto Rey Gabiosa Alias Jojo in order to help us in the conduct of test buy against him until such time that I (*was*) able to recruit one (1) Action Agent.
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> 4. That on or about 7:20 in the evening of January 18, 2017, I together with our Action Agent on board with (*sic*) service vehicle wherein I was the driver and proceeded to the house of Roberto Rey Gabiosa Alias Jojo at Apo Sandawa Homes Phase I, Brgy. Poblacion, Kidapawan City in order to buy shabu from him.
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> 5. That upon our arrival at the place, I parked my driven service vehicle from the gate of the house of Roberto Rey Gabiosa Alias Jojo and my Action Agent called the target person through cellphone and later one (1) male person more or less 55 years old went out from the house and came nearer to the gate bringing umbrella who was told by the action agent to me as Roberto Rey Gabiosa Alias Jojo and then I together with my Action Agent alighted from the service vehicle and then we have conversation with Roberto Rey Gabiosa Alias Jojo and we agreed that we will be buying shabu from him in the amount of One Thousand Pesos (Php 1,000.00) and at that instance, he gave to me one (1) piece small sachet containing a suspected shabu and then also I gave to him the payment of One Thousand Pesos and then, I confirmed that he really (*is*) selling illegal drugs.
>
> 6. That the house of Roberto Rey Gabiosa Alias Jojo is a two storey [house and] made of concrete. It is half concrete and half steel fence and with steel gate color(*ed*) red.

> 7. That I submitted the one (1) piece small sachet containing a suspected shabu being sold by Roberto Rey Gabiosa Alias Jojo to me to the Provincial Crime Laboratory Field Office, Osmena Drive, Kidapawan City for qualitative examination and it turned out positive for Methamphetamine Hydrochloride, a dangerous drug as per Chemistry Report Number PC-D-004-2017 dated January 18, 2017.

On the basis of the above-quoted Affidavit, Judge Balagot conducted a preliminary examination to PO1 Geverola, which was administered, in this manner —

> Q: Now, you alleged here that in the evening of January 18, 2017, together with your informant you went to the house of Roberto Rey Gabiosa; is this true?
> A: Yes, sir.
>
> Q: Upon reaching to his house, what did you do?
> A: We were driving a four-wheeled vehicle and went to that place at that time.
>
> Q: And then?
> A: I was with our informant, we stopped in the house of the target.
>
> Q: After that, what happened else? (*sic*)
> A: Our Alpha called up and he said that the target went outside the house.
>
> Q: How did your informant or alpha called (*sic*) Gabiosa?
> A: Through cellphone.
>
> Q: And Gabiosa went out from his house?
> A: Yes, sir.
>
> Q: And after that, what else happened?
> A: We went down and we were just nearby and we talked to him that we will (*sic*) buy an item.
>
> Q: Now, were you the one who personally go (*sic*) to Roberto Gabiosa?
> A: Yes, sir.
>
> Q: He did not suspect that you are a police officer?
> A: No, sir.
>
> Q: What was the amount you purchased from Mr. Gabiosa?
> A: I gave P1,000.00 and in return he gave me the shabu.
>
> Q: Can you describe the house of Roberto Gabiosa?
> A: The house of Roberto Gabiosa is a two-storey, concrete, and with gate colored red.

Q: There is a sketch attached to the application; is this the sketch reflecting the location of Mr. Gabiosa?
A: Yes, sir.

Q: What did you do with that thing that Gabiosa delivered to you after giving him the P1,000.00?
A: We made a request for crime laboratory examination.

Q: What is the result?
A: Positive, your Honor.

Q: Now, the test buy, two days ago: do you have reason to believe that Gabiosa has still in possession of the illegal drug?
A: Yes, sir.

Q: Why do you say so?
A: We have a man (and) who is observing him.

Q: What car did you use in going to his house?
A: Colored red, Suzuki four-wheeled vehicle.

x x x x

Judge Balagot, then, issued Search Warrant No. 149-2017 after finding a probable cause for such issuance. Thereafter, the aforementioned search warrant was served against petitioner.

Petitioner, however, questioned the validity of the search warrant issued against him. Thus, on March 13, 2017, petitioner filed a *Motion to Quash (Search Warrant dated 20 January 2017) and Suppression of Evidence* claiming that the issuance of the search warrant is grossly violative of his fundamental constitutional and human right.[4]

Ruling of the Regional Trial Court

In a Resolution[5] dated September 26, 2017, the Regional Trial Court (RTC) denied the *Motion to Quash (Search Warrant dated 20 January 2017) and Suppression of Evidence* (Motion to Quash) filed by Gabiosa. The RTC ruled against Gabiosa's contention that the search warrant was invalid as the judge did not examine the complainant but only his witness. The RTC explained that the judge was not mandatorily required to examine both the complainant and his witness.[6] The RTC added that "[w]hat is important is the existence of probable cause and the witness has personal knowledge of the fact as basis for the court or judge in issuing the search warrant."[7] In other words, the RTC opined that the judge need not examine the complainant if the

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4 Id. at 52-55.
5 Id. at 66-70. Penned by Presiding Judge Jose T. Tabosares.
6 Id. at 68.
7 Id.

probable cause was already established upon examination of one of the witnesses.

On Gabiosa's contention that the search warrant was invalid because the questions propounded by the judge were mere rehash of the averments in the affidavit supporting the application, the RTC ruled the same to be equally untenable. The RTC expounded:

> Based on the requirements as enumerated above, the judge must examine the witness under oath or affirmation. The rule does not prescribe what particular form of questions the judge must ask from the witness. What is important is that the judge must satisfy himself personally that there is probable cause to warrant the issuance of a warrant of arrest. Thus, asking the witness the same questions which will illicit (*sic*) the same facts as stated in his affidavit will not matter for as long as the examination is under oath and the [witness'] answers were based on his personal knowledge or observations. The phrase used by law is "examination under oath or affirmation" simply means that the judge can even asked (*sic*) the witness under oath even if he or she has no affidavit submitted or if he or she has submitted one, to just asked (*sic*) him to affirm the same is enough if probable cause is established.[8]

Gabiosa then sought reconsideration of the RTC's denial of the Motion to Quash. However, in its Resolution[9] dated December 21, 2017, the RTC likewise denied Gabiosa's motion for reconsideration.

Undeterred, Gabiosa filed a Petition for *Certiorari*[10] with the CA, alleging that the RTC gravely abused its discretion in denying his motion to quash.

Ruling of the CA

In its Decision[11] dated February 13, 2019, the CA granted Gabiosa's Petition for *Certiorari.* The dispositive portion of the said Decision reads:

> **ACCORDINGLY,** the instant Petition for *Certiorari* is **GRANTED.** The Resolution dated September 26, 2017 of the Regional Trial Court of Kidapawan City in Criminal Case No. 4005-2017 is **SET ASIDE.**
>
> The Search Warrant No. 149-2017 is, hereby, declared null and void, and the search conducted on its authority is also rendered void. Consequent thereto, any evidence gathered by virtue of the aforementioned search warrant are inadmissible for any purpose in any proceeding.
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> SO ORDERED.[12]

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8 Id. at 69.
9 Id. at 71. Penned by Presiding Judge Jose T. Tabosares.
10 Id. at 72-93.
11 Supra note 2.
12 *Rollo,* p. 60.

In granting Gabiosa's Petition for *Certiorari*, the CA reasoned that the text of the Constitution used the word "and" instead of "or" or "and/or," which thus "shows its clear intent to really require both applicant and the witness to be personally examined by the issuing judge."[13] The CA added that for a search warrant to be valid, the complainant and such witnesses as the latter may produce must be personally examined by the judge.[14]

The CA likewise ruled that the search warrant was invalid because Judge Balagot, the judge who issued the warrant, supposedly failed to propound probing and searching questions to the witness. According to the CA, the questions propounded were superficial and perfunctory.[15]

The People of the Philippines, through the OSG, filed a motion for reconsideration of the above Decision. However, in a Resolution dated July 10, 2019, the CA denied the said motion.

Hence, the instant Petition.

Issue

For resolution of the Court is the issue of whether the CA erred in granting the Petition for *Certiorari* filed by Gabiosa.

The Court's Ruling

The Petition is granted. The Court rules that the CA erred in granting the Petition for *Certiorari*, considering that the RTC did not gravely abuse its discretion in affirming the validity of the search warrant.

In ruling that the search warrant was invalid, and that consequently, the RTC committed grave abuse of discretion in upholding its validity, the CA relied heavily on statutory construction. The CA's main basis for its ruling is the use of the word "and" in the constitutional provision on searches and seizures. Thus:

> The right against unreasonable searches and seizures is one of the fundamental constitutional rights. This right has been indoctrinated in our Constitution since 1899 through the Malolos Constitution and has been incorporated in the various organic laws governing the Philippines during the American colonization, the 1935 Constitution, and the 1973 Constitution. Given the significance of this right, the courts are mandated to be vigilant in preventing its stealthy encroachment or gradual depreciation and ensure that the safeguards put in place for its protection are observed.

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13 Id. at 57.
14 Id. at 58.
15 Id. at 59.

> Accordingly, the Constitution sets strict requirements that must be observed. Section 2, Article III of the Constitution, thus, provides —
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> > Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge *after examination under oath or affirmation of the complainant* ***and*** *the witnesses he may produce,* and particularly describing the place to be searched and persons or things to be seized.
>
> From the provision above, it is noteworthy that the Constitution supplied the conjunction "and" instead of "or" or "and/or" between the complainant/applicant and the witness, which shows its clear intent to really require both applicant and the witness to be personally examined by the issuing judge.
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> x x x x
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> Based on the foregoing, the intention of our laws to require the issuing judge to examine personally both the applicant and the witness he/she may produce becomes very clear. In statutory construction, the word "and" implies conjunction or union, which plainly means that both, and not either, of the applicant and the witness are required to be personally examined by the judge.[16] (Italics in the original; emphasis and underscoring supplied)

The above reasoning of the CA is contrary to established jurisprudence, and defeats the very purpose of the constitutional right involved in this case.

The right against unreasonable searches and seizures

Article III, Section 2 of the 1987 Constitution — one of two provisions in the Bill of Rights preserving the citizens' right to privacy[17] — protects every citizen's right against unreasonable searches and seizures. It preserves, in essence, the right of the people "to be let alone" *vis-à-vis* the far-reaching and encompassing powers of the State, with respect to their persons, houses, papers, and effects. It thus ensures protection of the individual from arbitrary searches and arrests initiated and perpetrated by the State. The rationale for the right, particularly of the right to be secure in one's home, was explained in the early case of *U.S. v. Arceo*,[18] where the Court elucidated:

> The inviolability of the house is one of the most fundamental of all the individual rights declared and recognized in the political codes of civilized nations. No one can enter into the home of another without the consent of its owners or occupants.

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16 Id. at 57, 59.

17 The other one being Article III, Section 3 on the right to privacy of communication and correspondence.

18 3 Phil. 381 (1904).

> The privacy of the home — the place of abode, the place where a man with his family may dwell in peace and enjoy the companionship of his wife and children unmolested by anyone, even the king, except in the rare cases — has always been regarded by civilized nations as one of the most sacred personal rights to which men are entitled. Both the common and the civil law guaranteed to man the right of absolute protection to the privacy of his home. The king was powerful; he was clothed with majesty; his will was the law, but, with few exceptions, the humblest citizen or subject might shut the door of his humble cottage in the face of the monarch and defend his intrusion into that privacy which was regarded as sacred as any of the kingly prerogatives. The poorest and most humble citizen or subject may, in his cottage, no matter how frail or humble it is, bid defiance to all the powers of the state; the wind, the storm and the sunshine alike may enter through its weather-beaten parts, but the king may not enter against its owner's will; none of the forces dare to cross the threshold even the humblest tenement without its owner's consent.
>
> "A man's house is his castle," has become a maxim among the civilized peoples of the earth. His protection therein has become a matter of constitutional protection in England, America, and Spain, as well as in other countries.[19]

Despite the sanctity that the Constitution accords a person's abode, however, it still recognizes that there may be circumstances when State-sanctioned intrusion to someone's home may be justified, and as a consequence, also reasonable. This is also why the right only protects the individual against ***unreasonable*** searches or seizures — because while State-sanctioned intrusion is, as a general rule, unreasonable, the Constitution itself lays down the main exception on when it becomes reasonable: when the State obtains a warrant from a judge who issues the same on the basis of probable cause. Thus, the fundamental protection given by the search and seizure clause is that between person and police must stand the protective authority of a magistrate clothed with power to issue or refuse to issue search warrants or warrants of arrest.[20]

In turn, a warrant that justifies the intrusion, to be valid, must satisfy the following requirements: (1) it must be issued upon "probable cause;" (2) probable cause must be determined personally by the judge; (3) such judge must examine under oath or affirmation the complainant and the witnesses he may produce; and (4) the warrant must particularly describe the place to be searched and the persons or things to be seized.[21]

At the heart of these requisites, however, is that the intrusion on a citizen's privacy — whether it be in his own person or in his house — must be based on probable cause determined personally by the judge. In other words, the magistrate authorizing the State-sanctioned intrusion must

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19 Id. at 387.

20 Joaquin G. Bernas, S.J., THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY 169 (2009 Edition).

21 *People v. Tiu Won Chua*, 453 Phil. 177, 184 (2003).

therefore himself or herself be personally satisfied that there is probable cause to disturb the person's privacy.

The CA's construction of the right against unreasonable searches and seizures was inaccurate

Against the foregoing legal backdrop, the CA, in invalidating the search warrant subject of this case, focused on a word used by the Constitution — "and" — and then ruled that it was the intent of the Constitution that ***both*** the applicant ***and*** the witnesses he or she may present must first be examined by the judge before any warrant may be issued.

As stated at the very outset, this conclusion of the CA is neither supported by jurisprudence, nor by the spirit which animates the right.

As early as 1937, in the case of *Alvarez v. Court of First Instance of Tayabas*,[22] the Court explained that ultimately, the purpose of the proceeding is for the judge to determine that probable cause exists. Thus, there is no need to examine both the applicant and the witness/es if either one of them is sufficient to establish probable cause. The Court explained at length:

> x x x Another ground alleged by the petitioner in asking that the search warrant be declared illegal and cancelled is that it was not supported by other affidavits aside from that made by the applicant. In other words, it is contended that the search warrant cannot be issued unless it be supported by affidavits made by the applicant and the witnesses to be presented necessarily by him. Section 1, paragraph 3, of Article III of the Constitution provides that no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce. Section 98 of General Orders, No. 58 provides that the judge or justice must, before issuing the warrant, examine under oath the complainant and any witnesses he may produce and take their depositions in writing. It is the practice in this jurisdiction to attach the affidavit of at least the applicant or complainant to the application. It is admitted that the judge who issued the search warrant in this case, relied exclusively upon the affidavit made by agent Mariano G. Almeda and that he did not require nor take the deposition of any other witness. Neither the Constitution nor General Orders, No. 58 provides that it is of imperative necessity to take the depositions of the witnesses to be presented by the applicant or complainant in addition to the affidavit of the latter. **The purpose of both in requiring the presentation of depositions is nothing more than to satisfy the committing magistrate of the existence of probable cause. Therefore, if the affidavit of the applicant or complainant is sufficient, the judge may dispense with that of other witnesses.** Inasmuch as the affidavit of the agent in this case was insufficient because his knowledge of the facts was not personal but merely hearsay, it is the duty of the judge to require the affidavit of one or more witnesses for the purpose of determining the existence of probable cause to warrant the issuance of the search warrant. **When the affidavit of the applicant or**

[22] 64 Phil. 33 (1937).

> **complainant contains sufficient facts within his personal and direct knowledge, it is sufficient if the judge is satisfied that there exists probable cause**; when the applicant's knowledge of the facts is mere hearsay, the affidavit of one or more witnesses having a personal knowledge of the facts is necessary.[23] (Emphasis and underscoring supplied)

If, despite the use of "and," the examination of the applicant or complainant would suffice as long as probable cause was established, then the Court does not see any reason why the converse — the judge examined the witness only and not the applicant — would not be valid as well. Again, the purpose of the examination is to satisfy the judge that probable cause exists. Hence, it is immaterial in the grander scheme of things whether the judge examined the complainant only, or the witness only, and not both the complainant and the witness/es. The primordial consideration here is that the judge is convinced that there is probable cause to disturb the particular individual's privacy. Therefore, to the mind of the Court, the CA erred in placing undue importance on the Constitution's use of the word "and" instead of "or" or "and/or."

In addition, it would be a fruitless exercise to insist that the judge should have examined the complainant as well when, as here, he admittedly did not have personal knowledge of the circumstances that constitute the probable cause. Based on the affidavit submitted, it was Police Officer 1 Rodolfo M. Geverola (PO1 Geverola) and his "Action Agent" who had personal knowledge of the circumstances as they were the ones who conducted the surveillance and test buy. Even if, for instance, Judge Balagot examined the complainant, Police Superintendent Leo Tayabas Ajero (P/Supt Ajero), he would have obtained nothing from the latter because of his lack of personal knowledge. P/Supt Ajero was the complainant only because he was the Officer-in-Charge of the Kidapawan City Police Station,[24] but it was never alleged that he participated in any of the prior surveillance conducted.

The CA likewise erred in holding that Judge Balagot failed to ask probing questions and searching questions

As an additional basis in declaring the search warrant invalid, the CA stated:

> Moreover, a cursory reading of the transcript of the preliminary examination conducted by the issuing judge shows that Judge Balagot failed to propound probing and searching questions on the witness. The questions therein were superficial and perfunctory.
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> This Court notes that when Judge Balagot asked PO1 Geverole (*sic*) where the residence of petitioner is located, the latter merely answered that

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23 Id. at 45-46.

24 *Rollo*, p. 44.

> he forgot the specific block. Judge Balagot, however, did not make follow up questions in order to determine whether the witness really knows the actual location of petitioner's house. At the very least, Judge Balagot should have required PO1 Geverole (*sic*) to describe how to locate petitioner's residence or to explain the sketch that was attached in the application. Additionally, when Judge Balagot asked the witness how can he be certain that petitioner is still in possession of the illegal drugs, the latter plainly answered that he is certain because they have a man observing the petitioner. PO1 Geverole's (*sic*) answer, therefore, confirms that the information that petitioner was still in possession of the illegal drugs is not based on his own personal knowledge.[25]

The conclusions of the CA, however, are unsupported and even contrary to what transpired based on the transcript of the examination which, in turn, was quoted by the CA in its Decision. In the examination, as quoted above, it is clear that the judge asked questions to satisfy himself that PO1 Geverola was indeed testifying based on his own personal knowledge of the facts because he personally dealt with Gabiosa. PO1 Geverola's answer that someone else was watching Gabiosa was in response to the query regarding his certainty that Gabiosa was still in possession of the items. It did not affect, much less discredit, PO1 Geverola's testimony regarding his previous dealing with Gabiosa.

The CA also took issue with the fact that Judge Balagot did not ask further questions on the location of Gabiosa's house. It is important to note, however, that there was a sketch attached to the application — as also noted by the CA — and PO1 Geverola testified in the examination that the sketch reflects the location of the house. He was even able to particularly describe the house as "a two-storey [house], concrete, and with gate colored red."[26]

Since probable cause is dependent largely on the findings of the judge who conducted the examination and who had the opportunity to question the applicant and his witnesses, then his findings deserve great weight.[27] The reviewing court can overturn such findings only upon proof that the judge disregarded the facts before him or ignored the clear dictates of reason.[28] As the Court explained in the case of *People v. Choi*:[29]

> The searching questions propounded to the applicant and the witnesses depend largely on the discretion of the judge. Although there is no hard-and-fast rule governing how a judge should conduct his examination, it is axiomatic that the examination must be probing and exhaustive, not merely routinary, general, peripheral, perfunctory or pro-forma. The judge must not simply rehash the contents of the affidavit but must make his own inquiry on the intent and justification of the application. The questions should not merely be repetitious of the averments stated in the affidavits or depositions of the applicant and the witnesses. If the judge fails to determine probable cause by personally examining the

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25 Id. at 59-60.
26 Id. at 54.
27 *People v. Choi*, 529 Phil. 538, 551 (2006).
28 Id. at 551-552.
29 529 Phil. 538 (2006).

> applicant and his witnesses in the form of searching questions before issuing a search warrant, grave abuse of discretion is committed.
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> The determination of probable cause does not call for the application of rules and standards of proof that a judgment of conviction requires after trial on the merits. As the term implies, probable cause is concerned with probability, not absolute or even moral certainty. The standards of judgment are those of a reasonably prudent man, not the exacting calibrations of a judge after a full-blown trial. No law or rule states that probable cause requires a specific kind of evidence. No formula or fixed rule for its determination exists. Probable cause is determined in the light of conditions obtaining in a given situation. The entirety of the questions propounded by the court and the answers thereto must be considered by the judge.[30]

Given the foregoing, the CA thus erred in ascribing grave abuse of discretion on the part of the RTC in upholding the validity of the search warrant. Judge Balagot made sure that the witness had personal knowledge of the facts by asking specifics, and asked how he obtained knowledge of the same and how he was sure that the facts continue to exist. The questions propounded by Judge Balagot, taken and viewed as a whole, were therefore probing and not merely superficial and perfunctory. It was thus reversible error on the part of the CA to have set aside the search warrant.

WHEREFORE, the petition is hereby **GRANTED**. The assailed Decision dated February 13, 2019 and Resolution dated July 10, 2019 of the Court of Appeals are **SET ASIDE**. The Resolution dated September 26, 2017 of Branch 23, Regional Trial Court of Kidapawan City in Criminal Case No. 4005-2017 denying Roberto Rey E. Gabiosa, Sr.'s Motion to Quash Search Warrant and to Suppress Evidence is hereby **REINSTATED.**

SO ORDERED.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice
Chairperson

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30 Id. at 548-549.

JOSE C. REYES, JR.
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

DIOSDADO M. PERALTA
Chief Justice