Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

IN THE MATTER OF THE PETITION TO APPROVE THE WILL OF LUZ GASPE LIPSON AND ISSUANCE OF LETTERS TESTAMENTARY,	**G.R. No. 229010**
	Present:
ROEL P. GASPI, Petitioner,	LEONEN, *J., Chairperson,* HERNANDO, INTING, DELOS SANTOS* and ROSARIO., *JJ.*
-versus-	
HONORABLE JUDGE MARIA CLARISSA L. PACIS-TRINIDAD, REGIONAL TRIAL COURT, BRANCH 36, IRIGA CITY,* Respondent.	**Promulgated:** November 23, 2020 MisRDCBatt

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DECISION

LEONEN, *J.*:

The nationality principle is not applied when determining the extrinsic validity of an alien's last will and testament. When it comes to the probate of an alien's will, whether executed here or abroad, the alien's national law

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* Judge Maria Clarissa L. Pacis-Trinidad was impleaded as respondent on September 27, 2017. *See rollo,* p. 31.

* On official leave.

may be pleaded and proved before the probate court. Otherwise, Philippine law will govern by default.

This Court resolves a Petition[1] for review on certiorari under Rule 45 of the Rules of Court, assailing the October 6, 2016[2] and November 16, 2016[3] Orders of the Regional Trial Court of Iriga City, Branch 36, which *motu proprio* dismissed a petition for probate and issuance of letters testamentary.

On February 23, 2011, Luz Gaspe Lipson (Lipson), an American citizen temporarily residing in Iriga City, executed her last will and testament and designated Roel P. Gaspi (Gaspi) as executor.[4]

On October 17, 2015, at 70 years old, Lipson passed away due to lymphoma.[5]

On October 3, 2016, Gaspi filed a Petition[6] for the probate of Lipson's will and the issuance of letters testamentary without bond in his behalf.

On October 6, 2016, the Regional Trial Court[7] *motu proprio* dismissed the petition for probate for lack of jurisdiction.

The Regional Trial Court pointed out that Lipson was an American citizen. Thus, her national law must govern and her will must be probated in the United States of America, and not in the Philippines.[8]

The Regional Trial Court continued that it is only when Lipson's will is probated, according to her national law, that the Philippines may recognize and execute her will through a petition for recognition of foreign judgment.[9]

The dispositive portion of the Regional Trial Court Order read:

> **WHEREFORE,** in view of the foregoing, the petition is *motu proprio* **DISMISSED,** without prejudice, for lack of jurisdiction over the subject matter of herein Court.

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1 Id. at 3–8.
2 Id. at 10–11. The Order docketed as Spec. Proc. No. IR-2919 was penned by Presiding Judge Maria Clarissa L. Pacis-Trinidad of Regional Trial Court Branch No. 36, Iriga City.
3 Id. at 12–14. The Order was penned by Presiding Judge Maria Clarissa L. Pacis-Trinidad.
4 Id. at 4.
5 Id. at 21.
6 Id. at 18–20.
7 Id. at 10-11.
8 Id. at 10.
9 Id. at 11

SO ORDERED.[10] (Emphasis in the original)

Gaspi moved for reconsideration[11] of the Regional Trial Court Order, but his motion was denied on November 16, 2016.[12]

In denying the motion for reconsideration, the Regional Trial Court stated that the ruling in *Palaganas v. Palaganas*[13] was not applicable to Gaspi's petition. It continued that the jurisprudence cited in *Palaganas* involved the probate in the Philippines of an alien's will, which was executed abroad, while Lipson's will was executed in the Philippines.[14]

The dispositive portion of the Regional Trial Court Order reads:

> **WHEREFORE,** in view of the foregoing, the Motion for Reconsideration filed by the petitioner is **DENIED** for lack of merit.
>
> **SO ORDERED.**[15]

In the Petition[16] for review on certiorari, petitioner Gaspi contends that there is no prohibition under Philippine law for the probate of wills executed by aliens. He adds that under the Civil Code, the will of an alien residing abroad is also recognized in the Philippines, if it is made in accordance with the laws of the alien's place of residence or country, or if done in conformity with Philippine laws.[17]

Citing the ruling in *Palaganas*, petitioner pointed out that this Court has allowed the probate of a will executed by an alien abroad, even though it has not yet undergone probate in the alien decedent's country of citizenship or residence. Thus, he stresses that with more reason should an alien's will executed in the Philippines, in conformity with our law, be allowed to undergo probate.[18]

This Court then directed[19] respondent to comment on the petition.

In her Comment,[20] respondent stresses that the petition for probate

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10 Id.
11 Id. at 15–17.
12 Id. at 12–14.
13 655 Phil. 535 (2011) [Per J. Abad, Second Division]
14 *Rollo*, pp. 12–13.
15 Id. at 14.
16 Id. at 3–8.
17 Id. at 6.
18 Id.
19 Id. at 25.
20 Id. at 26–28.

was properly dismissed due to lack of jurisdiction.[21] She points out petitioner's admission that the decedent was an American citizen, yet Lipson's will was executed in accordance with Philippine laws, contrary to the nationality principle.[22] Respondent states:

> Logic and reason dictate that this Court *a quo* cannot establish the extrinsic validity of a will in a testamentary succession of a foreigner, which must be based on his national law **and** executed in accordance with the formalities of the law of the country of which he is a citizen or subject. In view thereof, clearly herein Court *a quo* cannot take cognizance of the petition.[23] (Emphasis in the original)

Respondent likewise posits that petitioner's reliance on the ruling in *Palaganas* was misplaced, as it involved the probate of a will executed by an alien abroad, while in this case, the will was executed in the Philippines by an alien.[24] She opines that instead of Article 816 of the Civil Code, upon which *Palaganas* was based, the applicable provision was Article 817.[25]

In his Reply,[26] petitioner explains that the nationality principle adverted to by respondent in Article 16 of the Civil Code not only pertains to the decedent's internal law, but also to conflict of laws.[27]

Petitioner also states that there was no basis for respondent's statement that the probate of an alien's will in the Philippines was conditioned on its prior probate and acceptance in the alien's country of nationality or residence.[28]

The sole issue for this Court's resolution is whether or not the Regional Trial Court has the competence to take cognizance of an alien's will executed in the Philippines, even if it had not yet been probated before the alien decedent's national court.

I

Generally, a person's death passes ownership over their properties to the heirs.[29] When there is no will, or when there is one—but does not pass probate, the law provides for the order of succession and the amount of

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21 Id. at 26.
22 Id. at 26–27.
23 Id. at 27.
24 Id.
25 Id. at 28.
26 Id. at 40–43.
27 Id. at 40.
28 Id. at 41.
29 CIVIL CODE, art. 777 provides:
ARTICLE 777. The rights to the succession are transmitted from the moment of the death of the decedent.

successional rights for each heir.[30] When real properties are involved, law will also govern the formalities and consequences in the transfer of properties.

However, prior to death, a person retains control as to how their estate will be distributed. This is done by executing a written[31] document referred to as a will.[32]

Wills may be notarial[33] or holographic.[34] In either case, the formalities required for their execution is more elaborate than most deeds relating to other transfers of property.

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30 CIVIL CODE, art. 960 provides:
ARTICLE 960. Legal or intestate succession takes place:
(1) If a person dies without a will, or with a void will, or one which has subsequently lost its validity;
(2) When the will does not institute an heir to, or dispose of all the property belonging to the testator. In such case, legal succession shall take place only with respect to the property of which the testator has not disposed;
(3) If the suspensive condition attached to the institution of heir does not happen or is not fulfilled, or if the heir dies before the testator, or repudiates the inheritance, there being no substitution, and no right of accretion takes place;
(4) When the heir instituted is incapable of succeeding, except in cases provided in this Code.

31 CIVIL CODE, art. 804 provides:
ARTICLE 804. Every will must be in writing and executed in a language or dialect known to the testator.

32 CIVIL CODE, art. 783 provides:
ARTICLE 783. A will is an act whereby a person is permitted, with the formalities prescribed by law, to control to a certain degree the disposition of this estate, to take effect after his death.

33 CIVIL CODE, arts. 805 and 806 provide:
ARTICLE 805. Every will, other than a holographic will, must be subscribed at the end thereof by the testator himself or by the testator's name written by some other person in his presence, and by his express direction, and attested and subscribed by three or more credible witnesses in the presence of the testator and of one another.
The testator or the person requested by him to write his name and the instrumental witnesses of the will, shall also sign, as aforesaid, each and every page thereof, except the last, on the left margin, and all the pages shall be numbered correlatively in letters placed on the upper part of each page.
The attestation shall state the number of pages used upon which the will is written, and the fact that the testator signed the will and every page thereof, or caused some other person to write his name, under his express direction, in the presence of the instrumental witnesses, and that the latter witnessed and signed the will and all the pages thereof in the presence of the testator and of one another.
If the attestation clause is in a language not known to the witnesses, it shall be interpreted to them.
ARTICLE 806. Every will must be acknowledged before a notary public by the testator and the witnesses. The notary public shall not be required to retain a copy of the will, or file another with the office of the Clerk of Court.

34 CIVIL CODE, arts. 810–814 provide:
ARTICLE 810. A person may execute a holographic will which must be entirely written, dated, and signed by the hand of the testator himself. It is subject to no other form, and may be made in or out of the Philippines, and need not be witnessed.
ARTICLE 811. In the probate of a holographic will, it shall be necessary that at least one witness who knows the handwriting and signature of the testator explicitly declare that the will and the signature are in the handwriting of the testator. If the will is contested, at least three of such witnesses shall be required.
In the absence of any competent witness referred to in the preceding paragraph, and if the court deem it necessary, expert testimony may be resorted to.
ARTICLE 812. In holographic wills, the dispositions of the testator written below his signature must be dated and signed by him in order to make them valid as testamentary dispositions.
ARTICLE 813. When a number of dispositions appearing in a holographic will are signed without being dated, and the last disposition has a signature and a date, such date validates the dispositions preceding it, whatever be the time of prior dispositions.
ARTICLE 814. In case of any insertion, cancellation, erasure or alteration in a holographic will, the testator must authenticate the same by his full signature.

Death makes it impossible for the decedent to testify as to the authenticity and due execution of the will, which contains their testamentary desires. The proof of the formalities substitutes as the legal guarantee to ensure that the document purporting to be a will is indeed authentic, and that it was duly executed by the decedent.

A will is then submitted to the Regional Trial Court for probate proceeding to determine its authenticity, as "no will shall pass either real or personal property unless it is proved and allowed in accordance with the Rules of Court."[35] *Heirs of Lasam v. Umengan*[36] describes the probate proceeding:

> To probate a will means to prove before some officer or tribunal, vested by law with authority for that purpose, that the instrument offered to be proved is the last will and testament of the deceased person whose testamentary act it is alleged to be, and that it has been executed, attested and published as required by law, and that the testator was of sound and disposing mind. It is a proceeding to establish the validity of the will." Moreover, the presentation of the will for probate is mandatory and is a matter of public policy.[37] (Citation omitted)

The probate court can then disallow a will under any of the following circumstances enumerated by the Civil Code:

> ARTICLE 839. The will shall be disallowed in any of the following cases:
>
> (1) If the formalities required by law have not been complied with;
> (2) If the testator was insane, or otherwise mentally incapable of making a will, at the time of its execution;
> (3) If it was executed through force or under duress, or the influence of fear, or threats;
> (4) If it was procured by undue and improper pressure and influence, on the part of the beneficiary or of some other person;
> (5) If the signature of the testator was procured by fraud;
> (6) If the testator acted by mistake or did not intend that the instrument he signed should be his will at the time of affixing his signature thereto.

The disallowance list is likewise echoed in the Rule 76, Section 9 of the Rules of Special Proceedings:

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35 CIVIL CODE, art. 838 provides:
ARTICLE 838. No will shall pass either real or personal property unless it is proved and allowed in accordance with the Rules of Court.
The testator himself may, during his lifetime, petition the court having jurisdiction for the allowance of his will. In such case, the pertinent provisions of the Rules of Court for the allowance of wills after the testator's death shall govern.
The Supreme Court shall formulate such additional Rules of Court as may be necessary for the allowance of wills on petition of the testator.
Subject to the right of appeal, the allowance of the will, either during the lifetime of the testator or after his death, shall be conclusive as to its due execution.

36 539 Phil 547 (2006) [Per J. Callejo, Sr., First Division].

37 Id. at 560.

> SECTION 9. Grounds for disallowing will. — The will shall be disallowed in any of the following cases:
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> (a) If not executed and attested as required by law;
> (b) If the testator was insane, or otherwise mentally incapable to make a will, at the time of its execution;
> (c) If it was executed under duress, or the influence of fear, or threats;
> (d) If it was procured by undue and improper pressure and influence, on the part of the beneficiary, or of some other person for his benefit;
> (e) If the signature of the testator was procured by fraud or trick, and he did not intend that the instrument should be his will at the time of fixing his signature thereto.

Thus, the extrinsic validity of the will refers to a finding by a trial court that all the formalities of either a holographic or notarial will have been sufficiently complied with, leading to the legal conclusion that the will submitted to probate is authentic and duly executed. *Dorotheo v. Court of Appeals*[38] elaborates:

> It should be noted that probate proceedings deals generally with the extrinsic validity of the will sought to be probated, particularly on three aspects:
> - whether the will submitted is indeed, the decedent's last will and testament;
> - compliance with the prescribed formalities for the execution of wills;
> - the testamentary capacity of the testator;
> - and the due execution of the last will and testament.[39] (Citations omitted)

The extrinsic validity of a will, that is, that the document purporting to be a will is determined to be authentic and duly executed by the decedent, is different from its intrinsic validity.

The intrinsic validity of the will "or the manner in which the properties were apportioned,"[40] refers to whether the order and allocation of successional rights are in accordance with law. It can also refer to whether an heir has not been disqualified from inheriting from the decedent.

Generally, the extrinsic validity of the will, which is the preliminary issue in probate of wills, is governed by the law of the country where the will was executed and presented for probate.[41] Understandably, the court

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38 377 Phil 851 (19991) [Per J. Ynares-Santiago, First Division].

39 Id. at 858.

40 *Tanchanco v. Santos*, G.R. No. 204793, June 8, 2020, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66182> [Per J. Hernando, Second Division].

41 CIVIL CODE, art. 17 provides:

where a will is presented for probate should, by default, apply only the law of the forum, as we do not take judicial notice of foreign laws.[42]

This is the situation here. A Filipina who was subsequently naturalized as an American executed a will in the Philippines to pass real property found in the country. The designated executor now files a petition for probate in the Philippines.

Respondent *motu proprio* dismissed the petition for probate, because it purportedly went against the nationality principle embodied in Article 16 of the Civil Code by not adhering to the required probate proceedings of Lipson's national law.[43]

Respondent is mistaken.

The nationality principle is embodied in Article 15 of the Civil Code:

> ARTICLE 15. Laws relating to family rights and duties, or to the status, condition and legal capacity of persons are binding upon citizens of the Philippines, even though living abroad.

The second paragraph of Article 16 of the Civil Code then provides that the national law of aliens shall regulate their personal rights:

> ARTICLE 16. Real property as well as personal property is subject to the law of the country where it is situated.
>
> However, intestate and testamentary successions, both with respect to the order of succession and to the amount of successional rights and to the intrinsic validity of testamentary provisions, shall be regulated by the national law of the person whose succession is under consideration, whatever may be the nature of the property and regardless of the country wherein said property may be found.

Under the nationality principle, Philippine laws continue to apply to Filipino citizens when it comes to their "family rights and duties... status, condition and legal capacity" even if they do not reside in the Philippines. In the same manner, the Philippines respects the national personal laws of

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ARTICLE 17. The forms and solemnities of contracts, wills, and other public instruments shall be governed by the laws of the country in which they are executed.
When the acts referred to are executed before the diplomatic or consular officials of the Republic of the Philippines in a foreign country, the solemnities established by Philippine laws shall be observed in their execution.
Prohibitive laws concerning persons, their acts or property, and those which have for their object public order, public policy and good customs shall not be rendered ineffective by laws or judgments promulgated, or by determinations or conventions agreed upon in a foreign country.

42 *Corpuz v. Sto. Tomas*, 642 Phil 420, 432 (2010) [Per J. Brion, Third Division].

43 *Rollo*, p. 10.

aliens and defers to them when it comes to succession issues and "the intrinsic validity of testamentary provisions."

However, the probate of a will only involves its extrinsic validity and does not delve into its intrinsic validity, unless there are exceptional circumstances which would require the probate court to touch upon the intrinsic validity of the will.[44]

When it comes to the form and solemnities of wills, which are part of its extrinsic validity, the Civil Code provides that the law of the country of execution shall govern:

> ARTICLE 17. The forms and solemnities of contracts, wills, and other public instruments shall be governed by the laws of the country in which they are executed.
>
> When the acts referred to are executed before the diplomatic or consular officials of the Republic of the Philippines in a foreign country, the solemnities established by Philippine laws shall be observed in their execution.
>
> Prohibitive laws concerning persons, their acts or property, and those which have for their object public order, public policy and good customs shall not be rendered ineffective by laws or judgments promulgated, or by determinations or conventions agreed upon in a foreign country.

Even if we assume that the foreign law applies, it does not necessarily mean that the Philippine court loses jurisdiction. Foreign law, when relevant, must still be proven as a fact by evidence, as Philippine courts do not take judicial notice of foreign laws.[45]

Courts, therefore, retain jurisdiction over the subject matter (probate) and the *res*, which is the real property in Iriga in this case.

Moreso, there was no objection with respect to the jurisdiction of the Regional Trial Court. Thus, respondent committed grave abuse of discretion in *motu proprio* dismissing the case for lack of jurisdiction.

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[44] *Spouses Ajero v. Court of Appeals*, 306 Phil 500, 509 (1994) [Per J. Puno, Second Division].

[45] RULES OF COURT, Rule 129, secs. 1 and 2 provide:
SECTION 1. *Judicial notice, when mandatory.* — A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.
SECTION 2. *Judicial notice, when discretionary.* — A court may take judicial notice of matters which are of public knowledge, or are capable to unquestionable demonstration, or ought to be known to judges because of their judicial functions.

II

It was error on respondent's part to conclude that Philippine law cannot be applied to determine the extrinsic validity of Lipson's will.

Articles 816 and 817 of the Civil Code provide for the probate of an alien's will. Article 816 reads:

> ARTICLE 816. The will of an alien who is abroad produces effect in the Philippines if made with the formalities prescribed by the law of the place in which he resides, or according to the formalities observed in his country, or in conformity with those which this Code prescribes.

Article 816 covers a situation where the decedent was abroad when the will was executed. It provides that the will can be submitted for probate here in the Philippines, using either the law where the decedent resides or our own law. Article 816 of the Civil Code clearly made our own law applicable, as seen with the phrase "in conformity with those which this Code provides."

On the other hand, Article 817 states:

> ARTICLE 817. A will made in the Philippines by a citizen or subject of another country, which is executed in accordance with the law of the country of which he is a citizen or subject, and which might be proved and allowed by the law of his own country, shall have the same effect as if executed according to the laws of the Philippines.

Article 817 provides that a will by an alien executed in the Philippines shall be treated as if it were executed according to Philippine laws, if it was validly executed and accordingly could have been probated under the laws of the alien's country of nationality.

Further, Article 817 does not exclude the participation of Philippine courts in the probate of an alien's will, especially when the will passes real property in the Philippines. It provides an option to the heirs or the executor: to use Philippine law, or plead and prove foreign law. Thus, it does not remove jurisdiction from the Philippine court.

This option is clear from the clause "which might be proved and allowed by the law of his own country," which implies that either the alien's national law or Philippine law applies in the probate proceedings. Additionally, the clause "shall have the same effect as if executed in accordance with the laws of the Philippines" creates a fiction that foreign law if proven will have the same effect as Philippine law.

Clearly, as to the extrinsic validity of an alien's will, Articles 816 and 817 of the Civil Code both allow the application of Philippine law.

The power of our courts to probate a will executed by an alien is likewise apparent in Rule 73, Section 1 of the Rules of Special Proceedings, which provides that if the decedent is an inhabitant of a foreign country, their will may be proved in the Regional Trial Court of any province in which they had an estate:

> SECTION 1. *Where estate of deceased persons settled.* — If the decedent is an inhabitant of the Philippines at the time of his death, whether a citizen or an alien, his will shall be proved, or letters of administration granted, and his estate settled, in the Court of First Instance in the province in which he resides at the time of his death, and if he is an inhabitant of a foreign country, the Court of First Instance of any province in which he had estate. The court first taking cognizance of the settlement of the estate of a decedent, shall exercise jurisdiction to the exclusion of all other courts. The jurisdiction assumed by a court, so far as it depends on the place of residence of the decedent, or of the location of his estate, shall not be contested in a suit or proceeding, except in an appeal from that court, in the original case, or when the want of jurisdiction appears on the record.

In *Palaganas*, this Court ruled that the trial court properly allowed the probate of an American citizen's will, which had not yet undergone probate in the alien decedent's country of nationality:

> But our laws do not prohibit the probate of wills executed by foreigners abroad although the same have not as yet been probated and allowed in the countries of their execution. A foreign will can be given legal effects in our jurisdiction. Article 816 of the Civil Code states that the will of an alien who is abroad produces effect in the Philippines if made in accordance with the formalities prescribed by the law of the place where he resides, or according to the formalities observed in his country.
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> In this connection, Section 1, Rule 73 of the 1997 Rules of Civil Procedure provides that if the decedent is an inhabitant of a foreign country, the RTC of the province where he has an estate may take cognizance of the settlement of such estate. Sections 1 and 2 of Rule 76 further state that the executor, devisee, or legatee named in the will, or any other person interested in the estate, may, at any time after the death of the testator, petition the court having jurisdiction to have the will allowed, whether the same be in his possession or not, or is lost or destroyed.
>
> Our rules require merely that the petition for the allowance of a will must show, so far as known to the petitioner: (a) the jurisdictional facts; (b) the names, ages, and residences of the heirs, legatees, and devises of the testator or decedent; (c) the probable value and character of the property of the estate; (d) the name of the person for whom letters are prayed; and (e) if the will has not been delivered to the court, the name of the person having custody of it. *Jurisdictional facts* refer to the fact of

> death of the decedent, his residence at the time of his death in the province where the probate court is sitting, or if he is an inhabitant of a foreign country, the estate he left in such province. *The rules do not require proof that the foreign will has already been allowed and probated in the country of its execution.*[46] (Emphasis supplied, citations omitted)

If an alien-decedent duly executes a will in accordance with the forms and solemnities required by Philippine law, barring any other defect as to the extrinsic validity of the will, the courts may take cognizance of the petition and allow the probate of the will.

Wills of foreigners executed in the Philippines may be probated if they have estate in the Philippines, because probate of the properties can only be effected under Philippine law. In *Johannes v. Harvey,*[47] this Court held:

> It is often necessary to have more than one administration of an estate. When a person dies intestate owning property in the country of his domicile as well as in a foreign country, administration is had in both countries. That which is granted in the jurisdiction of decedent's last domicile is termed the principal administration, while any other administration is termed the ancillary administration. The reason for the latter is because a grant of administration does not ex proprio vigore have any effect beyond the limits of the country in which it is granted. Hence, an administrator appointed in a foreign state has no authority in the United States. The ancillary administration is proper, wherever a person dies, leaving in a country other than that of his last domicile, property to be administered in the nature of assets of the decedent, liable for his individual debts or to be distributed among his heirs. . . .[48] (Citations omitted)

Here, Lipson's will was executed in Iriga City, Philippines, where she had real property. Thus, Philippine law on the formalities of wills applies. Assuming that Lipson executed the will in accordance with Philippine law, the Regional Trial Court did not lack jurisdiction over the petition.

As respondent has yet to rule on the extrinsic validity of the will, it is proper that the petition be remanded to determine due compliance with the formalities prescribed by law, Lipson's testamentary capacity and voluntary execution of the will, and whether it was truly Lipson's last will and testament.

WHEREFORE, the Petition is **GRANTED.** The assailed Orders dated October 6, 2016 and November 6, 2016 of the Regional Trial Court of Iriga City, Branch 36 in Spec. Proc. No. IR-2919 are **REVERSED** and **SET**

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46 *Palaganas v. Palaganas,* 655 Phil. 535, 539–540 (2011) [Per J. Abad, Second Division].
47 43 Phil. 175 (1922) [Per J. Malcolm, En Banc].
48 Id. at 177–178 (1922).

ASIDE. The case is remanded to the Regional Trial Court for further proceedings in accordance with this Decision.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

RAMON PAUL L. HERNANDO
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

On official leave
EDGARDO L. DELOS SANTOS
Associate Justice

RICARDO R. ROSARIO
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.

MARVIC M.V.F. LEONEN
Associate Justice
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.

DIOSDADO M. PERALTA
Chief Justice