



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 254251

Present:

CAGUIOA, J., *Chairperson,*
 INTING,
 GAERLAN,
 DIMAAMPAO, and
 SINGH, JJ.

- versus -

DANILO CONDE y MINA,
Accused-Appellant.

Promulgated:

June 22, 2022

Mis-DCD-11

X-----X

DECISION

INTING, J.:

This is an appeal¹ assailing the Decision² dated August 16, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10475 that affirmed with modification the Decision³ dated July 4, 2017 of Branch 76, Regional Trial Court (RTC), San Mateo, Rizal in Criminal Case No. 14604. The RTC found Danilo Conde y Mina (accused-appellant) guilty beyond reasonable doubt of Murder under Article 248 of the Revised Penal Code (RPC).⁴

¹ *Rollo*, pp. 25-26

² *Id.* at 4-24; penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Manuel M. Barrios and Walter S. Ong.

³ *CA rollo*, pp. 52-57; penned by Presiding Judge Josephine Zarate Fernandez.

⁴ *Id.* at 57.

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The Antecedents

The case stemmed from an Information⁵ charging accused-appellant with Murder under Article 248 of the RPC for killing Reynaldo Adlawan y Antonio (Reynaldo). The accusatory portion reads:

That on or about the 24th day of February 2013, in the Municipality of *San Mateo*, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with the use of a kitchen knife, with intent to kill did then and there willfully, unlawfully, and feloniously attack, assault and stab one Reynaldo Adlawan y Antonio, hitting on [*sic*] the chest, thereby inflicting upon the latter [*sic*] stab wound which directly caused his death, the offense having been attended by qualifying circumstances of treachery and evident premeditation, which qualify such killing to murder, aggravated by the circumstance of nighttime.

CONTRARY TO LAW. x x x⁶ (Emphasis omitted)

Upon arraignment, accused-appellant pleaded not guilty to the charge.⁷

Trial on the merits ensued.

Version of the Prosecution

The prosecution presented three eyewitnesses, namely: Jeffrey Atibagos (Jeffrey), accused-appellant's uncle-in-law and Reynaldo's *kumpare*; Rogelio Cabangisan (Rogelio), Jeffrey's brother-in-law; and Mary Jane Cabangisan (Mary Jane), Jeffrey's sister and Rogelio's wife.⁸

The following are the facts established by the prosecution:

8. On February 24, 2013, at around 11:50 in the evening, Jeffrey Atibagos (Jeffrey) was at the house of his sister, Mary Jane (Jingjing) in Patiis, San Mateo, Rizal drinking with Danilo Conde, Reynaldo Adlawan (the deceased), and Rogelio Cabangisan (Roel).

⁵ *Rollo*, p. 5.

⁶ *Id.*

⁷ *Id.* at 5.

⁸ *Id.* at 5-6.

9. While they were drinking and having a casual conversation, Jeffrey saw the accused-appellant, Danilo Conde, who was seated beside him, suddenly and without provocation, stabbed [sic] the deceased who was seated beside the accused-appellant.

10. Roel, who was in front of the accused-appellant also saw the latter leaning on his chair with his hands crossed while they were casually conversing, when suddenly the accused-appellant stabbed the deceased on [sic] the chest with a knife which the accused-appellant had been secretly holding.

11. Roel heard the deceased say, "Pareng Danny, bakit mo ako sinaksak." When Roel asked the accused-appellant why he stabbed the deceased, he also stabbed Roel but he was able to parry the attack.

12. Roel and Jeffrey brought the deceased to the St. Matthews Hospital but the latter already expired.⁹

Version of the Defense

On the other hand, accused-appellant denied the charge against him; thus:

5. Accused DANILO CONDE vehemently denied the charge against him and maintained that on 24 February 2013, around 11 to 12 o'clock in the evening, [Jeffrey] told him to buy "*pulutan*" as they will have a drinking spree at the house of Rogelio together with Reynaldo. The accused was able to buy said *pulutan* at a nearby *ihawan* but was unable to return as the lady to [sic] whom he bought the *pulutan* invited him to have a drinking spree at the said *ihawan*. After consuming four (4) bottles of Red Horse and feeling drunk, the accused fell asleep at the waiting shed. Thereafter, he was awakened by [Jeffrey] and Rogelio and told him that he stabbed Reynaldo.¹⁰

The RTC Ruling

In its Decision¹¹ dated July 4, 2017, the RTC found accused-appellant guilty beyond reasonable doubt of Murder. The dispositive portion of the Decision states:

WHEREFORE, judgment is hereby rendered, finding accused Danilo Conde y Mina GUILTY beyond reasonable doubt of the crime of Murder, as defined and penalized under Article 248,

⁹ Id. at 6.

¹⁰ Id. at 7.

¹¹ CA rollo, pp. 52-57.

paragraph 1 of the Revised Penal Code as amended by Section 6 of RA 7659 and sentencing him to suffer the penalty of *Reclusion Perpetua* and to indemnify the heirs of the victim in the amount of Php 50,000.00 as death indemnity and Php 50,000.00 as moral damages. No pronouncement as to cost.

Accused Danilo Conde y Mina is to be credited for the time spent for his preventive detention in accordance with Article 29 of the Revised Penal Code as amended by R.A. 6127 and E.O. 214.

Accused Danilo Conde y Mina is hereby ordered committed to the National Bilibid Prisons [*sic*] in Muntinlupa City for service of sentence.

SO ORDERED.¹²

The RTC brushed aside accused-appellant's plain denial. It held that the prosecution witnesses positively identified accused-appellant as the person who stabbed Reynaldo on the chest; that the prosecution witnesses' statements remained unrebutted by the defense; that the qualifying circumstances of treachery and evident premeditation were proven; that it found that accused-appellant was in possession of a knife when he suddenly attacked Reynaldo; and that the aggravating circumstance of nighttime was not proven because the evidence revealed that accused-appellant did not take advantage of the darkness of the place to consummate the crime.¹³

Aggrieved, accused-appellant appealed to the CA.¹⁴

The CA Ruling

In the assailed Decision¹⁵ dated August 16, 2019, the CA denied the appeal and affirmed the RTC Decision but ruled that the prosecution was only able to prove the qualifying circumstance of treachery.¹⁶ Moreover, the CA increased the awards of civil indemnity and moral damages to ₱100,000.00 each and awarded another ₱100,000.00 as exemplary damages and ₱30,225.00 as actual damages,¹⁷ thus:

WHEREFORE, the Appeal is DENIED for lack of merit. The

¹² Id. at 57.

¹³ Id. at 56-57.

¹⁴ Id. at 12.

¹⁵ *Rollo*, pp. 4-24.

¹⁶ Id. at 17-20.

¹⁷ Id. at 22-23.

Decision dated 4 July 2017 of Branch 76 of the Regional Trial Court of San Mateo, Rizal is AFFIRMED with the MODIFICATION that the awards of civil indemnity and moral damages are increased to P100,000.00 each, plus an additional of P100,000.00 as exemplary damages. Accused Appellant Danilo Conde y Mina is also liable for actual damages in the amount of P30,225.00 to Felicidad Adlawan. All monetary awards shall earn legal interest at the rate of six percent (6%) *per annum* from finality of this Judgment until fully paid.

SO ORDERED.¹⁸

Hence, the instant appeal before the Court.¹⁹

Accused-appellant filed a Manifestation (In lieu of Supplemental Brief)²⁰ that he is adopting all the arguments raised in his appellant's brief before the CA. On the other hand, the Office of the Solicitor General (OSG) similarly manifested that it will no longer file a supplemental brief because it already discussed in the Brief for the Appellee all issues, facts, and arguments involved in the present case.²¹

In his Brief for the Accused-Appellant,²² accused-appellant argues that the RTC gravely erred in giving weight to the prosecution witnesses' statements; that it is contrary to human experience for him to go with the victim Reynaldo to a house of a close friend first, join a drinking session, and just stab the latter without reason in front of their close friends;²³ and that the RTC should have considered his defense of denial and frame-up as the prosecution failed to discharge its burden of establishing his guilt beyond reasonable doubt.²⁴

On the other hand, the OSG, in its Brief for the Plaintiff-Appellee,²⁵ counters that the RTC correctly convicted accused-appellant of Murder; that the prosecution proved all elements of the crime of Murder beyond reasonable doubt;²⁶ and that the RTC correctly disregarded accused-appellant's defense of alibi considering that the latter failed to prove that it was impossible for him to be at the *locus criminis* at the time the crime was committed.²⁷

¹⁸ Id. at 23.

¹⁹ Id. at 25-26.

²⁰ See Manifestation (In lieu of Supplemental Brief) dated June 21, 2021, id. at 34-35.

²¹ See Manifestation (In lieu of Supplemental Brief) dated June 18, 2021, id. at 38-39.

²² CA *rollo*, pp. 37-50.

²³ Id. at 43-47.

²⁴ Id. at 47-49.

²⁵ Id. at 64-73.

²⁶ Id. at 69-70.

²⁷ Id. at 71.

The Issues

I.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION GIVING WEIGHT TO THE PROSECUTION WITNESSES' STATEMENTS.

II.

WHETHER THE CA ERRED IN AFFIRMING THE TRIAL COURT'S DECISION DISREGARDING THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL AND ALIBI.

Our Ruling

The appeal is unmeritorious.

It is settled that the factual findings of the trial court are entitled to great weight and respect, especially when they are affirmed by the appellate court.²⁸ Findings of the trial court that are factual in nature and that involve the credibility of witnesses are accorded respect, if not finality, by the appellate court when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gleaned from such findings.²⁹ The trial court is in the best position to assess the credibility of the witnesses and their testimonies because of "its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination."³⁰

After a judicious perusal of the records of the case, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. Thus the Court affirms accused-appellant's conviction for the crime of Murder.

²⁸ *Villarba v. Court of Appeals*, G.R. No. 227777, June 15, 2020.

²⁹ *Estrella v. People*, G.R. No. 212942, June 17, 2020, citing *People v. Aspa*, 838 Phil. 302, 311-312 (2018).

³⁰ *People v. Manzano*, 827 Phil. 113, 126 (2018).

The RTC convicted accused-appellant of Murder qualified by treachery and evident premeditation;³¹ but the CA only appreciated treachery.³² Article 248 of the RPC states:

Article 248. Murder. — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion temporal* in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, x x x
x x x x
5. With evident premeditation.

The elements of Murder are the following: “(a) that a person was killed; (b) that the accused killed him; (c) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (d) that the killing is not parricide or infanticide.”³³

Here, all the elements of Murder are present. Accused-appellant killed Reynaldo. There was treachery in the commission of the crime and the killing is not parricide or infanticide.

Three prosecution eyewitnesses: Jeffrey, Rogelio, and Mary Jane, positively identified accused-appellant as the person who suddenly stabbed Reynaldo on his chest.³⁴

Jeffrey testified in part as follows:

Q: While having a drinking spree at the house of your sister Mary Jane alias Jingjing, what else happened, Mr. Witness, if there was any?

A: Danilo Conde suddenly stabbed Reynaldo Adlawan, ma’am.

Q: Was there any altercation, if any, between Reynaldo Adlawan and Danilo Conde before Danilo Conde stabbed Reynaldo Adlawan?

A: There was none, ma’am, he just suddenly stabbed Reynaldo

³¹ CA rollo, p. 57.

³² Rollo, pp. 17-20.

³³ *People v. Manansala*, G.R. No. 233104, September 2, 2020, citing *People v. Casemiro*, G.R. No. 231122, January 16, 2019.

³⁴ Rollo, p. 10.

Adlawan.

Q: When the stabbing happened, Mr. Witness what exactly was Reynaldo Adlawan doing when he was stabbed?

A: None, ma'am, we were just drinking and having a conversation when he was suddenly stabbed by Danilo Conde.

x x x x³⁵

Rogelio corroborated Jeffrey's statements; thus:

Q: When they entered your house, Mr. Witness, what transpired next?

A: I offered them a seat then Jeffrey Atibagos and Reynaldo Adlawan were talking about their work, ma'am.

x x x x

Q: While they were already seated, Mr. Witness, what did you do next, if any?

A: None, sir, I just listened to Reynaldo Adlawan and Jeffrey Atibagos' conversation and Danilo Conde was also silent, ma'am.

Q: You also said, Mr. Witness, that prior to their arrival you were already have [*sic*] a drinking spree with your brother-in-law Jeffrey Atibagos?

A: Yes, ma'am, we just started.

x x x x

Q: You said that they were already having a conversation between Reynaldo Adlawan and Jeffrey Atibagos, Mr. Witness?

A: Yes, ma'am.

Q: So what happened next, if there was any, Mr. Witness?

A: Danilo Conde was leaning on his chair when he suddenly stabbed Reynaldo Adlawan at [*sic*] his chest, ma'am.

Q: Where were you positioned when you saw Danilo Conde suddenly stabbed [*sic*] Reynaldo Adlawan?

A: I was in front of them, sir.

x x x x³⁶

³⁵ Id. at 10-11.

³⁶ Id. at 12-13.

Likewise, Mary Jane, Rogelio's wife, testified that she saw accused-appellant stab Reynaldo, *viz.* :

Q: You said that you saw Danilo Conde, who you have just identified, stabbed [*sic*] Reynaldo Adlawan, where were you when you saw Danilo Conde stabbed [*sic*] him?

A: Beside Rogelio, ma'am.

Q: And what were they doing when this incident happened?

A: They were having a conversation, ma'am.

Q: Why were you there while they were having a conversation?

A: Because I told them that they should finish their drinking session because they still have a job to go to on the next day, ma'am.

Q: After you stated those words, what, if any, happened?

A: I saw Danilo suddenly stabbed [*sic*] Reynaldo, ma'am.

Q: And what, if any, did Danilo use?

A: A knife, ma'am.

x x x x³⁷

In addition, Police Officer III Cornelio B. Giwao (PO3 Giwao) stated³⁸ that when accused-appellant was arrested, he was in possession of the kitchen knife used in stabbing Reynaldo.³⁹

From the clear, straightforward, and consistent statements of the prosecution witnesses, there is no doubt that accused-appellant was the one who stabbed Reynaldo to death. The view of Jeffrey, Rogelio, and Mary Jane at the time of the stabbing incident was unobstructed by any object. They saw accused-appellant suddenly stab Reynaldo on his chest. Likewise, there is no evidence that the prosecution witnesses were ill-motivated to testify against accused-appellant. The rule is that when there is no evidence to show any dubious reason or improper motive for a prosecution witness to falsely testify against an accused, his or her testimony is worthy of full faith and credit.⁴⁰

On the other hand, the defense failed to refute the statements of the prosecution witnesses. Against the factual backdrop of the instant case,

³⁷ *Id.* at 14-15.

³⁸ Stipulated testimony. *CA rollo*, pp. 53-54.

³⁹ *Rollo*, p. 16.

⁴⁰ See *People v. Lumahang y Talisay*, G.R. No. 218531, March 27, 2019.

all that accused-appellant offered was the weak defense of denial and alibi.⁴¹

Accused-appellant insists that it was illogical or irrational for him to have committed the criminal act.⁴² His argument fails.

To quote the ruling of the CA: “[C]riminals oftentimes behave irrationally or illogically when they commit crimes, as in the case of heinous or gruesome crimes such as Murder or Rape.”⁴³

Likewise unmeritorious is accused-appellant’s averment that he was invited by the lady selling *ihaw-ihaw* to have a drinking spree with her and that he got drunk and fell asleep.⁴⁴

The Court has ruled that “alibi and denial, if not substantiated by clear and convincing evidence, are negative and self-serving evidence undeserving of weight in law.”⁴⁵ The defense of denial and alibi should be considered with suspicion and always received with caution, not only because it is inherently weak and unreliable, but also because it is easily fabricated and concocted.⁴⁶

*People v. Moreno*⁴⁷ further explains:

Denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has earmarks of truth prevails over a bare denial which can easily be fabricated and is inherently unreliable. For the defense of alibi to prosper, the accused must prove that he [or she] was at some other place at the time of the commission of the crime[,] and [that] it was physically impossible for him [or her] to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.⁴⁸

In the case, the positive identification made by the prosecution witnesses pointing to accused-appellant as the person who stabbed Reynaldo to death prevails over accused-appellant’s bare denial. In

⁴¹ *Rollo*, pp. 6-7.

⁴² *CA rollo*, pp. 43-44.

⁴³ *Rollo*, p. 10.

⁴⁴ *Id.* at 7.

⁴⁵ *Gurro v. People*, G.R. Nos. 224562 & 237216, September 18, 2019.

⁴⁶ *Artates v. People*, G.R. No. 235724, March 11, 2020.

⁴⁷ G.R. No. 191759, March 2, 2020.

⁴⁸ *Id.*

addition, the defense failed to substantiate his defense of alibi. There is no shadow of proof that it was physically impossible for accused-appellant to be at the *locus delicti* or within its immediate vicinity at the time of the commission of the crime. In fact, the defense failed to present the woman who allegedly invited him in a drinking spree. Thus, accused-appellant's conviction stands.⁴⁹

Furthermore, the prosecution proved the qualifying circumstance of treachery.

Treachery is defined as “the swift and unexpected attack on the unarmed victim without the slightest provocation on his [or her] part.”⁵⁰ The essence of treachery is “the suddenness of the attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself [or herself] and thereby ensuring the commission of the offense without risk to the offender arising from the defense which the offended party might make.”⁵¹ The attack must be deliberate and without warning and must be done in a swift and unexpected way, “affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.”⁵² For treachery to be appreciated two conditions must concur, namely: *first*, the assailant employed means, methods, or forms in the execution of the criminal act that give the person attacked no opportunity to defend himself (or herself) or to retaliate; and *second*, said means, methods, or forms of execution were deliberately or consciously adopted by the assailant.⁵³

Here, accused-appellant suddenly stabbed Reynaldo while the latter was conversing with Rogelio and Jeffrey. The unexpectedness of the attack deprived Reynaldo of any chance to defend himself, thereby ensuring the consummation of the offense without risk to accused-appellant arising from the defense that Reynaldo might have made.⁵⁴ It is well to emphasize the fact that accused-appellant was in possession of a knife when he went on a drinking session with Rogelio and Jeffrey.⁵⁵ In other words, accused-appellant had the means to commit the crime that directly ensured its execution. The weapon used, the time of execution,

⁴⁹ See *rollo*, p. 22.

⁵⁰ *People v. Antonio*, G.R. No. 229349, January 29, 2020.

⁵¹ *People v. Pitulan*, G.R. No. 226486, January 22, 2020.

⁵² *People v. Silvederio III*, G.R. No. 239777, July 8, 2020, citing *People v. Albino*, G.R. No. 229928, July 22, 2019, further citing *People v. Watamana*, 734 Phil. 673, 682 (2014).

⁵³ *People v. Dulin*, 762 Phil 24, 40 (2015), citing *People v. Flores*, 466 Phil. 683, 693-694 (2004).

⁵⁴ See *rollo*, pp. 18-19.

⁵⁵ See *id.* at 20.

and the suddenness of the attack were employed by accused-appellant to ensure the killing of the unsuspecting, defenseless victim.

Finally, the Court upholds the CA's findings that the qualifying circumstance of evident premeditation was not present in the commission of the crime.

The elements of evident premeditation are: "(1) a previous decision by the accused to commit the crime; (2) overt act/acts manifestly indicating that the accused clung to his determination; and (3) a lapse of time between the decision to commit the crime and its actual execution sufficient to allow accused to reflect upon the consequences of his acts."⁵⁶

In the case, the prosecution failed to establish the requisites of evident premeditation. There is no evidence that accused-appellant made a previous decision to murder Reynaldo. Neither is there a showing that accused-appellant's acts manifestly indicate that he clung to his determination to kill Reynaldo. Lastly, there is no proof of the time when accused-appellant resolved to commit the crime.⁵⁷

As for the penalty, the RTC and the CA correctly imposed the sentence of *reclusion perpetua* in accordance with Article 248 of the RPC.

However, the Court modifies the awards imposed by the CA. The award of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages should be reduced to ₱75,000.00 each to conform with the ruling in *People v. Jugueta (Jugueta)*.⁵⁸

In *Jugueta*, the Court discussed:

Again, for crimes where the imposable penalty is death in view of the attendance of an ordinary aggravating circumstance but due to the prohibition to impose the death penalty, the actual penalty imposed is *reclusion perpetua*, the latest jurisprudence pegs the amount of ₱100,000.00 as civil indemnity and ₱100,000.00 as moral damages. For the qualifying aggravating circumstance and/or the ordinary aggravating circumstances present, the amount of

⁵⁶ *People v. Aguila*, G.R. No. 238455, December 9, 2020.

⁵⁷ See *rollo*, p. 20.

⁵⁸ 783 Phil. 806 (2016).

₱100,000.00 is awarded as exemplary damages aside from civil indemnity and moral damages. Regardless of the attendance of qualifying aggravating circumstance, the exemplary damages shall be fixed at ₱100,000.00. “[T]his is not only a reaction to the apathetic societal perception of the penal law and the financial fluctuation over time, but also an expression of the displeasure of the Court over the incidence of heinous crimes x x x.”

When the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.⁵⁹

In the case, there is no evidence of the existence of any ordinary aggravating circumstance. The allegation of the aggravating circumstance of nighttime was not proven by the prosecution considering the absence of evidence that accused-appellant took advantage of the darkness to ensure the execution of the crime.⁶⁰ Clearly, the circumstances surrounding the case merely call for the imposition of *reclusion perpetua* only and not death penalty. Thus, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

In addition, the CA correctly awarded actual damages for funeral expenses in the amount of ₱30,225.00 as this was adequately supported by evidence.⁶¹ The imposition of a legal interest rate of six percent (6%) interest *per annum* on all monetary awards from the finality of the decision until full payment is likewise proper.⁶²

WHEREFORE, the appeal is **DISMISSED**. The Decision dated August 16, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 10475 is **AFFIRMED** with **MODIFICATION**. Accused-appellant Danilo Conde y Mina is hereby sentenced to a penalty of *reclusion perpetua*, and is likewise ordered to pay the heirs of Reynaldo Adlawan y Antonio the award of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱30,225.00 as actual damages. All monetary awards shall earn legal interest rate of six percent (6%) *per annum* from the finality of the Decision until full payment.


⁵⁹ Id. at 839-840.

⁶⁰ CA rollo, p. 57.

⁶¹ See rollo, p. 23.

⁶² See *People v. Pitulan*, *supra* note 51.

SO ORDERED.

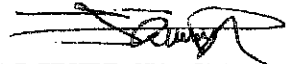


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



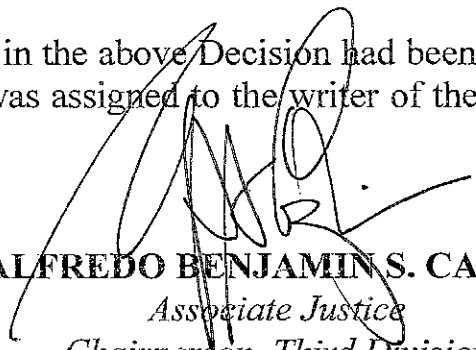
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

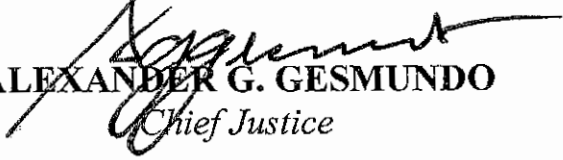
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
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.


ALEXANDER G. GESMUNDO
Chief Justice



