



Republic of the Philippines  
**Supreme Court**  
 Manila

CERTIFIED TRUE COPY

*Wilfredo V. Lapitan*  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division

AUG 15 2018

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **G.R. No. 222563**  
 Plaintiff-Appellee,

Present:

- versus -

VELASCO, JR., J., *Chairperson*,  
 BERSAMIN,  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO, JJ.

**REYNALDO ROJAS y**  
**VILLABLANCA, JR.,**  
 Accused-Appellant.

Promulgated:

July 23, 2018

*Wilfredo V. Lapitan*

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**DECISION**

**BERSAMIN, J.:**

The failure of the arresting officers to explain the lapses in their compliance with the safeguards imposed by law for preserving the integrity of the confiscated substances as evidence of the *corpus delicti* entitles the accused to acquittal on the ground of failure of the State to establish guilt beyond reasonable doubt.

**The Case**

Reynaldo Rojas y Villablanca, Jr. (Reynaldo) assails the decision promulgated on August 20, 2015,<sup>1</sup> whereby the Court of Appeals (CA) affirmed the decision rendered on November 8, 2012 in Criminal Case No. 5856 (21884) and Criminal Case No. 5857 (21885) by the Regional Trial Court (RTC), Branch 13, in Zamboanga City finding him guilty beyond reasonable doubt of violations of Section 5 and Section 11, Article II of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*).<sup>2</sup>

<sup>1</sup> *Rollo*, pp. 3-33; penned by Associate Justice Rafael Antonio M. Santos, with the concurrence of Associate Justice Edgardo A. Camello and Associate Justice Henri Jean Paul B. Inting.

<sup>2</sup> *CA rollo*, pp. 36-42; penned by Presiding Judge Eric D. Elumba.

### **Antecedents**

The informations filed against Reynaldo alleged thusly:

#### **Criminal Case No. 5856 (21884)**

That on or about August 11, 2005, in the City of Zamboanga, Philippines, and within the Jurisdiction of this Honorable Court, the above named accused not being authorized by law to sell, deliver, transport, distribute or give away to another any dangerous drugs did then and there willfully, unlawfully, and feloniously sell and deliver to PO1 Albert Gonzales Santiago, PNP Zamboanga City Mobile Group, who acted as poseur buyer one (1) piece heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.0162 gram which when subjected to qualitative examination gave positive result to the test for the presence of methamphetamine hydrochloride (shabu) accused knowing the same to be a dangerous drugs in flagrant violation of the above mentioned law.

Contrary to Law.<sup>3</sup>

#### **Criminal Case No. 5857 (21885)**

That on or about August 11, 2005, in the City of Zamboanga, Philippines, and within the Jurisdiction of this Honorable Court, the above named accused not being authorized by law did then and there willfully, unlawfully, and feloniously have in his possession and under his custody and control (1) piece heat-sealed transparent plastic sachet containing white crystalline substance weighing 0.0145 gram which when subjected to qualitative examination gave positive result to the test for the presence of methamphetamine hydrochloride (shabu) accused knowing the same to be a dangerous drugs in flagrant violation of the above mentioned law.

Contrary to Law.<sup>4</sup>

The respective versions of the parties were summarized by the CA in the following manner:

#### *The version of the Prosecution*

Culled from the testimonies of the prosecution's witnesses, namely: PO2 Albert Santiago (PO2 Santiago), SPO3 Ireneo Bunac (SPO3 Bunac), and PSI Melvin Manuel (PSI Manuel), and from the documentary evidence submitted in court are the following antecedents:

At around 9:00 o'clock in the evening of 11 August 2005, a civilian informant arrived at the Zamboanga City Mobile Office (ZCMO)

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<sup>3</sup> Id. at 36.

<sup>4</sup> Id. at 36-37.

of the Philippine National Police at Sta. Barbara, Zamboanga City and reported to SPO3 Bunac that a certain "Jung-jung" was selling shabu at Presa Camino Nuevo. Consequently, SPO3 Bunac informed their Acting Commander PSI Diomarie Albarico about the report and the latter instructed him to conduct a short briefing for a possible buy-bust operation against a certain "Jung-jung."

During the briefing, it was agreed that PO2 Santiago would act as the poseur-buyer, SPO3 Bunac would be the arresting officer and the rest of the buy-bust team would serve as the back-up. It was further agreed that PO2 Santiago would buy shabu using the ₱100.00 marked money with serial no. FX 030478 and the pre-arranged signal would be the removal of PO2 Santiago's bull cap.

After the briefing, the buy-bust team together with the confidential informant immediately proceeded to the target area at Presa Camino Nuevo using four (4) motorcycles. They parked their motorcycles along the highway as Presa Camino Nuevo is located at the interior portion of Canelar St. Then they walked towards the target area passing through the rip-rap along the river and the foot-bridge until they reached the house of "Jung-jung."

At the target area, the buy-bust team saw "Jung-jung," the suspected drug pusher, standing outside his house and the confidential informant approached "Jung-jung" while PO2 Santiago followed the confidential informant. The latter talked with "Jung-jung" in chavacano dialect and PO2 Santiago was introduced to "Jung-jung" informing the latter that PO2 Santiago wanted to buy shabu. PO2 Santiago handed the ₱100.00 to "Jung-jung" and the latter took from the right pocket of his jacket a sachet of suspected shabu and handed it to PO2 Santiago. When PO2 received it, he executed the pre-arranged signal by removing his bull cap.

Consequently, SPO3 Bunac rushed towards PO2 Santiago and arrested "Jung-jung." SPO3 Bunac recovered from "Jung-jung" the ₱100.00 marked money and another one (1) heat-sealed transparent plastic sachet of suspected shabu from the right pocket of "Jung-jung." SPO3 Bunac called, through his hand held radio, their vehicle, LRU Alpha, in order to conduct "Jung-jung." The buy-bust team brought "Jung-jung" to the highway where the LRU Alpha was waiting. On their way to their office in ZCMO, they passed by first at the Barangay Hall of Camino Nuevo for inventory. At the Barangay Hall, SPO3 Bunac conducted an inventory in the presence of "Jung-jung," Barangay Captain Antonio Delles (Delles), and the rest of the buy-bust team and he let Barangay Captain Delles sign the Inventory of Seized/Confiscated Items. Thereafter, they proceeded to their office at Sta. Barbara. It was later learned that the real name of "Jung-jung" is Reynaldo Rojas, the accused-appellant in this case.

At the ZCMO, PO2 Santiago marked the sachet of suspected shabu subject of the buy-bust operation with his initials "AGS" which stands for Antonio Gonzales Santiago. He then turned it over to their investigator PO3 Daniel Taub (PO3 Taub). Likewise, SPO3 Bunac marked with his initials "IPB" the other sachet of suspected shabu found in the possession of the accused-appellant and turned it over also to investigator PO3 Taub.

The testimony of PSI Manuel was dispensed with by the parties after the defense stipulated on the following: that he is an expert in the field of chemistry; that the Regional Crime Laboratory Office-09 received on 12 August 2005 a written request from Zamboanga City Mobile Group (ZCMG) 09 for the examination of two (2) plastic sachets containing white crystalline substance suspected to be shabu marked with "AGS, DLT-BB" and "IPB, DLT-P," respectively, and that the Chemistry Report on the quantitative and qualitative examinations of the two (2) sachets show that the sachet with "AGS, DLT-BB" has a weight of 0.0162 gram while the other sachet with "IPB, DLT-P" has a weight of 0.0145 gram and both sachets were positive to the test of the presence of methamphetamine hydrochloride or shabu.

*The version of the Defense*

The defense presented its lone witness, the accused-appellant himself. From his testimony are the following antecedents:

At around 9:00 to 10:00 o'clock in the evening of 11 August 2005, accused-appellant, who was sick at that time, was at the store located about 150 meters from their house at Presa, Canelar to buy medicine. When he was about to go home, he saw six (6) persons from a distance of 20-25 meters from where he was and he also saw a motorized tricycle entering the alley. He noticed that there were five (5) armed men in civilian attire inside the tricycle. While the tricycle entered, he saw the six (6) persons scamper to different directions and some of them ran towards him. He was scared when two (2) of the armed men alighted from the tricycle and went towards him. He went to particular corner but the two (2) armed men approached him and asked him where were those persons who ran away. He told these armed men that he did not know where they went but they insisted and forced him to tell them where those persons were. Then a motorcycle arrived and the driver thereof, who was also armed, pointed to him and said "that is the one." The armed men forced him to go with them because he was allegedly the companion of a certain "Ben," a tough guy from their neighborhood.

Accused-appellant was then brought by the armed men to the police station. Thereat, he was made to enter a particular room and one of the policemen asked him where this certain "Ben" was hiding. He could not disclose where this "Ben" was at that time because he was afraid that "Ben" might turn against him and kill him. He was then told by one of the policemen that if he could not tell them where this "Ben" was hiding, he could settle his problem and he would be released if he paid ₱10,000.00. He asked the policemen what his fault was and the policemen told him it was about drugs. He told the policemen that he did not have ₱10,000.00 because he and his father were only construction workers. Then one of the policemen lowered the amount demanded from ₱10,000.00 to ₱5,000.00 and he was given until the following morning to pay the reduced amount. He wanted to contact his father but he was not allowed to use any of the cellphones of the policemen. He was then assured by the policemen that his relatives would be notified and would visit him the following morning. However, nobody visited him the following morning and he was brought to the hall of justice. He was also told by the policemen that a drug case would be filed against him so that they could report some kind of an accomplishment considering that the policemen failed to arrest "Ben."

From the hall of justice, accused-appellant was brought to the city jail. His relatives knew of his arrest when Pinky Guanzon, who is also a friend of accused-appellant, informed the neighbor of accused-appellant's father. Pinky Guanzon saw the incident leading to the arrest of accused-appellant although she did not know at that time that the person arrested was accused-appellant. Pinky Guanzon is allegedly already in Cebu and she could not testify for the accused-appellant.

Accused-appellant denied that the policemen were able to buy shabu from him and another sachet of shabu was taken from his possession. He likewise denied that an inventory was conducted by the policemen in relation to the case.<sup>5</sup>

### Judgment of the RTC

As stated, the RTC convicted Reynaldo as charged, disposing:

**WHEREFORE, IN THE LIGHT OF ALL THE FOREGOING**, this Court finds:

- (1) In Criminal Case No. 5856 (21884), accused **REYNALDO ROJAS Y VILLABLANCA, JR.**, **guilty** beyond reasonable doubt for violating Section 5, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of LIFE IMPRISONMENT and pay a fine of FIVE HUNDRED THOUSAND PESOS (₱500,00.00) [sic] without subsidiary imprisonment in case of insolvency; and
- (2) In Criminal Case No. 5857 (21885), accused **REYNALDO ROJAS Y VILLABLANCA, JR.**, **guilty** beyond reasonable doubt for violating Section 11, Article II of the Comprehensive Dangerous Drugs Act of 2002 (R.A. 9165) and sentences him to suffer the penalty of 12 YEARS AND 1 DAY TO 14 YEARS OF IMPRISONMENT and pay a fine of Three hundred THOUSAND PESOS (₱300,000.00) without subsidiary imprisonment in case of insolvency.

**SO ORDERED.**<sup>6</sup>

The RTC considered the testimonies of the Prosecution's witnesses credible but dismissed the version of Reynaldo as ridiculous. It observed that Reynaldo's claim of frame-up and his denial were uncorroborated; and concluded that the evidence of the Prosecution proved the guilt of the accused for the crimes charged beyond reasonable doubt.

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<sup>5</sup> *Rollo*, pp. 4-8.

<sup>6</sup> *CA rollo*, pp. 41-42.

### Decision of the CA

On appeal, the CA affirmed Reynaldo's conviction, holding that the State established all the elements of the crimes charged; and that the chain of custody of the seized drugs was preserved, thereby securing the integrity of the confiscated drugs. It decreed:

WHEREFORE, the appeal is DENIED and the assailed Decision dated 08 November 2012 of Branch 4 of the Regional Trial Court of Zamboanga City, in Criminal Case Nos. 5856 (21884) and 5857 (21885) is hereby AFFIRMED.

SO ORDERED.<sup>7</sup>

Hence, this appeal.

The Office of the Solicitor General (OSG), representing the People, and the Public Attorney's Office (PAO), representing Reynaldo, separately manifested that they were no longer filing supplemental briefs, and prayed that their respective briefs in the CA be considered in resolving the appeal.<sup>8</sup>

### Issue

In his appellant's brief, Reynaldo insisted that he had been framed up, and had nothing to do with the seized drugs; that the police operatives had not observed the procedural safeguards provided for by Section 21 of R.A. No. 9165 to ensure the integrity of the seized drugs; that the operatives had not coordinated with the PDEA; and that no physical inventory and no photographs of the drugs were taken in his presence and in the presence of the representative of the Department of Justice (DOJ), the media and elected officials, as directed by the law; and that such lapses were serious enough to warrant his acquittal based on reasonable doubt.

In response, the OSG argued that all the elements of the crimes charged were duly alleged and established by the Prosecution; that the police operatives secured the integrity of the seized drugs because the movement and location of the drugs from the time of their seizure until their presentation in court as evidence were fully accounted for; that not all breaches of the procedural requirements of Section 21 of R.A. No. 9165 should necessarily lead to the acquittal of the accused; that Reynaldo's defense of frame-up had nothing to support it; and that the presumption of regularity in favor of the police operatives and their operations warranted the rejection of his defense of frame-up.

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<sup>7</sup> *Rollo*, pp. 32-33.

<sup>8</sup> *Id.* at 43-45; 51-52.

### Ruling of the Court

The appeal is meritorious.

Every conviction for a crime must rest on the strength of the Prosecution's evidence, not on the weakness of the evidence of the Defense.<sup>9</sup> This is because the innocence of the accused is constitutionally presumed; hence, the Prosecution carries the burden to show his guilt beyond reasonable doubt of the crime charged regardless of the strength or weakness of the defense of the accused.

In the prosecution of a violation of R.A. No. 9165, the State bears the burden of proving not only the elements of the offenses of sale and possession of the dangerous drugs but also of the *corpus delicti*. *Corpus delicti* has been defined as the body or substance of the crime and, in its primary sense, refers to the fact that a crime has actually been committed. As applied to a particular offense, it means the actual commission by someone of the particular crime charged. The *corpus delicti* is a compound fact made up of two things, namely: the existence of a certain act or result forming the basis of the criminal charge, and the existence of a criminal agency as the cause of this act or result. The dangerous drug is itself the *corpus delicti* of the violation of the law prohibiting the mere possession of the dangerous drug. Consequently, the State does not comply with the indispensable requirement of proving the *corpus delicti* when the drugs are missing, or when substantial gaps occur in the chain of custody of the seized drugs as to raise doubts on the authenticity of the evidence presented in court.<sup>10</sup> The substitution, or tampering, or adulteration of the seized drugs prevents the establishment of the *corpus delicti*. In view of these considerations, the duty to prove the *corpus delicti* of the crime is as essential as proving the elements of the crime itself.

Here, there is a serious doubt as to whether the drugs supposedly seized from Reynaldo were still the same articles presented to the trial court. This doubt stemmed from the failure of the arresting officers to execute the safeguards set by law, particularly Section 21 of R.A. No. 9165, which pertinently states:

**Section 21.** *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as

<sup>9</sup> *People v. Maraorao*, G.R. No. 174369, June 20, 2012, 674 SCRA 151, 160.

<sup>10</sup> *People v. Bautista*, G.R. No. 177320, February 22, 2012, 666 SCRA 518, 531-532.

instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, **physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;**

X X X X

The *Implementing Rules and Regulations* for Section 21(a) of R.A. No. 9165 provides:

X X X X

(a) The apprehending office/team having initial custody and control of the drugs shall, **immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further** that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items; (Bold emphasis supplied)

X X X X

The arresting officers are expected to faithfully comply with the foregoing requirements<sup>11</sup> because of the unique characteristic of the illegal drugs being easily rendered indistinct, not readily identifiable, and their being frequently open to tampering, alteration, planting or substitution by accident or otherwise.<sup>12</sup> To obviate doubts about the proof, the law demands an unbroken chain of custody.

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<sup>11</sup> *Reyes v. Court of Appeals*, G.R. No. 180177, April 18, 2012, 670 SCRA 148, 158.

<sup>12</sup> See, e.g., *People v. Pagaduan*, G.R. No. 179029, August 9, 2010, 627 SCRA 308, 319.



The chain of custody vis-à-vis the drugs seized during entrapment is divided into four parts, each designed to contribute to the preservation of the integrity of the seized drugs as evidence. The seizure and marking, if practicable, of the seized drugs by the apprehending officer constitute the first part. Second is the turnover of the marked seized drugs by the apprehending officer to the investigating officer. The turnover of the marked seized drugs by the investigating officer to the forensic chemist for the laboratory examination is third. The turnover and submission of the marked seized drugs by the forensic chemist to the trial court make up the fourth part.<sup>13</sup>

Did the arresting lawmen adhere to the procedure laid down in Section 21, *supra*?

The records show that they did not.

Of great significance in the preservation of the chain of custody is the initial marking of the seized drugs. The marking ensures that the drugs were the same items that entered the chain of custody, and would eventually be the pieces of evidence offered in court at the trial. It is required that the marking be done in the presence of the apprehended violator, and immediately upon seizure. The requirement protects innocent persons from dubious and concocted searches, as well as shields the apprehending officers from harassment suits based on planting of evidence and allegations of robbery or theft.<sup>14</sup>

Anent the compliance with the requirement of marking, PO3 Albert Santiago informed Reynaldo of his arrest upon the completion of their exchange. The drugs subject of the illegal sale remained in the hands of PO3 Santiago from that time onwards. On the other hand, SPO3 Ireneo Bunac was the officer who had effected the arrest of Reynaldo, and had recovered in the process of frisking him another sachet of *shabu*. The arresting lawmen immediately left the scene with Reynaldo and stopped at the Barangay Hall of Camino Nuevo to do the physical inventory of the seized drugs. SPO3 Bunac took the inventory in the presence of Barangay Captain Antonio T. Delles.<sup>15</sup> Afterwards, they left the Barangay Hall to proceed to their office where PO3 Santiago marked the seized drugs with his own initials of "AGS" and SPO3 Bunac marked the sachet of *shabu* he had recovered from Reynaldo with his own initials of "IPB."

The foregoing account indicates that the arresting lawmen committed very serious lapses that broke the chain of custody right at its inception. To

<sup>13</sup> *People v. Gatlabayan*, G.R. No. 186467, July 13, 2011, 653 SCRA 803, 816-817.

<sup>14</sup> *People v. Saclena*, G.R. No. 192261, November 16, 2011, 660 SCRA 349, 368.

<sup>15</sup> TSN, April 20, 2009, p. 16.

start with, PO3 Santiago and SPO3 Bunac gave no explanation as to why they did not mark the seized drugs right after the arrest of the accused, or even during the taking of the inventory at the Barangay Hall. Their omissions exposed the seized drugs to the possibility of switching or tampering while in transit to the police office, or to planting of evidence, the very dangers that the marking was intended to preclude. Secondly, the *unmarked* sachet of *shabu* left the hands of PO3 Santiago when the same was inventoried by SPO3 Bunac. In that situation, the two officers did nothing to ensure that the sachet of *shabu* seized by PO3 Santiago would be differentiated and segregated from the sachet of *shabu* SPO3 Bunac seized from Reynaldo's possession. The practical problem of ascertaining which of the sachets of *shabu* was involved in the illegal sale or in the illegal possession naturally arose, putting in doubt the proof of the *corpus delicti*. And, thirdly, no witness testified on the circumstances surrounding the making of the marking – whether the marking was made in the presence of Reynaldo, or of the other witnesses whose presence was required by law (namely, the representative of the Department of Justice [DOJ], an elective official, and the representative of the media). In this regard, although PO3 Santiago stated that the inventory had been taken in the presence of Reynaldo, nothing was offered to corroborate his statement. What appears in the records instead is the inventory that was not signed by Reynaldo despite the law itself requiring the accused to sign the same.

We next look at whether there was compliance with the requirement for the physical inventory and photographing. The Prosecution made it appear that the inventory was prepared by SPO3 Bunac in the presence of the Barangay Chairman. Although so required by Section 21, *supra*, the further presence of representatives from the DOJ and the media was not obtained despite the buy-bust operation against Reynaldo being supposedly pre-planned. Also, the witnesses of the State did not explain the absence of representatives from the DOJ and the media, and the lack of photographs of the seized drugs and the taking of the inventory.

The Court has consistently impressed the necessity of complying with the requirement for the taking of the inventory and photographs of the seized drugs. Albeit not indispensable, the requirements could only be dispensed with upon justifiable grounds.<sup>16</sup> Sadly, our assiduous search of the records for justifications why the police officers ignored or deviated from the procedure instituted to ensure the integrity of the evidence has been in vain.

The arresting officers' non-adherence to the procedure laid down by Section 21, *supra*, entitled him to acquittal on the ground of reasonable doubt. Indeed, the State did not discharge its burden of proving Reynaldo's guilt beyond reasonable doubt. "Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces

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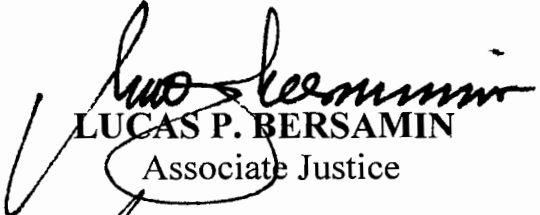
<sup>16</sup> *People v. Pagaduan*, *supra* note 12, at 320-322.

absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.”<sup>17</sup> Acquittal of Reynaldo should follow.

**WHEREFORE**, the Court **REVERSES** and **SETS ASIDE** the decision promulgated on August 20, 2015 by the Court of Appeals in C.A.-G.R. CR-HC No. 01151-MIN; **ACQUITS** accused **REYNALDO ROJAS y VILLABLANCA, JR.** for failure of the Prosecution to prove his guilt beyond reasonable doubt of the violations of Section 5 and Section 11, Article II of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*); and **ORDERS** his immediate release from the San Ramon Prison and Penal Farm in Zamboanga City unless he is confined for some other lawful cause.

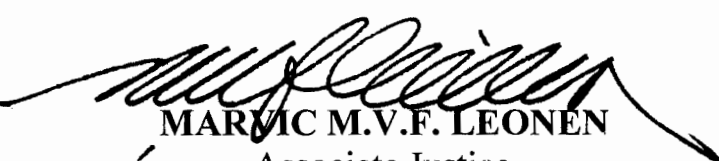
Let a copy of this decision be sent to the Superintendent of the San Ramon Prison and Penal Farm in Zamboanga City for immediate implementation. The Superintendent is directed to report the action taken to this Court within five days from receipt of this decision.


**SO ORDERED.**


  
LUCAS P. BERSAMIN  
Associate Justice

**WE CONCUR:**

  
PRESBITERO J. VELASCO, JR.  
Associate Justice

  
MARVIC M.V.F. LEONEN  
Associate Justice

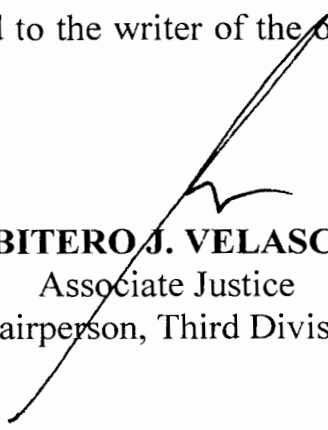
  
SAMUEL R. MARTIRES  
Associate Justice

  
ALEXANDER G. GESMUNDO  
Associate Justice

<sup>17</sup> Section 2, Rule 133 of the *Rules of Court*.

**ATTESTATION**

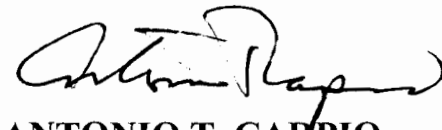
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



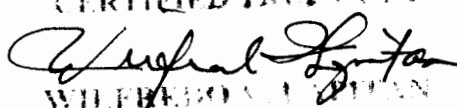
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

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



**ANTONIO T. CARPIO**  
Acting Chief Justice

CERTIFIED TRUE COPY  
  
WILFREDO A. LLANERA  
Division Clerk of Court  
Third Division

AUG 15 2018