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 Third Division
 MAR 26 2019

Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

SIMEON LAPI y MAHIPUS,
 Petitioner,

G.R. No. 210731

Present:

PERALTA, *J.*, Chairperson,
 LEONEN,
 CAGUIOA,*
 REYES, A., JR., and
 CARANDANG,** *JJ.*

-versus-

PEOPLE OF THE PHILIPPINES,
 Respondent.

Promulgated:

February 13, 2019

X-----*Wilfredo V. Lapitan*-----X

DECISION

LEONEN, J.:

The right to question the validity of an arrest may be waived if the accused, assisted by counsel, fails to object to its validity before arraignment.

This is a Petition for Review on Certiorari¹ assailing the April 29, 2013 Decision² and December 10, 2013 Resolution³ of the Court of Appeals in CA-G.R. CEB-CR No. 01564, which upheld the Regional Trial Court

* Designated additional Member in lieu of Associate Justice Ramon Paul L. Hernando, per Raffle dated February 4, 2019.

** Designated additional Member per Special Order No. 2624 dated November 28, 2018.

¹ *Rollo*, pp. 8–21.

² Id. at 68–73. The Decision was penned by Associate Justice Ramon Paul L. Hernando (now an Associate Justice of this Court) and concurred in by Associate Justices Gabriel T. Ingles and Ma. Luisa C. Quijano-Padilla of the Special Twentieth Division, Court of Appeals, Manila.

³ Id. at 78–79. The Resolution was penned by Associate Justice Ramon Paul L. Hernando (now an Associate Justice of this Court) and concurred in by Associate Justices Gabriel T. Ingles and Ma. Luisa C. Quijano-Padilla of the Special Twentieth Division, Court of Appeals, Manila.

September 15, 2010 Decision.⁴ The trial court found Simeon M. Lapi (Lapi) guilty beyond reasonable doubt of having violated Article II, Section 15 of Republic Act No. 9165⁵ and sentenced him to six (6) months of rehabilitation at a government-approved facility.

In an Information dated April 20, 2006, Lapi, Allen Sacare (Sacare), and Kenneth Lim (Lim) were charged with violation of Article II, Section 15 of Republic Act No. 9165. The Information read:

That on or about the 17th day of April, 2006, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused conspiring, confederating and acting in concert, not being authorized by law to smoke, consume, administer to oneself, ingest or use a dangerous drug, did, then and there willfully, unlawfully and feloniously engage in ingesting and introducing to their bodies a dangerous drug known as methylamphetamine hydrochloride or shabu and after confirmatory test on the qualitative examination of the urine sample on the three accused, they were found positive to the test for Methylamphetamine, a dangerous drug, per Chemistry Report Nos. DT-042-2006, DT-043-2006 and DT-045-2006, respectively, in violation of the aforementioned law.

Act contrary to law.⁶

On arraignment, Lapi, Sacare, and Lim pleaded not guilty to the crime charged. At pre-trial, Sacare and Lim changed their pleas to guilty, and were sentenced to rehabilitation for six (6) months at a government-recognized center. Only Lapi was subjected to trial on the merits.⁷

According to the prosecution, at around 1:50 p.m. on April 17, 2006, operatives of the Bacolod City Anti-Illegal Drug Special Operation Task Group conducted a stake-out operation in Purok Sigay, Barangay 2, Bacolod City. During the operation, Police Officer 2 Ronald Villeran (PO2 Villeran) heard noises from one (1) of the houses. He “peeped through its window”⁸ and saw Lapi, Sacare, and Lim “having a pot session.”⁹

PO2 Villeran tried to enter the house through the main door, but the door was locked. He then tried to enter through the kitchen door. Upon entry, he met someone trying to flee, but PO2 Villeran restrained the person.¹⁰

⁴ Id. ¶¶ 8–45. The Decision was penned by Judge Edgar G. Garvilles of Branch 47, Regional Trial Court, Bacolod City.

⁵ The Comprehensive Dangerous Drugs Act of 2002.

⁶ *Rollo*, p. 69.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id. This person was not named in the records.

Then, PO2 Villeran “peeked into the adjacent room”¹¹ and saw that the pot session was ongoing. He entered the room and introduced himself as a police officer. Lapi, Sacare, and Lim tried to escape, but were caught by PO2 Villeran’s team members, who were waiting by the main door.¹²

Having been arrested and their paraphernalia seized, the men were then brought to the City Anti-Illegal Drug Special Operation Task Group Office, where a police blotter was filed. They were later brought to the Philippine National Police Crime Laboratory to undergo drug tests.¹³

The initial laboratory report found that Lapi, Sacare, and Lim tested positive for methylamphetamine hydrochloride (shabu), while their companions, Noel Canlas and Carmelo Limbaco,¹⁴ tested negative. Another test conducted yielded the same results.¹⁵

In his defense, Lapi alleged that on April 17, 2006, he was in Purok Sigay, Barangay 2, Bacolod City to deliver a mahjong set to a certain Antonio Kadunggo. On his way home, two (2) persons approached him and searched his pocket. They took his money, handcuffed him, and boarded him on a tricycle with four (4) other persons whom he did not know.¹⁶

Lapi stated that upon reaching the Taculing Police Headquarters, he and the others were subjected to a drug test. They were then escorted to their detention cell without being informed of the test results. Rolando Cordova, a barbecue vendor in the area, corroborated Lapi’s testimony.¹⁷

In its September 15, 2010 Decision,¹⁸ the Regional Trial Court found Lapi guilty. It ruled that the warrantless arrest against him was legal since he was caught *in flagrante delicto*.¹⁹

The dispositive portion of the Regional Trial Court Decision read:

WHEREFORE, finding accused Simeon Lapi y Mahipus guilty beyond reasonable doubt of Violation of Section 15, Article II of R.A. 9165 (Use of Dangerous Drugs) as charged, judgment is hereby rendered imposing upon him the penalty of a minimum of Six (6) Months

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ The factual antecedents of the trial court and the Court of Appeals do not mention that two (2) other persons were apprehended. This Court presumes that there were about five (5) people involved and apprehended in the alleged pot session.

¹⁵ *Rollo*, pp. 69–70.

¹⁶ Id. at 70.

¹⁷ Id.

¹⁸ Id. at 38–45.

¹⁹ Id. at 43.

rehabilitation in any government recognized government center, this being apparently his first offense, to start within fifteen (15) here-from.

The doctor-in-charge of said rehabilitation facility is also required to render a written report of the progress of the program and the termination of the rehabilitation of the accused.

SO ORDERED.²⁰

Lapi appealed to the Court of Appeals.²¹

In its April 29, 2013 Decision,²² the Court of Appeals denied the Appeal and affirmed the Regional Trial Court Decision.

The Court of Appeals ruled that PO2 Villeran, upon seeing the pot session, “had reasonable ground to believe that [Lapi was] under the influence of dangerous drugs. Thus, he was justified and even obligated by law to subject him to drug screening laboratory examination.”²³

Lapi filed a Motion for Reconsideration,²⁴ but it was denied by the Court of Appeals in its December 10, 2013 Resolution.²⁵

Hence, Lapi filed this Petition.²⁶

Petitioner argues that while he raises factual questions, his case falls under the exceptions under the Rules of Court. He claims that the Court of Appeals’ factual findings “are totally bereft of support in the records and so glaringly erroneous as to constitute a serious abuse of discretion.”²⁷

Petitioner asserts that while he failed to question the validity of his arrest before entering his plea, his warrantless arrest was illegal from the start. Hence, any evidence obtained cannot be used against him. He argues that PO2 Villeran committed “a malevolent intrusion of privacy”²⁸ when he peeped through the window; had he not done so, he would not see what the people in the house did.²⁹ He contends that this intrusion into his privacy “cannot be equated in plain view[;] therefore[,] petitioner cannot be

²⁰ Id. at 44–45.

²¹ Id. at 70.

²² Id. at 68–73.

²³ Id. at 72.

²⁴ Id. at 74–77.

²⁵ Id. at 78–79.

²⁶ Id. at 8–21. Respondent filed its Comment (*rollo*, pp. 94–106) on June 25, 2014. Petitioner filed his Manifestation in Lieu of Reply (*rollo*, pp. 113–115) on September 17, 2014.

²⁷ Id. at 12.

²⁸ Id. at 16.

²⁹ Id. at 16.

considered caught *in flagrante delicto*.”³⁰ He submits that to “rule otherwise would be like giving authority to every police officer to intrude into the private homes of anyone in order to catch suspended drug offenders.”³¹

Respondent, on the other hand, counters that petitioner prays for a review of the facts and evidence, which is beyond the province of a petition for review on certiorari.³² It asserts that the warrantless arrest was valid, as “[t]he act of having a pot session is clearly the overt act required under the law, which indicates that petitioner is actually committing an offense.”³³ It argues that what prompted PO2 Villeran to enter the house was not the noise from one (1) of the houses, but what he saw petitioner and his companions were doing in the house where they were apprehended.³⁴

Further, respondent claims that since petitioner was not the owner of that house, he had no “reasonable expectation of privacy that must be upheld.”³⁵ It submits that “[a] houseguest who was merely present in the house with the consent of the householder cannot claim a reasonable expectation of privacy in his host’s home.”³⁶

This Court is asked to resolve the issue of whether or not the warrantless arrest against petitioner Simeon M. Lapi was valid. However, this Court must first pass upon the procedural question of whether or not the Petition should be denied for raising questions of fact.

I

This Court is not a trier of facts.³⁷ A petition for review on certiorari under Rule 45 of the Rules of Court must, as a general rule, only raise questions of law.³⁸ Parties may only raise issues that can be determined without having to review or reevaluate the evidence on record.³⁹ This Court generally gives weight to the factual findings of the lower courts “because of

³⁰ Id. at 17.

³¹ Id.

³² Id. at 97–98.

³³ Id. at 99.

³⁴ Id. at 100.

³⁵ Id. at 102.

³⁶ Id.

³⁷ *Korean Airlines v. Court of Appeals*, 238 Phil. 204 (1987) [Per J. Cruz, First Division] citing *Chemplex, Inc. v. Pamatian*, 156 Phil. 408 (1974) [Per C.J. Makalintal, En Banc]; *Ereñeta v. Bezore*, 153 Phil. 299 (1973) [Per J. Castro, First Division]; and *Miguel, et al. v. Catalino*, 135 Phil. 229 (1968) [Per J. Reyes, J.B.L., En Banc].

³⁸ RULES OF COURT, Rule 45, sec. 1 provides:

SECTION 1. Filing of petition with Supreme Court. — A party desiring to appeal by certiorari from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition shall raise only questions of law which must be distinctly set forth.

³⁹ *Century Iron Works v. Bañas*, 711 Phil. 576 (2013) [Per J. Brion, Second Division].

the opportunity enjoyed by the [lower courts] to observe the demeanor of the witnesses on the stand and assess their testimony.”⁴⁰

In criminal cases, however, the accused has the constitutional right to be presumed innocent until the contrary is proven.⁴¹ To prove guilt, courts must evaluate the evidence presented in relation to the elements of the crime charged.⁴² Thus, the finding of guilt is essentially a question of fact.⁴³ For this reason, the entire records of a criminal case are thrown open for this Court’s review. In *Ferrer v. People*:⁴⁴

It is a well-settled rule that an appeal in a criminal case throws the whole case wide open for review and that it becomes the duty of the Court to correct such errors as may be found in the judgment appealed from, whether they are assigned as errors or not.⁴⁵

This Court is not precluded from reviewing the factual findings of the lower courts, or even arriving at a different conclusion, “if it is not convinced that [the findings] are conformable to the evidence of record and to its own impressions of the credibility of the witnesses.”⁴⁶ The lower courts’ factual findings will not bind this Court if facts that could affect the result of the case “were overlooked and disregarded[.]”⁴⁷

An examination of the factual findings of the trial court and the Court of Appeals shows no error that requires this Court’s review. On this ground, the Petition can be outright dismissed.

II

Even if this Court reviews the substantial merits of this case, the Petition is still denied. The Court of Appeals did not err in affirming the trial court’s finding of guilt beyond reasonable doubt.

A citizen’s right to be secure against any unreasonable searches and seizures is sacrosanct. No less than the Constitution guarantees that the State cannot intrude into the citizen’s persons, house, papers, and effects without a warrant issued by a judge finding probable cause:

⁴⁰ *People v. Macasinag*, 255 Phil. 279, 281 (1989) [Per J. Cruz, First Division].

⁴¹ CONST, Art. III, sec. 14 (2).

⁴² *See Macayan, Jr. v. People*, 756 Phil. 202 (2015) [Per J. Leonen, Second Division].

⁴³ *Id.*

⁴⁴ 518 Phil. 196 (2006) [Per J. Austria-Martinez, First Division].

⁴⁵ *Id.* at 220 *citing Aradillos v. Court of Appeals*, 464 Phil. 650 (2004) [Per J. Austria-Martinez, Second Division].

⁴⁶ *People v. Macasinag*, 255 Phil. 279, 281 (1989) [Per J. Cruz, First Division].

⁴⁷ *People v. Ortiz*, 334 Phil. 590, 601 (1997) [Per J. Francisco, Third Division].



Article III
Bill of Rights

....

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 the persons or things to be seized.⁴⁸

The Constitution guarantees against “unreasonable” warrantless searches and seizures. This presupposes that the State may do so as long as they are reasonable. *People v. Aruta*⁴⁹ outlines the situations where a warrantless search and seizure may be declared valid:

1. Warrantless search incidental to a lawful arrest recognized under Section 12, Rule 126 of the Rules of Court and by prevailing jurisprudence;
2. Seizure of evidence in “plain view,” the elements of which are:
 - (a) a prior valid intrusion based on the valid warrantless arrest in which the police are legally present in the pursuit of their official duties;
 - (b) the evidence was inadvertently discovered by the police who had the right to be where they are;
 - (c) the evidence must be immediately apparent[;] and
 - (d) “plain view” justified mere seizure of evidence without further search;
3. Search of a moving vehicle. Highly regulated by the government, the vehicle’s inherent mobility reduces expectation of privacy especially when its transit in public thoroughfares furnishes a highly reasonable suspicion amounting to probable cause that the occupant committed a criminal activity;
4. Consented warrantless search;
5. Customs search;
6. Stop and Frisk; and

⁴⁸ CONST., Art. III, sec. 2.

⁴⁹ 351 Phil. 868 (1998) [Per J. Romero, Third Division].

7. Exigent and Emergency Circumstances.⁵⁰

For a warrantless arrest to be valid, the arrest must have been committed under the following circumstances:

RULE 113

ARREST

.....

SECTION 5. Arrest without warrant; when lawful. — A peace officer or a private person may, without a warrant, arrest a person:

- (a) When, in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- (b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and
- (c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with section 7 of Rule 112.⁵¹

Here, petitioner was seen by police officers participating in a “pot session.”⁵² PO2 Villeran, respondent’s primary witness, testified that on the day of the incident, he and other police operatives were conducting a “stake-out operation” in Purok Sigay, Barangay 2, Bacolod City. He stated:

⁵⁰ Id. at 879–880 citing RULES OF COURT, Rule 126, sec. 12; *Padilla v. Court of Appeals and People*, 336 Phil. 383 (1997) [Per J. Francisco, Third Division]; *People v. Solayao*, 330 Phil. 811 (1996) [Per J. Romero, Second Division]; and *People v. De Gracia*, 304 Phil. 118–138 (1994) [Per J. Regalado, Second Division].

⁵¹ RULES OF COURT, Rule 113, sec. 5.

⁵² *Rollo*, p. 69. This Court has never defined a “pot session.” The closest definition is mentioned in *Garcia v. Court of Appeals* (324 Phil. 846 (1996) [Per J. Panganiban, Third Division]), where the Information stated that a “pot session” was in violation of Section 27 of Republic Act No. 6425, the previous law against dangerous drugs:

SECTION 27. Criminal Liability of Possessor or User of Dangerous Drugs During Social Gatherings. — The maximum of the penalties provided for in Section 8, Article II and Section 16, Article III of this Act shall be imposed upon any person found possessing or using any dangerous drug during a party or at a social gathering or in a group of at least five persons possessing or using such drugs.

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While I was passing on that house and upon hearing that there was a noise inside the house, I peeped on the window and I was able to see three persons sitting with a small table on the middle of them, one of those person (sic) was holding an alumin[u]m foil which was rolled and was used as a straw and placed on his mouth while there was another foil with a lighted lighter in the bottom of that foil with the fume from that foil he was sniffing through his mouth and after that he passed that aluminum foil from him to another.⁵³

Petitioner was arrested and subjected to drug testing. When he tested positive for shabu, he was subsequently charged with having violated Article II, Section 15 of Republic Act No. 9165,⁵⁴ which reads:

SECTION 15. Use of Dangerous Drugs. — A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. If apprehended using any dangerous drug for the second time, he/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): Provided, That this Section shall not be applicable where the person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case the provisions stated therein shall apply.

Petitioner argues that his warrantless arrest was illegal since PO2 Villeran had to peep through the window to ascertain that something illegal was occurring. He posits that his case is similar to that of *People v. Bolasa*.⁵⁵ In *Bolasa*, the police were tipped off by an informant that people were packing drugs in a certain house. Upon reaching it, the police officers peeked into a window, where they saw a man and a woman repacking marijuana. The officers entered the house, introduced themselves as police officers, and arrested the pair. This Court held that the arrests and the subsequent searches and seizures were invalid as the arresting officers had no personal knowledge that the people in the house were committing a crime.

Here, however, petitioner admits that he failed to question the validity of his arrest before arraignment.⁵⁶ He did not move to quash the Information against him before entering his plea.⁵⁷ He was assisted by counsel when he entered his plea.⁵⁸ Likewise, he was able to present his evidence.⁵⁹ In *People v. Alunday*:⁶⁰

⁵³ Id. at 54.

⁵⁴ The Comprehensive Dangerous Drugs Act of 2002.

⁵⁵ 378 Phil. 1073 (1999) [Per J. Bellosillo, Second Division].

⁵⁶ *Rollo*, p. 18.

⁵⁷ Id. at 38.

⁵⁸ Id.

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The Court has consistently ruled that any objection involving a warrant of arrest or the procedure for the acquisition by the court of jurisdiction over the person of the accused must be made before he enters his plea; otherwise, the objection is deemed waived. We have also ruled that an accused may be estopped from assailing the illegality of his arrest if he fails to move for the quashing of the information against him before his arraignment. And since the legality of an arrest affects only the jurisdiction of the court over the person of the accused, any defect in the arrest of the accused may be deemed cured when he voluntarily submits to the jurisdiction of the trial court. We have also held in a number of cases that the illegal arrest of an accused is not a sufficient cause for setting aside a valid judgment rendered upon a sufficient complaint after a trial free from error; such arrest does not negate the validity of the conviction of the accused.

Herein, accused-appellant went into arraignment and entered a plea of not guilty. Thereafter, he actively participated in his trial. He raised the additional issue of irregularity of his arrest only during his appeal to this Court. He is, therefore, deemed to have waived such alleged defect by submitting himself to the jurisdiction of the court by his counsel-assisted plea during his arraignment; by his actively participating in the trial and by not raising the objection before his arraignment.

It is much too late in the day to complain about the warrantless arrest after a valid information has been filed, the accused arraigned, trial commenced and completed, and a judgment of conviction rendered against him.

Accused-appellant was not even denied due process by virtue of his alleged illegal arrest, because of his voluntary submission to the jurisdiction of the trial court, as manifested by the voluntary and counsel-assisted plea he entered during arraignment and by his active participation in the trial thereafter.⁶¹

In *Bolasa*, the accused were charged with possession of illegal drugs. This Court not only contended with the validity of the warrantless arrest, but also examined the validity of the subsequent search of the accused and the seizure of items in their possession. As with certain constitutional rights,⁶² the right to question the validity of a warrantless arrest can be waived. This

⁵⁹ Id. at 41–42.

⁶⁰ 586 Phil. 120 (2008) [Per J. Chico-Nazario, Third Division].

⁶¹ Id. at 133–134 citing *People v. Tidula*, 354 Phil. 609, 624 (1998) [Per J. Panganiban, First Division]; *People v. Montilla*, 349 Phil. 640, 661 (1998) [Per J. Regalado, En Banc]; *People v. Cabiles*, 348 Phil. 220 (1998) [Per J. Melo, Third Division]; *People v. Mahusay*, 346 Phil. 762, 769 (1997) [Per J. Romero, Third Division]; *People v. Rivera*, 315 Phil. 454, 465 (1995) [Per J. Vitug, Third Division]; *People v. Lopez, Jr.*, 315 Phil. 59, 71–72 (1995) [Per J. Kapunan, First Division]; *People v. Hernandez*, 347 Phil. 56, 74–75 (1997) [Per J. Puno, Second Division]; *People v. Nazareno*, 329 Phil. 16, 22 (1996) [Per J. Mendoza, Second Division]; *People v. Emoy*, 395 Phil. 371, 384 (2000) [Per J. Pardo, First Division]; and *People v. Navarro*, 357 Phil. 1010, 1032–1033 (1998) [Per J. Panganiban, First Division].

⁶² See *Cagang v. Sandiganbayan*, G.R. No. 206438, 206458, and 210141–42, July 31, 2018, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2018/july2018/206438.pdf>> [Per J. Leonen, En Banc].

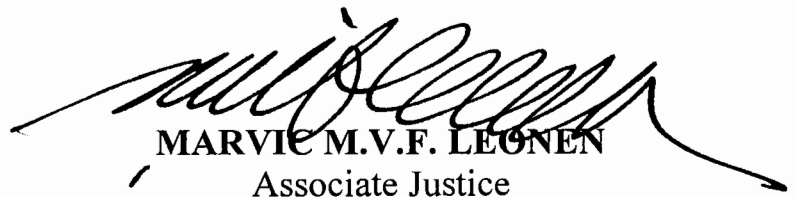
waiver, however, does not carry with it a waiver of the inadmissibility of the evidence seized during the illegal arrest.⁶³

Petitioner does not deny that his drug test yielded positive for illegal drugs. What he questions is the alleged illegality of his arrest.

Petitioner, however, has already waived the right to question the validity of his arrest. No items were seized from him during his arrest as he was not charged with possession or sale of illegal drugs. Thus, the trial court and the Court of Appeals did not err in finding him guilty beyond reasonable doubt in violation of Article II, Section 15 of Republic Act No. 9165.

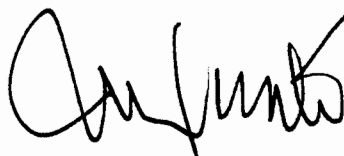
WHEREFORE, the Petition is **DENIED**. The April 29, 2013 Decision and December 10, 2013 Resolution of the Court of Appeals in CA-G.R. CEB-CR No. 01564 are **AFFIRMED**.

SO ORDERED.

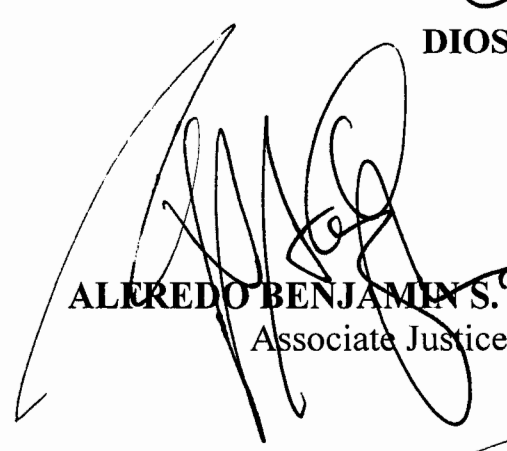


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:




DIOSDADO M. PERALTA
Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ROSMARI D. CARANDANG
Associate Justice

⁶³ See *People v. Lapitaje*, 445 Phil. 729 (2003) [Per J. Austria-Martinez, En Banc].

ATTESTATION

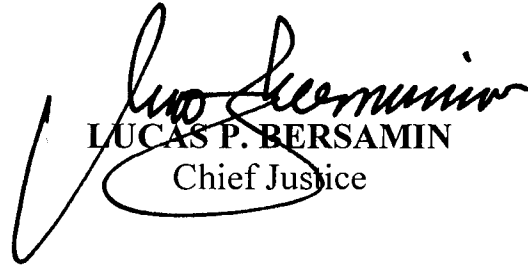
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



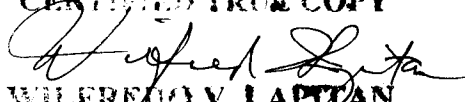
DIOSDADO M. PERALTA
Associate Justice
Chairperson

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.



LUCAS P. BERSAMIN
Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPATAN
Division Clerk of Court
Third Division
MAR 26 2019