

On February 27, 2012, Desmoparan applied for a salary loan in the amount of ₱105,000.00 from Cebu CFI Community Cooperative - Dumaguete City Branch (*CFI*). He misrepresented himself to be an employee of the City Engineer's Office, by using the name "Rodulfo M. Cordura," to Chiyenne Mirasol (*Mirasol*), loan clerk of CFI. When Mirasol asked for his identification card, Desmoparan presented his employee's I.D. from the City Engineer's Office with his picture on it, but bearing the name "Rodulfo M. Cordura." To support his application for loan, Desmoparan submitted the following documents, namely: a) application for membership form of CFI; b) special power of attorney coupled with interest; c) deed of assignment; d) certification from the City Human Resource Office; e) certificate of employment from the City Human Resource Office; f) service record signed by Henrietta N. Zerna; and g) promissory note dated February 27, 2012. All said documents reflected the name of "Rodulfo M. Cordura" as the loan applicant and debtor.⁴

In order to receive the initial cash advance, Desmoparan also presented his purported employee's I.D., bearing the name "Rodulfo M. Cordura," to Menerva Perocho (*Perocho*), Cashier/Teller of CFI.⁵ Thus, because of Desmoparan's misrepresentation, Perocho released to him the cash advances amounting to ₱20,000.00 on March 2, 2012, an additional ₱10,000.00 on March 9, 2012, and another ₱10,000.00 on March 10, 2012. Upon receipt of the said monies, Desmoparan also signed the name of "Rodulfo Cordura" in all three cash vouchers.⁶

However, on March 16, 2012, the real Rodulfo Cordura (*Cordura*) went to CFI to verify the information that somebody had fraudulently applied for a salary loan using his name and qualifications. He identified himself as the real Cordura, a retired government employee previously connected with the City Engineer's Office. Cordura informed CFI that he discovered the fraud after he received the bill for his alleged loan transaction from CFI, through their payroll maker. He told them that he did not apply for any loan nor did he apply for membership with CFI. Cordura then requested an investigation and withholding of the remaining check in the amount of ₱69,000.00 as part of the salary loan.⁷

On the same day, Arden Sinco (*Sinco*), branch manager of CFI,⁸ and his team caught one Efrain Baena Mercado (*Mercado*) using the name and credentials of a certain Aldrin John Z. Catan to apply for a loan. During the investigation, Mercado revealed that it was Desmoparan who recruited him to submit bogus loan applications with CFI.⁹

⁴ *Id.* at 56.

⁵ *Id.* at 18.

⁶ *Id.* at 56-57.

⁷ *Id.* at 57-58.

⁸ *Id.* at 19.

⁹ *Id.* at 58.



In his judicial affidavit, Mercado testified that sometime on March 14, 2012, Desmoparan approached him at JT's Pocket Billiard Hall and told him that he has a simple job for him. He alleged that Desmoparan told him that all he needed to do was submit documents to CFI. Desmoparan assured Mercado that he had already done this twice and was even able to have a check encashed in his favor. Mercado further alleged that Desmoparan brought him to a carwash shop in Larena Drive, Dumaguete City, where he was introduced to a certain "Bossing." Desmoparan told his Bossing that Mercado would be the one to go to CFI since he cannot do it anymore as he had already done it twice. Mercado added that Desmoparan later brought him to a house in Purok Kalubihan, Barangay Daro, Dumaguete City, where he saw a number of documents bearing the mark "CFI," as well as several persons practicing imitation of signatures.¹⁰ On cross-examination, Mercado admitted all he has stated in his judicial affidavit.

Desmoparan was eventually apprehended. He was charged with estafa through falsification of commercial documents. The information reads as follows:

That on or about 27 February 2012 in the City of Dumaguete, Philippines and within the jurisdiction of the Honorable Court, the said accused, JUVY DESMOPARAN a.k.a. "MASYADOR", did then and there, willfully, unlawfully and feloniously falsify the following documents, to wit:

- (1) application for membership of CFI;
- (2) special power of attorney coupled with interest;
- (3) deed of assignment;
- (4) certification from the City Human Resource Office;
- (5) Certificate of Employment;
- (6) Service Record; and
- (7) a promissory note dated 27 February 2012

by making and causing it to appear that one Rodulfo Cordura applied for a salary loan and executed and filed afore-mentioned documents at Cebu CFI Community Cooperative – Dumaguete Branch when in truth and in fact, Rodulfo M. Cordura neither applied for any loan at CFI nor execute and file the afore-mentioned documents and that by virtue of said falsification, false pretenses, deceit, and fraudulent acts and with intent to cause damage, has been able to obtain and receive from CFI the loan proceeds/cash advances amounting to a total of Forty Thousand Pesos (P40,000.00), Philippine Currency, on 2 March 2012 and 9 March 2012 and thereafter converted the same amount to his own personal gain and benefit to the damage and prejudice of CFI in the said amount of Forty Thousand Pesos (P40,000.00), Philippine Currency.

CONTRARY TO LAW.¹¹



¹⁰ *Id.*

¹¹ *Id.* at 71.

Subsequently, Desmoparan was arraigned and pleaded “not guilty” to the crime charged.¹²

Trial ensued. The prosecution presented the following witnesses: Mirasol, Mercado, Perocho, Cordura and Sinco.

On the other hand, Desmoparan did not present any testimonial evidence.

On November 6, 2015, the RTC of Negros Oriental, 7th Judicial Region, Branch 35, Dumaguete City, in Criminal Case No. 21334, rendered Judgment, the dispositive portion of which reads:

WHEREFORE, the court finds the accused, JUVY DESMOPARAN a.k.a. “Masyador,” guilty beyond reasonable doubt of the offense of Estafa through Falsification of Commercial Documents and there being no mitigating and aggravating circumstances proven in the trial, the Court hereby sentences the accused to an indeterminate penalty of Four (4) years and two (2) months of Prision Correccional as minimum to Nine (9) years of Prision Mayor as maximum and to pay FORTY THOUSAND (Php40,000.00) PESOS for the amount he has taken from Cebu CFI Community Cooperative, Dumaguete branch with legal interest of six (6%) percent from the filing of this case.

SO ORDERED.¹³

Aggrieved, Desmoparan filed an appeal and sought the reversal of his conviction before the CA. However, on March 14, 2017, the appellate court denied his appeal. The dispositive portion of the CA decision reads:

WHEREFORE, the appeal is DENIED. The Judgment dated November 6, 2015, of the Regional Trial Court of Negros Oriental, Seventh Judicial Region, Branch 35, Dumaguete City, in Crim. Case No. 21334 is AFFIRMED with MODIFICATION in that accused-appellant shall suffer indeterminate penalty of four (4) years of prision correccional, as minimum, to seven (7) years, eight months and 21 days of prision mayor, as maximum. The amount of P40,000.00 must earn 6% per annum computed from finality of the Court’s Decision until satisfied.

Costs against accused-appellant.

SO ORDERED.¹⁴



¹² *Id.*

¹³ *Id.* at 50.

¹⁴ *Supra* note 1, at 80.

Desmoparan moved for reconsideration. However, in the assailed Resolution¹⁵ dated July 20, 2017, the CA denied the motion for lack of merit.

Hence, this petition for review on *certiorari*,¹⁶ raising the sole issue of:

WHETHER THE COURT OF APPEALS ERRED IN CONVICTING THE PETITIONER OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.¹⁷

Desmoparan would like to impress upon this Court that the prosecution failed to prove that he was the one who falsified the loan documents. He claimed that the prosecution witnesses admitted that they never saw him fill up the loan documents. He argued that, assuming that he personally appeared at CFI, the only documents that he personally signed were the cash vouchers representing the receipt of cash advances. Desmoparan, however, insisted that cash vouchers are not commercial documents; thus, he cannot be convicted of estafa through falsification of commercial documents.

The petition lacks merit.

The elements of the crime of falsification of commercial documents under Article 172 (1),¹⁸ in relation to Article 171,¹⁹ of the Revised Penal

¹⁵ *Supra* note 2.

¹⁶ *Rollo*, pp. 14-26.

¹⁷ *Id.* at 22.

¹⁸ ART. 172. *Falsification by private individual and use of falsified documents.* - The penalty of *prision correccional* in its medium and maximum periods and a fine of not more than One million pesos (P1,000,000) shall be imposed upon:

1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document;

2. Any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article; and

3. Any person who shall knowingly introduce in evidence in any judicial proceeding or to the damage of another or who, with the intent to cause such damage, shall use any of the false documents embraced in the next preceding article, or in any of the foregoing subdivisions of this article, shall be punished by the penalty next lower in degree.

¹⁹ ART. 171. *Falsification by public officer, employee or notary or ecclesiastic minister.* - The penalty of *prision mayor* and a fine not to exceed One million pesos (P1,000,000) shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

1. Counterfeiting or imitating any handwriting, signature or rubric;

2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;

3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;

4. Making untruthful statements in a narration of facts;

5. Altering true dates;

Code, as amended by Republic Act No. (RA) 10951,²⁰ are: “(1) that the offender is a private individual x x x; (2) that [the offender] committed any of the acts of falsification enumerated in Article 171 of the [Revised Penal Code]; and, (3) that the [act of] falsification [is] committed in a x x x commercial document.”²¹

In the instant case, we likewise find that all the above-mentioned elements were sufficiently established. *First*, Desmoparan is a private individual; *second*, the acts of falsification consisted in Desmoparan’s act of causing it to appear that Cordura had participated in the act of applying for a loan when, in fact, he did not do so; and *third*, the falsification was committed in a loan application, a deed of assignment, and a promissory note dated February 27, 2012, which are all commercial documents considering that, in general, these documents or instruments are “used by merchants or businessmen to promote or facilitate trade or credit transactions.”²² Promissory notes facilitate credit transactions, while a check is a means of payment used in business, in lieu of money, for convenience in business transactions.²³

While Desmoparan alleged that the prosecution failed to prove that he was the perpetrator of the falsified loan documents, we note that he never denied, however, that he was actually the one who personally came to CFI to apply for a salary loan using Cordura’s name. He also never denied to be the one in possession of the falsified loan documents which were submitted to CFI to support the loan application purportedly under Cordura’s name. He likewise never denied that he fraudulently used Cordura’s name and qualifications to apply for the salary loan.

It must be likewise stressed that the loan clerks who processed the loan transactions were consistent in their testimonies that it was Desmoparan, and not Cordura, who: (1) personally applied for the salary loan; (2) submitted the documentary requirements under the name of Cordura; (3) presented an I.D. with his photo, but bearing the name of Cordura; (4) received the initial cash advances amounting to a total of

6. Making any alteration or intercalation in a genuine document which changes its meaning;

7. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or

8. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book.

The same penalty shall be imposed upon any ecclesiastical minister who shall commit any of the offenses enumerated in the preceding paragraphs of this article, with respect to any record or document, of such character that its falsification may affect the civil status of persons.

²⁰ An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based, and the Fines Imposed Under the Revised Penal Code, Amending for the Purpose Act No. 3815, otherwise known as “The Revised Penal Code,” effective August 29, 2017.

²¹ *Tanenggee v. People*, 712 Phil. 310, 332-333 (2013); citation omitted.

²² *Id.* at 333.

²³ *Id.*

₱40,000.00; and (5) signed Cordura's name on the cash voucher. It cannot be said that just because none of the prosecution witnesses actually saw Desmoparan do the act of falsifying, the latter cannot be held liable for falsification. Clearly, given the enumerated circumstances, and considering that Desmoparan had in his possession the falsified loan documents and had actually taken advantage of and profited from them, the presumption is that he is the material author of the falsification.

The absence of a direct proof that Desmoparan was the author of the falsification is of no moment for the rule remains that whenever someone has in his possession falsified documents and uttered or used the same for his advantage and benefit, the presumption that he authored it arises.²⁴

This is especially true if the use or uttering of the forged documents was so closely connected in time with the forgery that the user or possessor may be proven to have the capacity of committing the forgery, or to have close connection with the forgers, and therefore, had complicity in the forgery.²⁵

In the absence of a satisfactory explanation, as in this case, one who is found in possession of a forged document and who used or uttered it is presumed to be the forger.²⁶

Corollarily, after the existence of falsification of commercial documents has been established, we also find that the falsification of loan documents was a necessary means to commit estafa.

In general, the elements of estafa are: (1) that the accused defrauded another (a) by abuse of confidence or (b) by means of deceit; and (2) that damage or prejudice capable of pecuniary estimation is caused to the offended party or third person. Deceit is the false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed; and which deceives or is intended to deceive another so that he shall act upon it, to his legal injury.²⁷

In the instant case, Desmoparan used the falsified documents bearing the name and qualifications of Cordura in fraudulently applying for a salary loan, which resulted in the eventual release and withdrawing of the cash advance amounting to a total of ₱40,000.00 from CFI. Clearly, Desmoparan employed deceit by falsifying loan documents in order to take hold of the

²⁴ *Chua v. People*, 681 Phil. 476, 483 (2012).

²⁵ *Id.*

²⁶ *Id.*; and *Serrano v. Court of Appeals*, 452 Phil. 801, 819-820 (2003).

²⁷ *Domingo v. People*, 618 Phil. 499, 518 (2009).

money and, thereafter, convert it to his own personal use and benefit, resulting in the damage and prejudice of CFI and Cordura.

It must be emphasized anew that when the offender commits on a public, official, or commercial document any of the acts of falsification enumerated in Article 171²⁸ of the Revised Penal Code as a necessary means to commit another crime like estafa, the two crimes form a complex crime. Under Article 48 of the Revised Penal Code,²⁹ there are two classes of a complex crime. A complex crime may refer to a single act which constitutes two or more grave or less grave felonies or to an offense as a necessary means for committing another.

In *Domingo v. People*,³⁰ we have held that falsification of a commercial document may be a means of committing estafa because, before the falsified document is actually utilized to defraud another, the crime of falsification has already been consummated; damage or intent to cause damage not being an element of the crime of falsification of public, official or commercial document. In other words, the crime of falsification has already existed. Actually utilizing that falsified public, official or commercial document to defraud another is estafa. But the damage is caused by the commission of estafa, not by the falsification of the document.

In this case, Desmoparan could not have succeeded in getting hold of the money without falsifying the loan documents bearing the name and qualifications of Cordura, and make it appear that he is actually the real Cordura. The falsification was, therefore, a necessary means to commit estafa, and falsification was already consummated even before the falsified documents were used to defraud CFI.

²⁸ Art. 171. *Falsification by public officer, employee or notary or ecclesiastic minister.* - The penalty of *prision mayor* and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

1. **Counterfeiting or imitating any handwriting, signature or rubric;**
2. **Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;**
3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
4. Making untruthful statements in a narration of facts;
5. Altering true dates;
6. Making any alteration or intercalation in a genuine document which changes its meaning;
7. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such x x x copy a statement contrary to, or different from, that of the genuine original; or
8. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book. (Emphasis supplied.)

²⁹ Art. 48. *Penalty for complex crimes.* - When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

³⁰ *Supra* note 27, at 517-518.

PENALTY

Desmoparan is found guilty of the complex crime of estafa through falsification of commercial documents since the crime of falsification was established to be a necessary means to commit estafa.

In *De Castro v. People*,³¹ citing Article 48 of the Revised Penal Code, the Court held that in the complex crime of estafa through falsification of commercial documents, the penalty for the graver offense should be imposed in the maximum period.

However, with the passage of RA 10951,³² the penalties of some crimes which are dependent on the value of the subject matter of the crimes have been greatly affected, and one of these is estafa. The law being more favorable to the petitioner, the same is given a retroactive effect. Below is the comparison of the penalty for estafa under the old provisions of the Revised Penal Code and RA 10951.

	Revised Penal Code	RA 10951 (August 29, 2017)
ESTAFA	<p>Art. 315. <i>Swindling (estafa).</i> — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:</p> <p><u>1st. The penalty of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional 10,000 pesos;</u> but the total penalty which may be imposed shall not exceed twenty years. In such cases, and in connection with the accessory penalties which may be imposed under the provisions</p>	<p>ART. 315. <i>Swindling (estafa).</i> - Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:</p> <p>1st. The penalty of <i>prision correccional</i> in its maximum period to <i>prision mayor</i> in its minimum period, if the amount of the fraud is over Two million four hundred thousand pesos (₱2,400,000) but does not exceed Four million four hundred thousand pesos (₱4,400,000), and if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional Two million pesos (₱2,000,000); but the total penalty which may be imposed shall not exceed twenty years.</p>

³¹ 752 Phil. 424, 435 (2015).

³² An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based, and the Fines Imposed Under the Revised Penal Code, Amending for the Purpose Act No. 3815, otherwise known as "The Revised Penal Code," as amended, August 29, 2017.

	<p>of this Code, the penalty shall be termed <i>prision mayor</i> or <i>reclusion temporal</i>, as the case may be.</p> <p>2nd. The penalty of <i>prision correccional</i> in its minimum and medium periods, if the amount of the fraud is over 6,000 pesos but does not exceed 12,000 pesos[.]</p>	<p>In such cases, and in connection with the accessory penalties which may be imposed and for the purpose of the other provisions of this Code, the penalty shall be termed <i>prision mayor</i> or <i>reclusion temporal</i>, as the case may be.</p> <p>2nd. The penalty of <i>prision correccional</i> in its minimum and medium periods, if the amount of the fraud is over One million two hundred thousand pesos (₱1,200,000) but does not exceed Two million four hundred thousand pesos (₱2,400,000).</p> <p>3rd. The penalty of <i>arresto mayor</i> in its maximum period to <i>prision correccional</i> in its minimum period, if such amount is over Forty thousand pesos (₱40,000) but does not exceed One million two hundred thousand pesos (₱1,200,000).</p> <p><u>4th. By <i>arresto mayor</i> in its medium and maximum periods, if such amount does not exceed Forty thousand pesos (₱40,000)[.]</u> (Emphases supplied.)</p>
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On the other hand, hereunder is the comparison of the penalties of falsification of commercial documents under the old provisions of the Revised Penal Code and RA 10951:

<p>FALSIFICATION OF COMMERCIAL DOCUMENTS</p>	<p>Art. 172. Falsification by private individual and use of falsified documents. — <u>The penalty of <i>prision correccional</i> in its medium and maximum periods and a fine of not more than ₱5,000 pesos shall be imposed upon:</u></p> <p>1. Any private individual</p>	<p>ART. 172. Falsification by private individual and use of falsified documents. - <u>The penalty of <i>prision correccional</i> in its medium and maximum periods and a fine of not more than One million pesos (₱1,000,000) shall be imposed upon:</u></p>
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	<p>who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document[.]</p>	<p>1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document[.]</p>
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From the given comparisons, both under the Revised Penal Code and RA 10951, the imposable penalty for estafa is based on the amount of damage. In this case, the amount defrauded is Forty Thousand Pesos (₱40,000.00), representing the total amount of money actually released and received by Desmoparan from CFI. As such, the prescribed penalty as provided under paragraph 4, Article 315 of the Revised Penal Code, as amended by RA 10951, is *arresto mayor* in its medium and maximum periods, since the amount does not exceed Forty Thousand Pesos (₱40,000.00). Meanwhile, under the old provisions of the Revised Penal Code, the imposable penalty is *prision correccional*, in its maximum period, to *prision mayor*, in its minimum period, if the amount of the fraud is over Twelve Thousand Pesos (₱12,000.00), but does not exceed Twenty-Two Thousand Pesos (₱22,000.00); and, if such amount exceeds the latter sum, the penalty provided in this paragraph shall be imposed in its maximum period, adding one year for each additional Ten Thousand Pesos (₱10,000.00). Thus, the penalty for estafa under the new law should be given retroactive effect, being more favorable to the petitioner.

In contrast, for falsification of a commercial document, the penalty of imprisonment is the same for both Article 172 (1), in relation to Article 171 (2), of the Revised Penal Code and RA 10951 which is *prisión correccional* in its medium and maximum periods, *albeit*, the imposable fine is different. Under the Revised Penal Code, the imposable fine is not more than Five Thousand Pesos (₱5,000.00); while under RA 10951, the imposable fine is not more than One Million Pesos (₱1,000,000.00).

Thus, the penalty of imprisonment in the crime of estafa under RA 10951 is now lighter than the penalty of imprisonment for falsification of commercial documents. Applying then the provisions of Article 48 of the Revised Penal Code for the complex crime of estafa through falsification of commercial documents, the penalty for the graver offense should be imposed in the maximum period. Thus, the penalty for falsification of commercial documents should be imposed in the maximum period, being the more serious crime than estafa. However, the penalty of fine of not more than Five Thousand Pesos (₱5,000.00) under the old law should be imposed because

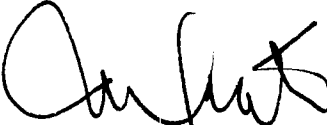
this is more favorable to the petitioner than the penalty of fine of not more than One Million Pesos (₱1,000,000.00) under the present law.

We, thus, modify the indeterminate sentence imposable on Desmoparan so that the minimum term should come from the penalty next lower in degree which is *arresto mayor*, maximum, to *prision correccional*, minimum (4 months and 1 day to 2 years and 4 months), and the maximum term should come from *prision correccional*, medium, to *prision correccional*, maximum, in its maximum period (4 years, 9 months and 11 days to 6 years).

WHEREFORE, the Petition is **DENIED**. The Decision and Resolution of the Court of Appeals in CA-G.R. CEB CR No. 02680 dated March 14, 2017 and July 20, 2017, respectively, are hereby **AFFIRMED** with the **MODIFICATION** that the indeterminate sentence to be imposed upon Juvy Desmoparan should be 4 months and 1 day of *arresto mayor*, as the minimum, to 5 years of *prision correccional*, as the maximum, and to pay a FINE in the amount of Five Thousand Pesos (₱5,000.00), with subsidiary imprisonment in case of insolvency.

The Court also **ORDERS** Juvy Desmoparan to pay to Cebu CFI Community Cooperative - Dumaguete Branch legal interest of six percent (6%) *per annum* on the aggregate amount of Forty Thousand Pesos (₱40,000.00), to be reckoned from the finality of this Decision until full payment thereof.


SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

On wellness leave
MARVIC MARIO VICTOR F. LEONEN
Associate Justice

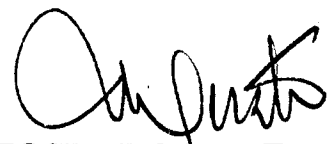

ANDRES B. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice

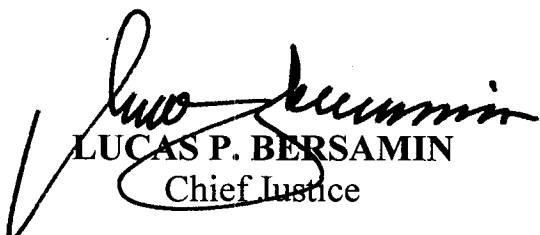
ATTESTATION

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.


DIOSDADO M. PERALTA
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.


LUCAS P. BERSAMIN
Chief Justice