



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,      G.R. No. 249260  
*Plaintiff-Appellee,*

Present:

LEONEN, J., *Chairperson,*  
HERNANDO,  
INTING,  
DELOS SANTOS, and  
LOPEZ, J., *JJ.*

- versus -

Promulgated:

BBB,\*

*Accused-Appellant.*      May 5, 2021

X-----MISC-B-11-----X

DECISION

INTING, J.:

This is an appeal<sup>1</sup> assailing the Decision<sup>2</sup> dated May 24, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09770 which affirmed with modification as to the penalties and award of damages the Joint Decision<sup>3</sup> dated June 29, 2017 of Branch 18, Regional Trial Court (RTC), Malolos City, Bulacan finding BBB (accused-appellant) guilty

\* The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; RA 9262, "An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes"; Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

<sup>1</sup> See Notice of Appeal dated June 17, 2019, *rollo*, pp. 14-16.

<sup>2</sup> *Id.* at 3-13; penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Marlene Gonzales-Sison and Victoria Isabel A. Paredes, concurring.

<sup>3</sup> CA *rollo*, pp. 45-58; penned by Presiding Judge Victoria C. Fernandez-Bernardo.

M

beyond reasonable doubt of Qualified Rape in Criminal Case Nos. 806-M-2010, 807-M-2010, 808-M-2010, and 809-M-2010.

*The Antecedents*

Accused-appellant was charged with four counts of Rape under Article 266-A and B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353, in relation to RA 7610, committed against his niece, AAA. The accusatory portions thereof state:

Criminal Case No. 806-M-2010

x x x x

That on or about the 5<sup>th</sup> day of November, 2008, in the [REDACTED], and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle of [AAA], with lewd designs and with force, violence and intimidation, did then and there willfully, unlawfully and feloniously, have carnal knowledge with his niece, [AAA] a 7 year old minor, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of the said child as a human being.

Contrary to law.

x x x

Criminal Case No. 807-M-2010

x x x x

That [on] or about and during the year 2007, in the [REDACTED], and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle of [AAA] with lewd designs[,] violence and intimidation, did then and there willfully, unlawfully and feloniously commit sexual assault by inserting his finger to the vagina of [AAA], a 5 year old minor, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said child as a human being.

Contrary to law.

x x x



Criminal Case No. 808-M-2010

x x x x

That [on] or about and during the year 2008, in the [REDACTED], and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle of [AAA] with lewd designs[,] violence and intimidation, did then and there willfully, unlawfully, and feloniously commit sexual assault by inserting his finger to the vagina of [AAA], a 6 year old minor, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said child as a human being.

Contrary to law.

x x x

Criminal Case No. 809-M-2010

x x x x

That [on] or about and during the year 2007, in the [REDACTED], and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle of [AAA] with lewd designs[,] violence and intimidation, did then and there willfully, unlawfully, and feloniously commit sexual assault by inserting his finger to the vagina of [AAA], a 6 year old minor, against her will and without her consent, which debased, degraded and demeaned the intrinsic worth and dignity of said child as a human being.

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

Upon arraignment on September 1, 2010, accused-appellant pleaded not guilty to the charges.<sup>5</sup>

Trial on the merits ensued.

AAA narrated that on September 14, 2007, accused-appellant went to their house while her father and stepmother were at the cockpit arena. Accused-appellant dragged her inside a room, removed her shorts and

<sup>4</sup> As culled from the Joint Decision dated June 29, 2017 of the Regional Trial Court, *id.* at 46-48.

<sup>5</sup> *Id.* at 48.

undergarments, and inserted his finger into her vagina. She felt pain, but accused-appellant warned her not to tell anyone about what happened.<sup>6</sup>

After a month, accused-appellant again pulled her towards the house of her grandparents where accused-appellant was staying. He took her to a bedroom where he removed her shorts and panties. He then inserted his fingers into her vagina. AAA resisted by pulling accused-appellant's hair as she could not scream for help because he threatened to kill her father.<sup>7</sup>

Sometime in 2008, while AAA and her sibling were locked inside their house, accused-appellant took the key from AAA's father and used it to open their house. Upon entering the house, he pulled AAA by the hand and led her inside a room. She shouted for help, but no one answered. Thereupon, he removed her shorts and panties, and inserted his finger into her vagina.<sup>8</sup>

On November 5, 2008, on AAA's 7<sup>th</sup> birthday, she was in the bedroom when accused-appellant entered their house through a hole in the kitchen. Again, he removed AAA's shorts and panties, and inserted his penis into her vagina several times. When AAA's father caught accused-appellant, her father beat and warned accused-appellant not to repeat it.

When AAA's biological mother came home from abroad, she told her mother of the incidents. Her mother brought her to the police station. There, AAA gave her written statement. After which, the police authorities brought her to Camp Crame, Quezon City for genital examination.<sup>9</sup>

In his defense, accused-appellant denied that he molested AAA. He averred that the charges against him were orchestrated by AAA's mother after he caught her with another man twice in 2003. Accused-appellant stated that he was not in Bustos, Bulacan when the alleged incidents happened in the years 2007 and 2008. He was in Bocaue with his parents-in-law selling *tinapa*. When his *tinapa* business did not

---

<sup>6</sup> *Id.* at 49.

<sup>7</sup> *Id.*; *rollo*, pp. 5-6.

<sup>8</sup> *Id.* at 49-50; *id.* at 6.

<sup>9</sup> *Id.* at 50; *id.*

prosper, he stayed in his parents' house and returned to his previous job.<sup>10</sup>

### *Ruling of the RTC*

On June 29, 2017, the RTC found accused-appellant guilty of the charges and disregarded his defenses of denial and alibi as they were unsupported by clear and convincing evidence. The dispositive portion of the Joint Decision states:

WHEREFORE, finding accused [BBB] guilty beyond reasonable doubt in all the charges against him, this Court hereby sentences him as follows:

- 1) In Crim. Case No. 806-M-2010 for qualified rape – The penalty of *Reclusion Perpetua* without eligibility for parole; and to pay [AAA] the amount of P75,000.00 as civil indemnity; P75,000.00 for moral damages and P50,000.00 for exemplary damages.
- 2) In Crim. Case No. 807-M-2010 for qualified rape (of the second kind) – the indeterminate penalty of six (6) years and one (1) day of *prision mayor* as minimum to seventeen (17) years and ten (10) months of *reclusion temporal* as maximum; and to pay [AAA] the amount P75,000.00 as civil indemnity; P75,000.00 for moral damages and P50,000.00 for exemplary damages.
- 3) In Criminal Case No. 808-M-2010, for qualified rape (of the second kind), the indeterminate penalty of six (6) years and one (1) day of *prision mayor* as minimum to seventeen (17) years and ten (10) months of *reclusion temporal* as maximum, and to pay [AAA] the amount P75,000.00 as civil indemnity, P75,000.00 for moral damages and P50,000.00 for exemplary damages; and
- 4) In Criminal Case No. 809-M-2010 for qualified rape (of the second kind) the indeterminate penalty of six (6) years and one (1) day of *prision mayor* as minimum to seventeen (17) years and ten (10) months of *reclusion temporal* as maximum; and to pay [AAA] the amount P75,000.00 as civil indemnity; P75,000.00 for moral damages and P50,000.00 for exemplary

<sup>10</sup> *Id.* at 52-53.

damages.

Accused [BBB] is also ordered to pay interest at the rate of six percent (6%) per annum from the time of the finality of this decision until fully paid to be imposed on the civil indemnity, moral damages and exemplary damages.

SO ORDERED.<sup>11</sup>

Aggrieved, accused-appellant appealed before the CA.<sup>12</sup>

### *Ruling of the CA*

On appeal, the CA affirmed with modifications the RTC Joint Decision. It found that the prosecution successfully established that on one occasion, accused-appellant had carnal knowledge of his 7-year-old niece, AAA; and on three different occasions, he inserted his finger into AAA's vagina since she was five years old.<sup>13</sup> Notably, AAA's testimony was corroborated by the medical findings in the Initial Medico-Legal Report issued by Police Chief Inspector Marianne S. Ebdane.<sup>14</sup> It held, *viz.*:

WHEREFORE, premises considered, the appeal is DENIED. The Joint Decision dated 29 June 2017 rendered by the Regional Trial Court, Branch 18, Malolos, Bulacan, is AFFIRMED with MODIFICATION and should be read as follows:

- (1) In Criminal Case No. 806-M-2010, this Court finds appellant BBB GUILTY beyond reasonable doubt of qualified rape. He is sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole. He is further ordered to pay private complainant P100,000.00 as civil indemnity, P100,000.00 as moral damages, and P100,000.00 as exemplary damages;
- (2) In Criminal Case No. 807-M-2010, this Court finds BBB GUILTY beyond reasonable doubt of rape by sexual assault in relation to R.A. No. 7610. He is sentenced to suffer the penalty of imprisonment for 12 years and 1 day of *reclusion temporal*, as minimum, to 15 years, 6 months and 20 days of *reclusion temporal*,

<sup>11</sup> *Id.* at 57-58.

<sup>12</sup> See Notice of Appeal dated August 17, 2017, *id.* at 10.

<sup>13</sup> *Rollo*, p. 9.

<sup>14</sup> *Id.* at 10.

as maximum. He is further ordered to pay private complainant P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages;

- (3) In Criminal Case No. 808-M-2010, this Court finds BBB GUILTY beyond reasonable doubt of rape by sexual assault in relation to R.A. No. 7610. He is sentenced to suffer the penalty of imprisonment for 12 years and 1 day of *reclusion temporal*, as minimum, to 15 years, 6 months and 20 days of *reclusion temporal*, as maximum. He is further ordered to pay private complainant P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages;
- (4) In Criminal Case No. 809-M-2010, this Court finds BBB GUILTY beyond reasonable doubt of rape by sexual assault in relation to R.A. No. 7610. He is sentenced to suffer the penalty of imprisonment for 12 years and 1 day of *reclusion temporal*, as minimum, to 15 years, 6 months and 20 days of *reclusion temporal*, as maximum. He is further ordered to pay private complainant P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages; and

Accused BBB is also ordered to pay interest at the rate of six percent (6%) per annum from the time of finality of this decision until fully paid to be imposed on the civil indemnity, moral damages and exemplary damages.

SO ORDERED.<sup>15</sup>

Hence, the instant appeal before the Court.

In the Resolution<sup>16</sup> dated June 10, 2020, the Court required the parties to submit their respective supplemental briefs, if they so desired. In a Manifestation (In Lieu of Supplemental Brief)<sup>17</sup> dated July 20, 2020, accused-appellant averred that he would no longer file a supplemental brief considering that he had exhaustively argued all the relevant issues in his Appellant's Brief. Similarly, in its Manifestation (In Lieu of Supplemental Brief)<sup>18</sup> dated October 7, 2020, the Office of the Solicitor

<sup>15</sup> *Id.* at 12-13.

<sup>16</sup> *Id.* at 21.

<sup>17</sup> *Id.* at 22-24.

<sup>18</sup> *Id.* at 27-29.

General (OSG) manifested that it would no longer file a supplemental brief stating that all the issues raised in the Appellant's Brief were already discussed and passed upon in its Appellee's Brief.

### *Issue*

Whether the guilt of accused-appellant for the crimes charged was proven beyond reasonable doubt.

### *Ruling of the Court*

The appeal lacks merit.

At the outset, it must be stressed that all the arguments raised are a mere rehash of accused-appellant's arguments before the CA that had been carefully considered and found without merit. The Court finds no cogent reason to disturb the factual findings of the RTC and the CA. Also, the Court agrees with the CA's modification of the RTC Decision with regard to the nomenclature of the crimes committed, the respective penalties imposed, and the damages awarded.

*In Criminal Case No. 806-M-2010, the crime committed is Qualified Statutory Rape.*

The prosecution was able to sufficiently prove the essential elements of Rape, to wit: (1) the accused had carnal knowledge of the victim; and (2) said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented, even though none of the circumstances above be present.<sup>19</sup>

<sup>19</sup> Paragraph 1, Article 266-A of the Revised Penal Code, as amended, provides:

ART. 266-A. *Rape, When and How Committed.* — Rape is committed —

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a. Through force, threat or intimidation;
- b. When the offended party is deprived of reason or is otherwise unconscious;
- c. By means of fraudulent machination or grave abuse of authority;
- d. When the offended party is under twelve (12) years of age is demented, even



Under paragraph 1, Article 266-B of the RPC, as amended, there is Qualified Rape when the victim is below 18 years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common law spouse of the parent of the victim. The victim's minority and relationship with the perpetrator must both be alleged in the Information, as in this case.<sup>20</sup>

Further, AAA being below 12 years old, the proper nomenclature of the crime committed is Qualified Statutory Rape.<sup>21</sup>

In the case, the testimonies of the witnesses and the evidence presented show that accused-appellant, who is the uncle of AAA, had carnal knowledge of AAA on November 5, 2008. He used force upon AAA, who was merely seven years old at that time and was unable to resist. Moreover, accused-appellant's threat to kill AAA's father naturally rendered her helpless. Being AAA's uncle, accused-appellant exercised moral ascendancy or influence over her which constituted the force and intimidation against AAA.

Similarly, the medical findings of hymenal lacerations corroborated her narration. When the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge. Laceration, whether healed or fresh, is the best physical evidence of forcible defloration.<sup>22</sup>

*Sexual assault under paragraph 2, Article 266-A of the RPC in relation to Section 5(b) of RA 7610.*

However, with respect to the CA findings of Rape by Sexual Assault in Criminal Case Nos. 807-M-2010, 808-M-2010 and 809-M-2010, there is a need to clarify the proper nomenclature of the crimes.

though none of the circumstances mentioned above be present.

<sup>20</sup> *People v. Ibañez*, G.R. No. 231984, July 6, 2020, citing *People v. Armodia*, 810 Phil. 822, 833 (2017), further citing *People v. Malana*, 646 Phil. 290, 310 (2010).

<sup>21</sup> See *People v. De Guzman*, G.R. No. 234190, October 1, 2018; *People v. XXX*, G.R. No. 244047, December 10, 2019.

<sup>22</sup> *People v. Manaligod*, 831 Phil. 204, 213 (2018), citing *People v. Clores, Jr.*, 475 Phil. 99, 107 (2004).

Instead of Rape by Sexual Assault, accused-appellant should be held liable for Sexual Assault under paragraph 2, Article 266-A of the RPC in relation to Section 5(b) of RA 7610 pursuant to the recent case of *People v. Tulagan (Tulagan)*.<sup>23</sup>

In *Tulagan*, the Court reconciled the provisions of Acts of Lasciviousness, Rape and Sexual Assault under the RPC, on one hand, and Sexual Intercourse and Lascivious Conduct under Section 5(b) of RA 7610. Thus:

Considering the development of the crime of sexual assault from a mere “crime against chastity” in the form of acts of lasciviousness to a “crime against persons” akin to rape, as well as the rulings in *Dimakuta and Caoili*, We hold that if the acts constituting sexual assault are committed against a victim under 12 years of age or is demented, the nomenclature of the offense should now be “Sexual Assault under paragraph 2, Article 266-A of the RPC in relation to Section 5 (b) of R.A. No. 7610” and no longer “Acts of Lasciviousness under Article 336 of the RPC in relation to Section 5 (b) of R.A. No. 7610,” because sexual assault as a form of acts of lasciviousness is no longer covered by Article 336 but by Article 266-A (2) of the RPC, as amended by R.A. No. 8353. Nevertheless, the imposable penalty is still *reclusion temporal* in its medium period, and not *prision mayor*.<sup>24</sup>

In here, AAA testified that accused-appellant inserted his finger into her vagina on three different occasions since she was five years old. Her testimony established in a clear and straightforward manner her age at the time of the incidents, the identity of accused-appellant, and the details of the crimes committed against her. Under the circumstances, it is unfathomable that a 6-year-old child would be able to describe in such detail how she was molested by her own uncle unless her statements were true. Her candid, straightforward, and consistent testimony prevails over the self-serving allegations of the defense.<sup>25</sup>

The CA aptly discussed:

In the present case, the first incident of sexual abuse was committed when private complainant was merely five years old. It should be noted that there were several incidents of sexual abuse, thus, private complainant cannot be expected to have a flawless

<sup>23</sup> G.R. No. 227363, March 12, 2019.

<sup>24</sup> *People v. HHH*, G.R. No. 248245, August 26, 2020, citing *People v. Tulagan, id.*

<sup>25</sup> *People v. Sumayod*, G.R. No. 230626, March 9, 2020.

recollection of her harrowing experience in the hands of appellant. Furthermore, the inconsistencies in the private complainant's testimony regarding the place and time of the incidents are immaterial to prove the elements of the crimes charged. Moreover, the findings laid down in the Initial Medico-Legal Report issued by PCI Marianne S. Ebdane bolstered private complainant's testimony in this manner:

FINDINGS:

Hymen: Congested, no laceration noted.  
Perihymenal region: presence of abrasion.  
Periurethral region: congested, abrasion. Urethral opening: congested, laceration at 11 o'clock position.  
Anus: unremarkable.

CONCLUSION:

Findings show clear evidence of recent blunt force or penetrating trauma.<sup>26</sup>

*Accused-appellant's defenses of denial and alibi.*

Finally, the Court finds that the CA correctly disregarded accused-appellant's defense of denial. He denied the accusations against him and alleged that he was residing in Bocaue, Bulacan when the alleged incidents happened. Still, mere denial, without presenting any supporting evidence, can scarcely overcome the positive declaration of AAA, a child-victim, regarding the identity of accused-appellant and his involvement in the crimes. Verily, AAA's positive testimony outweighs the denial proffered by accused-appellant.

There being no indication that the lower courts overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case, the Court finds no reason to deviate from their factual findings. On that note, it must be stressed that the trial court is in the best position to assess and determine the credibility of the witnesses presented by both parties.

---

<sup>26</sup> *Rollo*, pp. 9-10.

*Proper penalties and damages.*

As regards the penalty for Criminal Case No. 806-M-2010 for Qualified Statutory Rape, the CA properly imposed the penalty of *reclusion perpetua* without eligibility for parole in accordance with Article 266-B of the RPC, as amended, and RA 9346. It also correctly ordered to pay AAA the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.<sup>27</sup>

With regard to Criminal Case Nos. 807-M-2010, 808-M-2010, and 809-M-2010, the penalties imposed are modified to *reclusion temporal* in its medium period instead of *prision mayor* as prescribed in paragraph 2, Article 266-A of the RPC, as amended, pursuant to *Tulagan* and *People v. Chingh*<sup>28</sup> which applied the penalty under Section 5(b), Article III of RA 7610.<sup>29</sup>

Accordingly, in Criminal Case Nos. 807-M-2010, 808-M-2010 and 809-M-2010, accused-appellant, for each count, is sentenced to suffer the indeterminate penalty ranging from twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* in its medium period, as minimum, to sixteen (16) years, five (5) months and ten (10) days of *reclusion temporal* in its maximum period, as maximum. The Court also modifies the awards of civil indemnity, moral damages, and exemplary damages to ₱50,000.00 for each count of Sexual Assault under paragraph 2, Article 266-A of the RPC, as amended, in relation to Section 5(b) of RA 7610.<sup>30</sup>

**WHEREFORE**, the appeal is **DISMISSED**.

The Decision dated May 24, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 09770 is **AFFIRMED** with **MODIFICATIONS** in that accused-appellant Diosdado Luis y Cruz is found guilty beyond reasonable doubt:

1. In Criminal Case No. 806-M-2010, for Qualified Statutory

<sup>27</sup> *People v. Tulagan*, *supra* note 23.

<sup>28</sup> 661 Phil. 208 (2011).

<sup>29</sup> *People v. HHH*, *supra* note 24.

<sup>30</sup> *Id.*


Rape, defined and penalized under paragraph 1(d), Article 266-A, in relation to Article 266-B, of the Revised Penal Code, as amended, and is hereby sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole. He is also ordered to pay AAA the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages.

2. In Criminal Case No. 807-M-2010, for Sexual Assault under paragraph 2 of Article 266-A of the Revised Penal Code, as amended, in relation to Section 5(b) of Republic Act No. 7610. He is hereby sentenced to suffer the indeterminate penalty ranging from twelve (12) years, ten (10) months, and twenty-one (21) days of *reclusion temporal*, as minimum, to sixteen (16) years, five (5) months and ten (10) days of *reclusion temporal*, as maximum. He is further ordered to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.


In Criminal Case No. 808-M-2010, for Sexual Assault under paragraph 2 of Article 266-A of the Revised Penal Code, as amended, in relation to Section 5(b) of Republic Act No. 7610. He is hereby sentenced to suffer the indeterminate penalty ranging from twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal* as minimum, to sixteen (16) years, five (5) months and ten (10) days of *reclusion temporal*, as maximum. He is further ordered to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.

3. In Criminal Case No. 809-M-2010, for Sexual Assault under paragraph 2 of Article 266-A of the Revised Penal Code, as amended, in relation to Section 5(b) of Republic Act No. 7610. He is hereby sentenced to suffer the indeterminate penalty ranging from twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal*, as minimum, to sixteen (16) years, five (5) months and ten (10) days of *reclusion temporal*, as maximum. He is further ordered to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱50,000.00 as exemplary damages.

The legal interest of 6% *per annum* imposed on all damages is awarded from the date of finality of this Decision until fully paid.




**SO ORDERED.**

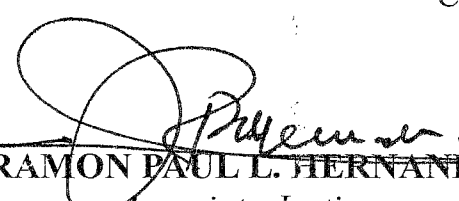


**HENRI JEAN PAUL B. INTING**  
*Associate Justice*


WE CONCUR:




**MARVIC M.V.F. LEONEN**  
*Associate Justice*  
*Chairperson*



**RAMON PAUL L. HERNANDO**  
*Associate Justice*




**EDGARDO L. DELOS SANTOS**  
*Associate Justice*



**JHOSEP Y. LOPEZ**  
*Associate Justice*

**ATTESTATION**

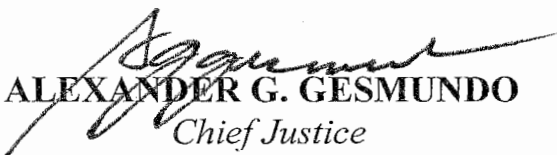
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
*Associate Justice*  
*Chairperson*

**CERTIFICATION**

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

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

