



SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

RECEIVED
AUG 08 2022

BY: _____
TIME: _____

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**MOVIE AND TELEVISION
REVIEW AND CLASSIFICATION
BOARD (MTRCB),**

Petitioner,

- versus -

**ABC DEVELOPMENT CORP.,
doing business under the name and
style ASSOCIATED
BROADCASTING COMPANY
(TV5),**

Respondent.

G.R. No. 212670

Present:

GESMUNDO, C.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
LOPEZ, J.,* and
MARQUEZ, JJ.

Promulgated:

JUL 06 2022

[Signature]
X

X-----X

DECISION

HERNANDO, J.:

Before the Court is a Petition for Review¹ under Rule 45 of the Rules of Court which seeks the reversal of the March 7, 2013 Decision² and May 15, 2014 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 125005.

* Designated additional Member per April 4, 2022 Raffle vice J. Rosario who recused due to prior action in the Court of Appeals.

¹ *Rollo*, pp. 16-48A.

² *Id.* at 50-88. Penned by Associate Justice Rosmari D. Carandang (now a retired Member of the Court) and concurred in by Associate Justices Ricardo R. Rosario (now a Member of the Court) and Danton Q. Bueser.

³ *Id.* at 9-14.

Both the CA Decision and Resolution set aside the Movie and Television Review and Classification Board (MTRCB) Decision⁴ dated May 30, 2012 in MTRCB ADM. CASE No. 008-2012 entitled *In the matter of: Airing of objectionable scenes in the 07 May 2012 episode of "T3 Kapatid Sagot Kita" aired over ABC TV5,* resolving that: (1) the show "T3 Kapatid Sagot Kita" (T3) be suspended for three months; (2) an administrative penalty or fine of ₱100,000.00 be imposed on T3; and (3) after complete service of the suspension, T3 be placed under probation or on a per-episode permit basis until the MTRCB is convinced that self-regulatory measures have been implemented by respondent.⁵

The Case

The facts, as set out by the CA, are as follows:

T3 Kapatid Sagot Kita (T3) is a program aired on weekdays on TV5 in its 5:15 to 5:45 time slot. It is hosted by the brothers Raffy, Erwin and Ben Tulfo who purport to expose police and local official abuse, inform the public of real citizen complaints against the government's poor delivery of services of (sic) inaction and to report all forms of fraud and scams.

On 07 May 2012, the aforementioned hosts expressed their respective statements and comment (reproduced below as Subject Utterances) regarding the mauling of their eldest brother Ramon.

On 07 May 2012, MTRCB Special Agents filed an incident report to the MTRCB Chairperson Mary Grace Poe-Llamanzares of the possible violation by T3 hosts Raffy Tulfo, Erwin Tulfo and Ben Tulfo who, at 5:35 PM, made the following remarks (termed "Subject Utterances" by petitioner):

Raffy Tulfo: Ang masasabi ko 'to. Raymart Baretto kanina ko pa ito sinabi sa Radyo sa Balitaang tapat, swerte ka dahil marami kang kasama eh at nag-iisa 'yung Kuya ko eh. Ganunpaman, I'm very proud of my Kuya may tinamaan sa inyo. Kase kung 'yung Kuya ko lang one-on-one kayong dalawa, baka yung puwet mo nasa bunganga mo na. Bali bali ka dahil yung Kuya ko eh, talaga naming alam ng lahat na martial arts expert siya, Aikido. Swerte lang kayo dahil ang dami niyo. Pero kung one-on-one...Wag lang [sana] tayong mag-inabot sa mall, idasal mo hijo de-P.I. ka na wag sana tayong magkita sa mall. [Ipagdasal] mo. Tumirik ka ng kandila ngayon na wag na wag mag-krus ang landas natin. P.I. ka.

Erwin Tulfo: Isa lang ang masasabi ko dyan kay Raymart Santiago at [kay] Claudine Baretto, alam nyo na-tyempuhan nyo lang talaga na nag-iisa yung Kuya ko dahil kung siguro nagkasabay [kami] sa eroplano kahapon...nauna lang sya dahil pareho [kaming] galing Davao, nauna lang yung Utol ko eh, 'di mangyayari 'yun Pare ko.

⁴ Id. at 222-246. Penned by Chairperson of the Hearing and Adjudication Committee BM Noel R. Del Prado and concurred in by Members BM Liezl S. Martinez and BM Jay C. Revestir.

⁵ Id. at 245.

Dalawa lang patutunguhan nun, either ini-interview ako sa loob ng kulungan o ini-interview ako na nagsasalita ako ngayon. Pero ito lang ang mensahe ko sayo Mr. Santiago at Ms. Baretto – saksakan kayo ng sinungaling. Maraming...kahit sinong tanungin nyo sa airport, natatawa ang mga tao roon na hindi [nauna] yung Kuya ko [magbitaw] ng suntok. Lalo na kay Claudine, wala sa ugali ng Tulfo ang manakit ng babae. Ni pagalitan nga itong Raffy dahil di nagagalit sa babae basta kahit mali. Napaka-saksakan kayo ng sinungaling. At ikaw Mr. Raymart Santiago malakas ang loob nyo dahil kinuyog nyo ang Utol namin. Eh masarap sana siguro kung 4-on-8 eh kayang kaya namin eh. Apat [kami] v. walo kayo. Tama itong sinabi ni Raffy, tayo din eh nagkikita sa airport, ipagdasal mo lang muna at pinapayo ko [sayo] at sa asawa mo, wag ka muna lumabas ng bansa dahil nagpang-abot tayo sa NAIA Terminal 1, Terminal 2, Terminal 3 tatamaan at tatamaan ka wala akong pakialam, pati asawa mo tatamaan sa akin. Ipagdasal mo na lamang na wag tayong mag-krus ng landas.

Ben Tulfo: Pero sa akin isa lang ang gagawin ko, Raymart pakinggan mo sasabihin ko – binabangga ko ang mga criminal, mamamatay tao, matinong tao pero kung gusto mo malaking warehouse sarado, mag-aantay mga ambulansya, last man standing, lalabas sa loob, magsasara tayo ng pinto. Titignan ko ang galing mo.

Erwin Tulfo: ‘Di pa tayo tapos Raymart, di pa tayo tapos [Antabayanan] mo ang lintik ng ganti ng Tulfo.

The MTRCB Chief Legal Counsel found probable cause for violation of Section 3 (c) of Presidential Decree No. 1986, recommending the case for Formal Adjudication and thus, summonses were sent to the respondents TV5 and Ramon del Rosario as head of the Airtime Management Department of TV5.

Finding the said Subject Utterances as “clear violation of ethical standards set and followed in the Broadcasting industry, TV5 directed the hosts to explain in 24 hours from 07 May 2012 why they should not be sanctioned.

T3’s hosts submitted their respective letter-responses to TV5’s show cause memorandum, wherein the Tulfo brothers apologized and expressed their regret for their actions. On 09 May 2012, TV5 issued letters informing the Tulfos that their actions were sufficient cause to terminate their engagements with TV5 but considering the circumstances of the hosts’ emotions, their admissions and subsequent apologies, the sanction for their actions was reduced to a three-episode suspension.

Likewise[,] on 09 May 2012, TV5 received a Letter-Complaint filed by MTRCB’s Legal Counsel Jonathan S. Presquito alleging that the [Tulfos’] statements and comments on the mauling of Ramon Tulfo were “indecent, contrary to law, or with dangerous tendency to encourage the commission of violence, or of a wrong or crime,” and ordering TV5 to a preliminary hearing.

On 10 May 2012, the preliminary hearing was conducted by the MTRCB Hearing and Adjudication Committee, which issued a Preventive Suspension Order against T3 for a period of twenty (20) days.

On 11 May [2012], TV5 filed, under Rule 65 of the Rules of Court, a Petition for Certiorari and Prohibition with Urgent Application for the Ex Parte Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction before the Court of Appeals.

Another hearing was held by the MTRCB Hearing and Adjudication Committee on 14 May 2012 wherein the said Committee required the respondents to submit their Position Paper on 21 May 2012.

On 16 May 2012, this Court conducted oral arguments on TV5's petition for certiorari and did not issue a temporary restraining order against the MTRCB from continuing its proceedings (CA-G.R. SP No. 124590).

On 30 May 2012, the MTRCB Hearing and Adjudication Committee issued the assailed Decision against T3, meting out the penalty of suspension of three (3) months, a fine in the amount of One Hundred Thousand Pesos (P 100,000.00) and after the completion of the suspension, placing the show on probation or on a per-episode basis.⁶

Aggrieved, TV5 filed a Petition for Review⁷ under Rule 43 with prayers for the issuance of a temporary restraining order (TRO) and preliminary injunction before the CA against the implementation of MTRCB Decision. TV5 prayed that the MTRCB Decision be set aside.⁸

MTRCB, on the other hand, represented by the Office of the Solicitor General (OSG), opposed the same in its Comment.⁹

Ruling of the Court of Appeals

In its Resolution¹⁰ dated August 22, 2012, the CA granted TV5's application and prayer for the TRO. The CA issued a preliminary injunction pending a full review of the merits of the case.

In its Decision¹¹ dated March 7, 2013, the CA held thus:

1) The MTRCB has the statutory authority to regulate the television and movie industry and the content shown therein, including the utterances complained in the instant case;

⁶ Id. at 51-54.

⁷ Id. at 247-306.

⁸ Id. at 54.

⁹ Id. at 317-336.

¹⁰ Id. at 310-316.

¹¹ Id. at 50-88.

2) The utterances herein cannot be strictly categorized as obscene and indecent, conclusively defamatory nor constituted fighting words but rather ordinary threats as understood in their totality and the context in which they were made;

3) In light of the threats uttered by its program hosts, TV5 took appropriate action and imposed discipline consistent with its right and duty to regulate itself under its charter RA 7831;

4) Given the exercise of self-regulation under RA 7831 and the constitutional protection on free speech, the penalties imposed by the MTRCB were no longer warranted.¹²

The dispositive portion of the CA Decision reads:

WHEREFORE, the Petition is GRANTED. The MTRCB Decision is SET ASIDE for being unwarranted and effectively constituting prior restraint.

SO ORDERED.¹³

On May 15, 2014, the CA in a Resolution¹⁴ denied MTRCB's Motion for Reconsideration¹⁵ for lack of merit.

Thus, this Petition for Review.¹⁶

Issue

The main issue raised by petitioner MTRCB, is whether or not the MTRCB's determination of the subject utterances is within the purview of Section 3 (c) of Presidential Decree No. (PD) 1986.¹⁷

Our Ruling

The case at bar is very similar to the landmark case of *Iglesia ni Cristo (INC) v. Court of Appeals, Board of Review for Moving Pictures and Television (Board)*¹⁸ (*INC*). In the *INC* case, petitioner *INC* raised the issue of whether or not the CA erred in holding that the MTRCB is vested with the power to censor religious programs such as "Ang Iglesia ni Cristo" for offending and attacking other religions, and, if yes, whether the show can thus be categorized as indecent and contrary to law and good customs.

¹² Id. at 86-87.

¹³ Id. at 88.

¹⁴ Id. at 9-13.

¹⁵ Id. at 9.

¹⁶ Id. at 16-48A.

¹⁷ Entitled "CREATING THE MOVIE AND TELEVISION REVIEW AND CLASSIFICATION BOARD." Approved: October 5, 1985.

¹⁸ 328 Phil. 893, (1996).

The Court, in rejecting the INC's postulate that its program is beyond review by the respondent Board of Review for Moving Pictures and Television, held:

Its public broadcast on TV of its religious program brings it out of the bosom of internal belief. Television is a medium that reaches even the eyes and ears of children. The Court iterates the rule that the exercise of religious freedom can be

regulated by the State when it will bring about the clear and present danger of some substantive evil which the State is duty bound to prevent, i.e., serious detriment to the more overriding interest of public health, public morals, or public welfare. x x x . The bewildering rise of weird religious cults espousing violence as an article of faith also proves the wisdom of our rule rejecting a strict let alone policy on the exercise of religion. For sure, we shall continue to subject any act pinching the space for the free exercise of religion to a heightened scrutiny but we shall not leave its rational exercise to the irrationality of man. For when religion divides and its exercise destroys, the State should not stand still.¹⁹

However, with regard to categorizing INC's controversial biblical interpretations and attacks against contrary religious beliefs as "indecent" and "contrary to law and good customs," the Court held otherwise, to wit:

First. Deeply ensconced in our fundamental law is its hostility against all prior restraints on speech, including religious speech. Hence, any act that restrains speech is hobbled by the presumption of invalidity and should be greeted with furrowed brows. It is the burden of the respondent Board to overthrow this presumption. If it fails to discharge this burden, its act of censorship will be struck down. It failed in the case at bar.

Second. The evidence shows that the respondent Board x-rated petitioner's TV series for "attacking" other religions, especially the Catholic church. An examination of the evidence, x x x, will show that **the so-called "attacks" are mere criticisms** of some of the deeply held dogmas and tenets of other religions. x x x. Yet they were considered by the respondent court as indecent, contrary to law and good customs, hence, can be prohibited from public viewing under section 3 (c) of PD 1986. **This ruling clearly suppresses petitioner's freedom of speech** and interferes with its right to free exercise of religion. x x x.

x x x x

The respondent Board may disagree with the criticisms of other religions by petitioner but that gives it no excuse to interdict such criticisms, however, unclean they may be. Under the constitutional scheme, it is not the task of the State to favor any religion by protecting it against an attack by another religion. x x x

x x x x

¹⁹ Id. at 926-927.

Fourth. In x-rating the TV program of the petitioner, the respondents failed to apply the clear and present danger rule. X x x In *Victoriano v. Elizalde Rope Workers Union*, we further ruled that "... it is only where it is unavoidably necessary to prevent an immediate and grave danger to the security and welfare of the community that infringement of religious freedom may be justified, and only to the smallest extent necessary to avoid the danger."

X X X X

It is also opined that it is inappropriate to apply the clear and present danger test to the case at bar because the issue involves the content of speech and not the time, place or manner of speech. Allegedly, unless the speech is first allowed, its impact cannot be measured, and the causal connection between the speech and the evil apprehended cannot be established. x x x²⁰
(Emphasis supplied)

In this case, the Court similarly applies the *INC* ruling in affirming the CA ruling. The Court agrees with the CA in ruling that the MTRCB wrongfully used "the literal approach from the perspective of an average child"²¹ by categorizing the Tulfo brothers' utterances as "vulgar, indecent, crude, coarse, threatening, defamatory and unrefined,"²² and branding the same as "personal attacks with a dangerous tendency to encourage the commission of violence or of a wrong or crime."²³ This literal approach thus led the MTRCB to wrongfully rule that the utterances made in the show, T3, were in violation of Section 3 (c) of PD 1986.

Applying the *INC* ruling, the Court holds as follows:

First, it is fundamental law that any act that restrains or censors speech is presumed invalid. However, the freedom of speech is not absolute and the burden of overthrowing the presumption of invalidity rests on the one restraining or censoring the same in accordance with applicable law.

In this case, the MTRCB has a reviewing and restraining power over speech, pursuant to Section 3 (b) of PD 1986, to wit:

SEC. 3. *Powers and Functions.* – The BOARD shall have the following functions, powers and duties:

X X X X

(b) To screen, review and examine all motion pictures as herein defined, television programs, including publicity material such as advertisements, trailers and stills, whether such motion picture and publicity materials be for theatrical or non-theatrical distribution, for television broadcast

²⁰ *Id.* at 928-929, 931-932 and 934, citing *Cantwell v. Connecticut*, 310 US 296, at 310 (1939) and *Victoriano v. Elizalde Rope Workers Union*, 158 Phil. 60, 81 (1974).

²¹ *Rollo*, p. 61.

²² *Id.* at 60-61.

²³ *Id.* at 61.

or for general viewing, imported or produced in the Philippines, and in the latter case, whether they be for local viewing or for export;

x x x x.

The provision simply gives the MTRCB the power to screen, review and examine all television programs, including T3, the show subject of the case before the Court. As the Court then, through Chief Justice Reynato Puno, held in the *INC* case:

The law gives the Board the power to screen, review and examine all “television programs.” By the clear terms of the law, the Board has the power to “approve, delete x x x and/or prohibit the x x x exhibition and/or television broadcast of x x x television programs x x x”²⁴

Statutory construction is clear that where the law does not make an exception, courts may not exempt something therefrom, unless there is compelling and apparent legal reason to justify it. Thus, PD 1986 is clear that MTRCB has the power to screen, review and examine “all television programs,” whether religious, public affairs, news documentary, etc., including the show, T3.²⁵

Second, however, is the importance of knowing the extent of the MTRCB’s power to screen, review and examine. Section 3 (c) of PD 1986 is clear:

Section 3 (c) of PD 1986, creating the Movie and Television Review and Classification Board, states:

SEC. 3. *Powers and Functions.* – The BOARD shall have the following functions, powers and duties:

x x x x

(c) To approve or disapprove, delete objectionable portions from and/or prohibit the importation, exportation, production, copying, distribution, sale, lease, exhibition and/or television broadcast of the motion pictures, television programs and publicity materials subject of the preceding paragraph, **which, in the judgment of the BOARD applying contemporary Filipino cultural values as standard, are objectionable for being immoral, indecent, contrary to law and/or good customs, injurious to the prestige of the Republic of the Philippines or its people, or with a dangerous tendency to encourage the commission of violence or of a wrong or crime**, such as but not limited to:

i) Those which tend to incite subversion, insurrection, rebellion or sedition against the State, or otherwise threaten the economic and/or political stability of the State;

²⁴ 328 Phil. 893, 923 (1996).

²⁵ See *Movie and Television Review and Classification Board v. ABS-CBN Broadcasting Corporation*, 489 Phil. 544, 555 (2005).

- ii) Those which tend to undermine the faith and confidence of the people in their government and/or the duly constituted authorities;
- iii) Those which glorify criminal or condone crimes;
- iv) Those which serve no other purpose but to satisfy the market for violence or pornography;
- v) Those which tend to abet the traffic in and use of prohibited drugs;
- vi) Those which are libelous or defamatory to the good name and reputation of any person, whether living or dead; and
- vii) Those which may constitute contempt of court or of any quasi-judicial tribunal, or pertain to matters which are sub-judice in nature.

Provided, however, That deletions or cuts must not be made on the master negative of the films, and that such master negative shall be deposited with the Film Archives of the Philippines and shall be released for export purposes to the film owner only upon showing of the proper export permit; Provided, finally, That the film owner shall execute a sworn undertaking that such master negative shall be exclusively used for export purposes and not for local viewing.

In ruling whether the MTRCB's determination of the subject utterances are within the purview of Section 3 (c) of PD 1986, the Court rules in the negative. The CA, in defining the words "vulgar," "indecent," "threatening and contrary to law and/or good customs," and "defamatory," concluded that all the words uttered by the Tulfo brothers, taken as a whole, are **more of a "threatened vengeance upon Santiago who allegedly mauled x x x Ramon [Tulfo],"**²⁶ to wit:

We have determined above that the utterances complained of and penalized by the MTRCB are not separately and individually vulgar, indecent and defamatory but rather one in which the hosts Tulfos threatened vengeance upon Santiago who allegedly mauled their brother Ramon.

Being threatening, do the utterances fall under the category of "fighting words" and therefore considered as unprotected speech?

We hold that the utterances are not fighting words.²⁷

The Court agrees with the CA. Insulting or "fighting words," together with libelous statements, defamation, obscenity or pornography, false or misleading advertisement are considered unprotected speech or low-value expression.²⁸ "Fighting words" are those words which by their very utterance inflict injury or tend to incite an immediate breach of peace and expression endangering

²⁶ *Rollo*, p. 70.

²⁷ *Id.*

²⁸ *Soriano v. Laguardia*, 605 Phil. 43, 97 (2009).

national security.²⁹ The utterances made by the Tulfo brothers, although in the guise of “fighting words,” were not sufficient to stir and constitute a clear and present danger to the State that is grave and imminent. As held in *Soriano v. Laguardia*³⁰ (*Soriano*), citing the landmark case of *Chaplinsky v. State of New Hampshire*:³¹

A speech would fall under the unprotected type if the utterances involved are “no essential part of any exposition of ideas, and are of such slight social value as a step of truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.” **Being of little or no value, there is, in dealing with or regulating them, no imperative call for the application of the clear and present danger rule** or the balancing-of-interest test, they being essentially modes of weighing competing values, or, with like effect, determining which of the clashing interests should be advanced.³² (Emphasis supplied)

“Fighting words,” then, which bring about a general disorder that actually immediately threaten the State with a clear and present danger, such as in sedition and rebellion, are unprotected speech. On the other hand, words that are merely spewed out in a fight or quarrel between private individuals, although profane and vulgar, are still protected. **The difference lies in the effect of the words to the State’s breach of peace or general order.**

The Court emphasizes the CA’s ruling:

“[I]t seems clear that not every misdemeanor is a breach of the peace, and it is essential to show, as an element of the offense, a disturbance of public order and tranquility by acts or conduct not merely amounting to unlawfulness, but tending also to create a public tumult and incite others to break the peace.”

Hence, there can be no other reasonable conclusion that “breach of peace” pertains to the public order that is threatened and eventually harmed by fighting words, and should not apply to abrasive speech between private individuals. Otherwise, the people’s right to free speech would be easily restrained, punished or even chilled by regulations which would have been merely intended as sanctions against an isolated incident and specific individuals.³³ (Emphasis supplied)

Thus, the Tulfo brothers’ utterances are only considered threats against Santiago. Nothing more. The utterances made by them, although profane and vulgar, did not incite its audience to lawless action that may lead to a breach of peace of the State.

²⁹ Id.

³⁰ Supra.

³¹ 315 U.S. 568 (1942).

³² 605 Phil. 43, 96-97 (2009), citing 315 U.S. 568 (1942).

³³ *Rollo*, pp. 75-76.

With regard to the imposition of penalties, the Court affirms the conclusion reached by the CA. TV5 appropriately took action and correctly imposed discipline on the Tulfo brothers as the hosts of the show, T3, consistent with TV5's right and duty to regulate itself under its charter, Republic Act No. 7831.³⁴ Given this charter, the penalties imposed by the MTRCB were thus no longer warranted.

The instant case is different from *Soriano* in that in the latter case, neither the television network nor the host of the show made any effort to exercise self-regulation. The facts of the *Soriano* case clearly showed that neither UNTV 37 nor Eliseo Soriano, the host of the TV program, *Ang Dating Daan*, made any significant act of self-regulation. In this case, however, TV5 immediately suspended³⁵ the Tulfo brothers with a warning that a similar act in the future would be treated more severely, if not meted the penalty of termination from TV5.

MTRCB did not have to impose any longer the three-month suspension, fine and probationary status as TV5's act of self-regulation in accordance with its charter was sufficient enough, to wit:

SECTION 9. Self-regulation by and Undertaking of Grantee. – The grantee shall not require any previous censorship of any speech, play, act, scene, or other matter to be broadcast and/or telecast from its stations: **Provided, that the grantee, during any broadcast and/or telecast, shall cut off the air such speech, play, act, scene, or other matter being broadcast and/or telecast if the tendency thereof is to propose and/or incite treason, rebellion, sedition; or the language used therein or the theme thereof is indecent or immoral; and willful failure to do so shall constitute a valid cause for the cancellation of this franchise.** (Emphasis supplied)

The Court adheres to the most important point of the CA that:

[A]ny injury here suffered by the State, the viewing public and by the Santiago spouses can be appropriately remedied in the criminal or civil courts if the utterances of the Tulfos are ultimately found to constitute crimes and/or actionable wrongs...As for the protection of the mores of the viewing public and particularly our children, TV5 already censured the Tulfos and voluntarily suspended them. The danger sought to be prevented has thus been addressed.³⁶

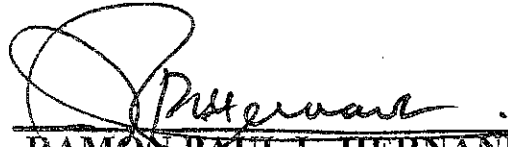
WHEREFORE, the Court **DENIES** the Petition for Review on *Certiorari* and **AFFIRMS** the March 7, 2013 Decision and May 15, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 125005.

³⁴ Entitled "AN ACT GRANTING ABC DEVELOPMENT CORPORATION, UNDER BUSINESS NAME "ASSOCIATED BROADCASTING COMPANY," A FRANCHISE TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN RADIO AND TELEVISION BROADCASTING STATIONS IN THE PHILIPPINES." Approved: December 8, 1994.


³⁵ *Rollo*, pp. 161-163.

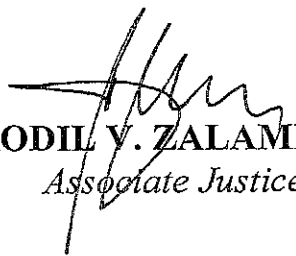
³⁶ *Id.* at 85.

SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson


RODIL V. ZALAMEDA
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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