Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ELIZABETH BRUAL, *Petitioner,* - *versus* - **JORGE BRUAL CONTRERAS, LOURDES BRUAL-NAZARIO, ERLINDA BRUAL-BINAY, RODOLFO BRUAL, RENATO BRUAL, VIOLETA BRUAL, DAVID DE JESUS and ANTONIO DE JESUS,** *Respondents.*	**G.R. No. 205451** Present: PERLAS-BERNABE, *S.A.J.*,* HERNANDO, *Acting Chairperson,*** ZALAMEDA, ROSARIO, and MARQUEZ, *JJ.* Promulgated: MAR 07 2022

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DECISION

HERNANDO, *J.*:

Assailed in this petition for review on *certiorari*[1] is the July 2, 2012 Decision[2] and January 16, 2013 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 121515 which reversed and set aside the April 27, 2011 Order[4] and the July 27, 2011 Resolution/Order[5] of the Regional Trial Court (RTC) of Manila, Branch 15 dismissing the notice of appeal filed by respondents in Special Proceedings Case No. 09-121624.

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* On official business.
** Per Special Order No. 2872 dated March 4, 2022.
1 *Rollo*, pp. 3-35.
2 Id. at 38-46. Penned by Associate Justice Antonio L. Villamor and concurred in by Associate Justices Rosalinda Asuncion-Vicente and Ramon A. Cruz.
3 Id. at 48-49.
4 Id. at 64-65. Penned by Acting Presiding Judge Buenaventura Albert J. Tenorio, Jr.
5 Id. at 66-67.

Factual antecedents:

Fausta Brual (Fausta) remained single during her lifetime and was under the care of her nephew, Ireneo Brual, and his wife Elizabeth Brual (Elizabeth; petitioner).[6] On July 22, 2009 Elizabeth, as instituted heir and co-executor, filed before the RTC a petition for probate of the last will and testament of the late Fausta.[7]

The special proceedings ensued. However, Jorge Brual Contreras, Lourdes Brual-Nazario, Erlinda Brual-Binay, Rodolfo Brual, Renato Brual, Violeta Brual, David De Jesus and Antonio De Jesus (respondents, collectively), as nephews and nieces of Fausta, filed a manifestation and motion for intervention and supplemental allegations (in support of the manifestation and motion to intervene) before the probate court.[8]

The respondents alleged that Fausta's testamentary act of supposedly leaving all her properties to Elizabeth and her husband was dubious. Elizabeth was a mere niece by affinity and a *de facto* guardian of the decedent. Hence, she and her husband should not have been made heir or executor. Respondents also averred that the petition for probate was defective in form since it did not contain the names, ages and addresses of decedent's blood relatives.[9]

Elizabeth filed her opposition to the motion and manifestation. The respondents answered it with a reply which Elizabeth countered with a rejoinder.[10]

On November 4, 2010, the RTC issued an Order/Resolution[11] denying the respondents' motion for intervention and supplemental allegation. The RTC held that Fausta, who died single and without compulsory heirs, may dispose of her entire estate by will pursuant to Article 842 of the Civil Code. As to the allegation on the formal defects of the petition, the respondents were not considered as compulsory or testamentary heirs who were entitled to be notified of the probate proceedings. Assuming that respondents were entitled to such a notice, the supposed defect was already cured due to the publication of notice. Hence, the RTC did not find any compelling reason to grant the motion for intervention.[12]

Respondents then filed their motion for reconsideration[13] but it was denied by the RTC in its January 14, 2011 Order.[14]

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6 Id. at 50.
7 Id. at 50-56.
8 Id. at 5.
9 Id. at 60.
10 Id. at 3.
11 Id. at 60-62. Penned by Pairing Judge Carmelita S. Manahan.
12 Id. at 61-62.
13 CA *rollo*, pp. 20-24.
14 *Rollo*, p. 63. Penned by Pairing Judge Carmelita S. Manahan.

Hence, on February 3, 2011, the respondents filed their notice of appeal of the November 4, 2010 Resolution/Order and January 14, 2011 Order.[15] The RTC ordered Elizabeth to file a comment to the motion which the latter complied with.[16]

Ruling of the Regional Trial Court:

On April 27, 2011, the RTC issued an Order[17] dismissing respondents' appeal due to their failure to file a record on appeal pursuant to Sections 2 and 3 of Rule 41 of the Rules of Court.[18]

Apart from respondents' procedural misstep, the RTC likewise held that a motion for intervention is addressed to the sound discretion of the court and, after its exercise of discretion, it cannot be reviewed by *certiorari* or controlled by *mandamus*, except when it was exercised in an arbitrary or capricious manner. Considering that the RTC duly exercised its discretionary power in determining the propriety of the motion for intervention, it found no reason to overturn its ruling.[19] The dispositive portion of the Order reads:

> In view of the foregoing, the instant appeal is **DISMISSED**.
>
> SO ORDERED.[20]

Undaunted, respondents filed their omnibus motion for reconsideration and admit records on appeal.[21] They reasoned that their failure to submit a record on appeal together with their notice of appeal was due to inadvertence and excusable negligence. It was their belief that the submission of a record on appeal would only come after the filing of the notice of appeal and payment of docket fees. Thus, respondents sought the probate court's leniency. Further, in an attempt to cure the defect, respondents submitted their record on appeal and prayed that the omnibus motion be granted.[22] Elizabeth vehemently opposed

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15 CA *rollo*, pp. 27-30.

16 *Rollo*, p. 6.

17 Id at. 64-65.

18 Section 2. *Modes of appeal.* — (a) *Ordinary appeal.* — The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where law on these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

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Section 3. *Period of ordinary appeal.* — The appeal shall be taken within fifteen (15) days from notice of the judgment or final order appealed from. Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days from notice of the judgment or final order.

The period of appeal shall be interrupted by a timely motion for new trial or reconsideration. No motion for extension of time to file a motion for new trial or reconsideration shall be allowed. (n)

19 *Rollo*, pp. 64-65.

20 Id. at 65.

21 CA *rollo*, pp. 31-35.

22 Id. 31-33.

the omnibus motion.[23]

In its July 27, 2011 Resolution/Order,[24] the RTC ultimately denied respondents' omnibus motion. The disposition reads:

> **WHEREFORE**, the *Omnibus Motion To Reconsideration to Admit Records on Appeal* is hereby DENIED.
>
> SO ORDERED.[25]

The RTC held that respondents' and that of their counsels' failure to file a record on appeal cannot be considered as mere excusable negligence and that they would have to bear the consequences thereof.[26] Undeterred by the ruling of the RTC, respondents filed a petition for *certiorari* before the CA ascribing grave abuse of discretion on the part of the RTC in denying their appeal.[27]

Ruling of the Court of Appeals:

The CA granted respondents' petition and reversed and set aside the RTC's dismissal of respondents' appeal. It held that an appeal must not be dismissed based on mere procedural technicalities.[28] The CA gave weight to respondents' admission that they were of the honest belief that the submission of a record of appeal would only come after the submission of a notice of appeal. The CA opined that the RTC should have instead required the respondents to complete their record on appeal. The CA also found that the respondents were not negligent and took into account their subsequent filing of a record on appeal.[29]

The dispositive portion of the assailed July 2, 2012 Decision reads:

> **WHEREFORE,** premises considered, the instant petition is **GRANTED**. The Resolution/Order dated July 27, 2011 and the Order of the Regional Trial Court dated April 27, 2011 are **REVERSED** and **SET ASIDE.**
>
> **SO ORDERED**.[30]

Elizabeth filed a motion for reconsideration but it was denied by the CA in its January 16, 2013 Resolution.[31] Hence, this instant petition.

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[23] *Rollo*, p. 66.
[24] Id. at 66-67.
[25] Id. at 67.
[26] Id. at 66-67.
[27] CA *rollo*, 3-12.
[28] *Rollo*, pp. 44-45.
[29] Id. at 42-44.
[30] Id. at 45.
[31] Id. at 48-49. Penned by Associate Justice Rosalinda Asuncion-Vicente and concurred in by Associate Justices Priscilla J. Baltazar-Padilla (now retired Member of this Court) and Ramon A. Cruz.

Issues

FIRST REASON

THE COURT OF APPEALS ERRED WHEN IT REVERSED AND SET ASIDE THE RULINGS OF THE PROBATE COURT AND LIBERALLY INTERPRETED THE MANDATORY RULES OF PROCEDURE ON APPEALS DESPITE THE INEXCUSABLE FAILURE ON THE PART OF THE RESPONDENTS TO COMPLY THEREWITH.

SECOND REASON

THE COURT OF APPEALS ERRED WHEN IT GAVE DUE COURSE TO THE PETITION OF THE RESPONDENTS DESPITE KNOWING THAT THE APPEAL WAS NOT PERFECTED AND HAD LAPSED IN FINALITY.

THIRD REASON

THE COURT OF APPEALS ERRED WHEN IT GAVE DUE COURSE TO THE PETITION OF THE RESPONDENTS DESPITE IT BEING THE WRONG MODE OF APPEAL.[32]

Our Ruling

The petition is granted.

Petitioner interposes that the comment filed by respondents should be disregarded because Anastacio Revilla, Jr. (Revilla), one of the named partners of respondents' counsel Young Revilla Gambol and Magat Law Firm has been disbarred. As such, the law firm has been perpetuating unauthorized practice of law.[33]

Respondents, through Atty. Young of Young Revilla Gambol and Magat Law Firm, counter that while Revilla was indeed disbarred, their firm retained his name. He was still connected to the firm as a consultant but has not, since the promulgation of the disbarment case, signed any pleading. More importantly, the crux of the present petition has nothing to do with Revilla's standing.

We agree with the respondents and reject petitioner's protestations.

It should be noted that in the present case, Revilla has not signed any pleading signifying his involvement in the case. The signatures of the other lawyers in the firm suffices as a valid signature of counsel and may be considered as due representation on the part of the respondents. Considering too that the respondents are represented by a law firm, the individual act or standing of a lawyer who is or was a part of the said law firm does not necessarily affect the validity of the representation especially when the client has no involvement or knowledge of the anomalous actuations of the erring lawyer.

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[32] Id. at 8.
[33] Id at 100-104.

What is imperative is that the pleadings submitted before the Court shall be signed in accordance with the rules. Section 3, Rule 7 of the Rules of Court, then prevailing at the time of the filing of the petition, reads:[34]

> SEC. 3. *Signature and address.* – Every pleading **must be signed by the party or counsel representing him**, stating in either case his address which should not be a post office box.
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> **The signature of the counsel constitutes a certificate by him that he has read the pleading, that to the best of his knowledge, information, and belief there is good ground to support it and that it is not interposed for delay.**
>
> An unsigned pleading produces no legal effect. However, the court may, in its discretion, allow such deficiency to be remedied if it shall appear that the same was due to mere inadvertence and not intended for delay. **Counsel who deliberately files an unsigned pleading, or signs a pleading in violation of this Rule, or alleges scandalous or indecent matter therein, or fails to promptly report to the court a change of his address, shall be subject to appropriate disciplinary action.** (Emphasis Ours)

A review of the pleadings filed by the respondents in this Court reveals that they were duly signed by the named partner, Atty. Walter T. Young, who, applying the presumption of regularity, should be regarded as a *bona-fide* member of the Bar.[35] This complies the requirements of the rules.

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[34] Now Revised under 2019 Revised Rules of Civil Procedure:
Section 3. *Signature and address.* — (a) Every pleading and other written submissions to the court must be signed by the party or counsel representing him or her.

(b) The signature of counsel constitutes a certificate by him or her that he or she has read the pleading and document; that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) The claims, defenses, and other legal contentions are warranted by existing law or jurisprudence, or by a non-frivolous argument for extending, modifying, or reversing existing jurisprudence;

(3) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after availment of the modes of discovery under these rules; and

(4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) If the court determines, on motion or motu proprio and after notice and hearing, that this rule has been violated, it may impose an appropriate sanction or refer such violation to the proper office for disciplinary action, on any attorney, law firm, or party that violated the rule, or is responsible for the violation. Absent exceptional circumstances, a law firm shall be held jointly and severally liable for a violation committed by its partner, associate, or employee. The sanction may include, but shall not be limited to, non-monetary directive or sanction; an order to pay a penalty in court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation, including attorney's fees for the filing of the motion for sanction. The lawyer or law firm cannot pass on the monetary penalty to the client. (3a)

[35] *Rollo*, pp. 82 and 111.

Be as it may, the allegations in the motion regarding the unauthorized practice of law by respondents' counsel/law firm, if proven, is not tolerated by this Court. However, such complaint should be lodged before the proper forum and not in this special proceeding for probate.

We now proceed to the nub of the petition and determine whether the CA committed a reversible error that warrants the discretionary review of this Court.

The right to appeal is neither a natural right nor is it a component of due process. It is a mere statutory privilege, and may be exercised only in the manner and in accordance with the provisions of law.[36] In *Boardwalk Business Ventures, Inc. v. Villareal*,[37] this Court had the occasion to elucidate the parameters of the right to appeal, thus:

> To stress, **the right to appeal is statutory and one who seeks to avail of it must comply with the statute or rules. The requirements for perfecting an appeal within the reglementary period specified in the law must be strictly followed as they are considered indispensable interdictions against needless delays. Moreover, the perfection of an appeal in the manner and within the period set by law is not only mandatory but jurisdictional as well, hence failure to perfect the same renders the judgment final and executory**. And, just as a losing party has the privilege to file an appeal within the prescribed period, so also does the prevailing party have the correlative right to enjoy the finality of a decision in his favor.[38] [Emphasis Ours]

Section 1 of Rule 41 of the Rules of Court enunciates that an appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.[39] Parenthetically, in special proceedings, Section 1 of Rule 109 enumerates orders and judgments from which appeals may be taken, to wit:

> **Section 1.** *Orders or judgments from which appeals may be taken.* — **An interested person may appeal in special proceedings from an order** or judgment rendered by a Court of First Instance or a Juvenile and Domestic Relations Court, **where such order or judgment:**
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> (a) Allows or disallows a will;
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> (b) Determines who are the lawful heirs of a deceased person, or the distributive share of the estate to which such person is entitled;
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> **(c) Allows or disallows, in whole or in part, any claim against the estate of a deceased person, or any claim presented on behalf of the estate in offset to a claim against it;**
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> (d) Settles the account of an executor, administrator, trustee or guardian;

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[36] *Bagaporo v. People of the Philippines*, G.R. No. 211829. January 30, 2019.
[37] 708 Phil. 443-457 (2013).
[38] Id. at 456.

> **(e) Constitutes, in proceedings relating to the settlement of the estate of a deceased person, or the administration of a trustee or guardian, a final determination in the lower court of the rights of the party appealing, except that no appeal shall be allowed from the appointment of a special administrator; and**
>
> (f) Is the final order or judgment rendered in the case, and affects the substantial rights of the person appealing unless it be an order granting or denying a motion for a new trial or for reconsideration.

Prescinding from the above, the remedy of appeal in special proceedings is not limited to appealable orders and judgments rendered in the main case, but extends to other orders or dispositions that completely determine a particular matter in the case.[37] This includes the denial of a motion for intervention as in the case at bar.[40]

Sections 2 and 3 of Rule 41 of the Rules of Court provide for the modes of appeal:

> **Section 2.** *Modes of appeal.* —
>
> (a) *Ordinary appeal.* — **The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where law on these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.**

Meanwhile, under Section 3 of Rule 41, a party who wants to appeal a judgment or final order in special proceedings has 30 days from notice of the judgment or final order within which to perfect an appeal because he will be filing not only a notice of appeal but also a record on appeal that will require the approval of the trial court with notice to the adverse party,[41] to wit:

> Section 3. *Period of ordinary appeal.* — The appeal shall be taken within fifteen (15) days from notice of the judgment or final order appealed from. **Where a record on appeal is required, the appellant shall file a notice of appeal and a record on appeal within thirty (30) days from notice of judgment or final order**. However, an appeal in habeas corpus cases shall be taken within forty-eight (48) hours from notice of the judgment or final order appealed from.
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> The period of appeal shall be interrupted by a timely motion for new trial or reconsideration. No motion for extension of time to file a motion for new trial or reconsideration shall be allowed. (n) [Emphasis Ours]

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[39] *Chipongian v. Benitez-Lirio*, 767 Phil. 724, 733(2015).
[40] See *Foster-Gallego v. Spouses Galang*, 479 Phil.148-170 (2004).
[41] *Chipongian v. Benitez-Lirio*, supra at 735.

Thus, the rules are clear. While it is not necessary that a notice of appeal and a record on appeal be filed simultaneously, the rule is unequivocal that the notice of appeal and record of appeal shall be filed within 30 days from notice of the judgment or final order.

Here, considering that the respondents intended to appeal the final order of the denial of their motion for intervention in the special proceedings case, they should have filed **both** a notice of appeal and a record on appeal within the period prescribed by the rules.

The period for appeal by record on appeal was 30 days from receipt of the notice of the final order dismissing the motion for intervention, or from November 15, 2010, the date respondents' counsel received the order of denial.[42] Respondents had until December 15, 2010 within which to file their notice and record on appeal.

Since they filed their motion for reconsideration[43] on November 26, 2010, the period for filing of the appeal was duly interrupted. When respondents however received the final order denying their motion for reconsideration on January 24, 2011,[44] the period to appeal, applying the fresh period rule,[45] resumed and they had 30 days thereafter or until February 23, 2011 to perfect their appeal in accordance with the rules.[46] Verily, respondents filed their notice of appeal on February 3, 2011 without a record on appeal.[47] Thus, on April 27, 2011, the RTC dismissed the notice of appeal due to its non-perfection and failure to file the required record on appeal.[48] It was only on June 27, 2011 that respondents filed their omnibus motion for reconsideration with motion to admit record on appeal while claiming inadvertence and lack of knowledge on the timing of the filing of the record on appeal.[49]

There is ample jurisprudence holding that both a notice of appeal and a record on appeal are required for appealing final orders in a special proceeding case.[50] Here, respondents' long delayed filing of the record on appeal without any justifiable reason clearly violated the settled rules thereon.

This Court, in *Chipongian v. Benitez-Lirio*,[51] once more elaborated on the consequence of a failure to timely file a record on appeal, thus:

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42 CA *rollo*, p. 20

43 Id.

44 Id. at 27.

45 See *Neypes v. Court of Appeals*, 506 Phil. 613-629 (2005).

46 Rule 22, **Section 1.** *How to compute time.* — In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day. (a)

47 *Rollo*, p. 7.

48 Id. 64-65.

49 CA *rollo*, pp. 31-34.

50 See *Lebin v. Mirasol*, 672 Phil. 477-497 (2011).

51 767 Phil. 726, 736-737 (2015).

In *Lebin v. Mirasol,* the Court has discussed the justification for requiring the record on appeal in appeals in special proceedings, *viz.*:

> **The changes and clarifications recognize that appeal is neither a natural nor a constitutional right, but merely statutory, and the implication of its statutory character is that the party who intends to appeal must always comply with the procedures and rules governing appeals, or else the right of appeal may be lost or squandered.**
>
> As the foregoing rules further indicate, a judgment or final order in special proceedings is appealed by record on appeal. A judgment or final order determining and terminating a particular part is usually appealable, because it completely disposes of a particular matter in the proceeding, unless otherwise declared by the *Rules of Court*. The ostensible reason for requiring a record on appeal instead of only a notice of appeal is the multi-part nature of nearly all special proceedings, with each part susceptible of being finally determined and terminated independently of the other parts. An appeal by notice of appeal is a mode that envisions the elevation of the original records to the appellate court as to thereby obstruct the trial court in its further proceedings regarding the other parts of the case. In contrast, the record on appeal enables the trial court to continue with the rest of the case because the original records remain with the trial court even as it affords to the appellate court the full opportunity to review and decide the appealed matter.
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> The elimination of the record on appeal under *Batas Pambansa Blg. 129* made feasible the shortening of the period of appeal from the original 30 days to only 15 days from notice of the judgment or final order. **Section 3, Rule 41 of the *Rules of Court*, retains the original 30 days as the period for perfecting the appeal by record on appeal to take into consideration the need for the trial court to approve the record on appeal. Within that 30-day period a party aggrieved by a judgment or final order issued in special proceedings should perfect an appeal by filing both a notice of appeal *and* a record on appeal in the trial court, serving a copy of the notice of appeal *and* a record on appeal upon the adverse party within the period**; in addition, the appealing party shall pay within the period for taking an appeal to the clerk of court that rendered the appealed judgment or final order the full amount of the appellate court docket and other lawful fees. A violation of these requirements for the timely perfection of an appeal by record on appeal, or the non-payment of the full amount of the appellate court docket and other lawful fees to the clerk of the trial court may be a ground for the dismissal of the appeal.
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> **Considering that the petitioner did not submit a record on appeal in accordance with Section 3 of Rule 41, he did not perfect his appeal of the judgment dismissing his intervention. As a result, the dismissal became final and immutable. He now has no**

> **one to blame but himself.** The right to appeal, being statutory in nature, required strict compliance with the rules regulating the exercise of the right. As such, his perfection of his appeal within the prescribed period was mandatory and jurisdictional, and his failure to perfect the appeal within the prescribed time rendered the judgment final and beyond review on appeal. Indeed, we have fittingly pronounced in *Lebin v. Mirasol:*
>
> > In like manner, the perfection of an appeal within the period laid down by law is mandatory and jurisdictional, because the failure to perfect the appeal within the time prescribed by the *Rules of Court* causes the judgment or final order to become final as to preclude the appellate court from acquiring the jurisdiction to review the judgment or final order. **The failure of the petitioners and their counsel to file the record on appeal on time rendered the orders of the RTC final and unappealable. Thereby, the appellate court lost the jurisdiction to review the challenged orders, and the petitioners were precluded from assailing the orders.** [Emphasis Ours; citations omitted]

Hence, this Court finds no error when the RTC denied respondents' notice of appeal and the subsequent omnibus motion for reconsideration. While this Court is aware that limited exceptions may be considered in the strict application of the rules, mere inadvertence and honest belief that the record on appeal is not yet due are simply unacceptable. An attorney seeking a review or reversal of a judgment or order against his client must fully observe scrupulously the requisites for appeal prescribed by law, with keen awareness that any error or imprecision in compliance therewith may well be fatal to his client's cause.[52]

As correctly observed by the RTC, excusable negligence to be "excusable" must be one which ordinary diligence and prudence could not have guarded against. A mere reading of the rules could have prevented respondents' blunder.[53]

In fine, this Court finds that the CA erred in finding that the RTC gravely abused its discretion when it dismissed the appeal of the respondents.

WHEREFORE, the instant petition for review on c*ertiorari* is hereby **GRANTED**. The July 2, 2012 Decision and January 16, 2013 Resolution of the Court of Appeals CA-G.R. SP No. 121515 are **REVERSED** and **SET ASIDE.** The April 27, 2011 Order and the July 27, 2011 Resolution/Order of the Regional Trial Court, Branch 15, Manila which dismissed the notice of appeal filed by respondents in Special Proceedings Case No. 09-121624, are hereby **REINSTATED**.

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[52] *Lebin v. Mirasol*, supra note 50 at 488.
[53] *Rollo*, pp. 66-67.

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

On official business
ESTELA M. PERLAS-BERNABE
Senior Associate Justice

RODIL V. ZALAMEDA
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JOSE MIDAS P. MARQUEZ
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.

RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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