



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

RENATO M. DAVID,
 Petitioner,

G.R. No. 199113

Present:

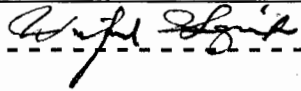
VELASCO, JR., *J.*, *Chairperson*,
 PERALTA,
 VILLARAMA, JR.,
 REYES, and
 PERLAS-BERNABE,* *JJ.*

- versus -

**EDITHA A. AGBAY and PEOPLE
 OF THE PHILIPPINES,**
 Respondents.

Promulgated:

March 18, 2015

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DECISION

VILLARAMA, JR., *J.*:

This is a petition for review under Rule 45 seeking to reverse the Order¹ dated October 8, 2011 of the Regional Trial Court (RTC) of Pinamalayan, Oriental Mindoro, which denied the petition for certiorari filed by Renato M. David (petitioner). Petitioner assailed the Order² dated March 22, 2011 of the Municipal Trial Court (MTC) of Socorro, Oriental Mindoro denying his motion for redetermination of probable cause.

The factual antecedents:

In 1974, petitioner migrated to Canada where he became a Canadian citizen by naturalization. Upon their retirement, petitioner and his wife returned to the Philippines. Sometime in 2000, they purchased a 600-square meter lot along the beach in Tambong, Gloria, Oriental Mindoro where they constructed a residential house. However, in the year 2004, they came to know that the portion where they built their house is public land and part of the salvage zone.

* Designated additional member per Raffle dated March 9, 2015.
¹ *Rollo*, pp. 26-29. Penned by Presiding Judge Recto A. Calabocal.
² *Id.* at 67-71. Penned by Acting MTC Judge Benuardo B. Manalo.

On April 12, 2007, petitioner filed a Miscellaneous Lease Application³ (MLA) over the subject land with the Department of Environment and Natural Resources (DENR) at the Community Environment and Natural Resources Office (CENRO) in Socorro. In the said application, petitioner indicated that he is a Filipino citizen.

Private respondent Editha A. Agbay opposed the application on the ground that petitioner, a Canadian citizen, is disqualified to own land. She also filed a criminal complaint for falsification of public documents under Article 172 of the Revised Penal Code (RPC) (I.S. No. 08-6463) against the petitioner.

Meanwhile, petitioner re-acquired his Filipino citizenship under the provisions of Republic Act No. 9225,⁴ (R.A. 9225) as evidenced by Identification Certificate No. 266-10-07⁵ issued by the Consulate General of the Philippines (Toronto) on October 11, 2007.

In his defense, petitioner averred that at the time he filed his application, he had intended to re-acquire Philippine citizenship and that he had been assured by a CENRO officer that he could declare himself as a Filipino. He further alleged that he bought the property from the Agbays who misrepresented to him that the subject property was titled land and they have the right and authority to convey the same. The dispute had in fact led to the institution of civil and criminal suits between him and private respondent's family.

On January 8, 2008,⁶ the Office of the Provincial Prosecutor issued its Resolution⁷ finding probable cause to indict petitioner for violation of Article 172 of the RPC and recommending the filing of the corresponding information in court. Petitioner challenged the said resolution in a petition for review he filed before the Department of Justice (DOJ).

On June 3, 2008, the CENRO issued an order rejecting petitioner's MLA. It ruled that petitioner's subsequent re-acquisition of Philippine citizenship did not cure the defect in his MLA which was void *ab initio*.⁸

In the meantime, on July 26, 2010, the petition for review filed by petitioner was denied by the DOJ which held that the presence of the elements of the crime of falsification of public document suffices to warrant indictment of the petitioner notwithstanding the absence of any proof that he gained or intended to injure a third person in committing the act of

³ Id. at 32.

⁴ AN ACT MAKING THE CITIZENSHIP OF PHILIPPINE CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP PERMANENT, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 63, AS AMENDED, AND FOR OTHER PURPOSES.

⁵ *Rollo*, p. 33.

⁶ Should be January 8, 2009, id. at 13 & 50; records, pp. 6 & 30.

⁷ *Rollo*, pp. 36-38.

⁸ Id. at 34-35.

falsification.⁹ Consequently, an information for Falsification of Public Document was filed before the MTC (Criminal Case No. 2012) and a warrant of arrest was issued against the petitioner.

On February 11, 2011, after the filing of the Information and before his arrest, petitioner filed an Urgent Motion for Re-Determination of Probable Cause¹⁰ in the MTC. Interpreting the provisions of the law relied upon by petitioner, the said court denied the motion, holding that R.A. 9225 makes a distinction between those who became foreign citizens during its effectivity, and those who lost their Philippine citizenship before its enactment when the governing law was Commonwealth Act No. 63¹¹ (CA 63). Since the crime for which petitioner was charged was alleged and admitted to have been committed on April 12, 2007 before he had re-acquired his Philippine citizenship, the MTC concluded that petitioner was at that time still a Canadian citizen. Thus, the MTC ordered:

WHEREFORE, for lack of jurisdiction over the person of the accused, and for lack of merit, the motion is **DENIED**.

SO ORDERED.¹²

In his motion for reconsideration,¹³ petitioner questioned the foregoing order denying him relief on the ground of lack of jurisdiction and insisted that the issue raised is purely legal. He argued that since his application had yet to receive final evaluation and action by the DENR Region IV-B office in Manila, it is academic to ask the citizenship of the applicant (petitioner) who had re-acquired Philippine citizenship six months after he applied for lease of public land. The MTC denied the motion for reconsideration.¹⁴

Dissatisfied, petitioner elevated the case to the RTC via a petition¹⁵ for certiorari under Rule 65, alleging grave abuse of discretion on the part of the MTC. He asserted that *first*, jurisdiction over the person of an accused cannot be a pre-condition for the re-determination of probable cause by the court that issues a warrant of arrest; and *second*, the March 22, 2011 Order disregarded the legal fiction that once a natural-born Filipino citizen who had been naturalized in another country re-acquires his citizenship under R.A. 9225, his Filipino citizenship is thus deemed not to have been lost on account of said naturalization.

In his Comment and Opposition,¹⁶ the prosecutor emphasized that the act of falsification was already consummated as petitioner has not yet re-

⁹ Id. at 50-53.

¹⁰ Id. at 54-58.

¹¹ AN ACT PROVIDING FOR THE WAYS IN WHICH PHILIPPINE CITIZENSHIP MAY BE LOST OR REACQUIRED, approved on October 21, 1936.

¹² *Rollo*, p. 71.

¹³ Id. at 72-75.

¹⁴ Id. at 76.

¹⁵ Records, pp. 1-16.

¹⁶ Id. at 65-67.

acquired his Philippine citizenship, and his subsequent oath to re-acquire Philippine citizenship will only affect his citizenship status and not his criminal act which was long consummated prior to said oath of allegiance.

On October 8, 2011, the RTC issued the assailed Order denying the petition for certiorari after finding no grave abuse of discretion committed by the lower court, thus:

ACCORDINGLY, the petition is hereby DENIED. At any rate petitioner is not left without any remedy or recourse because he can proceed to trial where he can make use of his claim to be a Filipino citizen as his defense to be adjudicated in a full blown trial, and in case of conviction, to appeal such conviction.

SO ORDERED.¹⁷

Petitioner is now before us arguing that –

- A. By supporting the prosecution of the petitioner for falsification, the lower court has disregarded the undisputed fact that petitioner is a natural-born Filipino citizen, and that by re-acquiring the same status under R.A. No. 9225 he was by legal fiction “deemed not to have lost” it at the time of his naturalization in Canada and through the time when he was said to have falsely claimed Philippine citizenship.
- B. By compelling petitioner to first return from his legal residence in Canada and to surrender or allow himself to be arrested under a warrant for his alleged false claim to Philippine citizenship, the lower court has pre-empted the right of petitioner through his wife and counsel to question the validity of the said warrant of arrest against him before the same is implemented, which is tantamount to a denial of due process.¹⁸

In his Comment, the Solicitor General contends that petitioner’s argument regarding the retroactivity of R.A. 9225 is without merit. It is contended that this Court’s rulings in *Frivaldo v. Commission on Elections*¹⁹ and *Altarejos v. Commission on Elections*²⁰ on the retroactivity of one’s re-acquisition of Philippine citizenship to the date of filing his application therefor cannot be applied to the case of herein petitioner. Even assuming for the sake of argument that such doctrine applies in the present situation, it will still not work for petitioner’s cause for the simple reason that he had not alleged, much less proved, that he had already applied for reacquisition of Philippine citizenship before he made the declaration in the Public Land Application that he is a Filipino. Moreover, it is stressed that in falsification of public document, it is not necessary that the idea of gain or intent to injure a third person be present. As to petitioner’s defense of good faith, such remains to be a defense which may be properly raised and proved in a full-blown trial.

¹⁷ *Rollo*, p. 29.

¹⁸ *Id.* at 16.

¹⁹ 327 Phil. 521 (1996).

²⁰ 484 Phil. 609 (2004).

On the issue of jurisdiction over the person of accused (petitioner), the Solicitor General opines that in seeking an affirmative relief from the MTC when he filed his Urgent Motion for Re-determination of Probable Cause, petitioner is deemed to have submitted his person to the said court's jurisdiction by his voluntary appearance. Nonetheless, the RTC correctly ruled that the lower court committed no grave abuse of discretion in denying the petitioner's motion after a judicious, thorough and personal evaluation of the parties' arguments contained in their respective pleadings, and the evidence submitted before the court.

In sum, the Court is asked to resolve whether (1) petitioner may be indicted for falsification for representing himself as a Filipino in his Public Land Application despite his subsequent re-acquisition of Philippine citizenship under the provisions of R.A. 9225; and (2) the MTC properly denied petitioner's motion for re-determination of probable cause on the ground of lack of jurisdiction over the person of the accused (petitioner).

R.A. 9225, otherwise known as the "Citizenship Retention and Re-acquisition Act of 2003," was signed into law by President Gloria Macapagal-Arroyo on August 29, 2003. Sections 2 and 3 of said law read:

SEC. 2. Declaration of Policy.—It is hereby declared the policy of the State that all Philippine citizens who become citizens of another country **shall be deemed not to have lost their Philippine citizenship under the conditions of this Act.**

SEC. 3. Retention of Philippine Citizenship.—Any provision of law to the contrary notwithstanding, natural-born citizens of the Philippines who have lost their Philippine citizenship by reason of their naturalization as citizens of a foreign country are hereby deemed to have **reacquired Philippine citizenship upon taking the following oath of allegiance to the Republic:**

"I _____, solemnly swear (or affirm) that I will support and defend the Constitution of the Republic of the Philippines and obey the laws and legal orders promulgated by the duly constituted authorities of the Philippines; and I hereby declare that I recognize and accept the supreme authority of the Philippines and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily without mental reservation or purpose of evasion."

Natural-born citizens of the Philippines who, **after the effectivity of this Act**, become citizens of a foreign country shall **retain their Philippine citizenship upon taking the aforesaid oath.** (Emphasis supplied)

While Section 2 declares the general policy that Filipinos who have become citizens of another country shall be deemed "not to have lost their Philippine citizenship," such is qualified by the phrase "under the conditions of this Act." Section 3 lays down such conditions for two categories of natural-born Filipinos referred to in the first and second paragraphs. Under

the first paragraph are those natural-born Filipinos who have lost their citizenship by naturalization in a foreign country who shall *re-acquire* their Philippine citizenship upon taking the oath of allegiance to the Republic of the Philippines. The second paragraph covers those natural-born Filipinos who became foreign citizens after R.A. 9225 took effect, who shall *retain* their Philippine citizenship upon taking the same oath. The taking of oath of allegiance is required for both categories of natural-born Filipino citizens who became citizens of a foreign country, but the terminology used is different, “re-acquired” for the first group, and “retain” for the second group.

The law thus makes a distinction between those natural-born Filipinos who became foreign citizens before and after the effectivity of R.A. 9225. Although the heading of Section 3 is “Retention of Philippine Citizenship”, the authors of the law intentionally employed the terms “re-acquire” and “retain” to describe the legal effect of taking the oath of allegiance to the Republic of the Philippines. This is also evident from the title of the law using both re-acquisition and retention.

In fine, for those who were naturalized in a foreign country, they shall be deemed to have re-acquired their Philippine citizenship which was lost pursuant to CA 63, under which naturalization in a foreign country is one of the ways by which Philippine citizenship may be lost. As its title declares, R.A. 9225 amends CA 63 by doing away with the provision in the old law which takes away Philippine citizenship from natural-born Filipinos who become naturalized citizens of other countries and allowing dual citizenship,²¹ and also provides for the procedure for re-acquiring and retaining Philippine citizenship. In the case of those who became foreign citizens after R.A. 9225 took effect, they shall retain Philippine citizenship despite having acquired foreign citizenship provided they took the oath of allegiance under the new law.

Petitioner insists we should not distinguish between re-acquisition and retention in R.A. 9225. He asserts that in criminal cases, that interpretation of the law which favors the accused is preferred because it is consistent with the constitutional presumption of innocence, and in this case it becomes more relevant when a seemingly difficult question of law is expected to have been understood by the accused, who is a non-lawyer, at the time of the commission of the alleged offense. He further cites the letter-reply dated January 31, 2011²² of the Bureau of Immigration (BI) to his query, stating that his status as a natural-born Filipino will be governed by Section 2 of R.A. 9225.

These contentions have no merit.

²¹ *AASJS (Advocates and Adherents of Social Justice for School Teachers and Allied Workers) v. Datumanong*, 551 Phil. 110, 117-118 (2007).

²² *Rollo*, p. 59.

That the law distinguishes between re-acquisition and retention of Philippine citizenship was made clear in the discussion of the Bicameral Conference Committee on the Disagreeing Provisions of House Bill No. 4720 and Senate Bill No. 2130 held on August 18, 2003, where Senator Franklin Drilon was responding to the query of Representative Exequiel Javier:

REP. JAVIER. I have some questions in Section 3. Here, under Section 3 of the Senate version, "Any provision of law on the contrary notwithstanding, natural-born citizens of the Philippines who, after the effectivity of this Act, shall... and so forth, ano, shall retain their Philippine citizenship.

Now in the second paragraph, natural-born citizens who have lost their citizenship by reason of their naturalization after the effectivity of this Act are deemed to have reacquired...

THE CHAIRMAN (SEN. DRILON). Prior to the effectivity.

REP. JAVIER. Well, you have two kinds of natural-born citizens here. Natural-born citizens who acquired foreign citizenship after the effectivity of this act are considered to have retained their citizenship. But natural-born citizens who lost their Filipino citizenship before the effectivity of this act are considered to have reacquired. May I know the distinction? Do you mean to say that natural-born citizens who became, let's say, American citizens after the effectivity of this act are considered natural-born?

Now in the second paragraph are the natural-born citizens who lost their citizenship before the effectivity of this act are no longer natural born citizens because they have just reacquired their citizenship. I just want to know this distinction, Mr. Chairman.

THE CHAIRMAN (SEN. DRILON). The title of the Senate version is precisely retention and reacquisition. **The reacquisition will apply to those who lost their Philippine citizenship by virtue of Commonwealth Act 63.** Upon the effectivity -- assuming that we can agree on this, upon the effectivity of this new measure amending Commonwealth Act 63, the Filipinos who lost their citizenship is deemed to have reacquired their Philippine citizenship upon the effectivity of the act.

The second aspect is the retention of Philippine citizenship applying to future instances. So that's the distinction.

REP. JAVIER. Well, I'm just asking this question because we are here making distinctions between natural-born citizens. Because this is very important for certain government positions, 'no, because natural-born citizens are only qualified for a specific...

THE CHAIRMAN (SEN. DRILON). That is correct.

REP. JAVIER. ...positions under the Constitution and under the law.

THE CHAIRMAN (SEN. DRILON). Yes. We can get to that later on. It's one of the provisions, yes. But just for purposes of the

explanation, Congressman Javier, **that is our conceptualization. Reacquired for those who previously lost [Filipino citizenship] by virtue of Commonwealth Act 63, and retention for those in the future.** (Emphasis supplied)

Considering that petitioner was naturalized as a Canadian citizen prior to the effectivity of R.A. 9225, he belongs to the first category of natural-born Filipinos under the first paragraph of Section 3 who lost Philippine citizenship by naturalization in a foreign country. As the new law allows dual citizenship, he was able to re-acquire his Philippine citizenship by taking the required oath of allegiance.

For the purpose of determining the citizenship of petitioner at the time of filing his MLA, it is not necessary to discuss the rulings in *Frialdo* and *Altarejos* on the retroactivity of such reacquisition because R.A. 9225 itself treats those of his category as having already lost Philippine citizenship, in contradistinction to those natural-born Filipinos who became foreign citizens after R.A. 9225 came into force. In other words, Section 2 declaring the policy that considers Filipinos who became foreign citizens as not to have lost their Philippine citizenship, should be read together with Section 3, the second paragraph of which clarifies that such policy governs all cases after the new law's effectivity.

As to the letter-reply of BI, it simply quoted Section 2 of R.A. 9225 without any reference to Section 3 on the particular application of reacquisition and retention to Filipinos who became foreign citizens before and after the effectivity of R.A. 9225.

Petitioner's plea to adopt the interpretation most favorable to the accused is likewise misplaced. Courts adopt an interpretation more favorable to the accused following the time-honored principle that penal statutes are construed strictly against the State and liberally in favor of the accused.²³ R.A. 9225, however, is not a penal law.

Falsification of documents under paragraph 1, Article 172²⁴ in relation to Article 171²⁵ of the RPC refers to falsification by a private individual, or a

²³ *People v. Temporada*, 594 Phil. 680, 735 (2008), citing *People v. Ladjaalam*, 395 Phil. 1, 35 (2000).

²⁴ Art. 172. *Falsification by private individuals and use of falsified documents.* – The penalty of *prision correccional* in its medium and maximum periods and a fine of not more than 5,000 pesos 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; and

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.

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.

²⁵ ART. 171. *Falsification by public officer, employee or notary or ecclesiastical minister.* — The penalty of *prision mayor* and a fine not to exceed 5,000 pesos shall be imposed upon any public

public officer or employee who did not take advantage of his official position, of public, private, or commercial documents. The elements of falsification of documents under paragraph 1, Article 172 of the RPC are:

- (1) that the offender is a private individual or a public officer or employee who did not take advantage of his official position;
- (2) that he committed any of the acts of falsification enumerated in Article 171 of the RPC; and
- (3) that the falsification was committed in a public, official or commercial document.²⁶

Petitioner made the untruthful statement in the MLA, a public document, that he is a Filipino citizen at the time of the filing of said application, when in fact he was then still a Canadian citizen. Under CA 63, the governing law at the time he was naturalized as Canadian citizen, naturalization in a foreign country was among those ways by which a natural-born citizen loses his Philippine citizenship. While he re-acquired Philippine citizenship under R.A. 9225 six months later, the falsification was already a consummated act, the said law having no retroactive effect insofar as his dual citizenship status is concerned. The MTC therefore did not err in finding probable cause for falsification of public document under Article 172, paragraph 1.

The MTC further cited lack of jurisdiction over the person of petitioner accused as ground for denying petitioner's motion for re-determination of probable cause, as the motion was filed prior to his arrest. However, custody of the law is not required for the adjudication of reliefs other than an application for bail.²⁷ In *Miranda v. Tuliao*,²⁸ which involved a motion to quash warrant of arrest, this Court discussed the distinction between custody of the law and jurisdiction over the person, and held that jurisdiction over the person of the accused is deemed waived when he files

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 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.

²⁶ *Panuncio v. People*, 610 Phil. 595, 603-604 (2009).

²⁷ *Jimenez v. Sorongon*, G.R. No. 178607, December 5, 2012, 687 SCRA 151, 161, citing *Alawiya, et al. v. Court of Appeals, et al.*, 603 Phil. 264, 276 (2009); and *Miranda v. Tuliao*, 520 Phil. 907, 919 (2006).

²⁸ *Id.* at 919 & 921.

any pleading seeking an affirmative relief, except in cases when he invokes the special jurisdiction of the court by impugning such jurisdiction over his person. Thus:

In arguing, on the other hand, that jurisdiction over their person was already acquired by their filing of the above Urgent Motion, petitioners invoke our pronouncement, through Justice Florenz D. Regalado, in *Santiago v. Vasquez*:

The voluntary appearance of the accused, whereby the court acquires jurisdiction over his person, is accomplished either by his pleading to the merits (such as by filing a motion to quash or other pleadings requiring the exercise of the court's jurisdiction thereover, appearing for arraignment, entering trial) or by filing bail. On the matter of bail, since the same is intended to obtain the provisional liberty of the accused, as a rule the same cannot be posted before custody of the accused has been acquired by the judicial authorities either by his arrest or voluntary surrender.

Our pronouncement in *Santiago* shows a distinction between *custody of the law* and *jurisdiction over the person*. Custody of the law is required before the court can act upon the application for bail, but is not required for the adjudication of other reliefs sought by the defendant where the mere application therefor constitutes a waiver of the defense of lack of jurisdiction over the person of the accused. Custody of the law is accomplished either by arrest or voluntary surrender, while jurisdiction over the person of the accused is acquired upon his arrest or voluntary appearance. One can be under the custody of the law but not yet subject to the jurisdiction of the court over his person, such as when a person arrested by virtue of a warrant files a motion before arraignment to quash the warrant. On the other hand, one can be subject to the jurisdiction of the court over his person, and yet not be in the custody of the law, such as when an accused escapes custody after his trial has commenced. Being in the custody of the law signifies restraint on the person, who is thereby deprived of his own will and liberty, binding him to become obedient to the will of the law. Custody of the law is literally custody over the body of the accused. It includes, but is not limited to, detention.

X X X X

While we stand by our above pronouncement in *Pico* insofar as it concerns bail, we clarify that, **as a general rule, one who seeks an affirmative relief is deemed to have submitted to the jurisdiction of the court. As we held in the aforesaid case of *Santiago*, seeking an affirmative relief in court, whether in civil or criminal proceedings, constitutes voluntary appearance.**

X X X X

To recapitulate what we have discussed so far, **in criminal cases, jurisdiction over the person of the accused is deemed waived by the accused when he files any pleading seeking an affirmative relief, except in cases when he invokes the special jurisdiction of the court by impugning such jurisdiction over his person.** Therefore, in narrow cases involving special appearances, an accused can invoke the processes


of the court even though there is neither jurisdiction over the person nor custody of the law. However, if a person invoking the special jurisdiction of the court applies for bail, he must first submit himself to the custody of the law.²⁹ (Emphasis supplied)

Considering that petitioner sought affirmative relief in filing his motion for re-determination of probable cause, the MTC clearly erred in stating that it lacked jurisdiction over his person. Notwithstanding such erroneous ground stated in the MTC’s order, the RTC correctly ruled that no grave abuse of discretion was committed by the MTC in denying the said motion for lack of merit.

WHEREFORE, the petition is **DENIED**. The Order dated October 8, 2011 of the Regional Trial Court of Pinamalayan, Oriental Mindoro in Civil Case No. SCA-07-11 (Criminal Case No. 2012) is hereby **AFFIRMED and UPHELD**.


With costs against the petitioner.

SO ORDERED.


MARTIN S. VILLARAMA, JR.
Associate Justice


WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


DIOSDADO M. PERALTA
Associate Justice

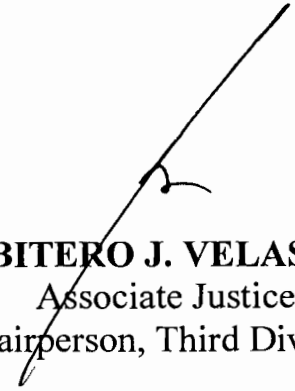

BIENVENIDO L. REYES
Associate Justice

²⁹ Id. at 918-922.


ESTELA M. PERLAS-BERNABE
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.


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the 1987 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.


ANTONIO T. CARPIO
Acting Chief Justice

