



Republic of the Philippines
 Supreme Court
 Manila

CERTIFIED TRUE COPY

 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 AUG 25 2016

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 201106

Present:

- versus -

CARPIO,* J.,
 VELASCO, JR., J., *Chairperson*,
 PERALTA,
 PEREZ, and
 REYES, JJ.

GERALD BALLACILLO,
 Accused-Appellant.

Promulgated:

August 3, 2016

X-----

DECISION

PERALTA, J.:

Before this Court is an appeal filed by accused-appellant Gerald Ballacillo (*Ballacillo*) assailing the June 30, 2011 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. CR.-HC No. 03648, which affirmed with modification the Decision² dated August 7, 2008 of the Regional Trial Court (*RTC*) of Bangued, Abra, Branch 2, in Criminal Cases No. 1999-419, 2000-21, 2000-22, 2000-23.

The accused Gerald Ballacillo was charged with the crime of rape in four (4) separate Informations, *viz.*:

* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated September 24, 2014.

¹ Penned by Associate Justice Socorro B. Inting, with Associate Justices Magdangal M. De Leon and Mario V. Lopez, concurring, *rollo*, pp. 2-22.

² Penned by Judge Corpus B. Alzate, *CA rollo*, pp. 130-156.

Criminal Case No. 1999-419

That on the 14th day of April 1999, at 3:30 o'clock p.m., at Sitio Nagsayangan, Barangay Tagodtod, Municipality of Lagangilang, Province of Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], against her will and consent.

CONTRARY TO LAW.

Criminal Case No. 2000-21

That on or about April 17, 1999, in the evening, at Laang, Lagangilang, Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously and lasciviously [succeeded] in having carnal knowledge with his 15-year-old niece [AAA], against her will and consent, thereby impregnated (*sic*) her and for which reason she gave birth to a child on January 18, 2000.

CONTRARY TO ACT NO. 3815, as amended by Republic Act No. 7659

Criminal Case No. 2000-22

That on or about April 27, 1999 in the evening, at Laang, Lagangilang, Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously and lasciviously [succeeded] in having carnal knowledge with his 15-year-old niece [AAA], against her will and consent, thereby impregnated (*sic*) her and for which reason she gave birth to a child on January 18, 2000.

CONTRARY TO ACT NO. 3815, as amended by Republic Act No. 7659

Criminal Case No. 2000-23

That on or about April 29, 1999 in the evening, at Laang, Lagangilang, Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, and by means of force and intimidation, did then and there willfully, unlawfully and feloniously and lasciviously [succeeded] in having carnal knowledge with his 15-year-old niece [AAA], against her will and consent, thereby impregnated (*sic*) her and for which reason she gave birth to a child on January 18, 2000.

CONTRARY TO ACT NO. 3815, as amended by Republic Act No. 7659.³



³

Rollo, pp. 3-4.

Upon arraignment, Ballacillo pleaded not guilty to all four charges of rape. Thereafter, the trial on the merits ensued.

The evidence of the prosecution is summed up as follows:

At the request of his cousin, AAA's father, Ballacillo was staying at the house of AAA's parents in Laang, Lagangilang, Abra.⁴ He helped in the household chores, and drove the family's passenger tricycle.

In the afternoon of April 14, 1999, AAA's mother asked Ballacillo to gather bamboo shoots (*rabong*) at Tagodtod.⁵ He drove the tricycle, and went with AAA to a woody area in Nagsayangan, Tagodtod.⁶ When they decided to return after an unsuccessful search for any bamboo shoot, Ballacillo called for AAA from beneath a mango tree. He forced AAA down, removed her shorts and underwear, and undressed himself. He poked a knife at AAA's neck, and quipped that "nobody can hear her scream." He inserted his penis into her vagina and made a push-and-pull movement. AAA struggled to flee but was overpowered by the stronger Ballacillo. She felt pain during the ordeal, and then felt something seeping from her vagina. Afterwards, Ballacillo stood up and dressed. While AAA cried, he nonchalantly told her to dress up and board the tricycle. He threatened to kill her and her family if she reported the incident.

Around midnight of April 27, 1999, AAA was asleep on a bamboo bed when she felt someone removing her shorts.⁷ When she awakened, AAA saw Ballacillo on top of her bed. He covered her mouth, pushed her down, and threatened to kill her if she did not acquiesce. After undressing AAA and himself, Ballacillo inserted his penis into her vagina by making the push-and-pull movement. AAA felt hot fluid gushing into her vagina. After satiating his bestial desires, Ballacillo stood and threatened to kill AAA or her father if she informs her father of the harrowing episode.

The ordeal was repeated on April 29, 1999 with Ballacillo successfully satisfying his lewdness by threatening AAA with a knife if she screams and does not submit.

During the entire occurrence, Ballacillo remained living with them and continued driving the tricycle and doing household chores. AAA did not confide to anyone for fear that her father, who has a violent temper, might kill the accused if he discovers the same, and their family will be left with no

⁴ CA rollo, p. 132.

⁵ *Id.* Also spelled as "Tagudtod" elsewhere in the records.

⁶ CA rollo, p. 131.

⁷ *Id.* at 134.



support if her father is imprisoned.⁸ It was only in September 1999 that AAA opened up to her friend. On October 13, 1999, AAA's mother was shocked when she learned through her cousin who was a teacher from AAA's school that her daughter was six months pregnant as a consequence of Ballacillo's abuse.⁹

AAA's testimony was corroborated by the medical findings of Dr. Liberty Bañez who conducted a medical examination on AAA showing that since she was already six months pregnant with the last menstrual period in April 1999, the alleged incidents of rape coincided with the period of AAA's pregnancy.¹⁰

In contrast, Ballacillo fervently denied the charges against him. On April 8, 1999 to April 30, 1999, Ballacillo attended a Catholic youth recollection seminar in Baay, Licuan, Abra wherein he actively attended lectures and played basketball.¹¹ Jonathan, Jordan and Darwin, all with the surname of Crisologo, corroborated Ballacillo's attendance of the seminar.

On April 27, 1999, the participants of the recollection came to the parish church of Lagangilang for a youth encounter where Ballacillo played basketball. That night, they slept in one of the cottages in the compound. Jordan was sure that Ballacillo was always in their company and was never out of his sight the entire time.¹² They stayed the next day, April 28, 1999, when a *santacruz* and a basketball tournament were held, until April 29, 1999 for the culminating activities and a Tingguian Program. It was only on April 30, 1999 that they returned home.

Ballacillo was adamant that it was his brother Sonny Boy who had carnal knowledge of the victim AAA, thereby impregnating her.¹³ Sonny Boy stayed with them at AAA's house for three days in May 1999 and in July 1999, and visited again in September 1999. Sometime in July 1999, Ballacillo and AAA visited Sonny Boy. AAA stayed when Ballacillo left. Their father, Rodrigo Ballacillo, saw AAA and Sonny Boy asleep on one bed, and was happy together during AAA's stay.¹⁴ After Ballacillo's arrest, Sonny Boy confessed to their father that he was the father of AAA's child.¹⁵



⁸ *Id.* at 135.

⁹ *Rollo*, pp. 7-8.

¹⁰ *CA rollo*, p. 130.

¹¹ *Rollo*, p. 8.

¹² *CA rollo*, p. 137.

¹³ *Rollo*, p. 9.

¹⁴ *CA rollo*, p. 142.

¹⁵ *Id.*

The RTC convicted Ballacillo of three counts of rape, but acquitted him in Criminal Case No. 2000-21 for utter lack of evidence. The decretal portion of the decision reads:

In view of the foregoing, judgment is hereby rendered:

1. ACQUITTING the accused Gerald Ballacillo of the crime of Rape in Criminal [C]ase No. 2000-21 on the ground of utter lack of evidence;
2. CONVICTING the accused Gerald Ballacillo, GUILTY beyond reasonable doubt of simple rape, defined and penalized under Article 335 of the Revised Penal Code in Criminal Case No. 99-419 and pursuant to Article 63 of the Revised Penal Code hereby sentence the accused Gerald Ballacillo to suffer the penalty of reclusion perpetua, and to pay [P]50,000.00 as civil indemnity and [P]100,000.00 as moral damages.
3. CONVICTING the accused Gerald Ballacillo, GUILTY beyond reasonable doubt of simple rape, defined and penalized under Article 335 of the Revised Penal Code in Criminal Case No. 2000-22 and pursuant to Article 63 of the Revised Penal Code hereby sentence the accused Gerald Ballacillo to suffer the penalty of reclusion perpetua, and to pay [P]50,000.00 as civil indemnity and [P]100,000.00 as moral damages.
4. CONVICTING the accused Gerald Ballacillo, GUILTY beyond reasonable doubt of simple rape, defined and penalized under Article 335 of the Revised Penal Code in Criminal Case No. 2000-23 and pursuant to Article 63 of the Revised Penal Code hereby sentence the accused Gerald Ballacillo to suffer the penalty of reclusion perpetua, and to pay [P]50,000.00 as civil indemnity and [P]100,000.00 as moral damages.

SO ORDERED.¹⁶

The RTC gave full faith and credence to AAA's testimony regarding the same as clear and straightforward with no adornments designed to elicit sympathy, as corroborated by the medical findings of the physician who examined her.¹⁷

In a Decision dated June 30, 2011, the CA denied the appeal filed by Ballacillo and affirmed with modification the decision of the RTC. The CA held that the prosecution positively established the elements of rape and upheld the credibility of AAA. The *fallo* of the decision provides:

WHEREFORE, the appeal is DENIED. The Regional Trial Court Decision in Criminal [Cases No.] 99-419 and 2000-22 to 23 finding accused-appellant Gerald Ballacillo guilty of the crime charged is AFFIRMED with MODIFICATION. Gerald Ballacillo is ordered to pay private complainant, for each count of rape, civil indemnity in the amount

¹⁶ *Id.* at 155-156.

¹⁷ *Id.* at 148.



of [P]50,000.00, moral damages in the amount of [P]50,000.00 and exemplary damages in the amount of [P]30,000.00. No costs.

SO ORDERED.¹⁸

Hence, the instant appeal before this Court was instituted.

In its Manifestation and Motion in Lieu of Supplemental Brief¹⁹ dated August 16, 2012, the Office of the Solicitor General (*OSG*) informed this Court that it opted not to file a supplemental brief considering that accused-appellant Ballacillo has not raised any new issue, and considered the case deemed submitted for decision.

Similarly, Ballacillo indicated that he no longer intends to file a supplemental brief and is adopting *in toto* all the arguments he raised in his Appellant's Brief which has extensively discussed and established his innocence.²⁰

Basically, the issue to be resolved by this Court in this appeal is whether the prosecution was able to prove beyond reasonable doubt that Ballacillo is guilty of the crime of rape.

Finding no cogent reason to depart from the ruling of the lower courts, We sustain the conviction of the accused-appellant Ballacillo.

Before all else, it is noted that the four Informations filed against the accused charged him with the crime of rape under Act No. 3815, or the Revised Penal Code (*RPC*). Consequently, the RTC convicted and sentenced, as affirmed by the CA, Ballacillo for rape under Article 335 of the *RPC*. However, Republic Act (*R.A.*) No. 8353, otherwise known as the Anti-Rape Law of 1997, became effective on October 22, 1997. The law reclassified rape as a crime against persons, thus, repealing Article 335 of the *RPC*. The new provisions on the crime of rape are now found in Articles 266-A to 266-D of the *RPC*. As established, the crime of rape was committed on April 14, 27, and 29, 1999. Thus, *R.A.* No. 8353, amending provisions of the *RPC*, is the law applicable in the instant case. The RTC and the CA erred in specifying violation of Article 335 of the *RPC* in convicting the accused of three counts of rape. Nevertheless, as we have recently ruled in the case of *People v. Victor P. Padit*,²¹ the failure to designate the offense by the statute or to mention the specific provision penalizing the act, or an erroneous specification of the law violated, does not vitiate the information

¹⁸ *Rollo*, p. 22. (Emphases omitted)

¹⁹ *Id.* at 35-37.

²⁰ *Id.* at 39-40.

²¹ G.R. No. 202978, February 1, 2016.



if the facts alleged therein clearly recite the facts constituting the crime charged.²² Neither by the caption or preamble of the information nor by the specification of the provision of the law alleged to have been violated determines the character of the crime but by the recital of the ultimate facts and circumstances in the complaint or information.²³ In this case, the acts alleged to have been committed by the accused are averred in the Informations, and the same describe acts punishable under Article 266-A, in relation to 266-B of the RPC, as amended.

The pertinent provisions of Articles 266-A and 266-B of the Revised Penal Code, as amended, provide:

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 otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

ART. 266-B. *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x

The RTC and the CA found that the prosecution successfully proved beyond reasonable doubt all the elements of the crime of rape and accused-appellant's guilt.

In an attempt to destroy AAA's credibility, the accused-appellant harps on the alleged significant inconsistencies in her testimonies about the place and manner of the rape. Ballacillo avers that the testimony of AAA's mother engendered reasonable doubt on his guilt since it was unlikely that she would not exert a little effort to ascertain what was happening upon noticing the movement of the wall near where her daughter was sleeping. He insists that his brother Sonny Boy was the father of AAA's child.

²² *People v. Victor P. Padit, supra.*

²³ *Id.*

In almost all cases of sexual abuse, the credibility of the victim's testimony is crucial because more often than not, only the persons involved can testify as to its occurrence.²⁴ Unless there appears certain facts or circumstances of weight and value which the lower court overlooked or misappreciated and which, if properly considered, would alter the result of the case, the trial court's conclusions on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality.²⁵

Time and again, this Court held that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.²⁶ Youth and immaturity are generally badges of truth. What is merely required in establishing rape through testimonial evidence is that the victim be categorical, straightforward, spontaneous and frank in her statements about the incident of rape.²⁷

In the case at bar, we agree with the RTC and the CA that the testimony of AAA was straightforward, categorical, and consistent on all material points, thus, sufficient to establish the carnal knowledge as an element of the crime of rape. As place of the commission of the crime is not an element of rape, the alleged inconsistency in the place of rape does not affect the integrity of the evidence of the prosecution and AAA's credibility.

Furthermore, it was ruled that there is sufficient basis to conclude that there has been carnal knowledge when the testimony of a rape victim is consistent with the medical findings.²⁸ The medical findings by Dr. Bañez that AAA was indeed six months pregnant at the time of examination and that her last menstrual period was in April 1999 corroborates AAA's averment that the alleged incidents of rape happened in the same month. It can be concluded from the said findings that there has been carnal knowledge during that period, thus, corroborating AAA's averments of the sexual abuse she suffered in the hands of the accused. The same also negates Ballacillo's attempt to shift the blame to his brother whom he claims had a romantic episode with AAA during the months of May, July and September 1999.

²⁴ *People v. Rudy Nuyok*, G.R. No. 195424, June 15, 2015.

²⁵ *People v. Reman Sariago*, G.R. No. 203322, February 24, 2016.

²⁶ *People v. Joel "Andoy" Buca*, G.R. No. 209587, September 23, 2015.

²⁷ *People v. Gecomio*, 324 Phil. 297 (1996).

²⁸ *People v. Enrique Galvez*, G.R. No. 212929, July 29, 2015.



Maintaining that there is no rape, Ballacillo posits that the impossibility of lack of eyewitness and non-detection by AAA's family is apparent given that her bed squeaks and her siblings were asleep nearby.

This Court finds the same untenable. It has been shown repeatedly by experience that many instances of rape were committed not in seclusion but in very public circumstances.²⁹ Thus, rape can be committed despite the presence of others in the dwelling for seclusion is not an element of the crime.³⁰ As privacy is not a hallmark of the crime of rape, the presence of others in the same house did not easily deter the accused-appellant from imposing himself on the victim. Based on AAA's narration of the manner and the time the accused committed the crimes, it can be surmised that he made sure that the likelihood that the others discovering him in raping the victim would be minimal. In one instance, he even concealed the same by nonchalantly responding to AAA's mother's query that he urinated when she noticed the movement of the walls near AAA. He covered her mouth coupled with a threat in her and her father's lives, while in another there was a threat with a knife.

The accused faulted AAA's deportment before, during, and after the incidents of the rape, claiming that such is inconsistent with the natural reaction and behavior of a woman whose person had been violated. At the very least, she should have shouted or employed significant resistance from assault.

We are not persuaded. During the three incidents of rape, AAA was forced to submit to Ballacillo's lewdness out of fear for her life and that of her family. It was held that a youthful victim of serial rapes like AAA could not be expected to think and to act like a composed adult victim.³¹ There is no standard of behavior for all rape victims in the aftermath of their defilement, for people react differently to emotional stress for some may exhibit signs of stress, while others may act nonchalantly.³² Tenacious resistance against rape is not required; neither is a determined or a persistent physical struggle on the part of the victim necessary.³³ Moreover, failure to cry for help or attempt to escape during the rape is not fatal to the charge of rape; it does not make voluntary the victim's submission to appellant's lust.³⁴ Rape through intimidation includes the moral kind such as the fear caused by threatening the girl with a knife or pistol.³⁵ In this case, Ballacillo's knife and continual threats were enough to make AAA cower in fear and submit to

²⁹ *People v. Rudy Nuyok*, *supra* note 24.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *People v. Ramos*, G.R. No. 200077, September 17, 2014, 735 SCRA 466, 486.

³⁴ *Id.* at 487.

³⁵ *Id.*



his lust. The RTC and the CA did not err in finding that the accused employed enough force and intimidation to consummate his purpose. The fact that AAA was able to ride the tricycle with the accused and resumed her normal routines is trivial and does not affect the positive and categorical testimony of AAA about the rape.

Accused-appellant averred that AAA's silence for several months, coupled with the fact that she divulged about the rape when people started noticing her condition, throws suspicion to her real motive. Ballacillo insinuates that the charges were made to shift the blame to him or that her parents compelled her to concoct such accusation in attempt to dispel any stigma which may be bestowed to AAA due to an unexpected pregnancy at a young age.

This Court disagrees. Delay in reporting a rape to the police authorities does not negate its occurrence nor does it affect the credibility of the victim.³⁶ In the face of constant threats of violence and death, not just on the victim but extending to her kin, a victim may be excused for tarrying in reporting her ravishment.³⁷ In the case at bar, AAA was constantly threatened by the accused. The fear instilled by such threats was magnified since AAA lived in the same house with Ballacillo who is her uncle, being her father's first cousin. AAA feared the reaction of her father, having a nasty temper, if he would discover her harrowing ordeal. We agree with the RTC that AAA's reasoning is straightforward, practical thinking and logical for a minor who fears loss of support for the family if her father is imprisoned. From the foregoing, the delay in reporting the rape is justified.

Ballacillo alleges that the defense of alibi or denial assumes significance or strength when it is amply corroborated by a credible witness. Since his testimony was corroborated by credible witnesses, the RTC erred in convicting him of the crime.

Such contention fails scrutiny. The RTC dismissed Ballacillo's defense of alibi even with corroboration by the testimonies of Jonathan, Jordan, Darwin, and Rodrigo. It was telling that the defense was unable to present a certificate of attendance of the youth recollection seminar conducted by fraters³⁸ to support Ballacillo's claim of religious attendance. The RTC was suspicious of Jordan's over-eagerness and zeal in testifying for the accused especially in light of the revelation that Jordan signed the affidavit that was already prepared at the urge of the barangay captain.

³⁶ *Id.* at 489.

³⁷ *Id.*

³⁸ As defined in the CA Decision: A seminarian who is either in a majority seminary (collegiate level) or theology (post-graduate).



The inherent impossibility of committing the crime was belied by the fact that during the date and time of the incidents, Ballacillo was either a kilometer away or about five kilometers away. It was settled that while the said recollection was originally held in Baay, Abra which was about a three-hour ride away from Lagangilang, the participants, however, went to a parish in Lagangilang located about five kilometers from AAA's residence on April 27 to April 30, 1999. Also, Jordan admitted that they were in Holy Cross Compound, about a kilometer away from Laang, on April 14, 1999. In the clarifying questions by the trial court, Jordan testified in this manner:

Q: On April 14, at 3:30 o'clock in the afternoon where were you?

A: I was then in Lagangilang, sir.

Q: And so with the accused, is it not?

A: Yes, sir.

Q: Where was he at [that] time?

A: He was at the compound, sir.

Q: Holy Cross Compound is quite near to Barangay Tagodtod, Lagangilang, Abra, is it not?

A: It's quite a distance, sir.

Q: Can you approximate the distance? How many kilometers?

A: More or less five (5) kilometers.

Q: What about the distance between Holy Cross and Laang?

A: Maybe it is only one [kilometer], sir.

Q: Can you honestly tell this Honorable Court that there was never an instant or a gap of maybe one (1) hour or two (2) that you did not see the accused Gerald Ballacillo from April 8, 1999 to April 29, 1999?

A: None, sir.

Q: And you are positive that even when you were sleeping the accused was in the compound?

A: Yes, sir.

Q: And you are also very sure that even when you were in the toilet the accused was in the compound?

A: Yes, sir.

Q: And you are also very sure that even when you were in the shower the accused was also in the compound?

A: Yes, sir.

Q: And even when you were eating[,] the accused was also in the compound?

A: Yes, sir.



Q: And you are very sure that even while you were sleeping you know that the accused was near you?

A: Yes, sir.³⁹

It is settled in jurisprudence that minority as a qualifying circumstance must be proven with equal certainty and clearness as the crime itself such that there must be independent evidence proving the age of the victim, other than testimonies of the witnesses and the lack of denial by the accused.⁴⁰ Since there was no independent proof of AAA's age aside from her testimony, the RTC is correct in convicting the accused of three counts of simple rape.

Anent the issue on the awards granted, pursuant to the recent rulings in the case of *People v. Ireneo Jugueta*,⁴¹ we increase the awards for each count of rape for the civil indemnity, moral damages, and exemplary damages to ₱75,000, each, plus interest at the rate of six percent (6%) *per annum* from date of finality of the Decision until fully paid.

WHEREFORE, the instant appeal is **DISMISSED** and the Decision dated June 30, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 03648 finding appellant Gerald Ballacillo guilty beyond reasonable doubt of three (3) counts of Rape as defined in and penalized under Article 266-A, in relation to Article 266-B, of the Revised Penal Code, as amended, and sentencing him to suffer the penalty of *reclusion perpetua* with all the accessory penalties for each count is hereby **AFFIRMED** with the following **MODIFICATIONS**: (1) Appellant is **ORDERED** to **PAY** AAA the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, for each count; and (2) to **PAY** interest at the rate of six percent (6%) *per annum* from date of finality of the Decision until fully paid

SO ORDERED.



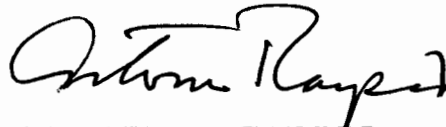
DIOSDADO M. PERALTA
Associate Justice

³⁹ CA rollo, pp. 138-139, citing TSN (Gabriel), April 17, 2002, pp. 17-22.

⁴⁰ *People v. Alvarado*, 429 Phil. 208, 224 (2002), as cited in *People v. Ortega*, 680 Phil. 285, 303 (2012).

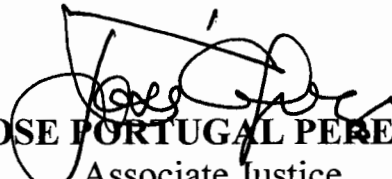
⁴¹ G.R. No. 202124, April 5, 2016.

WE CONCUR:

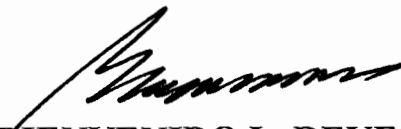


ANTONIO T. CARPIO
Associate Justice

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson




JOSE PORTUGAL PEREZ
Associate Justice



BIENVENIDO L. REYES
Associate Justice

ATTESTATION

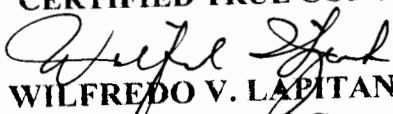
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.




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

CERTIFICATION

Pursuant to Section 13, Article VIII of the 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.

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
AUG 25 2016



MARIA LOURDES P. A. SERENO
Chief Justice