Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Appellee,

- versus -

ELISEO D. VILLAMOR,
Appellant.

G.R. No. 202187

Present:

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

Promulgated:
February 10, 2016

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DECISION

PERALTA, *J.*:

Before the Court is an appeal from the Decision[1] dated September 27, 2011 of the Court Appeals (*CA*) in CA-G.R. CR. HC. No. 00970 which affirmed the Decision[2] dated October 22, 2008 of the Regional Trial Court (*RTC*), 8th Judicial Region, Branch 13, Carigara, Leyte, in Criminal Case Nos. 4679, 4680, 4681, 4682, and 4683 for rape.

The antecedent facts are as follows:

On April 27, 2006, several informations were filed against appellant Eliseo D. Villamor charging him with five (5) counts of the crime of rape, committed by having carnal knowledge of his own daughter, AAA,[3] a

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* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated September 10, 2014.

1 Penned by Associate Justice Gabriel T. Ingles, with Associate Justices Pampio A. Abarintos and Eduardo B. Peralta, Jr. concurring; *rollo*, pp. 3-13.

2 Penned by Judge Crisostomo L. Garrido; CA *rollo*, pp. 34-50.

3 In line with the Court's ruling in *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 426, citing Rule on Violence Against Women and their Children, Sec. 40, Rules and Regulations Implementing Republic Act No. 9262, Rule XI, Sec. 63, otherwise known as the "Anti-Violence Against Women and their Children Act," the real name of the rape victim will not be disclosed.

15-year-old girl, against her will and to her damage and prejudice, the accusatory portions of which read:

Case No. 4679:

That on or about the 5th day of November 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4680:

That on or about the 7th day of November 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4681:

That on or about the 10th day of November 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4682:

That on or about the 3rd day of December 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.

CONTRARY TO LAW.

Case No. 4683:

> That on or about the 15th day of December 2005, in the municipality of Barugo, Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the father of the victim, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there wilfully, unlawfully and feloniously had a carnal knowledge with his own daughter, AAA, a 15-year-old girl, against her will to her damage and prejudice.
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> CONTRARY TO LAW.[4]

Upon arraignment, appellant pleaded not guilty to the offense charged.[5] During trial, the prosecution presented the testimonies of the victim, AAA, the doctor who conducted her medical examination, the police officers who made entries of complaints made by AAA's mother on the police blotter, the local civil registrar, and the Municipal Social Welfare Officer who prepared the Child Study Report on AAA.[6]

According to the prosecution, at about 11:00 p.m. on November 5, 2005, while AAA was asleep beside her sister, brothers, and grandmother, at the second floor of their house in Barugo, Leyte, she was awakened by someone who was fondling her breasts and vagina. She instantly knew the man to be her father because of his built, smell, and voice. Sensing that she was awake, he threatened to kill her if she made noise or tell anybody about what he was doing to her. For fear of her life, AAA silently tried to resist and push her father away, but to no avail as he was much stronger than her. She could only cry while appellant mounted her, let his penis out of his loose short pants, took her underwear off, and inserted his penis inside her vagina by making a push-and-pull movement. AAA felt pain as her father penetrated her and then ejaculated inside her. During all of this, her siblings and grandmother were sound asleep.[7]

The same incident happened four (4) more times that year, particularly on November 7, November 10, December 3, and December 15. During those times, AAA did not open up to anyone for not only was she afraid of her father, she had no one to confide in as her mother was working as a domestic helper in Singapore. When, however, AAA became pregnant in February 2006, she finally told her mother, who angrily came home in April 2006 and helped her file a complaint against her father.[8]

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4 *Rollo*, pp. 6-7.
5 *Id.* at 7.
6 CA *rollo*, pp. 36-40.
7 *Rollo*, p. 4.
8 *Id.* at 4-6.

AAA's testimony was corroborated by the medical findings of Dr. Lourdes Calzita, the Municipal Health Officer who conducted the medical examination on AAA showing that since she was already 22 weeks pregnant in April 2006, it is possible that the rape victim had sexual intercourse in the middle of November or early December 2005. Also, Municipal Social Welfare Officer, Luz Raagas, who prepared the Child Study Report on AAA, testified that during her interviews with AAA, she observed how AAA cried and expressed her deep hate for her father. Further, as borne by the Birth Certificate presented by the Municipal Civil Registrar of Carigara, Leyte, AAA was born on April 24, 1990 to spouses appellant and AAA's mother, showing that AAA was indeed, a minor at the time of the alleged incidents.[9]

In contrast, the defense presented the lone testimony of appellant himself, who interposed a defense of denial and alibi. He contended that it was physically impossible for him to have committed the five (5) counts of rape on his daughter because during those times, he had not been sleeping in the bigger house where AAA, his mother, and his other children would normally sleep, but in a small hut situated at the back of their house. He added that from November 5 to December 15, 2005, he was busy looking for his wife, AAA's mother, who had left him for Manila with another man in July 2004. In fact, he intended on filing a complaint against his wife but was advised otherwise for she might be imprisoned.[10]

In addition, appellant denied that he impregnated his daughter, AAA, for in truth, it was actually her boyfriend who impregnated her. According to appellant, AAA and said boyfriend even got married in April 2006 with his blessing and upon the intercession of the boyfriend's mother and the barangay chairman. Apart from this, appellant claims that the charges against him were merely the result of the manipulations of AAA's aunt, his wife's cousin, who had been against him ever since he and his wife were just sweethearts. Thus, AAA was simply maneuvered to file the fabricated charges against him.[11]

After the presentation of the appellant's testimony, the defense, having no other witness or documentary evidence to present, formally offered its evidence, consisting of said testimony without any documentary exhibits.[12]

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9 CA *rollo*, pp. 45-46.
10 *Id.* at 46-47.
11 *Id.* at 47.
12 *Id.* at 42.

On October 22, 2008, the RTC found appellant guilty beyond reasonable doubt of the five (5) counts of incestuous rape and rendered its Decision, the dispositive portion of which reads:

> WHEREFORE, premises considered, the court found accused ELISEO VILLAMOR, GUILTY, beyond reasonable doubt for the crime of five (5) counts of incestuous rape of his daughter, AAA, and sentenced to suffer the maximum penalty of reclusion perpetua in Criminal Case No. 4679; reclusion perpetua in Criminal Case No. 4680; reclusion perpetua in Criminal Case No. 4681; reclusion perpetua in Criminal Case No. 4682; reclusion perpetua in Criminal Case No. 4683; and to pay civil indemnity in the total amount of Two Hundred Fifty Thousand (₱250,000.00), Fifty Thousand (₱50,000.00 for each count of rape), moral damages in the amount of Two Hundred Fifty Thousand (₱250,000.00) (₱50,000.00 for each count of rape), and exemplary damages in the amount of One Hundred Twenty-Five Thousand (₱125,000.00) Pesos (₱25,000.00 for each count of rape) to AAA; and
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> Pay the Cost.
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> SO ORDERED.

On the one hand, the trial court found appellant's defense weak and unconvincing. While appellant completely denies the charges against him, he failed to produce any competent evidence to controvert the same. Neither did he present a single witness to stand in his favor. The trial court also found that appellant similarly failed to substantiate his defense of alibi. It noted that alibi, like denial, is inherently weak and can easily be fabricated.[13] For this defense to justify an acquittal, the following must be established: the presence of the accused in another place at the time of the commission of the offense and the physical impossibility for him to be at the scene of the crime. The trial court, however, found that the defense failed to establish his presence at the small hut at the back of his house as well as the impossibility for him to be at the second floor of his house where his children normally slept.[14]

On the other hand, the RTC found that the vivid portrayal by AAA of the horrible sexual molestations she experienced from her own father is beyond comprehension. AAA, in her minor and innocent mind, was able to chronicle every detail of the five (5) counts of sexual molestation against her by her own father. Notwithstanding the gruelling and rigid cross-examination by the defense, she maintained her composure and was able to withstand the same, although at times, she had to shed tears. Her testimony was steadfast, clear and straightforward in every detail of her harrowing experience.[15] Thus, the trial court observed that an innocent child could not

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13 *Id.* at 47.
14 *Id.*
15 *Id.* at 48.

have possibly fabricated such a tale and accused her own father of a crime as heinous as incestuous rape had she really not been abused.

Thus, the trial court convicted appellant on the settled jurisprudence that a categorical and consistent positive identification, absent any showing of ill-motive on the part of the eyewitness testifying thereon, prevails over the defenses of denial and alibi, which if not substantiated by clear and convincing proof, constitute self-serving evidence undeserving of weight in law.[16]

On appeal, the CA affirmed the RTC Decision in its entirety, absent any clear showing that some fact or circumstance of weight or substance had been overlooked, misunderstood or misapplied by the trial court. Contrary to appellant's contention that AAA's testimony is not credible because it was characterized by glaring inconsistencies, the CA upheld the accepted rule that the credibility of a rape victim is not impaired by some inconsistencies in her testimony. Minor inconsistencies tend to bolster, rather than weaken, the rape victim's credibility since one could hardly doubt that her testimony was not contrived and the court cannot expect a rape victim to remember every ugly detail of the appalling outrage.[17]

Moreover, the fact that the incidents of rape happened while the other members of the family were asleep beside AAA does not detract from her credibility. According to the CA, it is common judicial experience that rapists are not deterred by the presence of other people nearby, such as the members of their own family inside the same room, with the likelihood of being discovered, since lust respects no time, locale, or circumstance.[18] Where the accused was positively identified by the victim of rape herself who harboured no ill motive against the accused, the defense of alibi must fail. From the evidence on record, it is indeed abundantly clear that accused-appellant raped his own daughter, his defense of denial is inherently weak. It cannot outweigh the positive and unequivocal narration by the victim on how she was ravished by her own father.[19]

Consequently, appellant filed a Notice of Appeal[20] on October 14, 2011. Thereafter, in a Resolution[21] dated July 30, 2012, the Court notified the parties that they may file their respective supplemental briefs, if they so desire, within thirty (30) days from notice. Both parties, however, manifested that they are adopting their respective briefs filed before the CA as their supplemental briefs, their issues and arguments having been

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16 CA *rollo*, p. 44.
17 *Rollo*, p. 11.
18 *Id.*
19 *Id.* at 12.
20 *Id.* at 14.
21 *Id.* at 20.

thoroughly discussed therein. Thereafter, the case was deemed submitted for decision.

In his Brief, appellant assigned the following error:

> I.
> THE COURT OF APPEALS ERRED IN CONVICTING THE ACCUSED-APPELLANT FOR THE CRIME CHARGED DESPITE THE FACT THAT THE PROSECUTION FAILED TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.[22]

First, appellant alleged that the courts below should not have convicted him of the offense charged for the prosecution failed to prove his guilt beyond reasonable doubt. He maintained that AAA's credibility is doubtful for as she admitted, she did not see the perpetrator's face. She only identified him from his voice. He also questions why AAA allowed the incident to be repeated multiple times before she decided to tell her mother as well as why, amidst the raping, AAA did not shout or wake up her siblings who were sleeping right beside her. *Second*, he asserted that during the months when he allegedly raped his daughter AAA, they did not sleep in the same place for she usually slept inside their house together with his mother and his other children while he slept in a small hut at the back of said house. *Third*, appellant claimed that since his relationship with his wife, AAA's mother, had not been harmonious since 2004, the rape charges filed against him were only meant to torment. In reality, he should be the one to file charges against his wife for running off with another man. *Fourth*, appellant maintained that the trial court should have considered the fact that AAA had a boyfriend, whom she wed in April 2006, a few months after the alleged incidents. *Fifth*, he argued that the fact that AAA got pregnant and bore a child on July 17, 2006 should not be considered as conclusive proof that it was he who raped her. He stressed that months after AAA found out she was pregnant, her boyfriend offered to marry her. *Sixth,* appellant attacked the testimonies of the doctor who conducted her medical examination and the social worker for being hearsay evidence.

The appeal must fail.

Article 266-A, paragraph 1 of the Revised Penal Code (*RPC*) provides the elements of the crime of rape:

> Article 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:

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22 CA *rollo*, p. 26.

> 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.
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> 2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.[23]

Moreover, Article 266-B of the same Code provides that rape is qualified when certain circumstances are present in its commission, such as when the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.[24] Hence, for a conviction of qualified rape, the prosecution must allege and prove the ordinary elements of (1) sexual congress, (2) with a woman, (3) by force and without consent; and in order to warrant the imposition of the death penalty, the additional elements that (4) the victim is under eighteen years of age at the time of the rape, and (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim.[25]

The Court, in this case, does not find any reason to depart from the finding of the courts below that the prosecution was able to establish all the elements of the crime beyond reasonable doubt. As borne by the records, the fourth and fifth elements of minority and relationship were sufficiently proven by the Birth Certificate presented by the Municipal Civil Registrar of Carigara, Leyte, showing that AAA was born on April 24, 1990 to spouses appellant and AAA's mother.[26] As for the first three (3) elements, the Court is in agreement with the courts below that the testimony of AAA deserves full faith and credence. As aptly observed by the trial court, the vivid portrayal by AAA of the horrible sexual molestations she experienced from her own father is beyond comprehension. AAA, in her minor and innocent mind, was able to chronicle every detail of the five (5) counts of sexual molestation against her by her own father. She maintained her composure, her testimony being steadfast, clear and straightforward in every detail of her harrowing experience.

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23 Article 266-A of the Revised Penal Code (1930), as amended by Republic Act No. 8353 (1997).
24 Article 266-B of the Revised Penal Code (1930), as amended by Republic Act No. 8353 (1997).
25 *People v. Buclao*, G.R. No. 208173, June 11, 2014, citing *People v. Candellada*, G.R. No. 189293, July 10, 2013, 701 SCRA 19, 30.
26 *Supra* note 9.

Time and again, the Court has held that in resolving rape cases, primordial consideration is given to the credibility of the victim's testimony. Settled is the rule that 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, 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.[27] The Court, however, does not find any such circumstance here. Indeed, the trial judge is in the best position to assess whether the witness was telling the truth as he had the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the complaining witnesses while testifying.[28]

That AAA's credibility is doubtful due to the fact that she did not see the perpetrator's face, and only recognized him for his built, voice, and smell, is of no moment. As We have held before, a person may be identified by these factors for once a person has gained familiarity with another, identification is quite an easy task.[29] Even though a witness may not have seen the accused at a particular incident for reasons such as the darkness of the night, hearing the sound of the voice of such accused is still an acceptable means of identification where it is established that the witness and the accused knew each other personally and closely for a number of years.[30] Here, it cannot be denied that AAA personally knew appellant's built, voice, and smell, having lived with him her entire life.

Neither does AAA's silence on the incident nor failure to shout or wake up her siblings affect her credibility. The Court had consistently found that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested. While there are some who may have found the courage early on to reveal the abuse they experienced, there are those who have opted to initially keep the harrowing ordeal to themselves and attempted to move on with their lives.[31] This is because a rape victim's actions are oftentimes overwhelmed by fear rather than by reason. The perpetrator of the rape hopes to build a climate of extreme psychological terror, which would numb his victim into silence and submissiveness. In fact, incestuous rape further magnifies this terror for the perpetrator in these cases, such as the victim's father, is a person normally expected to give solace and protection to the victim. Moreover, in incest,

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27 *People v. Padilla*, 617 Phil. 170, 183 (2009), citing *People v. Noveras*, 550 Phil. 871, 881 (2007).

28 *People v. Dollano, Jr.*, 675 Phil. 827, 840 (2011), citing *People v. Lopez*, 617 Phil. 733, 744 (2009).

29 *People v. Cañete*, 448 Phil. 127, 142 (2003), citing *People v. Reyes*, 369 Phil. 61, 76 (1999).

30 *People v. Nuevo*, G.R. No. 132169, October 26, 2001, citing *People vs. Gayomma*, 374 Phil. 249, 257 (1999); *People vs. Enad, et al.*, 402 Phil. 1 (2001), citing *People vs. Avillano*, 336 Phil. 534, 542 (1997).

31 *People v. Ortoa*, 556 Phil. 367, 386 (2007), citing *People v. Mendoza*, 432 Phil. 666, 682 (2002).

access to the victim is guaranteed by the blood relationship, magnifying the sense of helplessness and the degree of fear.[32]

As to appellant's defenses of denial and alibi, the Court agrees with the trial and appellate courts that the same deserve scant consideration. No jurisprudence in criminal law is more settled than that alibi and denial, the most common defenses in rape cases, are inherently weak and easily fabricated. As such, they are generally rejected. On the one hand, an accused's bare denial, when raised against the complainant's direct, positive and categorical testimony, cannot generally be held to prevail.[33] On the other hand, unless the accused establishes his presence in another place at the time of the commission of the offense and the physical impossibility for him to be at the scene of the crime, his acquittal cannot be properly justified.[34]

As the trial court found, however, appellant's defenses are weak and unconvincing. While appellant completely denies the charges against him, he failed to produce any competent evidence to controvert the same. Neither did he present a single witness to stand in his favor. Moreover, while appellant consistently claimed that he could not have raped his daughter for during those nights, he would always sleep in a small hut at the back of the house where his daughter normally slept, he barely substantiated such claim. As he mentioned, the small hut was just at the back of the house. Clearly, it was not impossible for him to be at the scene of the crime for he could have easily walked thereto.

Apart from his weak and unconvincing defences of denial and alibi, appellant further claimed that the courts below should have considered the fact that AAA had a boyfriend during those times of the alleged rape. The Court, however, finds such claim unmeritorious. It is not uncommon for appellants accused of rape to shift the blame to another, particularly to the victim's suitor or boyfriend.[35] But that AAA had a boyfriend at the time of the incidents is inconsequential and cannot be held to cast doubt on AAA's testimony. It has been consistently held that no sane girl would concoct a story of defloration, allow an examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape. Youth and immaturity are generally badges of truth and sincerity. While the weight of the victim's testimony may be countered by physical evidence to the contrary or indubitable proof that the accused could not have committed the rape, the testimony shall be accorded utmost value in the absence of such countervailing proof.[36] The fact that AAA had a boyfriend

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32 *Id.* citing *People v. Melivo*, 323 Phil. 412, 422 (1996).

33 *People v. Candellada, supra* note 25.

34 *People v. Payot, Jr.*, 581 Phil. 575, 587 (2008).

35 *People v. Ramos*, 577 Phil. 297, 308 (2008).

36 *People v. Alhambra*, G.R. No. 207774, June 30, 2014, citing *People v. Bon*, 536 Phil. 897, 915 (2006).

does not necessarily exclude all possibilities of rape. In reality, it barely has anything to do with the charges she had filed against appellant.

In fine, the Court finds no reason to disturb the findings of the courts below, upholding AAA's credibility, which, by well-established precedents is given great weight and accorded high respect. Indeed, a categorical and consistent positive identification, absent any showing of ill-motive on the part of the eyewitness testifying thereon, prevails over the defenses of denial and alibi, which if not substantiated by clear and convincing proof constitute self-serving evidence undeserving of weight in law. In view, therefore, of the fact that the prosecution was able to convincingly establish that on five (5) separate occasions, appellant had carnal knowledge of his daughter AAA, who was then 15 years old, by force and without her consent, the Court affirms his conviction for qualified rape, sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole, in accordance with Section 3 of RA 9346.[37]

With respect, however, to the damages awarded, there is a need to modify the same. The trial court, which was affirmed by the CA, ordered appellant to pay AAA, for each count of rape, civil indemnity in the amount of ₱50,000.00, moral damages in the amount of ₱50,000.00, and exemplary damages in the amount of ₱25,000.00. But pursuant to prevailing jurisprudence, the civil indemnity and moral damages should both be increased to ₱75,000.00, while exemplary damages should likewise be increased to ₱30,000.00.[38] In addition, a six percent (6%) interest per annum must be imposed on all the damages awarded from the date of finality of this decision until fully paid.[39]

WHEREFORE, premises considered, the Court **ADOPTS** the findings and conclusions of law in the Decision dated September 27, 2011 of the Court of Appeals in CA-G.R. CR. H.C. No. 00970 and **AFFIRMS** said Decision finding accused-appellant Eliseo D. Villamor guilty beyond reasonable doubt of five (5) counts of rape sentencing him to suffer the penalty of *reclusion perpetua,* without eligibility of parole, **WITH MODIFICATION** as to the following amounts for each count of rape: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱30,000.00 as exemplary damages, plus six percent (6%) interest per annum of all the damages awarded from finality of decision until fully paid.

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[37] Section 3 of Republic Act No. 9346, entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines," provides:

SEC. 3. Persons convicted of offenses punished with reclusion perpetua, or whose sentences will be reduced to reclusion perpetua, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

[38] *People v. Bandril*, G.R. No. 212205, July 6, 2015, citing *People v. Santos*, G.R. No. 205308, February 11, 2015.

[39] *Id.*

SO ORDERED.

DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

MARIANO C. DEL CASTILLO
Associate Justice

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.

MARIA LOURDES P. A. SERENO
Chief Justice

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

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