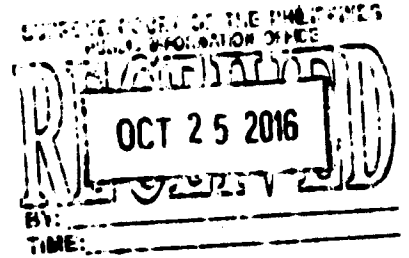




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION



PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 220761

Present:

- versus -

SERENO,\* C.J.,  
LEONARDO-DE CASTRO,\*\*  
Acting Chairperson,  
BERSAMIN,  
PERLAS-BERNABE, and  
CAGUIOA, JJ.

EDDIE OLAZO, MIGUEL  
CORBIS, CHARITO  
FERNANDEZ and ROGELIO  
LASCONIA,  
Accused,

Promulgated:

CHARITO FERNANDEZ,  
Accused-Appellant.

OCT 03 2016

X-----X

DECISION

CAGUIOA, J.:

This an Appeal<sup>1</sup> filed under Section 13, Rule 124 of the Rules of Court from the Decision dated June 2, 2015<sup>2</sup> (questioned Decision) of the Court of Appeals, Twentieth (20<sup>th</sup>) Division (CA), which affirmed the Decision dated June 14, 2011<sup>3</sup> of the Regional Trial Court of Abuyog, Leyte, Branch 10 (RTC), in Criminal Case No. 2402, finding herein accused-appellant Charito Fernandez (Charito) guilty of the crime of Robbery with Homicide.

The facts, as summarized by the CA in the questioned Decision, are as follows:

On two several (*sic*) occasions in the months of July and August 2004, accused Rogelio Lasconia together with several others hatched a plan to rob the spouses Erlinda and Nicanor Vallecera inside their home in Barangay Bito, Abuyog, Leyte. It was agreed that accused Dionesia

\* On official leave.

\*\* Per Special Order No. 2383 dated September 27, 2016.

<sup>1</sup> CA rollo, pp. 155-157.

<sup>2</sup> Rollo, pp. 4-18. Penned by Associate Justice Pamela Ann Abella Maxino, with Associate Justices Renato C. Francisco and Germano Francisco D. Legaspi concurring.

<sup>3</sup> CA rollo, pp. 48-72. Penned by Executive Judge Buenaventura A. Pajaron.

Lasconia, who was then employed as a stay-out house help of the spouses Vallecera would assist them by helping them get access inside the house undetected.

At the first meeting, accused Rogelio Lasconia and Rommel Escobio were present together with accused-appellant Miguel Corbis. On the second meeting, accused-appellant Miguel Corbis, as well as, Charito Fernandez attended the planning. During both meetings however, the plan did not push through due to the absence of some of the expected members and some superstitious omen.

Sometime on August 8, 2004, accused Dionesia Lasconia was informed by the group that they would push through with their plan that night. Thus, despite being a Sunday and her rest day, Dionesia returned to the house of the spouses Vallecera around five o'clock in the afternoon and awaited for the arrival of her cohorts.

Upon her arrival at the residence, Dionesia tended to her usual chores by feeding the chickens, sweeping the grounds and cooking for the supper of the spouses. She, however, left the back gate open to allow her co-accused to enter the compound as agreed.

Around seven o'clock in the evening, Dionesia heard sounds near the back portion of the house. She then immediately opened the kitchen door and allowed accused Rogelio Lasconia, Rommel Escobio and Eddie Fernandez, all of whom were then wearing masks, to enter the house.

The three then waited near the kitchen area of the house while the spouses Vallecera were inside the master's bedroom. After almost an hour of waiting, Erlinda Vallecera opened the master's bedroom door and was immediately accosted by the three intruders. Accused Eddie Fernandez then pointed a gun at Erlinda Vallecera and grabbed her.

The three then covered her face, while Rogelio whispered at Erlinda not to make any noise as they were only there to get money. They then dragged her into the master's bedroom where they then hogtied Nicanor Vallecera.

The three then forced Erlinda to open the vault where they then took away at least one hundred thousand pesos in cash and several pieces of jewelry. They also raided the office of Erlinda in search for more valuables.

After they were able to grab all the valuable items they can easily cart away, accused Eddie Fernandez and Rommel Escobio then brought Erlinda into one of the comfort rooms inside the house. There Rommel Escobio slashed her throat with the use of a samurai that they found inside the office of Erlinda.

Subsequently, Rommel Escobio exited the comfort room and approached Rogelio Lasconia and intimated that Erlinda was still alive despite the wound. Rogelio then entered the comfort room and thereat stabbed Erlinda several times in the neck area with the use of a long knife.

Thereafter, the three accused then hogtied Dionesia Lasconia to make it appear that she had no part in the robbery and then exited the house.<sup>4</sup>

On February 21, 2005, an Information was filed with the RTC against Eddie Olazo, Miguel Corbis and Charito, together with Rogelio Lasconia, Joseph Oronos (Joseph), Dionesia Lasconia, Rommel Escobio, and Eddie Fernandez, charging them with the crime of Robbery with Homicide, as follows:

That on or about the 8<sup>th</sup> day of August 8, 2004, in the Municipality of Abuyog, Province of Leyte, Philippines, and within the jurisdiction of this honorable court, the above named accused conspiring, confederating and mutually helping with one another and being armed with a gun and bladed weapons, did then and there willfully, unlawfully and feloniously with intent to gain by means of force, violence and intimidation, to wit: by pointing at one ERLINDA T. VALLECERA with the said gun and demanding money from her, hogtying NICANOR VALLECERA and threatening to kill the above-named spouses, and thereafter take, steal and carry away cash amounting to more than Php 100,000.00 and undetermined amount of assorted jewelry owned by and belonging to the said spouses NICANOR VALLECERA, against their will and without their consent to the damage and prejudice to said owner in the said sum; that on the occasion of the said robbery, the above-named accused, with intent to kill, with evident premeditation and taking advantage of their superior strength, conspiring, confederating, and mutually helping with one another, and in pursuance of their conspiracy, did then and there willfully, unlawfully, and feloniously attack, assault, slash the throat, stab, hack and wound ERLINDA T. VALLECERA with the use of bladed weapon which the accused provided themselves for the purpose, thereby hitting and inflicting upon her fatal wounds on the different parts of her body which were the direct and proximate cause of her death.

ACTS CONTRARY TO LAW.<sup>5</sup>

During arraignment, only Rommel Escobio pleaded guilty, while Eddie Fernandez remained at large.<sup>6</sup>

Meanwhile, during trial, Joseph was discharged as state witness. On the other hand, Dionesia Lasconia was allowed to plead guilty to the lesser offense of Homicide on the condition that she would corroborate the testimony of Joseph, the alleged driver of the motorcycle used to transport the accused to and from the scene of the crime.

### *Ruling of the RTC*

After trial on the merits, in its Decision dated June 14, 2011,<sup>7</sup> the RTC convicted Charito, together with Rogelio Lasconia, Eddie Olazo, and Miguel

<sup>4</sup> *Rollo*, pp. 6-7.

<sup>5</sup> *Id.* at 5-6.

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *CA rollo*, pp. 48-72.

Corbis, of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, finding the Prosecution to have successfully proven the guilt of the Accused Rogelio Lasconia alias "Teting", Eddie Olazo, Miguel Corbis, alias "Blackie" and Charito Fernandez, guilty beyond reasonable doubt of the crime as charge (*sic*), this Court hereby sentences the aforesaid accused to suffer the penalty of RECLUSION PERPETUA, ordering the aforesaid to indemnify the Heirs of the Offended Party in the amount of Php.100,000.00 jointly and severally and to pay the cost.

SO ORDERED.<sup>8</sup>

Aggrieved, Charito appealed before the CA, along with Eddie Olazo and Miguel Corbis (Accused-appellants). Accordingly, Accused-appellants filed their Brief dated August 8, 2012,<sup>9</sup> while the Appellee, through the OSG, filed its Brief on January 22, 2013.<sup>10</sup>

#### *Ruling of the CA*

In the questioned Decision, the CA affirmed the RTC insofar as it convicted Charito of the crime charged. Notably, however, the CA acquitted Eddie Olazo and Miguel Corbis on the ground that there was a lack of evidence in the records to sustain their conviction. Quoted hereunder are the pertinent portions of the questioned Decision:

Simply put, while accused-appellant Miguel Corbis had participated in conspiring to commit robbery against the spouses Vallecera, **sans any showing of his actual aid or presence during its commission, or any overt act indicative of common design, he cannot be held criminally culpable for such felony.**

Moreover, as to the complicity of accused-appellant Eddie Olazo, We also find a total bankruptcy in the records of the case that could even remotely exhibit his complicity and culpability to the crime charged. The totality of the testimonies of the prosecution is bare of any participation of Eddie Olazo. **As tersely testified by state witness Joseph Oronos, Eddie Olazo was never present during the planning of the commission of the crime nor during the actual commission thereof.**

x x x x

In the case at bench, such unity in purpose by accused-appellant Charito Fernandez to the acts committed by his co-accused Rogelio Lasconia, Eddie Fernandez and Rommel Escobio has been duly and clearly established by his **act of planning with the other accused the conduct of robbery, by accompanying them during its commission and hasty getaway, as well as providing payment for their getaway vehicle and**

<sup>8</sup> Id. at 71-72.

<sup>9</sup> Id. at 31-47.

<sup>10</sup> Id. at 80-125.

**even threatening their driver with mortal harm should he reveal what they had committed.** This (*sic*) established acts of accused-appellant Charito Fernandez evinces beyond cavil his complicity and agreement of the unlawful criminal design of Rogelio Lasconia, Eddie Fernandez and Rommel Escobio.<sup>11</sup> (Emphasis supplied)

On June 10, 2015, Charito filed a Notice of Appeal of even date with the CA, elevating the case to this Court.<sup>12</sup>

In a Resolution dated November 11, 2015,<sup>13</sup> the Court instructed the parties to file their respective Supplemental Briefs, if they so desired. In lieu of filing Supplemental Briefs, however, the parties filed Manifestations respectively dated February 4, 2016<sup>14</sup> and February 19, 2016,<sup>15</sup> informing the Court that they were merely adopting their previous Briefs submitted with the CA.

#### *Issue*

Proceeding from the foregoing, for resolution of this Court is the issue of whether or not the RTC, as affirmed by the CA, erred in finding Charito guilty of the crime of Robbery with Homicide.

#### *The Court's Ruling*

In the instant Appeal, Charito claims that the prosecution was unable to prove his guilt beyond reasonable doubt. Specifically, Charito argues that the evidence showing his participation in the planning stages of the crime was insufficient to sustain his conviction and the finding of conspiracy between him and his co-accused.

We disagree.

To begin with, this Court has repeatedly recognized that the trial court is in the best position to assess the credibility of witnesses and their testimonies given its unique position to observe the elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts.<sup>16</sup> Hence, the trial court's assessment of the credibility of witnesses is accorded great weight and respect and is binding on this Court, especially when affirmed by the CA.<sup>17</sup>

We see no reason to doubt the positive testimony of Joseph, especially when weighed against the bare allegations of Charito, *i.e.*, that he was

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<sup>11</sup> *Rollo*, pp. 12-15.

<sup>12</sup> *CA rollo*, pp. 155-157.

<sup>13</sup> *Rollo*, pp. 24-25.

<sup>14</sup> *Id.* at 29-31.

<sup>15</sup> *Id.* at 35-37.

<sup>16</sup> *People v. Sanico*, G.R. No. 208469, August 13, 2014, 733 SCRA 158, 179.

<sup>17</sup> *Id.*

elsewhere having a drinking spree during the time of the commission of the crime.<sup>18</sup>

There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.<sup>19</sup> Conspiracy is present when one concurs with the criminal design of another, indicated by the performance of an overt act which produces the crime.<sup>20</sup> In proving conspiracy, direct evidence is not indispensable as its existence may be inferred from the conduct of the accused before, during, and after the commission of the crime.<sup>21</sup>

In the instant case, the candid testimony of state witness Joseph unmistakably produces a conviction beyond reasonable doubt. That Charito was present before, during, and after the commission of the crime and that there was conspiracy between the malefactors are findings fully supported by the evidence on record:

2<sup>nd</sup> prosecution witness JOSEPH ORONOS, who turned state witness was presented on the witness stand on January 23, 2008 to testify that on the month of July 2004, Rogelio Lasconia or "TESING" together with his Auntie Dionesia Lasconia, **Charito** and Miguel **hired him to ferry them to Brgy. Barayong, to where Dionesia Lasconia was living for the plan out of the proposed robbery** and in the course of their conversation, he overheard "ONING" or DIONESIA LASCONIA giving all the details laying on the plan of robbery on the house of Atty. Vallecera **with instruction to KILL her master so that it will not be known that it was she who planned everything.** (TSN January 23, 2008, pp. 27-28, Crim. Case No. 2402, 2<sup>nd</sup> prosecution witness, JOSEPH ORONOS, Guarda).

Witness also admitted that in another instance he was hired by the same group at around seven o'clock in the evening of August 8, 2004 to the Sto. Nino Park Rotunda of Abuyog, Leyte and when they disembarked, he saw them went straight ahead of the street and down towards the house of her master, at around 8:00 o'clock in the evening.

On their return from Atty. Vallecera's house, "Oning" or Dionesia Lasconia was carrying a bag and "Teting" or Rogelio Lasconia was with a bolo in his hand, while the two persons were barehanded, then he brought them near the house of "Teting" in Caranhug, Javier, Leyte, **it was Charito who paid him two five-hundred peso bill (sic) few days after.** (TSN January 23, 2008, pp. 31-33, Crim. Case No. 2402, 2<sup>nd</sup> prosecution witness, JOSEPH ORONOS, Guarda)

X X X X

x x x Further admitted by him that on the month of August, the date and year he cannot recall, he was hired by Rogelio Lasconia to ferry them to

<sup>18</sup> CA rollo, p. 60.

<sup>19</sup> Art. 8, REVISED PENAL CODE.

<sup>20</sup> *Bahilidad v. People*, 629 Phil. 567, 574 (2010).

<sup>21</sup> *Id.*



the place of Dionesia Lasconia where **he overheard their plan to rob her master with Dionesia Lasconia laying all details whereby Rogelio, Miguel Corbis, and Charito Fernandez uttered there is no problem about that.** (TSN February 12, 2008, pp. 5-9, Crim. Case No. 2402, 2<sup>nd</sup> prosecution witness, JOSEPH ORONOS, Tonog)<sup>22</sup> (Emphasis supplied)

Without doubt, Joseph positively identified Charito and declared that he saw him during the initial planning of the commission of the crime and noted Charito's express agreement thereto.<sup>23</sup> Joseph also testified that he saw Charito in the evening of August 8, 2004, when he brought the accused near the house of the spouses Vallecera and again upon their return to the drop-off area almost an hour later.<sup>24</sup> It was also established that Charito paid Joseph for the use of his motorcycle two (2) days after the commission of the crime and that he was threatened by Charito should the former "squeal" on them.<sup>25</sup> These facts clearly evince unity of purpose and criminal design between Charito and his cohorts.

Finally, we take note of the fact that the RTC and the CA had concurring factual and legal findings insofar as they found Charito guilty of the crime of Robbery with Homicide. Thus, in the absence of any showing that material facts or circumstances were overlooked by the inferior courts, this Court affirms the questioned Decision.

With respect to the imposition of the appropriate penalty, the dispositive portion of the questioned Decision stated:

As to accused-appellant CHARITO FERNANDEZ, We find him GUILTY of the crime charged and sentence him to suffer the penalty of *reclusion perpetua*. Accused-Appellant Charito Fernandez is further ordered to pay the heirs of Erlinda Vallecera the amount of Fifty Thousand Pesos (Php 50,000.00) as moral damages, Fifty Thousand Pesos (Php 50,000.00) as civil indemnity and Forty Thousand Pesos (Php 40,000.00) as actual damages. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

SO ORDERED.<sup>26</sup>

Article 294(1) of the Revised Penal Code (RPC), as amended,<sup>27</sup> imposes the penalty of *reclusion perpetua* to death when by reason or on occasion of the crime of Robbery with violence against or intimidation of persons, the crime of Homicide is committed. Considering that the imposable

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<sup>22</sup> CA *rollo*, pp. 52-53.

<sup>23</sup> *Rollo*, p. 13.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 14.

<sup>26</sup> *Id.* at 17.

<sup>27</sup> Section 9, Republic Act No. 7659, entitled "AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL LAWS, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES".



penalty for Robbery with Homicide consists of two (2) indivisible penalties (*i.e.*, death and *reclusion perpetua*), Article 63 of the RPC finds application:

Article 63. *Rules for the application of indivisible penalties.* – In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

x x x x

In this regard, we note that both the RTC and the CA failed to consider “evident premeditation”<sup>28</sup> and “taking advantage of superior strength”<sup>29</sup> as ordinary, aggravating circumstances, despite having been sufficiently alleged in the Information filed with the RTC, *viz*:

[T]hat on the occasion of the said robbery, the above-named accused, with intent to kill, **with evident premeditation and taking advantage of their superior strength**, conspiring, confederating, and mutually helping with one another, and in pursuance of their conspiracy, did then and there willfully, unlawfully, and feloniously attack, assault, slash the throat, stab, hack and wound ERLINDA T. VALLECERA with the use of bladed weapon which the accused provided themselves for the purpose, thereby hitting and inflicting upon her fatal wounds on the different parts of her body which were the direct and proximate cause of her death.<sup>30</sup> (Emphasis supplied)

The requirements to prove the aggravating circumstance of evident premeditation are the following: (i) the time when the offender determined to commit the crime; (ii) an act manifestly indicating that the culprit has clung to his determination; and (iii) sufficient lapse of time between the determination and execution to allow him to reflect upon the consequences of his act.<sup>31</sup> To warrant a finding of evident premeditation, it must appear not only that the accused decided to commit the crime prior to the moment of its execution, but also that such decision was the result of “meditation, calculation, reflection, or persistent attempt”.<sup>32</sup>

<sup>28</sup> Art. 14(13), REVISED PENAL CODE.

<sup>29</sup> Art. 14(15), *id.*

<sup>30</sup> *Rollo*, p. 5.

<sup>31</sup> *People v. Dadvio*, 434 Phil. 684, 688 (2002).

<sup>32</sup> *Id.* at 690.



While we have previously ruled that the circumstance of evident premeditation is inherent in Robbery,<sup>33</sup> it may be considered in the special complex crime of Robbery with Homicide if there is premeditation to kill besides stealing.<sup>34</sup> Here, the evidence clearly established how and when Charito and his co-conspirators hatched their malevolent plan to rob the spouses Vallecera and likewise “kill [Dionesia Lasconia’s] master”.<sup>35</sup> As discussed above, the first attempt of the malefactors to carry out their scheme was foiled and it was only on their second attempt that they were able to consummate the conspiracy. Hence, that there were persistent attempts made by the accused sufficiently demonstrate how determined they were to adhere to their agreement despite the sufficient lapse of time. Moreover, that Charito and his cohorts went to great lengths to hire Joseph to ferry them back and forth to the scene of the crime shows the sobriety and circumspection surrounding their decision. Such circumstances therefore show that the crime committed was a product of intent and coordination among the accused. Hence, the aggravating circumstance of evident premeditation is present in this case.

Meanwhile, to appreciate the qualifying circumstance of abuse of superior strength, what is to be considered is whether the aggressors took advantage of their combined strength in order to consummate the offense, e.g., that excessive force out of proportion to the means of defense available to the victim was used.<sup>36</sup> In the case at bench, the records disclose that during the commission of the offense, Nicanor Vallecera was hogtied by three (3) of the perpetrators, while Erlinda Vallecera, a woman, was successively and fatally injured using a samurai sword and a long knife. Clearly, the means employed by the culprits were patently excessive, there being no indication of retaliation from the spouses Vallecera as their means of defense were greatly, if not absolutely, diminished. In this regard, the aggravating circumstance of “superior strength” is properly cognizable.

Proceeding from the foregoing, applying Article 63 of the RPC would mean that the imposable penalty on the accused would be death given the presence of two (2) aggravating circumstances. However, in view of Republic Act No. 9346, and as correctly ruled by the CA, the imposition of the penalty of death has been prohibited and in lieu thereof, the penalty of *reclusion perpetua* is to be imposed.

Accordingly, recognizing the presence of the two (2) aggravating circumstances affects the proper amount of damages to be imposed. Thus, in our recent ruling in *People v. Jugueta*,<sup>37</sup> we held that the principal consideration is “the penalty provided by law or imposable for the offense because of its

<sup>33</sup> *People v. Garillo*, 174 Phil. 38, 45 (1978).

<sup>34</sup> *People v. Cando*, 398 Phil. 225, 239 (2000); *People v. Disipulo*, 343 Phil. 332, 346 (1997); See *People v. Manansala*, 286 Phil. 150, 157 (1992).

<sup>35</sup> CA rollo, pp. 52-53.

<sup>36</sup> See *People v. Sansaet*, 426 Phil. 826, 835 (2002).

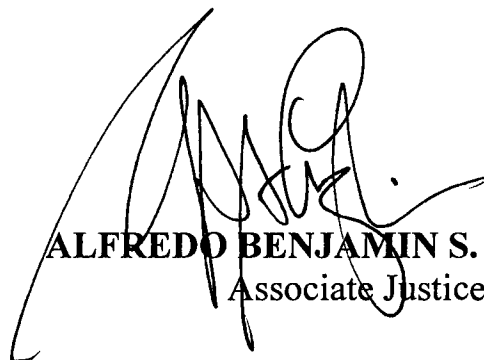
<sup>37</sup> G.R. No. 202124, April 5, 2016, p. 22.



heinousness, not the public penalty actually imposed on the offender". Here, since the penalty of death would have been imposed were it not for Republic Act No. 9346, the original award of Fifty Thousand Pesos (₱50,000.00) for moral damages and civil indemnity should be increased to One Hundred Thousand Pesos (₱100,000.00) each. Further, in light of the socially reprehensible conduct exhibited by Charito, and to serve as a deterrent to others similarly inclined, we deem it just to award exemplary damages in the amount of One Hundred Thousand Pesos (₱100,000.00). Thus, in conformity with prevailing jurisprudence,<sup>38</sup> we modify the award of damages made by the CA.

**WHEREFORE**, in view of the foregoing, the appeal is **DISMISSED** for lack of merit. The Decision dated June 2, 2015 of the Court of Appeals in CA-G.R. CR HC No. 01417, finding accused-appellant Charito Fernandez **GUILTY** beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code, as amended, is hereby **AFFIRMED** with **MODIFICATION**, sentencing him to suffer the penalty of *reclusion perpetua* and ordering him to pay the heirs of Erlinda Vallecera the amount of One Hundred Thousand Pesos (₱100,000.00) as civil indemnity, One Hundred Thousand Pesos (₱100,000.00) as moral damages, One Hundred Thousand Pesos (₱100,000.00) as exemplary damages, and Forty Thousand Pesos (₱40,000.00) as actual damages.<sup>39</sup> All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Decision until fully paid.

**SO ORDERED.**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:

(On official leave)  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

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<sup>38</sup> Id.

<sup>39</sup> *Rollo*, p. 16.

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice  
 Acting Chairperson

*Lucas P. Bersamin*  
**LUCAS P. BERSAMIN**  
 Associate Justice

*Estela M. Perlas-Bernabe*  
**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.

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
 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.

*Presbitero J. Velasco, Jr.*  
**PRESBITERO J. VELASCO, JR.**  
 Acting Chief Justice

*[Handwritten signature]*