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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DANILO DE VILLA y GUINTO,
Petitioner,

G.R. No. 224039

Present:

- versus -

CARPIO, J., *Chairperson*,
CAGUIOA,
J. REYES, JR.,
LAZARO-JAVIER, and
ZALAMEDA, JJ.

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

11 SEP 2019

X-----X

DECISION

CAGUIOA, J.:

Before the Court is an appeal by *certiorari* under Rule 45 of the Rules of Court (Petition) questioning the Decision¹ dated October 16, 2015 and Resolution dated April 4, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 36057, which affirmed the Decision² dated July 17, 2013 rendered by the Regional Trial Court, Branch 9, Balayan, Batangas (RTC) in Criminal Case No. 6623, which found herein accused-appellant Danilo De Villa y Guinto (Danilo) guilty beyond reasonable doubt of violating Section 11(3), Article II of Republic Act No. 9165 (RA 9165), otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended.

The Facts

The Information³ filed against Danilo for violation of Section 11(3), Article II of RA 9165 pertinently read:

That on or about the 4th day of May, 2011, at about 4:25 o'clock in the afternoon, at Barangay Rizal, Municipality of Tuy, Province of

¹ *Rollo*, pp. 82-92. Penned by Associate Justice Manuel M. Barrios with Associate Justices Ramon M. Bato, Jr. and Maria Elisa Sempio Diy, concurring.

² *Id.* at 42-58. Penned by Presiding Judge Carolina F. De Jesus.

³ Records, p. 1.

Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without having been authorized by law, did then and there willfully and unlawfully have in his possession, custody and control four (4) heat-sealed transparent plastic sachets each containing methamphetamine hydrochloride commonly known as “shabu”, having a total weight of 0.12 gram, a dangerous drug,

Contrary to law.⁴

Upon arraignment, Danilo pleaded not guilty to the offense charge.⁵

Version of the Prosecution

The version of the prosecution, as summarized by the CA, is as follows:

From the narratives of prosecution’s witnesses, PO2 Hamilton Salanguit and SPO1 Edward Plata, it is gathered that on 04 May 2011, at around 3:10 o’clock p.m., they and other police officers from Tuy (Batangas) Police Station were conducting a checkpoint in Barangay Rizal when they flagged down a Green Honda Wave motorcycle driven by accused-appellant with his wife Josefina Maria de Villa as backrider. Accused-appellant was not wearing helmet and shoes, and was only clad in *sando*. PO2 Salanguit approached accused-appellant and thereupon noticed that the motorcycle did not have a license plate. He asked accused-appellant to show his driver’s license, but the latter could not present the same. PO2 Salanguit then requested accused-appellant to show the registration papers. Accused-appellant opened the motorcycle’s utility box and took out a plastic containing the LTO - issued license plate (WG-7720) as well as the photocopies of the motorcycle’s expired registration papers under the name of Alex Dayandayan which he handed to SPO1 Plata. At this instance, PO2 Salanguit saw two (2) plastic sachets containing white crystalline substance inside the utility box which he confiscated. Immediately, the police officers bodily searched accused-appellant and ordered him to empty the contents of his pocket. From accused-appellant’s right pocket, two (2) more plastic sachets were recovered. PO2 Salanguit then marked the confiscated sachets with “DGD-1,” [“]DGD-2,” “DGD-3,” and “DGD-4,” which stands for the initials of “Danilo Guinto De Villa.”

Afterwards, accused-appellant and his wife, along with the seized items and the motorcycle, were brought to the barangay hall where accused-appellant was photographed with the seized plastic sachets; and an Inventory of the Property Seized/Confiscated was prepared by PO2 Salanguit and signed by Department of Justice representative Benilda Diaz, media representative Napoleon Cabral and Barangay Chairman Ramil Sanchez. Thereafter, the seized items were brought by PO2 Salanguit and SPO1 Plata to the Batangas Provincial Crime Laboratory Office for forensic examination. In Chemistry Report No. BD-119-2011 dated 05 May 2011 issued by P/Insp. Herminia Carandang Llacuna, the test yielded a positive result for *methamphetamine hydrochloride*, a

⁴ Id.

⁵ *Rollo*, p. 13.

prohibited drug. Further investigation revealed that accused-appellant and his family were reportedly involved in the illicit drug trade in Poblacion, Tuy, Batangas. Nevertheless, being a mere backrider, accused-appellant's wife was released for lack of evidence. A Traffic Citation Ticket was also issued against accused-appellant for traffic offenses, viz: driving without license, using the vehicle with expired registration papers, unattached plate number, and driving with sleeveless shirt and without shoes and helmet.⁶

Version of the Defense

On the other hand, the version of the defense, as summarized by the CA, is as follows:

On the other hand, the defense witnesses were accused-appellant and his wife Josefina Maria de Villa. They averred that on 04 May 2011, at around 3:00 o'clock in the afternoon, he and his wife went to Balayan, Batangas - using the motorcycle of his friend Alexander Dayandayan - to purchase goods. While they were traversing Barangay Rizal in Tuy, Batangas, they noticed a police patrol car was tailing them, and eventually flagged them down. A police officer, whose nameplate reads "SPO1 Buhay", alighted and asked him why the vehicle did not have [a] license number. Accused-appellant answered that it was inside the utility box which he immediately opened to retrieve the license plate and the registration papers. He handed them to SPO1 Buhay, but a certain police officer named Romasanta approached and told them that it is better to go to the police station for further investigation. At the Tuy police station, they entered a room where a police officer inspected his pocket and the goods they bought from Balayan, Batangas. At that point, accused-appellant's wife was permitted to leave in order to get the original copy of the Certificate of Registration from their house. Accused-appellant was then transferred to another room by SPO1 Plata who asked him about a person who was not known to him. After staying in the room for four (4) hours, accused-appellant was directed to board the patrol car, along with an old person and a media man, and proceeded to the barangay hall. There, he was photographed, with the plastic sachets of *shabu* placed on top of the table, in the presence of the barangay chairman, the media representative, and the DOJ representative. When they returned to the police station, accused-appellant was informed that he is being charged with illegal possession of *shabu*.⁷

Ruling of the RTC

In the Decision dated July 17, 2013, the RTC ruled that the prosecution was able to sufficiently prove the existence of all the elements of illegal possession of dangerous drugs.⁸ The apprehending officers properly observed the legal requirements laid down under Section 21(1), Article II of RA 9165.⁹ Lastly, it ruled that the defense of frame-up raised by the accused is without merit.¹⁰ The accused failed to present clear and

⁶ Id. at 83-85.

⁷ Id. at 85-86.

⁸ Id. at 55.

⁹ Id. at 55-56.

¹⁰ Id. at 57.

convincing evidence to support his claim.¹¹ He even admitted that he did not file any complaint against the apprehending officers who allegedly framed him up and supposedly planted evidence against him.¹²

The dispositive portion of the Judgment reads:

WHEREFORE, in view of the foregoing, this Court hereby finds accused Danilo De Villa y Guinto **GUILTY** beyond reasonable doubt for Violation of Section 11, Paragraph 3, Article II, Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and hereby sentences him to suffer the penalty of **imprisonment for Twelve (12) Years, Four (4) Months and One (1) Day as minimum, to Fourteen (14) Years and Six (6) Months, as maximum**, and to pay a **fine of Three Hundred Thousand Pesos (P300,000.00)** with subsidiary imprisonment in case of non-payment thereof. With costs.

SO ORDERED.¹³

Aggrieved, Danilo appealed to the CA.

Ruling of the CA

In the assailed Decision dated October 16, 2015, the CA affirmed Danilo's conviction. The dispositive portion of the Decision reads:


WHEREFORE, premises considered, the appeal is **DENIED**. The appealed Decision dated 17 July 2013 of the Regional Trial Court, Branch 09, Balayan, Batangas in Criminal Case No. 6623 is **AFFIRMED**.

SO ORDERED.¹⁴

The CA likewise ruled that all the elements of Illegal Possession of Dangerous Drugs were duly proven by the prosecution.¹⁵ It did not give any merit to the argument of the accused that the arresting officers are not members of the Philippine Drug Enforcement Agency (PDEA) and that the former did not coordinate with said agency prior to his arrest.¹⁶ It further ruled that the police officers were able to follow the procedure laid down in Section 21.¹⁷ Verily, it held that the integrity of the evidence is presumed to have been preserved, unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with.¹⁸ Lastly, the prosecution failed to overturn the presumption of regularity in the performance of duties.¹⁹

Hence, the instant appeal.

¹¹ Id.
¹² Id. at 57-58.
¹³ Id. at 58.
¹⁴ Id. at 92.
¹⁵ Id. at 87.
¹⁶ Id. at 88.
¹⁷ Id. at 90-91.
¹⁸ Id. at 91.
¹⁹ Id.



Issue

Whether Danilo's guilt for violation of Section 11(3) of RA 9165 was proven beyond reasonable doubt.

The Court's Ruling

The Petition lacks merit.

At the outset, the Court notes that the issues raised in the Petition are factual and evidentiary in nature, which are outside the Court's scope of review in Rule 45 petitions. In this regard, it is settled that the assessment of the credibility of witnesses is a task most properly within the domain of trial courts due to the unique opportunity afforded them to observe the witnesses when placed on the stand.²⁰ While questions of fact have been entertained by the Court in justifiable circumstances, Danilo failed to establish that the instant case falls within the allowable exceptions. Hence, not being a trier of facts but of law, the Court must necessarily defer to the concurrent findings of fact of the CA and the RTC.²¹

Be that as it may, the Court finds no reversible error committed by the CA in affirming Danilo's guilt for violation of Section 11(3), Article II of RA 9165.

The apprehension of the accused-appellant through a routine checkpoint which led to the seizure of the illegal drugs constitutes a valid warrantless arrest of the accused and seizure of the four (4) plastic sachets of shabu.

As correctly ruled by the CA, all the elements of Illegal Possession of Dangerous Drugs²² were duly proven by the prosecution.²³ Moreover, there is no question that there was a valid warrantless arrest of Danilo and seizure of the illegal drugs. The CA ruled in this wise:

In this case, all the foregoing elements were duly proven. First, it is a conceded fact that accused-appellant was committing certain traffic infractions when he was flagged down in a police checkpoint, namely: driving without helmet and shoes; wearing only a *sando*; driving a vehicle without attached license plate; and holding expired registration papers which was not even under his name. When accused-appellant was asked to produce the registration papers, he voluntarily opened the motorcycle's utility and it was at this juncture when PO2 Salanguit saw the two (2)

²⁰ *People v. Gahi*, 727 Phil. 642, 658 (2014).

²¹ *Miro v. Vda. de Ederos*, 721 Phil. 772, 785-786 (2013).

²² *People v. Sembrano*, G.R. No. 238829, October 15, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64758>>: (1) the accused is in possession of an item or object, which is identified as a prohibited drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the drug.

²³ *Rollo*, pp. 86-87.

plastic sachets of *shabu* hidden inside. The sight, therefore, of the said illicit drugs in the possession and custody of accused-appellant gave the police officers genuine reason and authority to arrest him and to conduct a body-search incidental to the valid warrantless arrest; which search resulted to the seizure of two (2) more plastic sachets of *shabu* in his right pant pocket. Law and jurisprudence have laid down the principle that a warrantless search is justified as an incident to a lawful arrest; seizure of evidence in plain view; search of a moving vehicle; consented search; customs search; stop and frisk situations; and exigent and emergency circumstances. It is also worth mentioning that motorists – like accused-appellant here – and their vehicles, as well as pedestrians passing through checkpoints may be stopped and searched when there is probable cause to justify a reasonable belief of the men at the checkpoints that either the motorist is a law offender or the contents of the vehicle are or have been instruments of some offense. Secondly, it is evidently clear that accused-appellant has no legal authority to possess the contraband. Third, under the circumstances, accused-appellant's act of concealing the drugs inside the motorcycle's utility box and his pant pocket indicate that his possession and custody thereof is free, conscious and deliberate. Consequently, We find that the elements for a successful prosecution for illegal possession of *shabu* are present.²⁴

It is undeniable that the seizure of the prohibited items in this case was valid under the “*plain view*” doctrine. In *People v. Lagman*,²⁵ the Court laid down the following parameters for the application of this doctrine:

Objects falling in plain view of an officer who has a right to be in a position to have that view are subject to seizure even without a search warrant and may be introduced in evidence. The ‘plain view’ doctrine applies when the following requisites concur: (a) the law enforcement officer in search of the evidence has a prior justification for an intrusion or is in a position from which he can view a particular area; (b) the discovery of evidence in plain view is inadvertent; (c) it is immediately apparent to the officer that the item he observes may be evidence of a crime, contraband or otherwise subject to seizure. The law enforcement officer must lawfully make an initial intrusion or properly be in a position from which he can particularly view the area. In the course of such lawful intrusion, he came inadvertently across a piece of evidence incriminating the accused. The object must be open to eye and hand and its discovery inadvertent.²⁶

In this case, all the elements of the plain view doctrine were established.

First, the police officers were conducting a routine checkpoint when they flagged down the accused on board his motorcycle. The police officers noticed that the accused, as abovementioned, was committing several traffic infractions, thus the police officers had a prior justification for their act of flagging down the accused and their subsequent intrusion. *Second*, upon asking the accused for his registration papers, the accused opened his utility box, and the two (2) sachets of *shabu* were plainly visible to the police

²⁴ Id. at 87.

²⁵ 593 Phil. 617 (2008).

²⁶ Id. at 628-629.

officers. The discovery of the sachets was inadvertent and the illicit items were immediately apparent. *Lastly*, PO2 Hamilton Salanguit (PO2 Salanguit) confiscated the sachets containing white crystalline substance since it appeared that the same could be evidence of a crime, contraband, or otherwise subject to seizure.

At this juncture, it is important to emphasize that the seizure of these pieces of evidence in plain view is what justified the subsequent searches and the arrest of Danilo. If not for the said plastic sachets, there would have been no valid reason to search or frisk Danilo as his traffic violations were punishable only by fine. His traffic violations *per se* did not justify a search incidental to a lawful arrest as there was as yet no lawful arrest to speak of. However, with the discovery of the two plastic sachets in the utility box, there arose a valid reason to properly arrest Danilo and conduct a search incidental to such lawful arrest. And true enough, they discovered two (2) more plastic sachets of *shabu* in the right pocket of Danilo's pants.

The police officers sufficiently complied with Section 21 of RA 9165.

With regard to the accused's argument that the chain of custody was not complied with, the Court likewise upholds the CA when it held that the police officers substantially complied with the same.

As a general rule, strict compliance with the requirements of Section 21, RA 9165 is mandatory. It is only in exceptional cases that the Court may allow non-compliance with these requirements, provided the following requisites are present: (1) the existence of justifiable grounds to allow departure from the rule on strict compliance; and (2) the integrity and the evidentiary value of the seized items are properly preserved by the apprehending team.

To recall, this case started with a checkpoint in Barangay Rizal, Tuy, Batangas where the accused was caught in *flagrante delicto* possessing two (2) sachets of *shabu*. There was no buy-bust operation conducted by the police officers, but a mere routine check. Thus, there is sufficient justification for their slight deviation from the rules in Section 21. As correctly pointed out by the CA, to wit:

In this instance, PO2 Salanguit testified that he confiscated the four (4) plastic sachets of *shabu* at the *locus criminis* after looking inside the motorcycle's utility box and upon frisking the accused-appellant on the occasion of the arrest. Upon seizure, he marked the items with "DGD-1," ["DGD-2," "DGD-3," and "DGD-4" in the presence of accused-appellant and the other police officers. On their way to the barangay hall, PO2 Salanguit was in possession of the seized items. When the photographs of accused-appellant and the seized items were taken, he was likewise present, along with DOJ representative Benilda Diaz, media representative Napoleon Cabral, and Barangay Chairman Ramil Sanchez. After preparing the Inventory of Property Seized/Confiscated and the



Receipt of Property Seized, PO2 Salanguit physically delivered the items to the Batangas Provincial Crime Laboratory Office to P/Insp. Herminia Carandang Llacuna, forensic chemist, at 2:10 o'clock in the morning of 05 May 2011. In turn, P/Insp. Llacuna conducted the laboratory examination on the seized items which yielded positive result for *methamphetamine hydrochloride*, and, thereafter, she issued a corresponding laboratory report.²⁷

Verily, the prosecution was able to establish the integrity of the *corpus delicti* and an unbroken chain of custody. The Court has explained in a catena of cases the four (4) links that should be established in the chain of custody of the confiscated *item*: *first*, the seizure and marking, if practicable, of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized from the forensic chemist to the court.²⁸ In this case, the prosecution was able to prove all the links that should be established in the chain of custody.

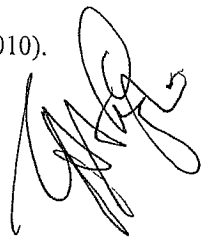
The Court thus agrees with the CA that the police officers were able to strictly comply with the requirements laid down in Section 21. The seized items were immediately marked at the place of arrest by PO2 Salanguit. Since the arrest of the accused and seizure of the dangerous drugs were merely a result of the routine checkpoint conducted by the police officers and not because of a pre-planned buy-bust operation, they had a sufficient justification to delay the conduct of the inventory and photography of the seized items at a different venue. In addition, it is worthy to note that despite the fact that said arrest of the accused and seizure of the illegal drugs was not planned, it is apparent that they exerted enough reasonable efforts to ensure that the physical inventory and photography of the seized items were conducted in the presence of the accused, a representative from the media, a representative of the Department of Justice, and a barangay official immediately after the arrest and seizure at the barangay hall – a requirement that many police officers normally fail to comply with even in a planned buy-bust operation.

Unquestionably, the police officers sufficiently complied with the requirements laid down in Section 21, thus preserving the integrity and evidentiary value of the seized items.

The defense further posits that the arresting officers are not members of the PDEA, nor did they contact or coordinate with the latter in relation to the instant case.

²⁷ *Rollo*, p. 91.

²⁸ *People v. Holgado*, 741 Phil. 78, 94-95 (2014), citing *People v. Nandi*, 639 Phil. 134, 144-145 (2010).



However, as correctly pointed out by the Office of the Solicitor General and settled by the CA, non-participation of the PDEA does not automatically affect the validity of a buy-bust operation. Especially as in the case where there was no buy-bust operation, but an *in flagrante delicto* arrest and seizure by reason of a routine checkpoint operation. Thus, there is no expectation for the police officers to have pre-coordinated with the PDEA.

In the case of *People v. Sta. Maria*,²⁹ the Court ruled:

Appellant would next argue that the evidence against him was obtained in violation of Sections 21 and 86 of Republic Act No. 9165 because the buy-bust operation was made without any involvement of the Philippine Drug Enforcement Agency (PDEA). Prescinding therefrom, he concludes that the prosecution's evidence, both testimonial and documentary, was inadmissible having been procured in violation of his constitutional right against illegal arrest.

The argument is specious.

Section 86 of Republic Act No. 9165 reads:

SEC. 86. *Transfer, Absorption, and Integration of All Operating Units on Illegal Drugs into the PDEA and Transitory Provisions.* — The Narcotics Group of the PNP, the Narcotics Division of the NBI and the Customs Narcotics Interdiction Unit are hereby abolished; however they shall continue with the performance of their task as detail service with the PDEA, subject to screening, until such time that the organizational structure of the Agency is fully operational and the number of graduates of the PDEA Academy is sufficient to do the task themselves: *Provided*, That such personnel who are affected shall have the option of either being integrated into the PDEA or remain with their original mother agencies and shall, thereafter, be immediately reassigned to other units therein by the head of such agencies. Such personnel who are transferred, absorbed and integrated in the PDEA shall be extended appointments to positions similar in rank, salary, and other emoluments and privileges granted to their respective positions in their original mother agencies.

The transfer, absorption and integration of the different offices and units provided for in this Section shall take effect within eighteen (18) months from the effectivity of this Act: *Provided*, That personnel absorbed and on detail service shall be given until five (5) years to finally decide to join the PDEA.

Nothing in this Act shall mean a diminution of the investigative powers of the NBI and the PNP on all other crimes as provided for in their respective organic laws: *Provided, however, That when the investigation being conducted by the NBI, PNP or any ad hoc anti-drug*

²⁹ 545 Phil. 520 (2007).

task force is found to be a violation of any of the provisions of this Act, the PDEA shall be the lead agency. The NBI, PNP or any of the task force shall immediately transfer the same to the PDEA: *Provided, further*, That the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters.

Cursory read, the foregoing provision is silent as to the consequences of failure on the part of the law enforcers to transfer drug-related cases to the PDEA, in the same way that the Implementing Rules and Regulations (IRR) of Republic Act No. 9165 is also silent on the matter. But by no stretch of imagination could this silence be interpreted as a legislative intent to make an arrest without the participation of PDEA illegal nor evidence obtained pursuant to such an arrest inadmissible.

It is a well-established rule of statutory construction that where great inconvenience will result from a particular construction, or great public interests would be endangered or sacrificed, or great mischief done, such construction is to be avoided, or the court ought to presume that such construction was not intended by the makers of the law, unless required by clear and unequivocal words.

As we see it, Section 86 is explicit only in saying that the PDEA shall be the "lead agency" in the investigations and prosecutions of drug-related cases. Therefore, other law enforcement bodies still possess authority to perform similar functions as the PDEA as long as illegal drugs cases will eventually be transferred to the latter. Additionally, the same provision states that PDEA, serving as the implementing arm of the Dangerous Drugs Board, "shall be responsible for the efficient and effective law enforcement of all the provisions on any dangerous drug and/or controlled precursor and essential chemical as provided in the Act." We find much logic in the Solicitor General's interpretation that it is only appropriate that drugs cases being handled by other law enforcement authorities be transferred or referred to the PDEA as the "lead agency" in the campaign against the menace of dangerous drugs. Section 86 is more of an administrative provision x x x³⁰ (Emphasis and underscoring supplied)

It is thus clear that the PDEA is merely the lead agency, but is not the sole agency in the investigation and prosecution of drug-related cases. There is nothing in RA 9165 which even remotely indicates the intention of the legislature to make an arrest made without the participation of the PDEA illegal and evidence obtained pursuant to such an arrest inadmissible.³¹ Thus, the accused's argument that his arrest and the seizure of the illegal drugs is not legal due to the non-participation of the PDEA must necessarily fail.

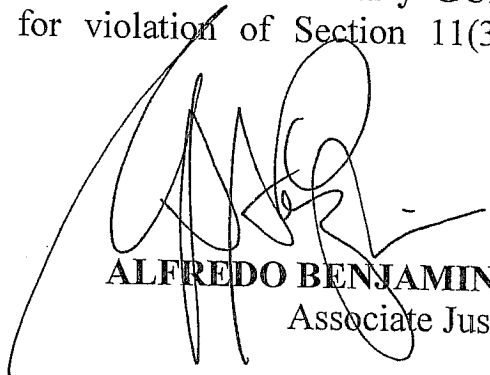
To recapitulate, the *in flagrante delicto* arrest of Danilo was legal and the subsequent seizure of the illegal drugs was within the bounds of law. The police officers were able to sufficiently comply with the chain of custody rule. Thus, the Court commends the police officers for being vigilant in the

³⁰ Id. at 530-532.

³¹ Id. at 534.

performance of their duties and for exerting reasonable efforts, despite time constraints, to comply with the requirements of the law. Let this case be an exemplar to other police and PDEA officers that the requirements laid down in Section 21 are not unreasonable and may be complied with as long as they are willing and are responsible enough to strictly adhere to it.

WHEREFORE, in view of the foregoing, the Petition is hereby **DENIED**. The Court **ADOPTS** the findings of fact and conclusions of law in the Decision dated October 16, 2015 and Resolution dated April 4, 2016 of the Court of Appeals in CA-G.R. CR No. 36057 and **AFFIRMS** the said Decision finding petitioner **DANILO DE VILLA y GUINTO GUILTY** beyond reasonable doubt for violation of Section 11(3), Article II of Republic Act No. 9165.

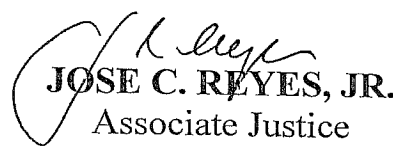


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

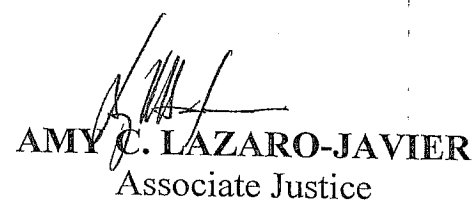
WE CONCUR:



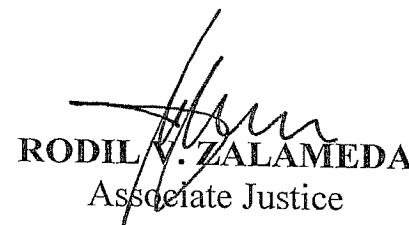
ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE C. REYES, JR.
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

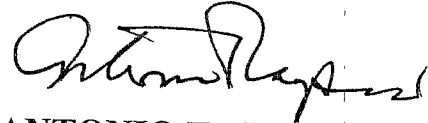


RODIL V. ZALAMEDA
Associate Justice



ATTESTATION

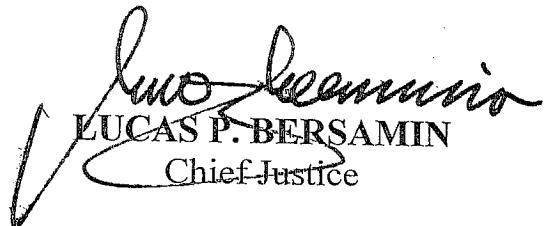
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second 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.



LUCAS P. BERSAMIN
Chief Justice

