



Republic of the Philippines  
 Supreme Court  
 Manila

THIRD DIVISION

MAYBELA. UMPA,

Petitioner,

G.R. Nos. 246265-66

Present:

LEONEN, J., *Chairperson*,  
 HERNANDO,  
 INTING,  
 DELOS SANTOS, and  
 LOPEZ, J., *JJ.*

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,

Respondent.

March 15, 2021

*Mis-DCBett*

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DECISION

LOPEZ, J., J.:

This is a Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Revised Rules of Court seeking to set aside the Decision<sup>2</sup> dated December 20, 2018 and the Resolution<sup>3</sup> dated April 2, 2019 of the Sandiganbayan in SB-18-A/R-0003 and SB-18-A/R-0004, which dismissed the appeal filed by the petitioner and upheld the Joint Decision<sup>4</sup> of the Regional Trial Court (RTC) of Quezon City, Branch 85 in Case Nos. R-QZN-13-01427 and R-QZN-13-01428 finding the petitioner guilty of violating Article 315(2)(a) of the Revised Penal Code and Section 3(e) of Republic Act (R.A.) No. 3019, or the *Anti-Graft and Corrupt Practices Act*.

*Antecedents*

Sometime in February 2010, private complainant Lory D. Malibiran (*Malibiran*) consulted the wife of his best friend, herein petitioner Maybel

<sup>1</sup> *Rollo*, pp. 22-48.

<sup>2</sup> Penned by Associate Justice Edgardo M. Caldoná, with Associate Justices Efren N. dela Cruz and Geraldine Faith A. Econg, concurring; *id.* at 50-61.

<sup>3</sup> *Id.* at 63-66.

<sup>4</sup> Penned by Presiding Judge Juris S. Dilinila-Callanta; *id.* at 265-286.

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Umpa (*Umpa*), on how he can obtain the approved plan, tax declaration, and the Certificate of Title on Fernando Mamaril's 7.2 hectare property located in Rodriguez, Rizal. Malibiran, who is incidentally also the godfather to eldest daughter, consulted her because he knew that she was working with the Land Registration Authority (*LRA*).<sup>5</sup>

In response, Umpa assured Malibiran that she can produce the documents. She asked for a sketch plan and the amount of Twenty Thousand Pesos (₱20,000.00) as research fee from Malibiran. Thereafter, Umpa introduced Malibiran to Carlito Castillo (*Castillo*), who was also working at the LRA as an accounting clerk. They discussed the request of Malibiran regarding the property of Fernando Mamaril.<sup>6</sup>

In the first week of October 2010, Umpa informed Malibiran that the latter needed to pay an additional sum of Six Hundred Twenty Thousand Pesos (₱620,000.00) to facilitate the release of the documents that were needed to obtain a certificate of title over Fernando Mamaril's property. Eventually, Malibiran was able to raise the amount and gave it to Umpa. Unfortunately, Umpa failed to deliver any document. This prompted Malibiran to file a complaint against Umpa and Castillo before the LRA.<sup>7</sup>

During the scheduled hearing on June 15, 2011, Umpa and Castillo agreed to return the sums of money that were given to them by Malibiran before the hearing officer, Joel Bigornia (*Bigornia*), Division Chief of the LRA's Docket Division. Then again, it was only Castillo, who appeared in the next appointed hearing. Hence, the hearing officer recommended the filing of appropriate charges against Umpa, which was approved by the LRA Administrator.<sup>8</sup>

At any rate, Malibiran decided to withdraw his complaint with the LRA. Instead, he filed another complaint before the Office of the Ombudsman charging Umpa and Castillo of the following crimes: a) Fraud and Illegal Exaction defined and penalized under Article 213, Section 2(c) of the Revised Penal Code (*RPC*); b) Other Frauds under Article 214 of the *RPC*; c) *estafa* under Article 315(1) of the *RPC*; and d) Violation of R.A. No. 3019, as amended.<sup>9</sup>

After Umpa and Castillo had filed their Counter-Affidavits,<sup>10</sup> the Office of the Ombudsman issued a Resolution dated March 23, 2012 finding probable cause to indict them for the crimes of *estafa under Article 315(2)(a) of the RPC* and violation of Section 3(e) of R.A. No. 3019. Accordingly, two

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<sup>5</sup> *Id.* at 26.

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

<sup>7</sup> *Id.* at 55.

<sup>8</sup> *Id.* at 268.

<sup>9</sup> *Id.* at 269-270.

<sup>10</sup> *Id.* at 95-96.

(2) Informations were filed against Umpa and Castillo before the RTC of Quezon City on March 23, 2012. The cases were docketed as R-QZN-A/R-0003 and R-QZN-A/R-0004 and raffled off to Branch 85.<sup>11</sup>

On August 29, 2013, Castillo was arraigned. Later on November 20, 2014, Malibiran executed an Affidavit of Desistance<sup>12</sup> in favor of Castillo. Consequently, the RTC issued an Order<sup>13</sup> on December 2, 2014 dismissing the case against Castillo. On the other hand, the case with respect to Umpa was archived as she remained at-large. Umpa later resurfaced and was only arraigned on August 11, 2015.<sup>14</sup>

### *Ruling of the RTC*

On November 10, 2017, the RTC rendered a Joint Decision finding Umpa to be guilty beyond reasonable doubt of committing *estafa* as defined and penalized under Article 315(2)(a) of the RPC and for violating Section 3(e) of R.A. No. 3019. The RTC found that Umpa employed fraudulent representations prior to or at least simultaneously with Malibiran's delivery of the sum of Six Hundred Twenty Thousand Pesos (₱620,000.00).<sup>15</sup>

Specifically, the RTC took note of the fact that Malibiran gave Umpa the sum of money as the latter enticed and promised the former that she could have Fernando Mamaril's land titled and be declared for tax purposes. Umpa's position in the LRA created in her favor an impression of authority to transact with Malibiran, involving financial concerns. Despite receipt of the money, Umpa failed to secure and deliver to Malibiran the title to the property. Evidently, Umpa capitalized on her official functions with the LRA to commit the crimes charged.<sup>16</sup>

The RTC did not give credence to Umpa's claim that she is innocent of the charges imputed against her. *First*, Umpa admitted that Malibiran consulted her with regard to the titling of Fernando Mamaril's property and that she received from him the amount of Twenty Thousand Pesos (₱20,000.00) in payment for the research fees. *Second*, she affirmed that she consulted Castillo because she allegedly heard that he knew about the process involved despite the fact that he was not authorized to do so. *Third*, Umpa claimed that she turned over to Castillo the sum of Six Hundred Twenty Thousand Pesos (₱620,000.00) that she received from Malibiran. Umpa, however, failed to prove the same.<sup>17</sup>

<sup>11</sup> *Id.* at 50. (back page).

<sup>12</sup> *Id.* at 67-68.

<sup>13</sup> *Id.* at 51, 267.

<sup>14</sup> *Id.* at 51.

<sup>15</sup> *Id.* at 285-286.

<sup>16</sup> *Id.* at 274-281.

<sup>17</sup> *Id.* at 281.

Thus, the RTC disposed as follows:

WHEREFORE, in view of the foregoing disquisition, judgment is hereby rendered as follows:

1. In Criminal Case No. R-QZN-13-01427, accused MAYBEL A. UMPA is found GUILTY beyond reasonable doubt of the crime of *Estafa* defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code and sentenced to suffer an indeterminate penalty of imprisonment of four (4) years and two (2) months of *prision coreccional*, as minimum[,] to ten (10) years of *prision mayor*, as maximum;
2. In Criminal Case No. R-QZN-13-01428, accused MAYBEL A. UMPA is found GUILTY beyond reasonable doubt of Violation of Section 3(e) of R.A. No. 3019 and is hereby SENTENCED to suffer the penalty of imprisonment of six (6) years and one (1) month to eight (8) years; and
3. Accused MAYBEL A. UMPA is ordered to pay private complainant Lory Malibiran the amount of P620,000.00 as actual damages.

**SO ORDERED.**<sup>18</sup>

Aggrieved, Umpa filed an appeal with the Sandiganbayan, which rendered its Decision dated December 20, 2018, affirming the ruling of the RTC, but modified the penalty imposed. The Sandiganbayan held that all the elements of estafa, as defined and penalized under Article 315(2)(a) of the RPC, and all the elements for violations of Section 3(e) of R.A. No. 3019 were proven beyond reasonable doubt.<sup>19</sup> Particularly, Umpa agreed and assured Malibiran that she can facilitate the issuance of the approved plan, tax declaration and certificate of title. Relying on Umpa's false pretenses and fraudulent acts, Malibiran paid her the amount of Twenty Thousand Pesos (₱20,000.00) for the research fees. Upon Umpa's promise to deliver the subject documents within a week, Malibiran paid her the sum of Six Hundred Twenty Thousand Pesos (₱620,000.00). Umpa, however, is neither authorized nor capacitated to facilitate the issuance of the approved plan, tax declaration and certificate of title.<sup>20</sup>

As regards the alleged contradictory statements of the private complainant in the complaint-affidavit and the affidavit of desistance, the Sandiganbayan held that these are more imagined than real insofar as the culpability of the petitioner is concerned. The said contradictory statements pertain to the participation of Castillo in inducing Malibiran to produce the money that the petitioner demanded.<sup>21</sup>

<sup>18</sup> *Id.* at 285-286. (Citation omitted)

<sup>19</sup> Please see at the back of *rollo*, p. 58.

<sup>20</sup> Please see at the back of *rollo*, p. 52.

<sup>21</sup> *Rollo*, pp. 54 and its unpaginated page at the back.



With regard to the penalty imposed, the RTC relied on our ruling in the case of *Sy vs People*.<sup>22</sup> During the pendency of the instant case, R.A. No. 1095 was passed into law, which amended, among others, the penalty imposed for *estafa* under Article 315 of the RPC. Seeing as the said law is more beneficial to Umpa, the same was given retroactive effect in her favor. Thus, the Sandiganbayan disposed as follows:

WHEREFORE, premises considered, the questioned Joint Decision dated November 10, 2017 of the Regional Trial Court, Branch 85, Quezon City, is hereby AFFIRMED subject to the modifications that the penalty to be imposed in Criminal Case No. R-QZN-13-01427 for the crime of *estafa* should be an imprisonment of two (2) months and one (1) day of *arresto mayor*, as minimum, to one (1) year and one (1) day of *prison correccional* minimum, as maximum; while the actual damages is a total of P640,000.00

SO ORDERED.<sup>23</sup>

Undeterred, Umpa filed a motion before the Sandiganbayan, asking for a reconsideration of its Decision. She insisted that the inconsistency between the complaint-affidavit and affidavit of desistance marred the credibility of Malibiran as witness. The Sandiganbayan, however, reiterated its ruling that the said inconsistency is not material. As such, the Sandiganbayan dismissed her motion in its Resolution<sup>24</sup> dated April 2, 2019.

Left without recourse, Umpa filed a Petition for Review on *Certiorari* under Rule 45. She maintains that the Sandiganbayan gravely erred in affirming the Joint Decision of the RTC, which found her guilty of the crime of *Estafa* under paragraph 2(a) of Article 315 of the RPC and violation of Section 3(e) of R.A. No. 3019, despite the doubtful credibility of Malibiran.<sup>25</sup>

Umpa asseverates that the prosecution failed to prove the elements of the crime of *Estafa* under paragraph 2(a) of Article 315 of the RPC and violation of Section 3(e) of R.A. No. 3019. She points out that the RTC and the Sandiganbayan both relied on the testimony of Malibiran. The matters that he alleged in his Complaint Affidavit, however, is inconsistent with the matters he stated in his Affidavit of Desistance. That is, Malibiran did not distinguish their participation in defrauding him. While in his Affidavit of Desistance, Malibiran retracted his statement and claimed that Castillo took no part in the fraudulent scheme. Such manifest inconsistency tends to erode his credibility and raise doubt on the veracity of the prosecution evidence.<sup>26</sup>

<sup>22</sup> 632 Phil. 276 (2010).

<sup>23</sup> Please see *rollo*, pp. 59 and its unpaginated page at the back.

<sup>24</sup> *Rollo*, pp. at 63-66.

<sup>25</sup> *Id.* at 33.

<sup>26</sup> *Id.* at 33-42.

For the State, the Office of the Special Prosecutor counters that the instant petition before Us should be dismissed for utter lack of merit.<sup>27</sup> Contrary to petitioner's supposition, the purported inconsistencies in Malibiran's testimony did not affect the facts proving the criminal charges against her as these pertained only to Castillo's participation in the commission of the crimes charged. Besides, Malibiran's testimony is consistent with those of the other prosecution witnesses and the admissions made by the petitioner.<sup>28</sup>

### *The Ruling of the Court*

Petitioner filed a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court. Settled is the rule that the right to appeal is not a natural right but a mere statutory privilege. Hence, such right may be exercised only in the manner prescribed by, and in accordance with, the provisions of law.<sup>29</sup> Accordingly, for her petition to prosper, Section 5(2) of Rule 45 of the Rules of Court provides that the questions raised in her petition should be of such substance as to warrant consideration. Under Section 6 of the same Rules, this Court would only act on her petition if the court *a quo* has –

- (a) decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court; or
- (b) so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision.

From the foregoing, this Court would only entertain Petitions for Review on *Certiorari* under Rule 45 if –

- (1) there is a novel legal question involved;
- (2) the case presents a doctrinal or pedagogical value that is timely for this court to review and expound on;
- (3) there is need to rectify, modify and/or clarify existing legal policy; or
- (4) the petition lays out novel principles that delve into unexplored areas of law.<sup>30</sup>

In the instant case, this Court finds no substantial matter that would warrant the reversal of the Sandiganbayan's disposition. Petitioner merely adopted the arguments that she raised before the Sandiganbayan to her appeal before Us. These arguments, however, have already been squarely discussed and exhaustively passed upon by the Sandiganbayan in its Decision dated

<sup>27</sup> *Id.* at 31.

<sup>28</sup> Please see *rollo*, p. 59 and its unpaginated page at the back.

<sup>29</sup> *Gatchalian v. Office of the Ombudsman*, G.R. No. 229288, August 1, 2018, citing *Tirol, Jr. v. Del Rosario*, 376 Phil. 115 (1999); *Nueva Ecija II Electric Cooperative, Inc., et al. v. Mapagu*, 805 Phil. 823, 832 (2017), citing *National Transmission Corporation v. Heirs of Teodulo Ebesa*, 781 Phil. 594, 602 (2016).

<sup>30</sup> *Kumar v. People of the Philippines*, G.R. No. 247661, June 15, 2020.

Decision 20, 2018. The ruling of the courts *a quo* is in accordance with law and recent jurisprudence.

From the records of this case, petitioner was charged for committing *estafa* as defined and penalized under Article 315(2) of the RPC. Jurisprudence has enumerated the essential elements for *estafa* as defined and penalized under Article 315(2) of the RPC, to be as follows:

(a) that there must be a false pretense or fraudulent representation as to the offender's power, influence, qualifications, property, credit, agency, business or imaginary transactions; (b) that such false pretense or fraudulent representation was made or executed prior to or simultaneously with the commission of the fraud; (c) that the offended party relied on the false pretense, fraudulent act, or fraudulent means and was induced to part with his money or property; and (d) that, as a result thereof, the offended party suffered damage.<sup>31</sup>

We find that the courts *a quo* did not err in ruling that the petitioner is guilty of committing *estafa* as defined and penalized under Article 315(2) of the RPC. *First*, she took advantage of Malibiran's misunderstanding that she had the authority and the capacity to facilitate the issuance of the approved plan, tax declaration, and the certificate of title on Fernando Mamaril's land when she had neither. Petitioner claimed in her petition that she referred Malibiran to Castillo, whom she knew could have the said property titled. Then again, Castillo was only an accounting clerk and also had no authority to process the documents requested by Malibiran. *Second*, petitioner committed the fraudulent representation prior to or simultaneous with the commission of fraud. *Third*, relying on petitioner's representations, Malibiran paid petitioner the total amount of Six Hundred Forty Thousand Pesos (₱640,000.00). *Fourth*, petitioner failed to deliver the documents requested by Malibiran. Neither did she return the amount that he paid. Consequently, Malibiran suffered actual damages in the total amount of Six Hundred Forty Thousand Pesos (₱640,000.00).

Petitioner was also charged for violating Section 3(e) of R.A. No. 3019. Jurisprudence has provided that an accused may only be convicted on such charge if the following elements were proven by the prosecution by proof beyond reasonable doubt:

1. The accused must be a public officer discharging administrative, judicial or official functions;
2. He must have acted with manifest partiality, evident bad faith or [gross] inexcusable negligence; and

<sup>31</sup> *People v. Baladjay*, 814 Phil. 914, 923-924 (2017), citing *People v. Tibayan, et al.*, 750 Phil. 910, 919 (2015); *Gamaro, et al. v. People of the Philippines*, 806 Phil. 483, 496 (2017), citing *Franco v. People*, 658 Phil. 600, 613 (2011).

3. That his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.<sup>32</sup>

This Court explained in the case of *Sison v. People of the Philippines*<sup>33</sup> what the second element means as follows:

"Partiality" is synonymous with "bias" which "excites a disposition to see and report matters as they are wished for rather than as they are." **"Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud."** "Gross negligence has been so defined as negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally with a conscious indifference to consequences in so far as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to take on their own property." **(Emphasis supplied)**

We concur with the ruling of the courts *a quo* that all the elements of violation of Section 3(e) of R.A. No. 3019, were proven by the prosecution beyond reasonable doubt: (a) petitioner was then working as Records Officer I for the Land Registration Authority at the time of the commission; (b) petitioner made it appear to Malibiran that she had the authority and the capacity to facilitate the issuance of the approved plan, tax declaration, and the certificate of title on Fernando Mamaril's land when she had neither; (c) petitioner asked Malibiran to pay her the total amount of Six Hundred Forty Thousand Pesos (₱640,000.00) when she knew that she could not deliver on her representation to Malibiran; and (d) relying on petitioner's misrepresentations Malibiran handed over to the petitioner the total amount of Six Hundred Forty Thousand Pesos (₱640,000.00), to his undue injury.

Petitioner seeks to be absolved of all the charges just like her co-accused Castillo. Malibiran, however, executed an Affidavit of Desistance before he testified before the RTC. He explicitly stated in his affidavit that he is no longer interested in prosecuting the case against Castillo.

Generally, courts view recantations or affidavits of desistance, if executed after conviction of the accused, with suspicion and reservation because these can easily be secured from poor and ignorant witnesses usually through intimidation or for monetary consideration.<sup>34</sup> Here, Malibiran's

<sup>32</sup> *Cabrera v. People of the Philippines*, G.R. Nos. 191611-14, July 29, 2019, citing *Cabrera v. Sandiganbayan*, 484 Phil. 350 (2004); *Fuentes v. People of the Philippines*, 808 Phil. 586, 593-594 (2017), citing *Cambe v. Ombudsman*, 802 Phil. 190, 216-217 (2016).

<sup>33</sup> 628 Phil. 573, 583-584 (2010), as cited in *Ampil v. Office of the Ombudsman, et al.*, 715 Phil. 733, 757-758 (2013).

<sup>34</sup> *Rivac v. People*, 824 Phil. 156, 169 (2018), citing *People v. Lamsen*, 721 Phil. 256, 259 (2013); *People v. Salazar*, 648 Phil. 520, 530 (2010), citing *People v. Ramirez, Jr.*, 475 Phil. 631, 631, 645 (2004); *People of the Philippines v. P/Supt. Lamsen*, 721 Phil. 256, 259 (2013).



affidavit does not partake of a recantation, as he has yet to testify in court. All the same, Malibiran's unequivocal declaration that he will no longer testify against Castillo precluded the prosecution from effectively obtaining the required evidence to sustain his conviction. On that account, the RTC dismissed the criminal case against Castillo.

Petitioner seeks to discredit the testimony of Malibiran by arguing that there is an inconsistency between his Complaint-Affidavit and his Affidavit of Desistance. She points out that in the Complaint-Affidavit, Malibiran did not distinguish their individual participation in defrauding him. He treated their action as one, except in that instance when Castillo forced Malibiran to mortgage his van. On the other hand, in the Affidavit of Desistance, Malibiran retracted his previous statement and absolved Castillo of any wrongdoing. Petitioner posits that such material inconsistency casts aspersions on the credibility of Malibiran as witness.<sup>35</sup> Accordingly, the prosecution's case crumbled, considering that they heavily relied on the testimony of Malibiran. Petitioner's contention fails to hold water.

Settled is the rule that testimonies given in open court are given greater weight than sworn statements taken *ex parte* because the latter are invariably incomplete and oftentimes inaccurate.<sup>36</sup> Nevertheless, this Court concurs with the courts *a quo* that there is no inconsistency between the two affidavits that were executed by Lory Malibiran. The difference between the two affidavits, if any, pertains solely to Castillo's participation in the alleged fraud. Malibiran was unwavering in his allegations against the petitioner, which is also consistent with the testimonies of the other prosecution witnesses and petitioner's admissions. The fact remains that petitioner took advantage of Malibiran's false impression that she had the authority to process his requested documents. There was no showing that she even tried to correct him. Instead, petitioner asked Malibiran to pay her the total sum of Six Hundred Forty Thousand Pesos (₱640,000.00) by giving false assurances that she would deliver the requested documents.

As to the penalty imposed, this Court finds that the same should be modified. Section 9 of R.A. No. 3019 imposes the following penalties for those found guilty of violating Section 3(e) of the said statute:

**Section 9. Penalties for violations.** (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with **imprisonment for not less than one year nor more than ten years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income.**

<sup>35</sup> Rollo, pp. 67-68.

<sup>36</sup> *People v. Damayo*, G.R. No. 232361, September 26, 2018, citing *People v. Mamarion*, 459 Phil. 51, 85 (2003) and *People v. Ortiz*, 413 Phil. 592, 611 (2001); *People of the Philippines v. Dayaday*, 803 Phil. 363, 373 (2017), citing *People v. Yanson*, 674 Phil. 169 (2011).

Any **complainant** party at whose complaint the criminal prosecution was initiated shall, in case of conviction of the accused, be entitled to recover in the criminal action with priority over the forfeiture in favor of the Government, **the amount of money or the thing he may have given to the accused, or the value of such thing.**


Accordingly, the penalty imposed by the RTC, as affirmed by the Sandiganbayan, which is an imprisonment term ranging from six (6) years and one (1) month, as minimum, to eight (8) years, as maximum, should be modified to include perpetual disqualification from holding public office. While the Sandiganbayan ordered the petitioner to return the Six Hundred Forty Thousand Pesos (₱640,000.00) that she received from Malibiran, a legal interest rate of 6% *per annum* must also be imposed on the said amount to be computed from the date of finality of this Decision until full payment.<sup>37</sup>


**WHEREFORE**, premises considered, the instant petition is **DENIED**. The Decision dated December 20, 2018 and the Resolution dated April 2, 2019 of the Sandiganbayan in SB-18-A/R-0003 and SB-18-A/R-0004 are hereby **AFFIRMED** with **MODIFICATION** that, insofar as SB-18-A/R-0004, the penalty imprisonment of six (6) years and one (1) month to eight (8) years and perpetual disqualification from public office should be imposed. In addition, a legal interest rate of six percent (6%) *per annum* is, likewise, imposed on the amount of Six Hundred Forty Thousand Pesos (₱640,000.00) to be computed from the date of finality of this Decision until full payment.


**SO ORDERED.**

  
**JHOSEPH LOPEZ**  
 Associate Justice


**WE CONCUR:**

  
**MARVIC M.V.F. LEONEN**  
 Associate Justice

  
**RAMON PAUL L. HERNANDO**  
 Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
 Associate Justice


<sup>37</sup> *Fuentes v. People of the Philippines*, supra note 10, citing *Nacar v. Gallery Frames*, 716 Phil. 267, 274-283 (2013).



**EDGARDO L. DELOS SANTOS**  
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 Third Division.



**MARVIC M.V.F. LEONEN**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Third 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.



**DIOSDADO M. PERALTA**  
Chief Justice