



Republic of the Philippines
Supreme Court
 Manila

THIRD DIVISION

**HEIRS OF SPOUSES ANSELMO
 BINAY and SEVILLA MANALO,
 ASUNCION B. ANILAO,
 SATURNINA B. AXALAN,
 SILVESTRE BINAY,
 EFREN BINAY,
 FELISA BINAY, and
 JOSEFINA B. ANILAO,**

Petitioners,

-versus-

**BIENVENIDO BANAAG,
 MARCELINO BANAAG,
 NEMESIO BANAAG, and
 LEONCIO BANAAG,**

Respondents.

G.R. No. 226112

Present:

CAGUIOA, J., *Chairperson,*
 INTING,
 GAERLAN,
 DIMAAMPAO, *and*
 SINGH, JJ.

Promulgated:

September 7, 2022

M.S.D.C.B.H

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DECISION

GAERLAN, J.:

In actions for forcible entry, the plaintiff must prove his/her prior physical possession of the disputed property by a preponderance of evidence.

This resolves the Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by petitioners Heirs of Spouses Anselmo and Sevilla Binay, Asuncion B. Anilao, Saturnina B. Axalan, Silvestre Binay, Efren Binay, Felisa Binay and Josefina B. Anilao (petitioners), praying for the reversal of the July 23, 2015 Decision² and the June 30, 2016 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 107195. The CA reversed the

¹ *Rollo*, pp. 5-21.

² Id. at 39-47. Penned by Associate Justice Ramon Paul L. Hernando (now a Member of the Court), with Associate Justices Jose C. Reyes (a retired Member of the Court), and Stephen C. Cruz, concurring.

³ Id. at 51-53.

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October 27, 2008 Decision⁴ in Civil Case No. CV-08-5917, and the January 6, 2009 Order of the Regional Trial Court (RTC) of Calapan, Branch 40, which affirmed the March 25, 2008 Decision⁵ in Civil Case No. 338, of the Municipal Circuit Trial Court (MCTC) of San Teodoro-Baco-Puerto Galera granting petitioners' complaint for forcible entry.

Antecedents

The instant case stemmed from a complaint for forcible entry filed by petitioners against respondents Bienvenido Banaag (Bienvenido), Marcelino Banaag, Nemesio Banaag, and Leoncio Banaag.

Petitioners allege that they are the lawful and registered owners of a parcel of land located at Barangay Balatero, Puerto Galera, Oriental Mindoro, containing an area of 25,334 square meters covered by Original Certificate of Title (OCT) No. P-3303 (subject property) in the name of Anselmo Binay (Anselmo) married to Sevilla Manalo (spouses Binay). OCT No. P-3303 was issued on January 8, 1984, by virtue of Free Patent No. (IV-19)-3005. Petitioners and the spouses Binay have been in lawful and peaceful possession of the subject property since 1945. They have religiously paid the real property taxes thereon, and have planted coconuts, coffee beans, *nangka*, bananas, and other fruit-bearing trees.⁶

On August 22, 2005, respondents, through force, threat, and intimidation, with bolos tucked in their waist, prevented Anselmo's son, Efren Binay (Efren) and his three (3) helpers from gathering ripe fruits at the subject property. Subsequently, in October 2005, respondents fenced the subject property, thereby depriving Anselmo of free access thereto.⁷

On November 18, 2005, petitioners filed an action for forcible entry with damages and prayer for a writ of preliminary mandatory injunction.⁸

Respondents filed their Answer alleging that they are members of the Iraya-Mangyans Tribe of Puerto Galera, Oriental Mindoro. They contended that they have been in peaceful possession and occupation of the subject property, which is their ancestral land, since the time of their ancestors. In support of their claim, they related that in a cadastral survey, Bienvenido Banaag was listed as the claimant for Lot 6263 covering 85,287.62 square meters in Cad. 533-D, Case 7 dated November 23, 1978. Thereafter, Lot

⁴ Id. at 66-73. Rendered by Judge Tomas C. Leynes.

⁵ Id. at 61-65. Rendered by Judge Edgardo M. Padilla.

⁶ Id. at 7-8.

⁷ Id. at 8.

⁸ Id. at 63.

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6263 became part of the ancestral domains of the Iraya-Mangyans covered under Certificate of Ancestral Domains Title (CADT) No. R04-PUE-0404-023.⁹

Ruling of the MCTC

On March 25, 2008, the MCTC rendered a Decision¹⁰ granting the complaint for forcible entry. The MCTC held that petitioners are the absolute and lawful registered owners of the subject property, as evidenced by OCT No. P-3303 issued on January 3, 1984, by virtue of Free Patent No. (IV-19)-3005.¹¹ It noted that petitioners' Torrens Title is irrevocable and indefeasible, and is conclusive on all matters contained therein, particularly, the identity of the owner of the land covered thereby.¹² It further opined that petitioners are deemed to have already taken possession of the subject property, since possession is an attribute of ownership.¹³ Thus, it concluded that petitioners' possession of the subject property, which has spanned for more than fifty (50) years cannot be disturbed.¹⁴

The dispositive portion of the MCTC ruling reads:

ACCORDINGLY, judgment is hereby rendered in favor of the [petitioners] and against the [respondents] as follows:

1. Ordering [respondents] to vacate the premises of subject land and all persons claiming rights under them and surrender possession and as well as the effective use of the land they are occupying to the [petitioners];
2. Ordering [respondents] to demolish all improvements and structures constructed therein at their own expenses;
3. Ordering [respondents] to pay the [petitioners] the amount of Ten Thousand (₱10,000.00) Pesos a month as reasonable rental for the use and occupation of the premises in question; and
4. Ordering [respondents] to pay [petitioners] the amount of Thirty Thousand (₱30,000.00) Pesos as attorney'[s] fee; and cost of suit.

SO ORDERED.¹⁵

⁹ Id. at 40; 62.

¹⁰ Id. at 61-65.

¹¹ Id. at 63-64.

¹² Id. at 64.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 64-65.

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Dissatisfied with the ruling, the respondents filed an appeal.

Ruling of the RTC

On October 27, 2008, the RTC affirmed¹⁶ the MCTC ruling. The RTC concurred with the MCTC's finding that petitioners were in prior possession of the subject property,¹⁷ and were ousted by respondents through force, threat, and intimidation.¹⁸ Consequently, the RTC disposed of the case as follows:

ACCORDINGLY, the decision appealed from is hereby affirmed *in toto* and the instant appeal is hereby **DISMISSED** for lack of merit.

SO ORDERED.¹⁹

Aggrieved, the respondents filed with the CA a petition for review under Rule 42 of the Rules of Court.²⁰

Ruling of the CA

In a Decision²¹ dated July 23, 2015, the CA reversed the findings of the MCTC and the RTC. The CA held that petitioners failed to establish by a preponderance of evidence their material or physical possession of the subject property from 1945 to August 2005.²² The CA remarked that petitioners' title OCT No. P-3303 and tax declaration do not prove their prior physical possession, which is essential in the forcible entry case.²³ The CA further noted that petitioners' claim of actual possession since 1945 was contradicted by the *Sinumpaang Salaysay* of respondents' witnesses.²⁴ In fact, the *Sinumpaang Salaysay* confirmed respondents' actual possession of the subject property prior to petitioners' claim.²⁵

The decretal portion of the CA ruling states:

¹⁶ Id. at 66-73.

¹⁷ Id. at 71.

¹⁸ Id. at 73.

¹⁹ Id.

²⁰ Id. at 39.

²¹ Id. at 39-47.

²² Id. at 47.

²³ Id. at 46.

²⁴ Id.

²⁵ Id. at 47.

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ACCORDINGLY, premises considered, the petition is **GRANTED**. The assailed October 27, 2008 Decision and January 6, 2009 Order, in Civil Case CV No. 08-5917, rendered by Branch 40, Regional Trial Court (RTC), City of Calapan, is **ANNULLED and SET ASIDE**.

Lastly, [respondents'] prayer for correction of [petitioner] Anselmo Binay's name from "Anselma" to "Anselmo" is granted. Nevertheless, in this Court's June 18, 2015 Minute Resolution, there has been a substitution of parties as to Anselmo Binay and Sevilla Manalo by their heirs due to the demise of both [petitioners].

SO ORDERED.²⁶

Petitioners sought reconsideration of the CA ruling, which the CA denied in its June 30, 2016 Resolution.²⁷

Undeterred, petitioners filed the instant petition for review on *certiorari*.²⁸

Issue

The crux of the instant petition rests on who between the parties is entitled to the lawful possession of the subject property.

Petitioners maintain that they proved their prior material or physical possession of the subject property by a preponderance of evidence. Primarily, they harp on the fact that the MCTC and the RTC have already affirmed their prior physical possession of the subject property. Likewise, they insist that they are entitled to possession considering that they have a title and tax declaration over the subject property. Also, they point out that they submitted evidence proving their prior physical possession of the subject property, consisting of official government documents, such as their application for free patent, joint affidavit attesting to their occupation, report of their actual occupation, approval of their free patent application, letter ordering the issuance of a certificate of title, and sketch plan with technical description. Finally, they lament that the CA erred in according greater weight to the respondents' witnesses' *Sinumpaang Salaysay*, which are questionable since the affiants are related to the respondents and did not even take the witness stand.²⁹

²⁶ Id. at 48.

²⁷ Id. at 51-53.

²⁸ Id. at 5-21.

²⁹ Id. at 13; 17; 20.

Respondents did not file a Comment on the petition.³⁰

Ruling of the Court

The petition is impressed with merit.

Nature of Forcible Entry Suits

Ejectment suits are designed to prevent a breach of the peace and criminal disorder by discouraging parties deprived of possession of property to take the law into their own hands. They are summary and expeditious in nature, and provide a speedy settlement to recover possession, and quell social disturbances.³¹

Ejectment suits comprise two distinct causes of action—forcible entry and unlawful detainer. They are distinguished by the nature of the deforciant's entry into the property. Specifically, in forcible entry, possession is illegal at the outset, as entry was effected through force, intimidation, strategy, threats, or stealth. On the other hand, in unlawful detainer, possession initially stems from an express or implied contract, but subsequently becomes illegal when the deforciant withholds possession after the expiration or termination of his/her right.³² Both actions for forcible entry and unlawful detainer are filed before the proper municipal or metropolitan trial court, within one year from the date of the actual entry on the land, or from the date of the last demand, as the case may be.³³

Particularly, an action for forcible entry allows the one in peaceful and quiet possession of the property to recover its possession after having been ousted therefrom by a stronger hand, violence or terror.³⁴ For said case to prosper, the plaintiff must allege and prove (i) his/her prior physical possession of the property; (ii) that his/her possession was wrested through force, intimidation, threat, strategy or stealth; and (iii) that he/she filed the action within one year from the time he/she learned of the deprivation of the property.³⁵

³⁰ Id. at 123.

³¹ *Philippine Long Distance Telephone Company v. Citi Appliance M.C. Corporation*, G.R. No. 214546, October 9, 2019, citing *Pajuyo v. Court of Appeals*, 474 Phil. 557, 580-581 (2004).

³² *Javelosa v. Tapus, et al.*, 835 Phil. 576, 588 (2018).

³³ Id.

³⁴ *Philippine Long Distance Telephone Company v. Citi Appliance M.C. Corporation*, supra note 31.

³⁵ *Ma. Luz Teves Esperal v. Ma. Luz Trompeta-Esperal and Lorenz Annel Biaoco*, G.R. No. 229076, September 16, 2020, citing *Mangaser v. Ugay*, 749 Phil. 372, 381 (2014).

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Notably, in forcible entry cases, the plaintiff bears the burden of proof to establish his/her case by a preponderance of evidence, or evidence which is of greater weight, or more convincing than that offered in opposition to it. The plaintiff must rely on the strength of his/her own evidence, and not on the weakness of the defendant's.³⁶

It bears stressing that although the only question in ejectment cases is the physical possession of real property, the courts may pass upon the matter of ownership, if the parties raise such issue, and its resolution is essential to ultimately determine which party has the better right of possession.³⁷ In fact, Section 16, Rule 70³⁸ of the Rules of Court states that the issue of ownership shall be resolved in deciding the right of possession if the question of possession is intertwined with the issue of ownership. However, any ruling on the matter shall only be provisional and for the sole purpose of determining possession.³⁹

In the case at bar, both parties assert ownership over the subject property. On the one hand, petitioners, as plaintiffs in the action for forcible entry, alleged that they are the owners of the subject property and had prior physical possession thereof through their predecessors-in-interest since 1945, until they were dispossessed by the respondents through force and intimidation. On the other hand, respondents counter that the subject property is part of their ancestral lands, and that their ancestors have been in possession thereof.

Petitioners proved their allegations by a preponderance of evidence.

Petitioners presented OCT No. P-3303 from Free Patent No. (IV-19)-3005, as proof of their ownership of the subject property. The juridical act from which the petitioners' right of ownership stems from, is their registration of their free patent and the consequent issuance of their title, OCT No. P-3303. The issuance of an original certificate of title to the petitioners evinces ownership, from which, their right to possess flows. Well-settled is the rule that a person who has a Torrens title over the property is entitled to its possession.⁴⁰

³⁶ *Charlie Lee v. Rosita Dela Paz*, G.R. No. 183606, October 27, 2009, citing *Buduhan v. Pakurao*, 518 Phil. 285, 293 (2006).

³⁷ *Ma. Luz Teves Esperal v. Ma. Luz Trompeta-Esperal and Lorenz Annel Biaoco*, supra note 35.

³⁸ **Rule 70, Section 16. Resolving defense of ownership.** — When the defendant raises the defense of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession. (4a)

³⁹ *Mangaser v. Ugay*, supra note 35 at 381-382, citing *Nenita Quality Foods Corp. v. Galabo, et al.*, 702 Phil. 506, 520 (2013).

⁴⁰ *Id.* at 400, citing *Heirs of Jose Maligaso, Sr. v. Sps. Encinas*, 688 Phil. 516, 521-522 (2012).

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Moreover, the petitioners' title and claim of possession are coupled with a tax declaration and petitioners have been religiously paying the real property taxes on the subject property.⁴¹ Although a tax declaration is not conclusive proof of possession of a parcel of land, nonetheless, it serves as a good indicia of possession in the concept of an owner, for no one in his right mind would pay taxes for a property that is not in his/her actual or constructive possession.⁴² Accordingly, the petitioners' Torrens title and tax declaration strengthen their claim of possession over the land before their dispossession by the respondents in August 2005.

In a long line of cases, the Court emphasized that possession may also be acquired not only through material occupation, but also through juridical acts.⁴³

In *Nuñez v. Slteas Phoenix Solutions, Inc.*,⁴⁴ it was ruled that although prior physical possession is an indispensable requirement in forcible entry cases, possession may also be acquired by the fact that a thing is subject to the action of one's will or by the proper acts and legal formalities established for acquiring such right. Hence, possession can also be acquired through juridical acts to which the law gives the force of acts of possession, *i.e.*, donations, succession, execution and registration of public instruments, inscription of possessory information titles and the like. After all, it has been repeatedly held that one need not have actual or physical occupation of every square inch of the property at all times to be considered in possession.⁴⁵

Echoing the same pronouncement, in *Mangaser v. Ugay*,⁴⁶ the Court stressed that:

As a rule, the word "possession" in forcible entry suits indeed refers to nothing more than prior physical possession or possession de facto, not possession de Jure or legal possession in the sense contemplated in civil law. Title is not the issue, and the absence of it "is not a ground for the courts to withhold relief from the parties in an ejectment case."

⁴¹ *Rollo*, p. 7.

⁴² *Mangaser v. Ugay*, supra note 35, citing *Rep. of the Phils. v. Rizalvo, Jr.*, 659 Phil. 578, 588 (2011).

⁴³ *Nuñez v. SLTEAS Phoenix Solutions Inc.*, 632 Phil. 143, 154 (2010). *Bunyi, et al. v. Factor*, 609 Phil. 134, 141 (2009), *Habagat Grill v. DMC-Urban Property Developer Inc.*, 494 Phil. 603, 619 (2005), *Spouses Benitez v. Court of Appeals*, 334 Phil. 216, 222 (1997), cited in *Mangaser v. Ugay*, *id.* at 382.

⁴⁴ *Id.*

⁴⁵ *Id.*, citing *Habagat Grill v. DMC-Urban Property Developer, Inc.*, supra, and *Quizon v. Juan*, 577 Phil. 470, 40 (2008).

⁴⁶ Supra note 35.

The Court, however, has consistently ruled in a number of cases that while prior physical possession is an indispensable requirement in forcible entry cases, the dearth of merit in respondent's position is evident from the principle that **possession can be acquired not only by material occupation, but also by the fact that a thing is subject to the action of one's will or by the proper acts and legal formalities established for acquiring such right.** The case of *Quizon v. Juan*, which surprisingly was relied on by the CA, also stressed this doctrine.

Possession can be acquired by juridical acts. These are acts to which the law gives the force of acts of possession. Examples of these are donations, succession, execution and registration of public instruments, inscription of possessory information titles and the like. The reason for this exceptional rule is that possession in the eyes of the law does not mean that a man has to have his feet on every square meter of ground before it can be said that he is in possession. It is sufficient that petitioner was able to subject the property to the action of his will. Here, respondent failed to show that he falls under any of these circumstances. He could not even say that the subject property was leased to him except that he promised that he would vacate it if petitioner would be able to show the boundaries of the titled lot.⁴⁷ (Citations omitted and emphasis supplied)

Equally important, in *Mangaser*,⁴⁸ the Court accorded more weight to the registered owner's title and tax declaration as against the deforciant's unsubstantiated allegations of possession:

Against the Torrens title and tax declarations of petitioner, the bare allegations of respondent that he had prior, actual, continuous, public, notorious, exclusive and peaceful possession in the concept of an owner, has no leg to stand on. Thus, by provisionally resolving the issue of ownership, the Court is satisfied that petitioner had prior possession of the subject property. x x x⁴⁹

Based on the foregoing jurisprudential tenets, petitioners' Torrens Title and tax declaration serve as convincing proof of their right of possession over the subject property.

Petitioners likewise proved their material occupation of the subject property prior to respondents' illegal entry thereto.

In addition to their title and tax declaration, petitioners presented the following documents to prove their prior physical possession of the subject

⁴⁷ Id. at 382-383.

⁴⁸ Id.

⁴⁹ Id. at 386.

property, namely, (i) Application for free patent covering the subject property; (ii) Notice of Application for free patent; (iii) Joint Affidavit of witnesses of the actual occupation and possession of the subject property by Anselmo; (iv) Report by Lands Examiner Cesar Acero (Acero) to the Director of Lands that the land has been in actual occupation, cultivation and possession by Anselmo since May 1945; (v) Order of approval of Anselmo's application for Free Patent over the subject property issued on December 11, 1984; (vi) Letter of the District Land Officer to the Register of Deeds Oriental Mindoro to issue the corresponding Certificate of Title to Anselmo pursuant to the issuance of Free Patent No. IV-19 (3005); and (vii) Sketch Plan of the subject land and its technical description.

The above-mentioned documents, particularly the Joint Affidavit attesting to Anselmo's occupation and possession of the subject property; Report of Lands Examiner Acero confirming Anselmo's occupation, cultivation and possession since May 1945; Order of approval of Anselmo's application for Free Patent; and Letter of the District Land Officer directing the issuance of a certificate of title to Anselmo pursuant to the grant of Free Patent No. IV-19 (3005), strongly prove the petitioners' possession of the subject property prior to respondents' entry thereto.

It cannot be gainsaid that petitioners' Torrens title OCT No. P-3303 stemmed from Free Patent No. IV-19 (3005), which was issued after the proper government officials found that petitioners' predecessors openly and continuously possessed the subject property since 1945. Said finding was reached after an ocular inspection, publication, and investigation. Even at the very least, the issuance of the free patent proves that petitioners have been in possession of the subject property since 1984, when said free patent was issued.

Verily, the grant of the free patent and the issuance of the corresponding title to petitioners, having been performed in the course of government officers' official functions, enjoy the presumption of regularity. Against this, respondents failed to present an iota of evidence to overturn said presumption.

Remarkably, in *Lee v. Dela Paz*,⁵⁰ the Court ruled that free patents may reasonably serve as proof of prior possession by the grantee:

In contrast, petitioner submitted as evidence Free Patents No. 045802-91-204 and No. 045802-91-203 granted in his favor over the two parcels of land he had been occupying, by virtue of which, OCTs No. P-

⁵⁰ 619 Phil. 514 (2009).

619 and No. P-620 were issued in his name on 3 June 1991. **While the Court has repeatedly stated herein that titles to the subject property are immaterial to an action for forcible entry, it can reasonably infer from the grant of free patents to petitioner that he had complied with the requirements for the same, including the 30-year possession of the property subject of the patents. At the very least, petitioner has been in possession of the two parcels of land, for which he was granted free patents, as early as 1960.** Necessarily then, petitioner possessed the two parcels of land before respondent, who admittedly acquired the 143,147-square-meter property from Danga only on 29 October 1990. **The grant of the free patents to petitioner, having been performed in the course of the official functions of the DENR officers, enjoys the presumption of regularity. This means that, absent evidence to the contrary, the Court may presume that the DENR officers issued the free patents to petitioner only after a determination that he had duly complied with all the requirements for the same.**⁵¹ (Citations omitted and emphasis supplied)

Similarly, in *Perez v. Falcatan, et al.*,⁵² the Court recognized a better right of possession in favor of the party who presented an OCT based on an approved homestead patent:

Respondents Had Prior Possession as Registered Owners

The Lot was originally owned by Marcelino Patoc (“Patoc”) who obtained Original Certificate of Title No. RP-433 (836) (“OCT No. RP-433 (836)”) in October 1942 based on a homestead patent approved on 15 August 1940. In May 1976, Patoc sold the Lot to respondent Ruth S. Falcatan and her late husband, Pedro Falcatan (“spouses Falcatan”). The spouses Falcatan then secured the cancellation of OCT No. RP-433 (836) and obtained Transfer Certificate of Title No. T-66,932 (“TCT No. T-66,932”). As the new owners, the spouses Falcatan took possession of the Lot and planted fruit-bearing trees. Respondents subsequently obtained TCT No. T-70,377 in lieu of TCT No. T-66,932.

Thus, as the MTCC found, respondents and their predecessor-in-interest had occupied and exercised rights of ownership over the Lot for more than 50 years before petitioner entered it in January 1990. Contrary to petitioner’s claim, the fact that respondents do not reside on the Lot does not negate their possession in fact since respondents are using the property for agricultural and not for residential purposes.⁵³

Against all the foregoing well-entrenched doctrines and the wealth of evidence presented by the petitioners, it is unfortunate that the CA decided the case in favor of respondents solely on the basis of their witnesses’ *Sinumpaang Salaysay*. These *Sinumpaang Salaysay* executed by Gavino B.

⁵¹ Id. at 532-533.

⁵² 508 Phil. 21 (2005).

⁵³ Id. at 32-33.

Sundalo (Gavino), Querinong Binay Anilao (Querinong), and Alepio Tullo simply contested the petitioners' claim of possession since 1945.⁵⁴


The *Sinumpaang Salaysay* pales in comparison to petitioners' title, free patent, and tax declaration. Worse, the *Sinumpaang Salaysay* could hardly be considered impartial considering that witnesses Gavino and Querinong are Bienvenido's nephew and brother-in-law, respectively.⁵⁵ Also, Gavino's *Sinumpaang Salaysay* speaks of respondents' cultivation of a different property.⁵⁶

Indubitably, petitioners' evidence, which consist of muniments of title, a tax declaration, and other public records proving prior possession are far more convincing than one-sided affidavits.

As a final note, the Court cautions that this ruling is solely limited to the issue of possession *de facto* or material possession. Our adjudication is not a final determination on the issue of ownership and is, thus, without prejudice to any party's right to file a proper action before the appropriate court.

WHEREFORE, premises considered, the petition is hereby **GRANTED**. Accordingly, the July 23, 2015 Decision and June 30, 2016 Resolution of the Court of Appeals in CA-G.R. SP No. 107195 are **REVERSED and SET ASIDE**. The October 27, 2008 Decision in Civil Case No. CV-08-5917 and January 6, 2009 Order of the Regional Trial Court of Calapan Branch 40, which affirmed the March 25, 2008 Decision of the Municipal Circuit Trial Court of San Teodoro–Baco–Puerto Galera, are hereby **REINSTATED** in Civil Case No. 338.

SO ORDERED.

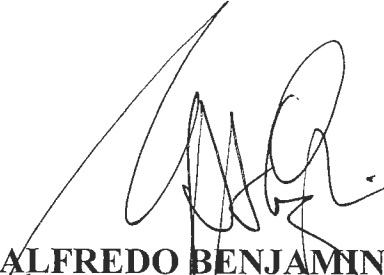

SAMUEL H. GAERLAN
Associate Justice

⁵⁴ *Rollo*, pp. 46-47.

⁵⁵ *Id.* at 17.

⁵⁶ *Id.*


WE CONCUR:




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



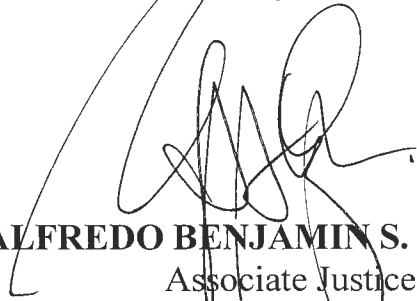
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

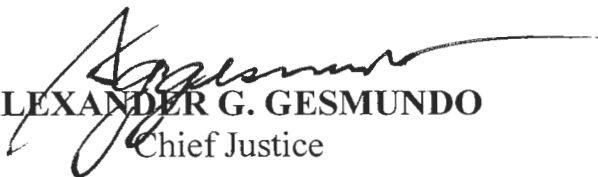
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson

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.



ALEXANDER G. GESMUNDO
Chief Justice