



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **G.R. No. 189330**  
Plaintiff-Appellee,

Present:

- versus -

SERENO, C.J.,  
LEONARDO-DE CASTRO,  
BERSAMIN,  
VILLARAMA, JR., and  
\*PEREZ, JJ.

**LOUIE CATALAN y DEDALA,**  
Accused-Appellant.

Promulgated:

**NOV 28 2012**

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**D E C I S I O N**

**BERSAMIN, J.:**

The accused is entitled to an acquittal from the charge of illegal sale of dangerous drugs in violation of Republic Act No. 9165 (*Comprehensive Dangerous Drugs Act of 2002*) if the Prosecution does not establish that the links in the chain of custody from the time of the seizure of the dangerous drugs until the time of their presentation as evidence in court are unbroken. The arresting officer cannot thereby be presumed to have regularly performed his duty. Hence, the guilt of the accused is not established beyond reasonable doubt.

Louie Catalan y Dedala was arrested during a buy-bust operation conducted at a billiard hall for selling *shabu*, a dangerous drug, to a police officer poseur-buyer. On September 25, 2007, the Regional Trial Court, Branch 31, in San Pedro, Laguna (RTC) convicted him for violating Section 5 of Republic Act No. 9165, as charged, and imposed life imprisonment and a fine of ₱500,000.00.<sup>1</sup> On appeal, the Court of Appeals (CA) affirmed his conviction through the decision promulgated on June 2, 2009.<sup>2</sup> Hence, this appeal, whereby he seeks his exoneration and acquittal.

### ANTECEDENTS

The information filed in the RTC charged the accused as follows:

That on or about February 8, 2004 in the Municipality of San Pedro, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court the said accused without any legal authority, did then and there willfully, unlawfully and feloniously sell, pass and deliver to a police poseur-buyer in consideration of one (1) piece one hundred peso bill, two (2) heat-sealed transparent plastic sachet of METHAMPHETAMINE HYDROCHLORIDE weighing zero point thirty eight (0.38) gram.

CONTRARY TO LAW.<sup>3</sup>

On March 8, 2004, the accused pleaded *not guilty* to the information.<sup>4</sup>

#### I. Version of the Prosecution

At the trial, the Prosecution presented PO1 Alaindelon Ignacio, the poseur- buyer, as it only witness. It dispensed with presenting the forensic chemist as another witness,<sup>5</sup> after the Defense admitted the existence of the Request for Laboratory Examination, Chemistry Report No. D-139-04, and the plastic sachet containing white crystalline substance bearing the markings “B LCD 020804.” Its evidence is summarized hereunder.

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<sup>1</sup> Original Records, pp. 73-77.

<sup>2</sup> *Rollo*, pp. 2-11; penned by Associate Justice Monina Arevalo-Zenarosa (retired), with Associate Justice Prescilla Baltazar-Padilla and Associate Justice Mariano C. Del Castillo (now a Member of this Court) concurring.

<sup>3</sup> Original Records, p. 1.

<sup>4</sup> Id. at 13-15.

<sup>5</sup> Id. at 32.

On February 8, 2004, a civilian informant told PO1 Alvin Echipare of the Police Sub-Station at the Pacita Complex in San Pedro, Laguna that a certain Louie was engaged in selling *shabu* in a billiard hall in Barangay San Roque, San Pedro, Laguna. At 10:00 p.m. of the same day, PO1 Ignacio and PO1 Echipare, along with three other police officers, proceeded to the billiard hall in Barangay San Roque to conduct a buy-bust operation against Louie. PO1 Ignacio was designated as the poseur-buyer to buy *shabu* with the use of a ₱100.00 bill as buy-bust money.

Arriving at the target area, the buy-bust team first surveyed the billiard hall from inside their vehicle, which they parked only ten feet from the billiard hall. Seeing two persons having a suspected transaction in *shabu*, PO1 Ignacio alighted and approached them, telling the person who appeared to be the seller that he was buying *shabu* worth ₱100.00,<sup>6</sup> simultaneously tendering the ₱100.00 buy-bust money to the seller. The latter handed a plastic sachet to PO1 Ignacio.<sup>7</sup> Upon receiving the plastic sachet, PO1 Ignacio introduced himself as a police officer and moved to seize the seller, but the latter was able to run away.<sup>8</sup> PO1 Ignacio caught up with the suspect, frisked him, and recovered from him another plastic sachet and the buy-bust money.<sup>9</sup> The team brought the suspect with them to the police station where he identified himself as Louie Catalan, the accused herein.

At the police station, PO1 Ignacio turned the two plastic sachets and their contents over to the investigator, who placed the marking “BLCO 020804” on the sachet handed to him by the accused in exchange for the ₱100.00.<sup>10</sup> The confiscated articles were brought to the PNP Crime Laboratory for forensic examination.<sup>11</sup> The substances contained in the two

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<sup>6</sup> TSN of August 16, 2004, p. 5.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id. at 5-6.

<sup>10</sup> Id. at 6.

<sup>11</sup> Original Records, p. 7.

sachets weighed 0.38 gram and tested positive for the presence of methylamphetamine hydrochloride, or *shabu*,<sup>12</sup> a dangerous drug.

## 2. Version of the Defense

On its part, the Defense also had the accused as lone witness. The accused insisted that he had been framed.

According to the accused, he and his live-in partner were having dinner in his house in Barangay San Roque, San Pedro, Laguna in the evening of February 8, 2004 when three men barged into his house and ordered him to get up. They frisked him and searched his house but did not find what they were looking for.<sup>13</sup> His live-in partner demanded to know what they were looking for, but they simply replied that the accused was selling drugs.<sup>14</sup> Later on, the men put handcuffs on him and brought him with them to their office in the Pacita Complex in San Pedro, Laguna, where PO1 Echipare told the accused in the presence of his live-in partner to come up with ₱40,000.00 in exchange for his release.<sup>15</sup> After the accused did not accede to the demand,<sup>16</sup> the policemen took him to the San Pedro Police Station for investigation. By then, he had been in the Pacita Complex for already five hours.<sup>17</sup>

## 3. Ruling of the RTC

On September 25, 2007, the RTC convicted the accused, *viz*:

xxx the Court is not convinced with the accused's denial that he was not selling shabu on 8 February 2004 for he was with his live-in partner eating dinner when he was arrested by the policemen and prohibited drug was not his as it was only planted by the police officers. Except for his denial, the accused failed to offer any good explanation to

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<sup>12</sup> Id. at 11.

<sup>13</sup> TSN of June 9, 2006, pp. 3-4.

<sup>14</sup> Id. at 4.

<sup>15</sup> Id. at 5.

<sup>16</sup> Id.

<sup>17</sup> Id. at 6-7.

justify his possession of the prohibited drug. In fact, he did not present his live-in partner to corroborate his claim. Neither did he file any case against the policemen for the alleged filing of fabricated charge against him. This failure on the part of the accused only bolsters the fact that the buy bust operation team was motivated by a duty to curb the sale of dangerous drugs. Furthermore, there is no proof of any ill motive or odious intent on the part of the police authorities to impute falsely such a serious crime to the accused. Accordingly, the accused denial, like alibi, had been invariably viewed by the courts with disfavor for it is well-established rule that denial and alibi are self-serving negative evidence. They cannot prevail over the spontaneous, positive and credible testimony of the prosecution witness who pointed to and identified the accused as the malefactors. This is especially true were the testimony of the prosecution was corroborated by the inventory/receipt of property, stating that, indeed, that illegal sale of “shabu” took place and the accused was the seller thereof. The police officers are presumed to have performed their duties in good faith, in accordance with law. A buy-bust operation is a form of entrapment whereby ways and means are resorted to for the purpose of trapping and capturing the lawbreakers in the execution of their criminal plan. The delivery of the contraband to the poseur-buyer and the receipt by the seller of the marked money successfully consummates the buy-bust transaction between the entrapping officers and the accused. Unless there is clear and convincing evidence that the members of the buy-bust team were inspired by any improper motive or were not properly performing their duty, their testimony on the operation deserves full faith and credit.

WHEREFORE, the Court finds the accused, Louie D. Catalan, GUILTY beyond reasonable doubt of the crime of violation of Sec. 5, R.A. 9165 or otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and hereby sentences him to suffer the penalty of life imprisonment and to pay a fine of ₱500,000.00.

The prohibited drug and paraphernalia seized from the accused are hereby confiscated in favor of the government and should be turned over to the Philippine Drug Enforcement Agency for disposition in accordance with law.

SO ORDERED.<sup>18</sup>

#### **4. Ruling of the CA**

The accused appealed to the CA, contending that:

##### **I.**

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH THE IDENTITY OF THE PROHIBITED DRUG WHICH CONSTITUTE THE CORPUS DELICTI OF THE CRIME.

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<sup>18</sup> Original Records, pp. 76-77.

## II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

Nonetheless, on June 2, 2009, the CA affirmed the RTC,<sup>19</sup> holding:

To sustain a conviction under a single prosecution witness, such testimony needs only to establish sufficiently: 1) the identity of the buyer, seller, object and consideration; and 2) the delivery of the thing sold and the payment thereof.

As correctly ruled by the court a quo, what is material is proof that the transaction or sale actually took place, coupled with the presentation in court of the substance seized as evidence. In this case, PO1 Ignacio being the poseur-buyer was the most competent person to testify on the fact of sale. The testimony of Ignacio deserves full faith and credit, given that police officers involved in buy-bust operations are presumed to have performed their duties regularly. This presumption can only be overcome through clear and convincing evidence that show either of two things: 1) that they were not properly performing their duty, or 2) that they were inspired by any improper motive. Petitioner failed to show either of these two conditions.

Appellant complains that Ignacio made contradictory statement in his affidavit that he was the one who signed the plastic sachet while in court he testified that it was Investigator Alzona who made the markings in his presence.

Appellant insists that the prosecution thus failed to prove the first link in the chain of custody because of such contradictory statement as to who made the markings in the confiscated plastic sachets of shabu.

This inconsistency does not make his testimony less credible because as a witness he is not always expected to give a perfectly precise testimony, considering the frailty of human memory such that honest inconsistencies on minor and trivial matters serve to strengthen rather than destroy the credibility of a witness.

Slight contradictions show that the testimony was not rehearsed but are badges against memorized perjury.

Besides, a "Sinumpaang Salaysay" or a sworn statement is merely a short narration of an affiant and not expected to be exhaustive. Affidavits are generally subordinated in importance to open court declaration.

This minor inconsistency does not deviate from the fact that indeed a buy-bust operation was conducted and the sale of shabu consummated.

On the other hand, all that the accused could offer is denial and alibi that he was eating at home when he was arrested.

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<sup>19</sup> *Supra* note 1, at 2-10.

The defense of alibi and denial is considered inherently weak and constitutes an “unstable sanctuary for felons” because of the facility with which it can be concocted. Between the positive and categorical narration made by Ignacio and the negative averments of the appellant, the former is entitled to a greater weight.

WHEREFORE, the decision appealed from is hereby AFFIRMED *in toto*.

SO ORDERED.<sup>20</sup>

## ISSUE

Whether the CA erred in finding the accused guilty beyond reasonable doubt of a violation of Section 5 of Republic Act No. 9165.

## RULING

The appeal is meritorious.

### 1.

#### **The buy-bust team committed serious lapses that broke the chain of custody**

Section 21(1) of Republic Act No. 9165 provides the procedure to be followed in the seizure and custody of dangerous drugs, to wit:

Section 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* - The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the

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<sup>20</sup> Id. at 8-10.

Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

X X X X

Section 21(a) of Article II, the Implementing Rules and Regulations (IRR) of Republic Act No. 9165, states:

X X X X

(a) The apprehending office/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items;

X X X X

The procedure underscores the value of preserving the chain of custody vis-à-vis the dangerous drugs. Towards that end, the Dangerous Drugs Board (DDB) – the policy-making and strategy-formulating body in the planning and formulation of policies and programs on drug prevention and control tasked to develop and adopt a comprehensive, integrated, unified and balanced national drug abuse prevention and control strategy<sup>21</sup> – has defined *chain of custody* involving the dangerous drugs and other substances in Section 1(b) of DDB Regulation No. 1, Series of 2002<sup>22</sup> in the following manner, to wit:

b. “Chain of Custody” means the **duly recorded authorized movements and custody of seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment of each**

<sup>21</sup> Section 77, Republic Act No. 9165.

<sup>22</sup> *Guidelines On The Custody And Disposition Of Seized Dangerous Drugs, Controlled Precursors And Essential Chemicals, and Laboratory Equipment pursuant to Section 21, Article II of the IRR of RA No. 9165 in relation to Section 81(b), Article IX of RA No. 9165.*

**stage, from the time of seizure/confiscation to receipt in the forensic laboratory to safekeeping to presentation in court for destruction.** Such record of movements and custody of seized item shall include the identity and signature of the person who held temporary custody of the seized item, the date and time when such transfer of custody were made in the course of safekeeping and use in court as evidence, and the final disposition;

Based on this statutory concern for the due recording of the authorized movement and custody of the seized drugs or controlled chemicals or plant sources of dangerous drugs or laboratory equipment, the presentation as evidence in court of the dangerous drugs subject of the illegal sale is material in every prosecution for the illegal sale of dangerous drugs.<sup>23</sup> To be sure, the dangerous drugs are themselves the *corpus delicti*, which, literally translated from Latin, refers to the *body of the crime*, or the actual commission by someone of the particular offense charged.<sup>24</sup> *Corpus delicti*, as the Court puts it in *People v. Roluna*,<sup>25</sup> is:

xxx the body or substance of the crime and, in its primary sense, refers to the fact that a crime has been actually committed. As applied to a particular offense, it means *the actual commission by someone of the particular crime charged. The corpus delicti is a compound fact made up of two (2) things, viz: the existence of a certain act or result forming the basis of the criminal charge, and the existence of a criminal agency as the cause of this act or result.*<sup>26</sup>

To discharge its duty of establishing the guilt of the accused beyond reasonable doubt, therefore, the Prosecution must prove the *corpus delicti*. That proof is vital to a judgment of conviction.<sup>27</sup> On the other hand, the Prosecution does not comply with the indispensable requirement of proving the violation of Section 5 of Republic Act No. 9165 when the dangerous drugs are missing but also when there are substantial gaps in the chain of custody of the seized dangerous drugs that raise doubts about the authenticity of the evidence presented in court.<sup>28</sup>

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<sup>23</sup> *People v. Doria*, G.R. No. 125299, January 22, 1999, 301 SCRA 668, 718.

<sup>24</sup> 9A Words & Phrases, p. 517, citing *Hilyard v. State*, 214 P. 2d 953, 28 A.L.R. 2d 961.

<sup>25</sup> G.R. No. 101797, March 24, 1994, 231 SCRA 446, 452.

<sup>26</sup> Citing 23 C.J.S. 623-624 (italicized portions are found in the original text, but bold emphasis is supplied).

<sup>27</sup> *Malillin v. People*, G.R. No. 172953, April 30, 2008, 553 SCRA 619, 631-632.

<sup>28</sup> *People v. Coreche*, G.R. No. 182528, August 14, 2009, 596 SCRA 350, 356-357.

A review of the records exposes the abject failure of the buy-bust team to comply with the statutory procedure laid down by Republic Act No. 9165 and its IRR on ensuring the integrity of the chain of custody.

First of all, PO1 Ignacio himself did not do the marking despite being the arresting officer taking initial custody of the plastic sachet of *shabu* the accused handed to him. Instead, he said that it was the investigator who marked the plastic sachet of *shabu*, and that the investigator did so only after the accused had been brought to the police station.<sup>29</sup> To us, that marking by the investigator, not by the arresting officer, was irregular, because the investigator was not the person who had taken initial custody of the plastic sachet of *shabu* right after the seizure. Moreover, even granting that the marking by the investigator was legally acceptable, it was definitely not enough for PO1 Ignacio to simply declare that the investigator had made the marking. PO1 Ignacio should also have described the circumstances of *how* (including saying if the accused actually witnessed the marking) and *when* the investigator had actually made the marking, because such circumstances were precisely the details necessary to uphold the integrity of the chain of custody.

Aside from being aware that the marking would be the starting point in the chain of custody to which the succeeding handlers of the seized drugs would refer, PO1 Ignacio and his team knew that the marking would also segregate the seized *shabu* from the mass of all other similar or related evidence from the moment of their seizure until their disposition at the end of the criminal proceedings, obviating switching, as well as the “planting” or contamination of evidence,<sup>30</sup> the very evil that the requirement for preserving the chain of custody sought to prevent. However, the identity between the plastic sachet of *shabu* sold and the plastic sachet of *shabu* offered as evidence would no longer be credibly shown because there were no details on the making of the marking by the investigator. In short, the

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<sup>29</sup> TSN of August 16, 2004, p. 6.

<sup>30</sup> *People v. Coreche*, G.R. No. 182528, August 14, 2009, 596 SCRA 350, 357.

non-compliance with the requirement to preserve the initial link in the chain of custody thoroughly undermined the link between the plastic sachet of *shabu* sold and the plastic sachet of *shabu* offered as evidence.

Secondly, the requirement for the presence of a media or Department of Justice representative, or an elected public official at the time of the seizure and inventory was to insulate the seizure from any taint of illegitimacy or irregularity. But that lofty objective could not be achieved here after PO1 Ignacio did not mention the presence of either such representative or of the elected public official during the buy-bust operation or at the time of the seizure of the *shabu* or even in the police station. Although the fact that the arrest of the accused and the seizure of the *shabu* were warrantless could possibly excuse the absence of the representative or official from the scene of the transaction, we have to wonder why the Prosecution did not bother to explain the absence of such representative or official. That is another serious lapse that broke the chain of custody.

Thirdly, the Prosecution did not present the investigator as its witness to directly validate his marking of “BLCO 020804” in court. The omission diminished the importance of the marking as the reference point for the subsequent handling of the evidence. As a consequence, an objective person could now justifiably suspect the *shabu* ultimately presented as evidence in court to be planted or contaminated.

And, fourthly, the buy-bust team did not conduct a physical inventory and did not take any photograph of the seized *shabu* either at the place of seizure, or in the police station. This omission was also fatal because the conduct of the physical inventory and the taking of a photograph were also measures designed by the law to preserve the integrity of the chain of custody of the seized *shabu*.

It is true that the last paragraph of Section 21(a) of the IRR has a saving proviso to ensure that not every non-compliance irreversibly weakens the Prosecution's evidence. But the saving proviso would not help the cause of the Prosecution at all. The application of the saving proviso has been conditioned upon the arresting lawmen recognizing their non-compliance with the procedure and then rendering a plausible explanation or two for the non-compliance.<sup>31</sup> Here, however, that the members of the buy-bust team did not own up their lapses. How, then, could the Prosecution tender any explanation of the lapses committed by the buy-bust team?

Given the foregoing, the accused deserves exculpation, not because we accord credence to his defense of frame-up but because the Prosecution did not establish his guilt beyond reasonable doubt. As we declared in *Patula v. People*:<sup>32</sup>

xxx in all criminal prosecutions, the Prosecution bears the burden to establish the guilt of the accused beyond reasonable doubt. In discharging this burden, the Prosecution's duty is to prove each and every element of the crime charged in the information to warrant a finding of guilt for that crime or for any other crime necessarily included therein. The Prosecution must further prove the participation of the accused in the commission of the offense. **In doing all these, the Prosecution must rely on the strength of its own evidence, and not anchor its success upon the weakness of the evidence of the accused. The burden of proof placed on the Prosecution arises from the presumption of innocence in favor of the accused that no less than the Constitution has guaranteed. Conversely, as to his innocence, the accused has no burden of proof, that he must then be acquitted and set free should the Prosecution not overcome the presumption of innocence in his favor. In other words, the weakness of the defense put up by the accused is inconsequential in the proceedings for as long as the Prosecution has not discharged its burden of proof in establishing the commission of the crime charged and in identifying the accused as the malefactor responsible for it.**<sup>33</sup>

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<sup>31</sup> *People v. Sanchez*, G.R. No. 175832, October 15, 2008, 569 SCRA 194, 211-212.

<sup>32</sup> G.R. No. 164457, April 11, 2012.

<sup>33</sup> Bold emphasis supplied.

**2.****The lower courts should not rely on the presumption of regularity in the performance of duty by the arresting lawmen**

Both lower courts favored the members of the buy-bust team with the presumption of regularity in the performance of their duty, mainly because the accused did not show that they had ill motive behind his entrapment.

We hold that both lower courts committed gross error in relying on the presumption of regularity.

Presuming that the members of the buy-bust team regularly performed their duty was patently bereft of any factual and legal basis. We remind the lower courts that the presumption of regularity in the performance of duty could not prevail over the stronger presumption of innocence favoring the accused. Otherwise, the constitutional guarantee of the accused being presumed innocent would be held subordinate to a mere rule of evidence allocating the burden of evidence. Where, like here, the proof adduced against the accused has not even overcome the presumption of innocence, the presumption of regularity in the performance of duty could not be a factor to adjudge the accused guilty of the crime charged.

Moreover, the regularity of the performance of their duty could not be properly presumed in favor of the policemen because the records were replete with indicia of their serious lapses. As a rule, a presumed fact like the regularity of performance by a police officer must be inferred only from an established basic fact, not plucked out from thin air. To say it differently, it is the established basic fact that *triggers* the presumed fact of regular performance.<sup>34</sup> Where there is any hint of irregularity committed by the police officers in arresting the accused and thereafter, several of which we have earlier noted, there can be no presumption of regularity of performance in their favor.

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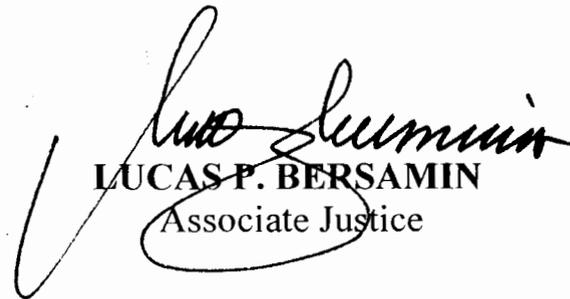
<sup>34</sup> I Jones on Evidence, Seventh Edition (1992), §4:3.

**WHEREFORE**, the Court **REVERSES** and **SETS ASIDE** the decision promulgated on June 2, 2009; **ACQUITS LOUIE CATALAN y DEDALA** for failure of the State to establish his guilt beyond reasonable doubt; and **ORDERS** his immediate release from detention at the National Penitentiary, unless there are other lawful causes warranting his continued detention.

The Director of the Bureau of Corrections is directed to forthwith implement this decision and to report to this Court his action hereon within 10 days from receipt.

No pronouncement on costs of suit.

**SO ORDERED.**

  
LUCAS P. BERSAMIN  
Associate Justice

**WE CONCUR:**

  
MARIA LOURDES P. A. SERENO  
Chief Justice

  
TERESITA J. LEONARDO-DE CASTRO  
Associate Justice

  
MARTIN S. VILLARAMA, JR.  
Associate Justice

  
JOSE PORTUGAL PEREZ  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice