



Republic of the Philippines
 Supreme Court
 Baguio City

CERTIFIED TRUE COPY

 WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 MAY 26 2016

THIRD DIVISION

REPUBLIC OF THE PHILIPPINES,
 represented by the **DEPARTMENT**
OF PUBLIC WORKS &
HIGHWAYS; ENGINEER
SIMPLICIO D. GONZALES, District
 Engineer, Second Engineering
 District of Camarines Sur; and
ENGINEER VICTORINO M. DEL
SOCORRO, JR., Project Engineer,
 DPWH, Baras, Canaman, Camarines
 Sur,

G.R. No. 202051

Present:

VELASCO, JR., *J.*, Chairperson,
 PERALTA,
 PEREZ,
 REYES, and
 PERLAS-BERNABE, * *JJ.*

Petitioners,

- versus -

Promulgated:

SPOUSES ILDEFONSO B.
REGULTO and FRANCIA R.
REGULTO,

April 18, 2016

Respondents.

X-----X

DECISION

PERALTA, J.:

For resolution of this Court is the petition for review on *certiorari* dated July 10, 2012 filed by petitioners, the Republic of the Philippines as represented by the Department of Public Works and Highways (DPWH); Engineer Simplicio D. Gonzales, District Engineer, Second Engineering District of Camarines Sur; and Engineer Victorino M. Del Socorro, Jr., Project Engineer, DPWH, Baras, Canaman, Camarines Sur assailing the Order¹ dated May 24, 2012 of the Regional Trial Court (RTC) of Naga City, Branch 62, which ordered herein petitioners to pay respondents spouses

* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated September 14, 2014.

¹ Penned by Judge Antonio C.A. Ayo, Jr., *rollo*, pp. 36-38.

Ildefonso B. Regulto and Francia R. Regulto (Spouses Regulto) the amount of Two Hundred Forty-Three Thousand Pesos (₱243,000.00) as just compensation for the part of their property traversed by the Naga City-Milaor Bypass Project of the DPWH.

The factual antecedents are as follows:

Respondents spouses Ildefonso B. Regulto and Francia R. Regulto are the registered owners of the property in controversy located at Mabel, Naga City, Camarines Sur consisting of 300 square meters covered by Transfer Certificate of Title (*TCT*) No. 086-2010000231.² The Spouses Regulto acquired the said property by virtue of a deed of absolute sale executed by Julian R. Cortes, attorney-in-fact of the spouses Bienvenido and Beatriz Santos, in February 1994.³ The subject property originated from a Free Patent property consisting of 7,759 square meters registered and covered by Original Certificate of Title (*OCT*) No. 235 dated April 14, 1956.⁴

Sometime in April 2011, the DPWH Second Engineering District of Camarines Sur apprised the Spouses Regulto of the construction of its road project, the Naga City-Milaor Bypass Road, which will traverse their property and other adjoining properties.⁵ The DPWH initially offered the spouses the sum of ₱243,000.00 or ₱1,500.00 per square meter for the 162 square-meter affected area as just compensation.⁶

However, in a letter dated May 11, 2006, the DPWH, through District Engr. Rolando P. Valdez, withdrew the offer, and informed the Spouses Regulto that they were not entitled to just compensation since the title of their land originated from a Free Patent title acquired under Commonwealth Act (*C.A.*) No. 141, known as the Public Land Act, which contained a reservation in favor of the government of an easement of right-of-way of twenty (20) meters, which was subsequently increased to sixty (60) meters by Presidential Decree (*P.D.*) No. 635, for public highways and similar works that the government or any public or *quasi*-public service enterprise may reasonably require for carrying on their business, with payment of damages for the improvements only.⁷

The Spouses Regulto, in their letter dated May 30, 2011, protested the findings of the DPWH and ordered them to cease from proceeding with the construction.⁸ They alleged that since their property is already covered by

² *Rollo*, p. 46.

³ *Id.*

⁴ *Id.* at 54.

⁵ *Id.* at 47.

⁶ *Id.* at 38.

⁷ *Id.* at 60.

⁸ *Id.* at 61.

TCT No. 086-2010000231, it ceased to be a public land.⁹ They communicated that the market value of the property is ₱450,000.00 plus the Zonal Value of the Bureau of Internal Revenue (*BIR*), which is more or less the acceptable just compensation of their property.¹⁰ Furthermore, they requested that they be furnished, within five (5) days from the receipt of their letter, with a Program of Works and Sketch Plan showing the cost of the project and the extent or area covered by the road that will traverse their property.¹¹

The DPWH furnished the Spouses Regulto with the sketch plan showing the extent of the road right-of-way that will cut across their property.¹² It also reiterated its earlier position that the title to the land was acquired under C.A. No. 141.¹³

On October 8, 2011, the Spouses Regulto filed a complaint for payment of just compensation, damages with prayer for issuance of temporary restraining order and/or writ of preliminary injunction before the RTC of Naga City, Branch 62, against herein petitioners Republic of the Philippines, represented by the DPWH; District Engr. Valdez of the Second Engineering District of Camarines Sur; and Project Engr. Del Socorro, Jr. of the DPWH, Baras, Canaman, Camarines Sur.¹⁴

The Spouses Regulto averred that the DPWH acted with deceit, misrepresentation and evident bad faith in convincing them to sign on a paper after relying on the assurance that they would be paid with just compensation.¹⁵ They also alleged that their property is outside the coverage of Section 112, C.A. No. 141 because their land is a private property, and that the same is situated beyond the 60-meter radius or width from the public highways, railroads, irrigation ditches, aqueducts, telegraph and telephone lines, airport runways, and other government structures.¹⁶

On August 5, 2011, the petitioners, through the Office of the Solicitor General (*OSG*), filed a Motion to Dismiss on the ground that the Spouses Regulto do not have a cause of action, and that their complaint failed to state the same.¹⁷ Petitioners asseverated that Section 112 of C.A. No. 141 is explicit on the encumbrance imposed upon lands originally covered by a free patent or any other public land patent.¹⁸ Petitioners also alleged that the

⁹ *Id.*
¹⁰ *Id.*
¹¹ *Id.*
¹² *Id.* at 62.
¹³ *Id.*
¹⁴ *Id.* at 45.
¹⁵ *Id.* at 47.
¹⁶ *Id.* at 49.
¹⁷ *Id.* at 64-72.
¹⁸ *Id.* at 66.

respondents failed to exhaust administrative remedies for not appealing the findings of the Regional Infrastructure Right-of-Way (*IROW*) Committee with the DPWH Regional Director or to the Secretary of Public Works and Highways.¹⁹

In an Order dated October 17, 2011, the RTC denied the motion filed by the petitioners citing that the insufficiency of the cause of action must appear on the face of the complaint to sustain a dismissal based on lack of cause of action.²⁰ In this case, the complaint stated allegations of nonpayment of just compensation.²¹ Furthermore, the court mentioned that one of the exceptions of the doctrine of exhaustion of administrative remedies is when the issue is one of law and when circumstances warrant urgency of judicial intervention, as in the case of the Spouses Regulto whose portion of their property has already been occupied by the petitioners without just compensation.²²

In the Answer²³ dated November 16, 2011, the petitioners reiterated their defense that no legal right has been violated since C.A. No. 141, as amended by P.D. No. 1361,²⁴ imposes a 60-meter wide lien on the property originally covered by a Free Patent.²⁵ Petitioners also avowed that Section 5 of the Implementing Rules and Regulation (*IRR*) of the Republic Act (*R.A.*) No. 8974²⁶ provides that if the private property or land is acquired under the provisions of C.A. No. 141, the government officials charged with the prosecution of the projects or their representative is authorized to take immediate possession of the property subject to the lien as soon as the need arises, and the government may obtain a quitclaim from the owners concerned without the need for payment for the land acquired under the said quitclaim mode except for the damages to improvements only.²⁷ Hence, petitioners maintained that the Spouses Regulto are not entitled to a just compensation for the portion of their property affected by the construction of the Naga City-Milaor Bypass Road.²⁸

The petitioners, in a Motion dated December 19, 2011, prayed for the issuance of the writ of possession of the subject property in their favor for

¹⁹ *Id.* at 69-70.

²⁰ *Id.* at 73.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 74-92.

²⁴ FURTHER AMENDING THE PROVISIONS OF SECTION ONE HUNDRED TWELVE OF COMMONWEALTH ACT NUMBERED ONE HUNDRED FORTY-ONE, AS AMENDED BY PRESIDENTIAL DECREE NUMBERED SIX HUNDRED THIRTY-FIVE

²⁵ *Rollo*, p. 78.

²⁶ An Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and for Other Purposes.

²⁷ *Rollo*, pp. 80-81.

²⁸ *Id.* at 89.



the construction of the project to finally proceed and be completed without further delay.²⁹

On January 2, 2012, the RTC ordered the respondents spouses to remove the obstructions that they erected on the subject property within three days, or the petitioners may dismantle the same to proceed with the construction of the bypass road project.³⁰ Likewise, the petitioners were ordered to deliver the check already prepared in the amount of Three Thousand Pesos (₱3,000.00) for payment of the trees/improvements on the property.³¹ The petitioners were also ordered to deposit with any authorized government depository bank the amount of Thirty-Six Thousand Four Hundred Fifty Pesos (₱36,450.00) equivalent to the assessed value of the 162 square meters of the subject property, which was assessed at ₱67,500.00 by the 2010 tax declaration, that the road project will traverse.³²

In an Order dated January 27, 2012, the RTC dismissed the motion for reconsideration filed by the Spouses Regulto, and sustained its earlier order that the petitioners deposit the amount of ₱36,450.00.³³ The RTC also acknowledged the receipt of the Spouses Regulto of the check for the payment of the improvements on the property affected by the project.³⁴

Consequently, the RTC, in its Order dated May 24, 2012, ordered the petitioners to pay the Spouses Regulto the amount of ₱243,000.00 as just compensation for the affected portion of their property.³⁵ The dispositive portion of the Order reads:

WHEREFORE, premises considered, judgment is hereby rendered ordering the defendants Engr. Rolando F. Valdez and Engr. Victorino M. del Socorro, Jr., Republic of the Philippines and the Dept. of Public Works and Highways to pay plaintiffs-spouses Ildefonso and Francia Regulto the amount of ₱243,000.00 as just compensation for their property traversed by the Naga-Milaor Bypass Project.

SO ORDERED.³⁶

The RTC concluded that the government waived the encumbrance provided for in C.A. No. 141 when it did not oppose the further subdivision of the original property covered by the free patent or made an express intent on making its encumbrance before the residential lots, which are part of the

²⁹ *Id.* at 96-10.3.

³⁰ *Id.* at 104.

³¹ *Id.*

³² *Id.*

³³ *Id.* at 105.

³⁴ *Id.*

³⁵ *Id.* at 38.

³⁶ *Id.*

said subdivision, were sold to other innocent purchasers for value, especially after the 25-year period has lapsed since the free patent.³⁷

Hence, the petitioners, through the OSG, filed the instant petition raising the following issues:

THE RTC ERRED IN HOLDING THAT RESPONDENTS ARE ENTITLED TO AND IN ORDERING PETITIONERS TO PAY JUST COMPENSATION DESPITE THE UNDISPUTED FACT THAT THE LAND WAS ORIGINALLY PUBLIC LAND AWARDED TO RESPONDENTS' PREDECESSORS-IN-INTEREST BY FREE PATENT, AND THUS A LEGAL EASEMENT OF RIGHT-OF-WAY EXISTS IN FAVOR OF THE GOVERNMENT.

THE TRIAL COURT'S RATIOCINATION – THAT THE SUBJECT PROPERTY HAS *IPSO FACTO* CEASED TO BE “PUBLIC LAND” AND THUS NO LONGER SUBJECT TO THE LIEN IMPOSED BY SAID PROVISION OF C.A. NO. 141, BY VIRTUE OF THE SUBJECT PROPERTY BEING ALREADY COVERED BY A TRANSFER CERTIFICATE OF TITLE IN THEIR NAME – CONTRAVENES SECTION 44 OF P.D. NO. 1529 AND *NATIONAL IRRIGATION ADMINISTRATION VS. COURT OF APPEALS*.

THE RTC ERRED IN HOLDING THAT SECTION 8 (“EXPROPRIATION”), NOT SECTION 5 (“QUIT CLAIM”), OF THE IMPLEMENTING RULES AND REGULATIONS OF R.A. NO. 8974 IS THE APPLICABLE PROVISION REGARDING THE MODE OF ACQUISITION OF RESPONDENTS' PROPERTY.³⁸

This Court finds the instant petition partially meritorious.

At the outset, it is noted that petitioners filed the instant petition before this Court without appealing the said case before the Court of Appeals (*CA*). A strict application of the policy of strict observance of the judicial hierarchy of courts is unnecessary when cases brought before the appellate courts do not involve factual but purely legal questions.³⁹ Section 2 (c),⁴⁰ Rule 41, of the Revised Rules of Court provides that a decision or order of the RTC may, as done in the instant petition, be appealed to the Supreme Court by petition for review on *certiorari* under Rule 45, provided that such petition raises only questions of law.⁴¹

³⁷ *Id.*

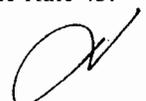
³⁸ *Rollo*, pp. 19-20.

³⁹ *Dio v. Subic Bay Marine Exploratorium, Inc.*, G.R. No. 189532, June 11, 2014, 726 SCRA 244, 252.

⁴⁰ Section 2. *Modes of appeal.*

(c) *Appeal by certiorari.* — In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with the Rule 45.

⁴¹ *Dio v. Subic Bay Marine Exploratorium, Inc.*, *supra* note 39.



The distinction between questions of law and questions of fact are explained in the case of *Navy Officers' Village Association, Inc. (NOVAI) v. Republic of the Philippines*⁴² as follows:

A question of law exists when the doubt or controversy concerns the correct application of law or jurisprudence on a certain state of facts. The issue does not call for an examination of the probative value of the evidence presented, the truth or falsehood of the facts being admitted. In contrast, a question of fact exists when a doubt or difference arises as to the truth or falsehood of facts or when the query invites the calibration of the whole evidence considering mainly the credibility of the witnesses; the existence and relevancy of specific surrounding circumstances, as well as their relation to each other and to the whole; and the probability of the situation.

In the case at bar, the petitioners raise questions of law in disputing the denial by the RTC in the application of C.A. No. 141 to impose the legal easement of right-of-way to the subject property, and the application of Section 8 (*Expropriation*) of the IRR of R.A. No. 8974 instead of Section 5 (*Quit Claim*) in the acquisition of the said property.

Essentially, the issue for resolution of this Court is whether the petitioners are liable for just compensation in enforcing the Government's legal easement of right-of-way on the subject property which originated from the 7,759 square-meter of public land awarded by free patent to the predecessor-in-interest of the Spouses Regulto.

Petitioners allege that a legal easement of right-of-way exists in favor of the Government since the land in controversy was originally public land awarded by free patent to the Spouses Regulto's predecessors-in-interest.

The RTC, however, ruled that the provision of C.A. No. 141 regarding the easement of right-of-way in favor of the government is not applicable to the subject property since the law is clearly meant for lands granted gratuitously by the government in favor of individuals tasked to make it agriculturally productive.⁴³ It ruled that the subject property is already a private property since the Spouses Regulto acquired the same through a deed of absolute sale from the spouses Bienvenido and Beatriz Santos in February 1994, and that the same originated from the property covered by TCT No. 24027.⁴⁴

This Court finds that the RTC erroneously ruled that the provisions of C.A. No. 141 are not applicable to the case at bar. On the contrary, this

⁴² G.R. No. 177168, August 3, 2015. (Citations omitted)

⁴³ *Rollo*, p. 38.

⁴⁴ *Id.*

Court held that “a legal easement of right-of-way exists in favor of the Government over land that was originally a public land awarded by free patent even if the land is subsequently sold to another.”⁴⁵ This Court has expounded that the “ruling would be otherwise if the land was originally a private property, to which just compensation must be paid for the taking of a part thereof for public use as an easement of right-of-way.”⁴⁶

It is undisputed that the subject property originated from and was a part of a 7,759-square-meter property covered by free patent registered under OCT No. 235.⁴⁷ Furthermore, the Spouses Regulto’s transfer certificate of title, which the RTC relied, contained the reservation: “*subject to the provisions of the Property Registration Decree and the Public Land Act, as well as to those of the Mining Law, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting.*”⁴⁸

Jurisprudence settles that one of the reservations and conditions under the Original Certificate of Title of land granted by free patent is that the said land is subject “*to all conditions and public easements and servitudes recognized and prescribed by law especially those mentioned in Sections 109, 110, 111, 112, 113 and 114, Commonwealth Act No. 141, as amended.*”⁴⁹

Section 112 of C.A. No. 141, as amended, provides that lands granted by patent shall be subjected to a right-of-way in favor of the Government, to wit:

Sec. 112. Said land shall further be subject to a **right-of-way not exceeding sixty (60) meters on width** for **public highways**, railroads, irrigation ditches, aqueducts, telegraph and telephone lines, airport runways, including sites necessary for terminal buildings and other government structures needed for full operation of the airport, as well as areas and sites for government buildings for Resident and/or Project Engineers needed in the prosecution of government-infrastructure projects, and similar works as the Government or any public or quasi-public service or enterprise, including mining or forest concessionaires, may reasonably require for carrying on their business, **with damages for the improvements only.**

Government officials charged with the prosecution of these projects or their representatives are authorized to take immediate possession of the portion of the property subject to the lien as soon as the need arises and after due notice to the owners. It is however, understood

⁴⁵ *NIA v. Court of Appeals*, 395 Phil. 48, 56 (2000).

⁴⁶ *Id.*

⁴⁷ *Rollo*, pp. 39-44, Annex B, OCT No. 235.

⁴⁸ *Id.* at 54-55, Annex A- TCT No. 086-2010000231.

⁴⁹ *NIA v. Court of Appeals*, *supra* note 45, at 55.

that ownership over said properties shall immediately revert to the title holders should the airport be abandoned or when the infrastructure projects are completed and buildings used by project engineers are abandoned or dismantled, but subject to the same lien for future improvements."⁵⁰

In other words, lands granted by patent shall be subject to a right-of-way not exceeding 60 meters in width for public highways, irrigation ditches, aqueducts, and other similar works of the government or any public enterprise, free of charge, except only for the value of the improvements existing thereon that may be affected.⁵¹

We are not persuaded with the ruling of the RTC that the government waived the encumbrance imposed by C.A. No. 141 (*Public Land Act*) when it did not oppose the subdivision of the original property covered by the free patent. The reservation and condition contained in the OCT of lands granted by free patent, like the origins of the subject property, is not limited by any time period, thus, the same is subsisting.⁵² This subsisting reservation contained in the transfer certificate of title of the Spouses Regulto belies such supposition that the Government waived the enforcement of its legal easement of right-of-way on the subject property when it did not oppose to the subdivision of the property in 1995.

Petitioners allege that since the property in controversy was originally acquired under the provisions of special laws, particularly C.A. No. 141, then Section 5 of the IRR of R.A. No. 8974 should be applied in the present case. Petitioners insist that the acquisition of the portion of the subject property is through execution of quitclaims.

Section 5 of the IRR of R.A. No. 8974 provides:

SECTION 5. *Quit Claim* – If the **private property or land is acquired** under the provisions of Special Laws, particularly **Commonwealth Act No. 141, known as the Public Land Act**, which provides a 20-meter strip of land easement by the government for public use with damages to improvements only, P.D. No. 635 which increased the reserved area to a 60-meter strip, and P.D. No. 1361 which authorizes government officials charged with the prosecution of projects or their representative to take immediate possession of portion of the property subject to the lien as soon as the need arises and after due notice to the owners, then a **quit claim from the owners concerned shall be obtained by the Implementing Agency. No payment by the government shall be made for land acquired under the quit claim mode.**⁵³

⁵⁰ Emphasis supplied.

⁵¹ *Republic v. Andaya*, 552 Phil. 40, 45 (2007).

⁵² *NIA v. Court of Appeals*, *supra* note 45, at 55.

⁵³ Emphasis supplied.

With the existence of the said easement of right-of-way in favor of the Government, the petitioners may appropriate the portion of the land necessary for the construction of the bypass road without paying for it, except for damages to the improvements. Consequently, the petitioners are ordered to obtain the necessary quitclaim deed from the Spouses Regulto for the 162-square-meter strip of land to be utilized in the bypass road project.

It is noted that the 162 square meters of the subject property traversed by the bypass road project is well within the limit provided by the law. While this Court concurs that the petitioners are not obliged to pay just compensation in the enforcement of its easement of right-of-way to lands which originated from public lands granted by free patent, we, however, rule that petitioners are not free from any liability as to the consequence of enforcing the said right-of-way granted over the original 7,759-square-meter property to the 300-square-meter property belonging to the Spouses Regulto.

There is "taking," in the context of the State's inherent power of eminent domain, when the owner is actually deprived or dispossessed of his property; when there is a practical destruction or material impairment of the value of his property or when he is deprived of the ordinary use thereof.⁵⁴ Using one of these standards, it is apparent that there is taking of the remaining area of the property of the Spouses Regulto. It is true that no burden was imposed thereon, and that the spouses still retained title and possession of the property. The fact that more than half of the property shall be devoted to the bypass road will undoubtedly result in material impairment of the value of the property. It reduced the subject property to an area of 138 square meters.

Thus, the petitioners are liable to pay just compensation over the remaining area of the subject property, with interest thereon at the rate of six percent (6%) *per annum* from the date of writ of possession or the actual taking until full payment is made.

The case of *Republic v. Hon. Jesus M. Mupas*⁵⁵ elucidated just compensation in this language:

Just compensation is defined as "the full and fair equivalent of the property taken from its owner by the expropriator." The word "just" is used to qualify the meaning of the word "compensation" and to convey the idea that the amount to be tendered for the property to be taken shall be real, substantial, full and ample. On the other hand, the word "compensation" means "a full indemnity or remuneration for the loss or

⁵⁴ *Republic of the Philippines, rep. by the National Power Corporation v. Heirs of Saturnino Q. Borbon, et al.*, G.R. No. 165354, January 12, 2015, citing *Ansaldo v. Tantuico, Jr.*, 266 Phil. 319, 323 (1990).

⁵⁵ G.R. Nos. 181892, 209917, 209696 & 209731, September 8, 2015



damage sustained by the owner of property taken or injured for public use."

Simply stated, just compensation means that the former owner must be returned to the monetary equivalent of the position that the owner had when the taking occurred. To achieve this monetary equivalent, we use the standard value of "fair market value" of the property at the time of the filing of the complaint for expropriation or at the time of the taking of property, whichever is earlier.⁵⁶

Consequently, the case is remanded to the court of origin for the purpose of determining the final just compensation for the remaining area of the subject property. The RTC is thereby ordered to make the determination of just compensation payable to the respondents Spouses Regulto with deliberate dispatch. The RTC is cautioned to make a determination based on the parameters set forth by law and jurisprudence regarding just compensation.

WHEREFORE, the petition for review on *certiorari* dated July 10, 2012 filed by the Republic of the Philippines as represented by the Department of Public Works and Highways; Engineer Simplicio D. Gonzales, District Engineer, Second Engineering District of Camarines Sur; and Engineer Victorino M. Del Socorro, Jr., Project Engineer, DPWH, Baras, Canaman, Camarines Sur, is hereby **PARTIALLY GRANTED**.

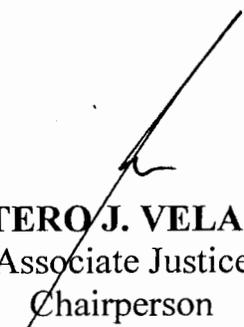
The case is hereby **REMANDED** to the Regional Trial Court of Naga City, Branch 62 for the determination of the final just compensation of the compensable area consisting of 138 square meters, with interest thereon at the rate of six percent (6%) *per annum* from the date of writ of possession or the actual taking until full payment is made.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

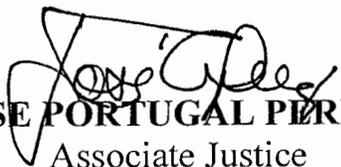
WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

⁵⁶

Citation omitted.


JOSE PORTUGAL PEREZ
 Associate Justice


BIENVENIDO L. REYES
 Associate Justice


ESTELA M. PERLAS-BERNABE
 Associate Justice

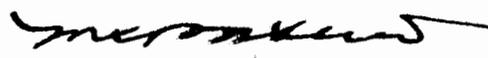
ATTESTATION

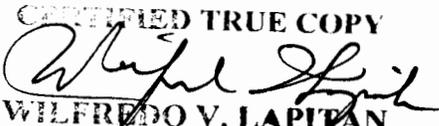
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson, Third 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.


MARIA LOURDES P. A. SERENO
 Chief Justice

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WILFREDO V. LAPID
 Division Clerk of Court
 Third Division
MAY 26 2016