



*Bernardo*) [collectively referred as defendant spouses], before the Regional Trial Court, Branch 255, Las Piñas City (*RTC*).

After the presentation and formal offer of their respective evidence, the parties were required to file their respective memoranda.

On January 4, 2001, Atty. Salvador B. Aguas (*Atty. Aguas*), counsel of Jose, filed the Motion for Time to Submit Motion for Substitution of Plaintiff with Motion For Suspension/Commencement of Counting of Period in Filing Pleadings<sup>4</sup> informing the *RTC* of the death of Jose and praying for time to submit a motion for substitution pending receipt of the death certificate.

On May 2, 2001, a Decision<sup>5</sup> was rendered in favor of Jose ordering defendant spouses to pay ₱500,000.00 for moral damages; ₱200,000.00 for exemplary damages; ₱20,000.00 for reimbursement of expenses; ₱35,000.00 for substantial number of appearance, ₱50,000.00 for attorney's fees; and the costs of suit.

On July 13, 2001, defendant spouses filed their Motion for Declaration of Nullity of the Decision and/or Notice of Appeal<sup>6</sup> based on the absence of a valid substitution of Jose.

Consequently, Atty. Aguas filed the Motion for Substitution,<sup>7</sup> dated July 30, 2001, praying that Jose be substituted by his surviving wife, Yolanda.

In its Order,<sup>8</sup> dated May 13, 2002, the *RTC* denied the motion for declaration of nullity of the May 2, 2001 decision. Defendant spouses then elevated the matter before the *CA*, docketed as *CA-G.R. CV No. 74988*. In a Resolution,<sup>9</sup> dated July 30, 2004, the *CA* dismissed the petition for want of appellant's brief. On August 30, 2004, an entry of judgment<sup>10</sup> was issued.

Thereafter, Atty. Aguas filed a motion for execution,<sup>11</sup> but it was opposed by defendant spouses on the ground that no valid substitution had been made, and that the continued appearance of Atty. Aguas was *ultra vires*.<sup>12</sup>

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<sup>4</sup> Id. at 668-669.

<sup>5</sup> Id. at 672-674. Penned by then Presiding Judge Florentino M. Alumbres.

<sup>6</sup> Id. at 677-679.

<sup>7</sup> Id. at 684-684-A.

<sup>8</sup> Id. at 794.

<sup>9</sup> Id. at 800.

<sup>10</sup> Id. at 801.

<sup>11</sup> Id. at 802-803.

<sup>12</sup> Id. at 807-812.

In the Order,<sup>13</sup> dated October 28, 2005, the motion for execution was deemed withdrawn upon motion of Atty. Aguas.

On November 20, 2005, Atty. Aguas filed a pleading denominated as *Motions to Resolve Motion for Substitution of Parties, dated July 31, 2001 or Considered it Deemed Admitted, and Thereafter Issue Writ of Execution of the Judgment, dated May 2, 2001, in the name of Yolanda Liongson as Substituting Party for Plaintiff Jose Liongson*.<sup>14</sup> In the said motion, it was prayed that Yolanda be allowed to substitute her deceased husband and that a writ of execution be issued in her favor. Attached to the motion was a copy of the death certificate<sup>15</sup> of Jose indicating that the latter died on November 28, 2000.

In the Order,<sup>16</sup> dated March 17, 2006, the RTC denied the motion to resolve the motion for substitution of parties and the motion for issuance of a writ of execution for lack of merit.

In the meantime, Yolanda filed a petition for issuance of letters of administration of the estate of Jose, her deceased husband, before the Regional Trial Court, Branch 274, Parañaque City. In the December 29, 2006 Order, the Letter of Administration was issued appointing Yolanda as administratrix of the estate of Jose.

Thus, acting as the administratrix of the estate of Jose, Yolanda filed a motion for execution of the May 2, 2001 decision.<sup>17</sup> It was, however, denied in an Order,<sup>18</sup> dated September 14, 2007, on the ground that no proper substitution had been made yet.

Unperturbed, Yolanda, thru her new counsel, Atty. Bonifacio G. Caboboy (*Atty. Caboboy*), filed her Motion to Substitute the Plaintiff Jose Liongson<sup>19</sup> which was finally granted by the RTC in the Order,<sup>20</sup> dated January 25, 2008.

Defendant spouses then filed a motion for reconsideration of the January 25, 2008 Order.<sup>21</sup> On May 22, 2008, the RTC denied the said motion.<sup>22</sup>

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<sup>13</sup> Id. at 859.

<sup>14</sup> Id. at 864-868.

<sup>15</sup> Id. at 869.

<sup>16</sup> Id. at 903-907.

<sup>17</sup> Id. at 909-912.

<sup>18</sup> Id. at 932-934.

<sup>19</sup> Id. at 945.

<sup>20</sup> Id. at 952-953.

<sup>21</sup> Id. at 965-974.

<sup>22</sup> Id. at 1009-1013.

Defendant spouses then filed a petition for *certiorari* before the CA, docketed as *CA-G.R. SP No. 104667*, assailing the January 25, 2008 and May 22, 2008 orders of the RTC. They insisted that the issue of substitution had been laid to rest by the RTC on three (3) occasions and Yolanda did not question the propriety of its denial. Hence, she was forever barred from effecting the substitution.

Meanwhile, Yolanda filed her Motion for Execution of Judgment<sup>23</sup> which was granted by the RTC in its Order,<sup>24</sup> dated July 25, 2008. On August 1, 2008, a writ of execution<sup>25</sup> was issued and the Notice to Pay,<sup>26</sup> dated August 5, 2008, was served upon defendant spouses. The latter then filed a motion to recall or hold in abeyance the implementation of the writ of execution and the sheriff's notice to pay.

Without waiting for the RTC to rule on the said motion, defendant spouses filed another petition for *certiorari* under Rule 65 of the Rules of Court before the CA, docketed as *CA-G.R. SP No. 105568*, this time questioning the July 25, 2008 Order and the August 1, 2008 Writ of Execution issued by the RTC. Defendant spouses insisted that the RTC gravely abused its discretion when it allowed the substitution and then issued the writ of execution.

In its January 16, 2009 Order,<sup>27</sup> the RTC denied the motion to recall or hold in abeyance the implementation of the August 1, 2008 writ of execution and the August 5, 2008 sheriff's notice to pay for lack of merit. Thereafter, the notice of garnishment and the notice of levy were issued. Spouses Navarra's property, covered by TCT No. 103473, was levied and subsequently sold in a public auction pursuant to the writ of execution.<sup>28</sup>

Meanwhile, on October 28, 2009, the CA rendered a Decision,<sup>29</sup> in **CA-G.R. SP No. 104667**, dismissing the petition for *certiorari* and declaring the substitution of plaintiff in order. The CA held that the rule on substitution was not a matter of jurisdiction but a requirement of due process; and that considering that both parties had already completed the presentation of their evidence in chief before Jose died, neither of them was denied due process of law. Thus, the CA stated that the belated substitution of Jose as plaintiff to the case did not affect the validity of the final and executory judgment.

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<sup>23</sup> Id. at 959-960.

<sup>24</sup> Id. at 1016-1018.

<sup>25</sup> Id. at 1029-1030.

<sup>26</sup> Id. at 1028.

<sup>27</sup> Id. at 1064-1066.

<sup>28</sup> Certificate of Sale, Records (Vol. II), p. 1148.

<sup>29</sup> Records (Vol. I), pp. 1072-1084. Penned by then Associate Justice Rosalinda Asuncion-Vicente with Associate Justices Normandie B. Pizarro and Ramon R. Garcia, concurring.

On December 8, 2011, a decision<sup>30</sup> was rendered in *CA-G.R. SP No. 105568*, in favor of defendant spouses. The CA *reversed* and *set aside* the questioned RTC order granting the motion for execution and the issuance of the writ of execution. The CA held that the complaint for damages, arising from malicious prosecution filed by Jose against defendant spouses was a purely personal action that did not survive upon his death; and because the action was deemed abated upon his death, the RTC was found to have gravely abused its discretion when it allowed the substitution of Jose and issued the writ of execution. The CA further stated that upon the death of Jose, the RTC lost jurisdiction over the case and the decision rendered therein was a void judgment; hence, all acts performed pursuant thereto and all claims emanating therefrom had no legal effect.

On January 6, 2012, the December 8, 2011 decision of the CA in *CA-G.R. SP No. 105568* became final and executory and the entry of judgment<sup>31</sup> was issued.

On December 16, 2013, almost two years later, Yolanda filed her Urgent Omnibus Motion<sup>32</sup> praying for the recall/lifting of the entry of judgment and for the admission of the attached motion for reconsideration. Yolanda contended that she was totally unaware of this petition for *certiorari* filed before the CA and docketed as *CA-G.R. SP No. 105568*; that although notices were sent to her counsel, Atty. Caboboy, the latter did not inform or furnish her with copies of the notices and the petition; that Atty. Caboboy did not file any comment on the petition or a motion for reconsideration; and that Atty. Caboboy's gross negligence and mistake should not bind her because the said negligence and mistake would amount to deprivation of her property without due process of law.

On August 28, 2014, the CA promulgated an amended decision in *CA-G.R. SP No. 105568*. While the CA took note that no comment was filed by defendant spouses despite notice, it granted the omnibus motion and the motion for reconsideration filed by Yolanda. The appellate court recalled and set aside the entry of judgment and reversed its December 8, 2011 decision in the interest of substantial justice. The CA discovered that the appellate court rendered two conflicting decisions in *CA-G.R. SP No. 104667* and *CA-G.R. SP No. 105568*. In *CA-G.R. SP No. 104667*, earlier filed by defendant spouses, the appellate court arrived at a decision allowing the substitution of Jose. The same issue of substitution was debunked in the December 8, 2011 CA decision in *CA-G.R. SP No. 105568*.

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<sup>30</sup> *Rollo*, pp. 106-116. Penned by then Associate Justice Amelita G. Tolentino with Associate Justices Ramon R. Garcia and Samuel H. Gaerlan, concurring.

<sup>31</sup> Records (Vol. II), p. 1166.

<sup>32</sup> *Id.* at 1206-1223.

In its amended decision, the CA did not apply the general rule that the negligence of counsel would bind the client so as not to deprive Yolanda of her right to due process of law. On the merits, the CA ruled that the action filed by Jose before the RTC was not extinguished upon his death as it was one for recovery of damages for injury to his person caused by defendant spouses' tortuous conduct of maliciously filing an unfounded suit.

Spouses Navarra (*petitioners*) filed their separate motions for reconsideration, but both were denied by the CA in a Resolution,<sup>33</sup> dated April 16, 2015.

Hence, this petition anchored on the following –

#### **GROUND FOR THE PETITION**

**THE COURT OF APPEALS DECIDED THE INSTANT CASE IN A WAY NOT IN ACCORD WITH LAW AND WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT.**

- A. THE COURT OF APPEALS BREACHED THE WELL-SETTLED RULE THAT A FINAL AND EXECUTORY JUDGMENT MAY NO LONGER BE MODIFIED IN ANY RESPECT, EVEN IF THE MODIFICATION IS MEANT TO CORRECT WHAT IS PERCEIVED TO BE AN ERRONEOUS CONCLUSION OF LAW OR FACT.**
- B. THE COURT OF APPEALS ERRED WHEN IT AMENDED A FINAL AND EXECUTORY DECISION UPON PRIVATE RESPONDENT'S MERE MOTION FOR RECONSIDERATION.**
- C. THE COURT OF APPEALS LEGALLY ERRED IN EXCEPTING THE INSTANT CASE FROM THE RULE THAT THE MISTAKE OR NEGLIGENCE OF COUNSEL BINDS THE CLIENT.**
- D. AT ALL EVENTS, THE COURT OF APPEALS LEGALLY ERRED IN DISMISSING THE PETITION IN CA-G.R. SP NO. 105568.<sup>34</sup>**

Petitioners argue that it is beyond the power of the CA to amend its original decision in this case, dated December 8, 2011, for it violates the principle of finality of judgment and its immutability. They point out that the said CA decision had acquired finality, hence, it could no longer be modified in any respect even if the modification was meant to correct erroneous conclusions of fact or law, or it would be made by the court that rendered it or by the highest court of the land.

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<sup>33</sup> *Rollo*, pp. 50-52. Penned by Associate Justice Samuel H. Gaerlan with Associate Justices Ramon R. Garcia and Danton Q. Bueser, concurring.

<sup>34</sup> *Id.* at 9-10.

Petitioners also aver that there was no conflict in the decisions rendered by the CA in CA-G.R. SP No. 104667 and in the present case as the two cases involved different issues. The former case ruled on the validity of the January 25, 2008 Order of the RTC which granted the *substitution* of Jose by Yolanda, while the present case questioned the July 25, 2008 Order of the RTC which *granted* the motion for *execution* of judgment filed by Yolanda.

Finally, petitioners assert that the CA erred when it granted the motion for reconsideration filed by Yolanda after almost two years from the time the decision was rendered. They point out that Yolanda did not even indicate in her motion for reconsideration the exact date of her receipt of the copy of the December 8, 2011 decision and that it could not be presumed that she learned of it only two (2) years after its issuance. They contend that the respondent was negligent because she waited for two long years before she filed a motion for reconsideration. They added that she should have made efforts to ascertain the status of the case considering that she was appointed administratrix of the estate of Jose.

Respondent Yolanda counters that the CA was correct when it reversed and set aside its December 8, 2011 decision and dismissed the petition for *certiorari* as the issues therein had already been laid to rest in the October 28, 2009 CA decision in CA- G.R. SP No. 104667. She argues that because the petitions in both CA- G.R. SP No. 104667 and CA- G.R. SP No. 105568, involved the same issues and parties under similar factual and legal settings, the decision rendered in the first case became final and could no longer be changed, revised or reversed.

All the arguments by both parties boil down to the lone issue of whether or not the CA erred and violated the principle of immunity of judgment when it amended its December 8, 2011 decision.

### **The Court's Ruling**

The petition is not meritorious.

Well-settled is the rule that a judgment that has acquired finality “becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land.”<sup>35</sup> The rationale of this doctrine is to avoid delay in the administration of justice and in order to put an end to judicial controversies. In the case of *Manotok Realty, Inc. v. CLT Realty*

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<sup>35</sup> *FGU Insurance Corporation (now BPI/MS Insurance Corp.) v. RTC of Makati, Branch 66*, 659 Phil. 117, 122-123 (2011).

*Development Corp.*,<sup>36</sup> the Court explained the principle of immunity of judgment in this wise:

The doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice, and that, at the risk of occasional errors, the judgments or orders of courts must become final at some definite time fixed by law; otherwise, there would be no end to litigations, thus setting to naught the main role of courts of justice which is to assist in the enforcement of the rule of law and the maintenance of peace and order by settling justiciable controversies with finality.<sup>37</sup>

Nonetheless, this doctrine may be relaxed in order to serve substantial justice in case compelling circumstances that clearly warrant the exercise of the Court's equity jurisdiction are extant.<sup>38</sup> Thus, like any other rule, it has exceptions, such as: (1) the correction of clerical errors; (2) the so-called *nunc pro tunc* entries which cause no prejudice to any party; (3) void judgments; and (4) whenever circumstances transpire after the finality of the decision rendering its execution unjust and inequitable.<sup>39</sup> After all, the rules of procedure intend to promote the ends of justice, thus, their strict and rigid application must always be eschewed when it would subvert its primary objective.<sup>40</sup>

The issue posed before the Court is not of first impression. It involves three conflicting final and executory judgments rendered by the RTC and the CA. The first is the May 2, 2001 RTC decision which granted the complaint for damages. The second is the October 28, 2009 CA decision in CA-G.R. SP No. 104667 which granted the motion for substitution and the motion for execution. The third, which is obviously in conflict with the first and second judgment, is the December 8, 2011 CA decision in CA-G.R. SP No. 105568 which not only *reversed* and *set aside* the motion for execution but also declared the May 2, 2001 RTC decision a void judgment.

Where a certain case comprises two or more conflicting judgments which are final and executory, the Court, in the case of *Collantes v. Court of Appeals*<sup>41</sup> (*Collantes*), offered three (3) options in resolving the same. First, the court may opt to require the parties to assert their claims anew; second, to determine which judgment came first; and third, to determine which of the judgments had been rendered by a court of last resort.

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<sup>36</sup> 512 Phil. 679, 708 (2005).

<sup>37</sup> *Id.* at 708.

<sup>38</sup> *FGU Insurance Corporation (now BPI/MS Insurance Corp.) v. RTC of Makati, Branch 66*, supra note 35, at 123.

<sup>39</sup> *Id.*

<sup>40</sup> *Ginete v. Court of Appeals*, 357 Phil. 36, 51 (1998).

<sup>41</sup> 546 Phil. 391, 407 (2007).

In the case of *Heirs of Maura So v. Obliosco*,<sup>42</sup> the Court stated that it was more equitable to apply the second and third options mentioned in *Collantes*. It, thus, sustained the *earlier* decisions over the current ones, as they already had vested rights over the winning party, and accorded more respect to the decisions of this Court than those made by the lower courts.

The Court, in *Government Service Insurance System v. Group Management Corporation*,<sup>43</sup> also resorted to the second and third options and affirmed the finality of the earlier decisions rendered by the Court. The Court held that:

In *Collantes*, this Court applied the first option and resolved the conflicting issues anew. However, resorting to the first solution in the case at bar would entail disregarding not only the final and executory decisions of the Lapu-Lapu RTC and the Manila RTC, but also the final and executory decisions of the Court of Appeals and this Court. Moreover, it would negate two decades worth of litigating. Thus, we find it *more equitable* and *practicable* to apply the second and third options consequently maintaining the finality of one of the conflicting judgments. The primary criterion under the second option is the time when the decision was rendered and became final and executory, such that earlier decisions should prevail over the current ones since final and executory decisions vest rights in the winning party. In the third solution, the main criterion is the determination of which court or tribunal rendered the decision. Decisions of this Court should be accorded more respect than those made by the lower courts.<sup>44</sup>

Guided by these jurisprudence, the Court agrees with the CA that it would be more equitable to make use of the second option mentioned in *Collantes* and sustain the finality of the earlier decisions rendered by the RTC and the CA in CA-G.R. SP No. 104667. To recall, the RTC decision in the complaint for damages was promulgated as early as May 2, 2001 and became final and executory on August 30, 2004.<sup>45</sup> The only reason why the said decision was not immediately executed was the petitioners' insistence on the improper substitution of plaintiff. This issue, however, was laid to rest on October 8, 2009 by the CA when it rendered its decision in CA-G.R. SP No. 104667. The CA declared that the decision and the proceedings in the said case were not rendered nugatory notwithstanding the belated compliance with the rules on substitution as none of the parties was denied due process. The appellate court further stated that the rule on the substitution by heirs was not a matter of jurisdiction, but a requirement of due process. It follows therefore, that when due process is not violated as when the right of the representative or heir is recognized and protected, noncompliance or belated formal compliance with the rules cannot affect the

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<sup>42</sup> 566 Phil. 397 (2008).

<sup>43</sup> 666 Phil. 277 (2011).

<sup>44</sup> Id. at 322-323.

<sup>45</sup> Entry of Judgment, Records (Vol. I), p. 801.

validity of a promulgated decision.<sup>46</sup> Moreover, the Court notes that petitioners did not question the propriety of the May 2, 2001 decision in their petition in CA-G.R. SP No. 104667 but even admitted the finality and executory nature of the said decision and their only concern was how the said decision would be executed without a valid substitution of the plaintiff.

Clearly, the October 28, 2009 decision of the CA in CA-G.R. SP No. 104667 constituted *res judicata* with respect to the latter case in CA-G.R. SP No. 105568. “*Res judicata* is defined as ‘a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment.’<sup>47</sup>” Based on this principle, a final judgment or order on the merits, rendered by a competent court on any matter within its jurisdiction, “is conclusive in a subsequent case between the same parties and their successor-in-interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity.”<sup>48</sup> Simply put, “a final judgment on the merits rendered by a court of competent jurisdiction, is conclusive as to the rights of the parties and their privies and constitutes an absolute bar to subsequent actions involving the same claim, demand, or cause of action.”<sup>49</sup>

For *res judicata* to serve as an absolute bar to a subsequent action, the following requisites must concur: (a) the former judgment is final; (b) it was rendered by a court having jurisdiction over the subject matter and the parties; (c) it is a judgment on the merits; and, (d) there is, between the first and second actions, identity of parties, of subject matter and of cause of action.<sup>50</sup>

In the present case, there is no quibble that all the elements adverted to above obtain in this case. There is no dispute that the December 2, 2001 RTC decision had become final and executory and the entry of judgment was issued on August 30, 2004. There is no question either that the RTC had jurisdiction over the subject matter and the parties, and that the decision was a judgment on the merits.

The controversy arose when petitioners questioned the propriety of the substitution of Jose before the CA in CA-G.R. SP No. 104667 and subsequently the July 25, 2008 RTC order and its August 1, 2008 writ of execution in CA-G.R. SP No. 105568, which was raffled to a different division of the CA. Although petitioners would like to impress to this Court that the issues raised in two cases before the CA were anchored on different causes of action, the Court rules otherwise. Under the doctrine of conclusiveness of judgment, facts and issues actually and directly resolved

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<sup>46</sup> *Spouses De la Cruz v. Joaquin*, 502 Phil. 803, 811 (2005).

<sup>47</sup> *Mallion v. Alcantara*, 536 Phil. 1049, 1054 (2006).

<sup>48</sup> *PCGG v. Sandiganbayan*, 590 Phil. 383,392-393 (2008).

<sup>49</sup> *Republic of the Philippines (Civil Aeronautics Administration) v. Yu*, 519 Phil. 391, 398 (2006).

<sup>50</sup> *Enriquez v. Boyles*, G.R. No. 51025. September 22, 1993, 226 SCRA 666, 674.

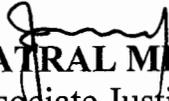
in a former suit can never again be raised in any future case between the same parties even involving a different cause of action.<sup>51</sup> The CA decision in CA-G.R. SP No. 104667 concerning the validity of plaintiff's substitution became conclusive on the parties. Thus, petitioners cannot again seek refuge by filing their second petition (CA-G.R. SP No. 105568) in the guise of questioning the order of execution but actually invoking the alleged nullity of the substitution of plaintiff. Petitioners cannot evade or avoid the application of *res judicata* by simply varying the form of his action or adopting a different method of presenting their case.<sup>52</sup>

Indeed, it is time to put an end to this litigation as the enforcement of the final judgment has long been delayed. In the interest of justice, petitioners are ordered to respect and comply with the final and executory judgment of the Court. As stated in the case of *Selga v. Sony Entierro Brar*:<sup>53</sup>

It must be remembered that it is to the interest of the public that there should be an end to litigation by the parties over a subject fully and fairly adjudicated. The doctrine of *res judicata* is a rule that pervades every well-regulated system of jurisprudence and is founded upon two grounds embodied in various maxims of the common law, namely: (1) public policy and necessity, which dictates that it would be in the interest of the State that there should be an end to litigation *republicae ut sit litium*; and (2) the hardship on the individual that he should be vexed twice for the same cause *nemo debet bis vexari pro una et eadem causa*. A contrary doctrine would subject public peace and quiet to the will and neglect of individuals and prefer the gratification of the litigious disposition on the part of suitors to the preservation of public tranquility and happiness.<sup>54</sup>

**WHEREFORE**, the petition is **DENIED**. The August 28, 2014 Amended Decision and the April 16, 2015 Resolution of the Court of Appeals in CA-G.R. SP No. 105568 are **AFFIRMED**.

**SO ORDERED.**

  
**JOSE CATRAL MENDOZA**  
Associate Justice

<sup>51</sup> *Republic of the Philippines (Civil Aeronautics Administration) v. Yu*, supra note 50, at 397.

<sup>52</sup> *Mallion v. Alcantara*, 536 Phil. 1049, 1057 (2006).

<sup>53</sup> 673 Phil. 581 (2011).

<sup>54</sup> Id. at 591-592.

**WE CONCUR:**



**ANTONIO T. CARPIO**

Associate Justice

Chairperson



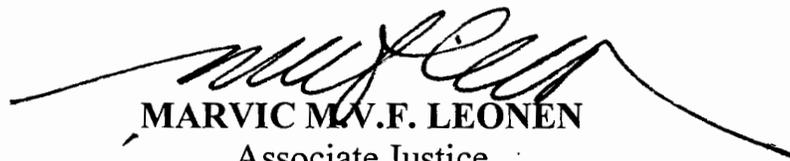
**ARTURO D. BRION**

Associate Justice



**MARIANO C. DEL CASTILLO**

Associate Justice



**MARVIC M.V.F. LEONEN**

Associate Justice

**ATTESTATION**

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



**ANTONIO T. CARPIO**

Associate Justice

Chairperson, Second Division

**CERTIFICATION**

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



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