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Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

SEP 28 2016

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

EDGARDO A. QUILO and
ADNALOY VILLAHERMOSA,
Petitioners,

G.R. No. 186199

Present:

- versus -

VELASCO, JR., J.,
Chairperson,
PERALTA,
PEREZ, JJ.
REYES,* and
JARDELEZA.

TEODULA BAJAO,
Respondent.

Promulgated:

September 7, 2016

X ----- *Wilfredo V. Lapitan* ----- X

DECISION

PEREZ, J.:

Before us is a Petition for Review on *Certiorari*¹ under Rule 45 of the 1997 Rules of Civil Procedure assailing the Order² of the Regional Trial Court (RTC) of Branch 17, Manila, dated 18 December 2008, which denied the petition for *certiorari* filed under Rule 65 due to failure to attach with the petition a certified true copy of the Metropolitan Trial Court (MeTC) Decision³ and Orders⁴ in violation of Section 1, Rule 65 and for disregarding the three (3)-day notice rule under Section 4, Rule 15.

The facts as culled from the records are as follows:

* On Wellness Leave.

¹ *Rollo*, pp. 2-30.

² Id. at 32; penned by Presiding Judge Eduardo B. Peralta, Jr., in Spl. Civil Case No. 08-119920.

³ Id. at 84-87, MeTC records, pp. 48-51, dated 20 November 1998; penned by Judge Ricardo R. Rosario in Civil Case No. 158273-CV.

⁴ Id. at 51 & 55, MeTC records, pp. 425-426, dated 26 June 2008; *rollo*, pp. 52-54, MeTC records, pp. 455-457, dated 29 July 2008; both penned by Presiding Judge Felicitas O. Laron-Cacanindin in Civil Case No. 158273-CV.

The present case stemmed from an Ejectment Complaint⁵ filed by respondent Teodula Bajao (Bajao) against Eduardo B. Saclag, Jr., Zoilo J. Fulong, Sr., Elena Bertos,⁶ and Talia Saclag (hereinafter collectively referred to as “defendants”) in the MeTC of Manila, Branch XIX, docketed as Civil Case No. 158273-CV, praying that the defendants vacate and demolish the subject property located at 2519 Granate Street, Sta. Ana, Manila. After trial, the MeTC ruled in favor of Bajao in a Decision dated 20 November 1998.

Aggrieved, the defendants elevated the case to the RTC-Branch 3 of Manila. On 13 September 1999, the RTC affirmed the Decision of the MeTC which has become final and executory due to defendants’ failure to elevate the case to the Court of Appeals (CA), *via* a petition for review under Rule 41. The CA’s Resolution denying defendants’ appeal was issued on 26 November 1999. The defendants’ Motion for Reconsideration was also denied in the CA’s Resolution dated 13 March 2000.

When the defendants elevated the case to this Court, the petition was denied for failure to show a reversible error committed by the CA in a Resolution⁷ dated 14 June 2000. Pursuant thereto, this Court issued an Entry of Judgment⁸ declaring that the Resolution has become final and executory on 28 July 2000.

By virtue of the Entry of Judgment, Bajao filed a Motion for Execution on 8 August 2000. Seven (7) years thereafter, the Motion for Execution⁹ was acted upon by the RTC on 23 October 2007, ordering the remand of the records of the case to the court of origin or the MeTC.¹⁰ Finally, on 13 November 2007, the MeTC granted the Motion for Execution and issued a Writ of Execution on 28 November 2007.

On 27 February 2008, Edgardo Quilo and Adnaloy Villahermosa, petitioners herein, received a Notice to Pay/Vacate and Demolish Premises¹¹ from the MeTC, Branch XIX of Manila, directing them to vacate the property and remove their houses therein by virtue of the Writ of Execution. In opposition to the Writ, petitioners filed a Motion to Quash Writ of Execution and Recall of the Notice to Pay/Vacate and Demolish Premises on 5 March 2008 based on the following grounds: (1) the Writ of Execution was issued beyond the lapse of the 5-year period within which to execute a judgment based on Section 6, Rule 39 of the Rules of Court; and (2) for

⁵ MeTC records, pp. 2-5.

⁶ Respondent Elena Bertos is stated as Alena Bertol in other parts of the records.

⁷ MeTC records, p. 298.

⁸ Id. at 297.

⁹ Id. at 306-307, dated 7 August 2000.

¹⁰ Id. at 302; RTC Order dated 23 October 2007.

¹¹ *Rollo*, p. 80, dated 12 February 2008.

issuing the Writ of Execution on them, who are not parties to the ejectment case. Petitioners argued that the property subject of the Writ of Execution, which is 2519 Granate St., Sta. Ana, Manila, is not the same property they are occupying, which is 2518 Granate St., San Andres Bukid, Manila.

On 26 June 2008, the MeTC denied the Motion to Quash. According to the MeTC, the Writ of Execution is binding on all persons claiming rights on the property including persons occupying the property, whether impleaded or not.¹²

Aggrieved, petitioners filed a Motion for Reconsideration, which was also denied in an Order dated 29 July 2008. The MeTC referred to the petitioners' Answer where the latter admitted the correctness of the description of the subject property, *i.e.*, 2519 Granate St., Sta. Ana, Manila. To further prove that the property of petitioners and the property subject of litigation are one and the same, the Process Server who personally served the summons way back in 1998, attested that it was the same subject property. As a matter of fact, the same Process Server accompanied the Sheriff to serve the Notice to Pay/Vacate and Demolish Premises to the same subject property. Hence, there is no dispute as to where the subject property is situated. The change in the address from 2519 to 2518 occurred only after the case was filed with the MeTC. There being no issue in the identity of the subject property, the MeTC ordered the implementation of the Writ of Execution on petitioners. The dispositive portion of the Order dated 29 July 2008 reads:

“WHEREFORE, the instant Motion for Reconsideration is hereby denied. The Sheriff of this Court is hereby directed to implement the Writ of Execution issued by this Court on November 28, 2007. The Court reiterates its Order to the Sheriff to effect the ejectment from the premises located at 2519 Granate Street, Sta. Ana, Manila and which is presently known as 2518 Granate Street, San Andres Bukid, Manila, of the defendants as well as all persons claiming rights under them, and such other persons who may be presently occupying the said premises, whether or not impleaded as parties in the present ejectment case. The plaintiff is directed to coordinate with the Sheriff of this Court for the immediate implementation of the Writ of Execution and in order to forestall further delay.

SO ORDERED.”¹³

On 29 August 2008, the Sheriff served petitioners a 2nd and Final Notice to Pay/Vacate and to Demolish Premises.

¹² *Rollo*, pp. 46-47.

¹³ *Id.* at 54.

On 1 September 2008, petitioners filed a petition for *certiorari* under Rule 65 of the 1997 Rules of Civil Procedure before the RTC imputing grave abuse of discretion amounting to lack or excess of jurisdiction on the part of public respondents Hon. Felicitas O. Laron-Cacanindin and Sheriff Rogelio G. Jundarino for affirming the Decision of the MeTC which ordered the eviction of petitioners. In an Order dated 4 September 2008, the RTC denied the petition for failure to attach a certified true copy of the assailed judgment, order or resolution.

On 2 October 2008, petitioners filed a Submission of Duplicate Original Copies and Certified Copies of Subject Orders with Motion for Reconsideration (Motion for Reconsideration). Attached to the Motion for Reconsideration was a certified true copy of the MeTC Orders dated 26 June 2008 and 29 July 2008. However, on 18 December 2008, the RTC still denied the Motion for Reconsideration.¹⁴ The RTC found that the petition for *certiorari*, while it appended a certified true copy of the MeTC Orders dated 26 June 2008 and 29 July 2008, failed to attach a certified true copy of the MeTC Decision. The RTC further held that the petition failed to comply with Section 4, Paragraph 2, Rule 15 of the 1997 Rules of Civil Procedure for serving a copy of the Motion for Reconsideration on public respondents only on 17 October 2008 or on the date of hearing.

Hence, the present petition with the following assignment of errors raised by petitioners:

I

Whether or not the Regional Trial Court of Manila Branch (sic) 17 committed serious reversible error amounting to lack or excess of jurisdiction in dismissing the petition for *certiorari* of the petitioners for allegedly failing to attached (sic) certified true copy of the Decision rendered by the [MeTC] Branch XIX Manila (sic) dated November 20, 1998 and for allegedly failing to comply with the three day notice rule in violation of Sec. 4 (sic) Rule 15 of the rules of the court.

II

Whether or not the Metropolitan Trial Court of Manila Branch (sic) XIX committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying the petitioners (sic) motion to quash writ of execution and recall of the notice to pay/vacate and demolish premises.¹⁵

¹⁴ Supra note 2.

¹⁵ *Rollo*, pp. 12-13.

Our Ruling

Before proceeding to resolve the main issue(s) subject of the present case, the Court deems it proper to address the threshold issue regarding the procedure resorted to by petitioners.

Hierarchy of courts

The petitioners availed of the wrong remedy. By filing the present petition for review on *certiorari* under Rule 45 of the Rules of Court before this Court to assail a judgment of the RTC, the petitioners violated the elementary rule on hierarchy of courts and Section 5, Rule 56.¹⁶

The present petition raises mixed questions of fact and law, *i.e.*, (1) whether or not the RTC committed a reversible error in dismissing the petition for certiorari filed by petitioners for: (a) failure to attach a certified true copy of the Decision of the MeTC dated 20 November 1998 in violation of Section 1, Rule 65; (b) belatedly filing a certified true copy of the MeTC Orders dated 26 June 2008 and 29 July 2008; and (c) failure to comply with the 3-day notice rule in violation of Section 4, Rule 15, and finally, (2) whether or not the period within which to execute the Decision rendered on 20 November 1998 has already lapsed pursuant to Section 21, Rule 70 and Section 6, Rule 39. Indeed, the Court has jurisdiction to hear petitions for review assailing decisions of the RTC; however, losing litigants, such as the petitioners, do not have unbridled freedom to submit their claim directly before the Supreme Court. The petitioners should have filed a petition for review via Rule 41 before the CA first.¹⁷

The rules of procedure, such as the rule on hierarchy of courts, exist for big reasons: to shield the Court from having to deal with cases that are also well within the competence of the lower courts and to enable the Court to resolve cases with more fundamental issues the Constitution has especially assigned to it.¹⁸ They are not mere technicalities. By arrogating

¹⁶ **Section 5. Grounds for dismissal of appeal.** — The appeal may be dismissed *motu proprio* or on motion of the respondent on the following grounds:

- (a) Failure to take the appeal within the reglementary period;
- (b) Lack of merit in the petition;
- (c) Failure to pay the requisite docket fee and other lawful fees or to make a deposit for costs;
- (d) Failure to comply with the requirements regarding proof of service and contents of and the documents which should accompany the petition;
- (e) Failure to comply with any circular, directive or order of the Supreme Court without justifiable cause;
- (f) Error in the choice or mode of appeal; and
- (g) The fact that the case is not appealable to the Supreme Court.

¹⁷ *Far Eastern Surety and Insurance Co. Inc., v. People*, 721 Phil. 760, 770 (2013).

¹⁸ *Bañez, Jr., v. Judge Concepcion, et al.*, 693 Phil. 399, 412 (2012).

unto themselves the filing of the present petition directly before the Court, the petitioners denied the CA the opportunity to review the judgment of the RTC. Thus, the petitioners, in complete disregard of the rules, obviated appellate proceedings. Again, we reiterate, lest it be forgotten, that litigants do not have unbridled freedom to directly call upon this Court's jurisdiction without proper recourse before the lower tribunals. The rules are not set out for this Court to simply disregard in the guise of liberal construction to favor a party.¹⁹ Thus, a petition for review on *certiorari* assailing a decision involving both questions of fact and law must first be brought before the CA.

Now, the main to bottom issues.

Failure to attach a certified true copy of the Decision of the MeTC dated 20 November 1998 pursuant to Section 1, Rule 65 of the 1997 Rules of Civil Procedure

Section 1, Rule 65 of the 1997 Rules of Civil Procedure mandates that petitions for *certiorari* shall be accompanied by a certified true copy of the judgment, order or resolution assailed, to wit:

Section 1. *Petition for certiorari.*-

XXXX

The petition shall be accompanied by a **certified true copy** of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46. (Emphasis supplied)

As borne by the records, petitioners failed to attach certified true copies of the MeTC Orders dated 26 June 2008 and 29 July 2008 and MeTC Decision dated 20 November 1998 with their petition for *certiorari*. It was only when they filed a motion for reconsideration when the petitioners submitted certified true copies of the assailed Orders dated 26 June 2008 and 29 July 2008 on 2 October 2008.

However, despite petitioners' submission of the certified true copies of the assailed Orders, the RTC still denied the petition for *certiorari* for petitioners' failure to attach the MeTC Decision dated 20 November 1998.

¹⁹ *Ag v. Judge Mejia*, 555 Phil. 348, 354-355 (2007).



In opposition to the finding of the RTC that petitioners are required to submit a certified true copy of the MeTC Decision, petitioners contended that submission of the MeTC Decision can be dispensed with because it is not required of the petitioners. According to petitioners, because they are not assailing the aforesaid Decision, they are not required to attach the same to the petition. Petitioners reiterated that what they are assailing are the Orders of the MeTC dated 26 June 2008 and 29 July 2008, which denied their Motion to Quash Writ of Execution and Recall of the Notice to Pay/Vacate and Demolish Premises. Petitioners are wrong. What is excused from being filed in a situation such as in this case, is a certified true copy of the MeTC Decision. A true or plain copy of such decision is still required as it falls under the required “other material portion of the record as would support the allegations of the petition.”

We held in *Dr. Reyes v. CA*,²⁰ that:

xxxx

The phrase is the equivalent of “ruling, order or decision appealed from” in Rule 32, §2 of the 1964 Rules made applicable to appeals from decisions of the then Courts of First Instance to the Court of Appeals by R.A. No. 296, as amended by R.A. No. 5433. Since petitioner was not appealing from the decision of the MeTC in her favor, she was not required to attach a certified true copy – but only a true or plain copy – of the aforesaid decision of the MeTC. The reason is that inclusion of the decision is part of the requirement to attach to the petition for review “other material portion of the record as would support the allegations of the petition.” xxx

Indeed, the Writ of Execution, which is supposedly what is being questioned, is based on, and cannot alter the decision in the case. Hence, a true or plain copy of the Decision remains a required submission.

We must, however, consider the petitioners’ subsequent submission of the certified true copies of the Orders. It is settled that submission of the required documents with the motion for reconsideration is substantial compliance with the rules.²¹ Therefore, this point can be conceded in favor of the petitioners.

Concerning petitioners’ failure to comply with the 3-day notice rule under Section 4, Rule 15 of the 1997 Rules of Civil Procedure, petitioners referred to the registry return receipt and argued that private respondents, as well as the public respondents, received the Motion for Reconsideration on 8

²⁰ 456 Phil. 520, 533 (2003).

²¹ *Gutierrez v. Secretary of the Department of Labor and Employment*, 488 Phil. 110, 121 (2004).

October 2008, three (3) days prior to the date of hearing, or well within the period to serve a copy to the respondents.

The RTC ruled contrarily and said that public respondents received the Motion for Reconsideration only on 17 October 2008, or on the date of hearing in violation of the 3-day notice rule. A perusal of the registry return receipt would reveal that public respondents Hon. Felicitas O. Laron-Cacanindin and Sheriff Rogelio C. Jundarino indeed received the same only on 17 October 2008 or on the date of hearing.

In sum, the RTC is correct. Petitioners are procedurally required to attach a true or plain copy of the MeTC Decision dated 20 November 1998 because it is a material portion of the record. Then, too, petitioners violated the 3-day notice rule for failure to serve a copy of the Motion for Reconsideration to public respondents within three (3) days prior to the date of hearing pursuant to Section 4, Rule 15 of the Rules of Civil Procedure.

More importantly, the petitioners are bound by the Decision of the MeTC. At the outset, we find binding the findings of the MeTC that the property occupied by petitioners, 2518 Granate St., San Andres Bukid, Manila, is the same property subject of this litigation, 2519 Granate St., Sta. Ana, Manila. Just as importantly, petitioners cannot be considered as strangers to the ejectment case. It is well-entrenched in our jurisprudence that judgments cannot be enforced on parties who are strangers to the case.²² To enforce a judgment against those who were not parties to the case would be violative of the constitutional right to due process.²³ We have, however, pronounced that this rule is not without exceptions. Ejectment judgments may bind one who has not been summoned or impleaded if he or she is: (a) a trespasser, squatter or agent of the defendant fraudulently occupying the property to frustrate the judgment; (b) a guest or occupant of the premises with the permission of the defendant; (c) a transferee *pendente lite*; (d) a sublessee; (e) a co-lessee; or (f) a member of the family, relative or privy of the defendant.²⁴ This factual issue was resolved by the MeTC. It ruled that “[a]s contained in the Affidavit executed by [petitioner] Quilo, he has been renting the [subject property] xxx.”²⁵ As this Court is not a trier of facts and is not required to review the findings of the lower court, we admit the findings of the MeTC that the petitioners are lessees of the subject property. Therefore, as petitioners themselves admitted that they are mere lessees during the pendency of the case, petitioners are bound by the MeTC Decision despite the absence of summons and despite the failure to be impleaded in the ejectment case.

²² *Sta. Ana v. Hon. Suñga*, 153 Phil. 320, 331 (1973).

²³ *Id.* at 332.

²⁴ *Oro Cam Enterprises, Inc. v. Court of Appeals*, 377 Phil. 469, 480-481 (1999).

²⁵ *Rollo*, p. 49.

***Issuance of the Writ of Execution on
28 November 2007 to implement the
Decision rendered on 20 November 1998***

Anent the issue regarding lapse of the period to implement the judgment.

Ejectment cases, such as the one at bar, are governed by Rule 70 of the Revised Rules of Summary Procedure. Its summary nature is designed to restore physical possession of a real property to one who has been illegally or forcibly deprived thereof, without prejudice to the settlement of the parties' opposing claims in an expeditious and inexpensive manner. True to its summary nature, the court's jurisdiction is limited to the issue of physical or *de facto* possession; hence, adjudications made on questions of ownership are provisional.²⁶ To abate losing litigants' attempt to defer and circumvent summary ejectment proceedings, the rules mandate that decisions involving ejectment cases are immediately executory. Section 21, Rule 70 of the 1997 Rules of Civil Procedure provides:

Section 21. *Immediate execution on appeal to Court of Appeals or Supreme Court*

The **judgment of the Regional Trial Court** against the defendant shall be immediately executory, without prejudice to a further appeal that may be taken therefrom.

Therefore, the decision ordering petitioners to vacate the subject property pursuant to the ejectment proceedings must be immediately executed. Especially so without any substantial defense to oppose the ejectment order, the petitioners should yield possession to respondent. Hence, petitioners' ploy that would obliterate the objective of summary ejectment proceedings must fail. The order to vacate is immediately executory.

Anent petitioners' contention that the issuance of the Writ of Execution was beyond the reglementary period of 5 years in violation of Rule 39 of the Rules of Court, we refer to the records of the case.

We looked into the records to find out when the MeTC Decision dated 20 November 1998 became final and executory. We recollect the incidents. After an unfavorable judgment by the MeTC, petitioners appealed to the RTC. On 13 September 1999, the RTC issued a Decision affirming the MeTC. Aggrieved, petitioners appealed to the CA. However, the CA, in a

²⁶ *Pajuyo v. Court of Appeals*, 474 Phil. 557, 578 (2004).



Resolution dated 26 November 1999, denied the petition for being filed out of time. Discontented, petitioners elevated the case to the Court. The petition was again denied in a Resolution dated 14 June 2000. The Court then issued an Entry of Judgment on 14 June 2000. As the Resolution became final and executory on 28 July 2000, Bajao moved for the execution of the Decision on 8 August 2000. However, for some reasons unknown to this Court, the motion was not acted upon by the court. Again, Bajao filed another Motion for Execution on 13 November 2007 before the RTC, which issued a Writ of Execution on 28 November 2007, which led to the issuance of the Notice to Pay/Vacate and Demolish Premises dated 12 February 2008.

We shall apply the provisions under Section 6, Rule 39 of the Rules of Court:

Section 6. Execution by motion or by independent action. — A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations.

As the Decision became final and executory on 28 July 2000, Bajao has five (5) years or until 28 July 2005 within which to move for its execution. Indeed, Bajao, in compliance with Rule 39, timely moved for the execution of the Decision when he filed a Motion for Execution on 8 August 2000. However, as mandated by Section 6, Rule 39, if the prevailing party fails to have the decision enforced by a motion after the lapse of five (5) years, the said judgment is reduced to a right of action which must be enforced by the institution of a complaint in a regular court within ten (10) years from the time the judgment becomes final.²⁷ In the case at bar, the Decision, despite the timely motion to execute the same, was not implemented by the court. The failure to implement the Decision impelled Bajao to again file another motion to execute. However, Bajao's course of action to execute the Decision is not in accordance with Section 6, Rule 39; Bajao merely filed a motion. As already stated, the correct remedy is to file a complaint for revival of judgment in a regular court within ten (10) years from the time the judgment becomes final. Actions for revival of judgment are governed by Article 1144 (3), Article 1152 of the Civil Code and Section 6, Rule 39 of the Rules of Court. Thus:

Art. 1144. The following actions must be brought within ten years from the time the right of action accrues:

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²⁷ *Rubio v. Alabata*, G.R. No. 203947, February 26, 2014, 717 SCRA 554, 559-560.

(3) Upon a judgment.

Article 1152 of the Civil Code states:

Art. 1152. The period for prescription of actions to demand the fulfillment of obligation declared by a judgment commences from the time the judgment became final.

Clearly, the proper remedy is to file a complaint for revival of judgment, which Bajao did not avail of. A cursory application of the aforesaid rules would dictate that this Court must rule in favor of the petitioners and grant the petition on the ground of failure to comply with Section 6, Rule 39. However, the circumstances of the present case are replete with peculiarities which impel this Court to exercise its equity jurisdiction. This case, has after all, been raised to this Court for the second time, and there is nothing more imperative than for the Court to finally settle all controversies and dispose of a protracted and long dragging case.

In the ordinary course of procedure, this Court has the bounden duty to strictly apply the rules. Conversely, the Court equally has the bounden duty to do justice in every way possible and exercise its soundest discretion to prevent a wrong.²⁸ In such a case, where a strict enforcement of the rules will not serve the ends of justice and manifest wrong or injustice would result, the courts, under the principle of equity, may liberally apply the rules.²⁹ Rules of procedure, after all, should promote, not frustrate, substantial justice.³⁰ Therefore, in pursuit of equity justice, this Court resolves to regard the second motion for execution as a complaint for revival of judgment to allow this Court to rule on the merits of the case. Apparently, the failure to execute the Decision is not Bajao's fault. In fact, Bajao timely filed a motion to execute within the 5-year reglementary period. The delay in the execution, caused by some reasons unknown to this Court, should not penalize an otherwise zealous litigant. This Court, in the end, must promote substantial justice and get out of strict adherence to technical rules if it will only perpetuate injustice. Otherwise stated, this Court considers Bajao's second Motion for Execution as a complaint for revival of judgment. The action, therefore, was filed well-within the ten-year period in accordance with the rules.

WHEREFORE, the Petition is **DENIED**. Petitioners are bound by the Decision of the Metropolitan Trial Court of Manila in Civil Case No.

²⁸ Id. at 561.

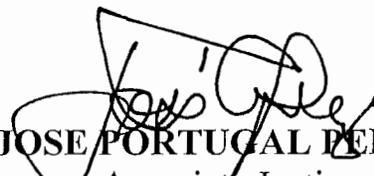
²⁹ Id.

³⁰ Id.



158273-CV dated 20 November 1998. Let the Writ of Execution be implemented against them immediately upon receipt of this Decision.

SO ORDERED.

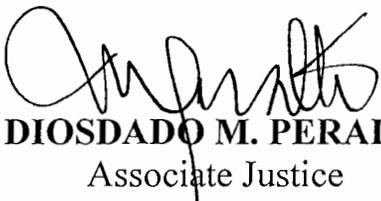


JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice

(On Wellness Leave)
BIENVENIDO L. REYES
Associate Justice



FRANCIS H. JARDELEZA
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.



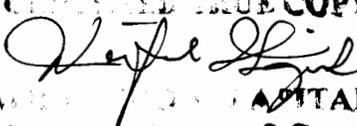
PRESBITERO J. VELASCO, JR.
Associate Justice
Third Division, Chairperson

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.



MARIA LOURDES P. A. SERENO
Chief Justice

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WILSON D. CAPITAN
Division Clerk of Court
SEP 28 2016