



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Baguio City

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Division Clerk of Court
Third Division

JUN 07 2017

THIRD DIVISION

RENATO S.D. DOMINGO on his **G.R. No. 203287**
own behalf and on behalf of his co-
heirs of the late SPOUSES
FELICIDAD DE DOMINGO and
MACARIO C. DOMINGO,
Petitioners,

- versus -

SPOUSES ENGRACIA D.
SINGSON and **MANUEL F.**
SINGSON,
Respondents.

X-----X

HEIRS OF SPOUSES FELICIDAD **G.R. No. 207936**
S.D. DOMINGO and **MACARIO**
DOMINGO namely,
Present:
CONSOLACION D. ROMERO,
RAFAEL S.D. DOMINGO, **VELASCO, JR., J.,**
RAMON S.D. DOMINGO, *Chairperson,*
JOSEFINA D. BORJA, ROSARIO **BERSAMIN,**
S.D. DOMINGO, and **REYES,**
RAMIRO S.D. DOMINGO, **JARDELEZA,** and
Petitioners, **TIJAM, JJ.**

- versus -

ENGRACIA D. SINGSON,
ESTELITA I. CABALLES, and
THE REGISTER OF DEEDS, SAN Promulgated:
JUAN CITY, METRO MANILA,
Respondents. **April 5, 2017**

X-----X
Wilfredo V. Lapina

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DECISION

REYES, J.:

Before the Court are two consolidated petitions for review on *certiorari* – G.R. Nos. 203287¹ and 207936² – under Rule 45 of the Rules of Court seeking to annul and set aside the Decision³ dated August 31, 2012 in CA-G.R. SP No. 122054 and the Decision⁴ dated June 28, 2013 in CA-G.R. CV No. 98026, both issued by the Court of Appeals (CA).

Facts

The spouses Macario C. Domingo (Macario) and Felicidad S.D. Domingo (Felicidad) (Spouses Domingo) are the parents of respondent Engracia D. Singson (Engracia) and petitioners Renato S.D. Domingo (Renato) and his co-heirs whom he represents herein, namely: Consolacion D. Romero (Consolacion), Josefina D. Borja, and Rafael, Ramon, and Rosario, all surnamed Domingo (collectively, the petitioners).⁵

During their lifetime, the Spouses Domingo owned a parcel of land, situated in F. Sevilla Street, San Juan, Metro Manila, covered by Transfer Certificate of Title (TCT) No. 32600 (23937) 845-R,⁶ and the house built thereon (subject property). Macario died on February 22, 1981, while Felicidad died on September 14, 1997.⁷

It appears that on September 26, 2006, Engracia filed with the Metropolitan Trial Court of Manila a complaint⁸ for ejectment/unlawful detainer, docketed as Civil Case No. 9534, against Consolacion, Rosario, Rafael, and Ramon. Engracia claimed that she is the absolute owner of the subject property, having bought the same from the Spouses Domingo as evidenced by an Absolute Deed of Sale⁹ dated June 6, 2006. She likewise averred that TCT No. 32600 (23937) 845-R was already cancelled and TCT No. 12575¹⁰ covering the subject property was already issued under her

¹ *Rollo* (G.R. No. 203287), pp. 10-32.

² *Rollo* (G.R. No. 207936), pp. 14-85.

³ Penned by Associate Justice Angelita A. Gacutan, with Associate Justices Fernanda Lampas Peralta and Francisco P. Acosta concurring; *rollo* (G.R. No. 203287), pp. 212-221.

⁴ Penned by Associate Justice Normandie B. Pizzaro, with Associate Justices Remedios A. Salazar-Fernando and Manuel M. Barrios concurring; *rollo* (G.R. No. 207936), pp. 89-101.

⁵ *Rollo* (G.R. No. 203287), p. 12.

⁶ *Id.* at 84-86.

⁷ *Id.* at 213.

⁸ *Id.* at 90-92.

⁹ *Id.* at 95-97.

¹⁰ *Id.* at 93-94.

name. The petitioners only learned of the supposed sale of the subject property when they received the summons and a copy of Engracia's complaint in Civil Case No. 9534.

Consequently, on July 31, 2006, the petitioners filed a complaint¹¹ with the Regional Trial Court (RTC) of Pasig City, which sought the nullity of the sale. They alleged that the Absolute Deed of Sale dated June 6, 2006, upon which Engracia bases her ownership of the subject property, was a nullity since the signatures of their parents appearing thereon as the supposed vendors were forged.¹² The case was docketed as Civil Case No. 70898 and was raffled to Branch 160 of the RTC.

Meanwhile, on February 28, 2007, Renato, Consolacion, and Ramon filed a Joint Affidavit Complaint¹³ with the Office of the City Prosecutor (OCP) of Pasig City, claiming that Engracia falsified the signatures of their parents in the Absolute Deed of Sale and, thus, charging her with the crimes of falsification of public document, estafa, and use of falsified documents. Consequently, on May 6, 2008, the OCP filed an Information¹⁴ with the RTC, charging Spouses Engracia and Manuel Singson (Spouses Singson) with the crime of estafa through falsification of public documents. The case was docketed as Criminal Case No. 137867 and was raffled to Branch 264 of the RTC.

On July 11, 2008, the Spouses Singson filed a Motion to Suspend Proceedings Due to Prejudicial Question¹⁵ with the RTC in Criminal Case No. 137867. They alleged that the validity and genuineness of the Absolute Deed of Sale, which is the subject of Civil Case No. 70898 then still pending with the RTC Branch 160, are determinative of their guilt of the crime charged.¹⁶ Accordingly, they prayed that the proceedings in Criminal Case No. 137867 be suspended pursuant to Section 6 of Rule 111 of the Rules of Court.¹⁷ The private prosecutor filed an opposition to the motion, stating that Criminal Case No. 137867 can proceed independently from Civil Case No. 70898 pursuant to Article 33 of the Civil Code, in relation to Section 3 of Rule 111 of the Rules of Court.¹⁸

On February 12, 2010, the RTC Branch 264, issued an Order¹⁹ in Criminal Case No. 137867, which granted the motion to suspend the proceedings filed by the Spouses Singson. The private prosecutor sought a

¹¹ Id. at 98-103.

¹² Id. at 100.

¹³ Id. at 105-108.

¹⁴ Id. at 119-120.

¹⁵ Id. at 134-136.

¹⁶ Id. at 134.

¹⁷ Id. at 135.

¹⁸ Id. at 137-140.

¹⁹ Rendered by Presiding Judge Leoncio M. Janolo, Jr.; id. at 141-143.

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reconsideration²⁰ of the Order dated February 12, 2010, but it was denied by the RTC in its Order²¹ dated June 7, 2011.

Unperturbed, the petitioners filed a petition for *certiorari*²² with the CA, docketed as CA-G.R. SP No. 122054, claiming that the RTC gravely abused its discretion when it directed the suspension of the proceedings in Criminal Case No. 137867 on the ground of prejudicial question. They pointed out that the bases of their respective claims in both Civil Case No. 70898 and Criminal Case No. 137867 are the forged signatures of their deceased parents.²³ They claimed that where both a civil and criminal case arising from the same facts are filed in court, the criminal case takes precedence.²⁴

On August 31, 2012, the CA rendered a Decision²⁵ in CA-G.R. SP No. 122054, which denied the petition for *certiorari*. The CA opined that all the elements of a prejudicial question under Sections 6 and 7 of Rule 111 of the Rules of Court are present; hence, the RTC did not abuse its discretion when it directed the suspension of Criminal Case No. 137867.²⁶

Meanwhile, Civil Case No. 70898 was initially set for pre-trial conference on February 7, 2008.²⁷ However, upon motion²⁸ of Engracia, the pre-trial was reset on March 6, 2008.²⁹ During the pre-trial conference on March 6, 2008, Engracia moved that Rafael be substituted by his heirs since he had already died on October 15, 2007.³⁰ Thus, the RTC issued an Order³¹ dated March 6, 2008 directing the petitioners to comment on Engracia's motion to substitute Rafael as plaintiff in the case below. On April 8, 2008, Engracia filed a Motion to Dismiss³² the case on the ground that the petitioners failed to substitute the heirs of Rafael as plaintiff in the case. The motion to dismiss was consequently denied by the RTC in its Order³³ dated November 12, 2008 for lack of merit.

²⁰ Id. at 145-149.

²¹ Id. at 150-151.

²² Id. at 35-53.

²³ Id. at 44.

²⁴ Id. at 49.

²⁵ Id. at 212-221.

²⁶ Id. at 217-218.

²⁷ Order dated November 13, 2007 issued by Judge Amelia A. Fabros; *rollo* (G.R. No. 207936), pp. 133-134.

²⁸ Id. at 139-141.

²⁹ Id. at 142.

³⁰ Id. at 26-27.

³¹ Id. at 143.

³² Id. at 144-146.

³³ Id. at 156.

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The continuation of the pre-trial conference, which has been sidelined pending the resolution of Engracia's motion to dismiss, was then set on March 19, 2009.³⁴ On March 12, 2009, Engracia's counsel, with her conformity, withdrew his appearance as counsel in the case.³⁵ During the pre-trial conference on March 19, 2009, the petitioners and their counsel appeared. Engracia was likewise present although without her new counsel. Accordingly, pre-trial was again reset on June 1, 2009 to afford Engracia time to secure the services of a new counsel.³⁶

Thereafter, Atty. Tristram B. Zoleta entered his appearance for Engracia and moved that the pre-trial conference on June 1, 2009 be reset on July 13 or 20, 2009.³⁷ However, Judge Amelia A. Fabros (Judge Fabros) was reassigned to Muntinlupa City and Judge Myrna V. Lim-Verano (Judge Lim-Verano) was named to replace Judge Fabros as Presiding Judge of Branch 160.³⁸ On June 17, 2010, Judge Lim-Verano, having previously presided over Criminal Case No. 137867, recused herself from adjudicating Civil Case No. 70898.³⁹ Civil Case No. 70898 was subsequently raffled to Branch 264 of the RTC then presided by Judge Leoncio M. Janolo, Jr. (Judge Janolo). On July 15, 2010, Judge Janolo issued an Order,⁴⁰ setting the pre-trial of the case on August 25, 2010.

On August 12, 2010, the petitioners' counsel moved to reset the pre-trial on September 15, 2010 due to previously scheduled hearings in the trial courts of Malolos City and Parañaque City.⁴¹ Accordingly, the pre-trial was reset on October 6, 2010.⁴² On October 6, 2010, the respective counsels of the parties jointly agreed to reset the pre-trial on December 9, 2010.⁴³ However, the pre-trial scheduled on December 9, 2010 was again reset on January 24, 2011.⁴⁴

On December 27, 2010, the petitioners filed a motion,⁴⁵ which sought to exclude Rafael as being represented by Renato. They averred that they were unable to effect a substitution of the heirs of Rafael as plaintiffs in the case since they could not locate them.

³⁴ Id. at 157.
³⁵ Id. at 158-159.
³⁶ Id. at 161.
³⁷ Id. at 163-166.
³⁸ Id. at 30.
³⁹ Id. at 171.
⁴⁰ Id. at 172.
⁴¹ Id. at 174-176.
⁴² Id. at 177.
⁴³ Id. at 178.
⁴⁴ Id. at 179.
⁴⁵ Id. at 180-182.

On January 27, 2011, the petitioners' counsel failed to appear and the pre-trial was reset on March 24, 2011.⁴⁶ In the morning of March 23, 2011, the petitioners' counsel informed Renato that he would not be able to attend the pre-trial conference since he was indisposed and asked the latter to go to the RTC and request for a resetting of the hearing. When the case was called, the petitioners and their counsel failed to appear, which thus prompted Engracia's counsel to move for the dismissal of the complaint and be given time to file the proper pleading. Thus, the RTC gave Engracia's counsel 10 days within which to file a motion to dismiss. The continuation of the pre-trial was reset on May 26, 2011.⁴⁷

On April 5, 2011, Engracia filed a motion to dismiss⁴⁸ in compliance with the RTC's directive.⁴⁹ During the pre-trial on May 26, 2011, the RTC gave the parties' respective counsels, upon their request, five days to file a comment on the motion to dismiss and a reply to such comment, after which time the motion to dismiss is deemed submitted for resolution.⁵⁰

On July 29, 2011, the RTC Branch 264 issued an Order⁵¹ in Civil Case No. 70898, dismissing the petitioners' complaint due to their and their counsel's repeated failure to appear during the scheduled pre-trial hearing dates.

The petitioners then filed an appeal with the CA, docketed as CA-G.R. CV No. 98026, insisting that the RTC erred in dismissing their complaint on a mere technicality. They also claimed that Engracia's motion to dismiss is but a mere scrap of paper since the same did not comply with Sections 4, 5 and 6 of Rule 15 of the Rules of Court. The CA, in its Decision⁵² dated June 28, 2013 in CA-G.R. CV No. 98026, affirmed the RTC's dismissal of the petitioners' complaint.

Issues

Essentially, the issues set forth for the Court's resolution are: *first*, whether the proceedings in Criminal Case No. 137867 were properly suspended on the ground of prejudicial question; and *second*, whether the dismissal of the petitioners' complaint in Civil Case No. 70898 due to failure to prosecute was proper.

⁴⁶ Id. at 190.

⁴⁷ Id. at 199.

⁴⁸ Id. at 201-205.

⁴⁹ Id. at 93.

⁵⁰ Id. at 206.

⁵¹ Id. at 225-228.

⁵² Id. at 89-101.

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Ruling of the Court

The petitions are denied.

First Issue: Suspension of the proceedings in Criminal Case No. 137867 on the ground of prejudicial question

A prejudicial question is understood in law to be that which arises in a case the resolution of which is a logical antecedent of the issue involved in said case and the cognizance of which pertains to another tribunal. The doctrine of prejudicial question comes into play generally in a situation where civil and criminal actions are pending and the issues involved in both cases are similar or so closely related that an issue must be pre-emptively resolved in the civil case before the criminal action can proceed.⁵³ The rationale behind the principle of prejudicial question is to avoid two conflicting decisions.⁵⁴

For a civil action to be considered prejudicial to a criminal case as to cause the suspension of the criminal proceedings until the final resolution of the civil case, the following requisites must be present: (1) the civil case involves facts intimately related to those upon which the criminal prosecution would be based; (2) in the resolution of the issue or issues raised in the civil action, the guilt or innocence of the accused would necessarily be determined; and (3) jurisdiction to try said question must be lodged in another tribunal.⁵⁵

Based on the issues raised in both Civil Case No. 70898 and Criminal Case No. 137867 against the Spouses Singson, and in the light of the foregoing concepts of a prejudicial question, there indeed appears to be a prejudicial question in the case at bar. The defense of the Spouses Singson in the civil case for annulment of sale is that Engracia bought the subject property from her parents prior to their demise and that their signatures appearing on the Absolute Deed of Sale are true and genuine. Their allegation in the civil case is based on the very same facts, which would be necessarily determinative of their guilt or innocence as accused in the criminal case.

If the signatures of the Spouses Domingo in the Absolute Deed of Sale are genuine, then there would be no falsification and the Spouses Singson would be innocent of the offense charged. Otherwise stated, a

⁵³ *Quiambao v. Hon. Osorio*, 242 Phil. 441, 444 (1988).

⁵⁴ *Ty-de Zuzuarregui v. Hon. Judge Villarosa, et al.*, 631 Phil. 375, 385 (2010).

⁵⁵ *Prado v. People, et al.*, 218 Phil. 573, 577 (1984).

conviction on Criminal Case No. 137867, should it be allowed to proceed ahead, would be a gross injustice and would have to be set aside if it were finally decided in Civil Case No. 70898 that indeed the signatures of the Spouses Domingo were authentic.

The petitioners' reliance on Section 3⁵⁶ of Rule 111 of the Rules of Court, in relation to Article 33⁵⁷ of the Civil Code, is misplaced. Section 3 provides that a civil action for damages in cases provided under Articles 32, 33, 34 and 2176 of the Civil Code, which may also constitute criminal offenses, may proceed independently of the criminal action. In instances where an independent civil action is permitted, the result of the criminal action, whether of acquittal or conviction, is entirely irrelevant to the civil action.⁵⁸

The concept of independent civil actions finds no application in this case. Clearly, Civil Case No. 70898 is very much relevant to the proceedings in Criminal Case No. 137867. To stress, the main issue raised in Civil Case No. 70898, *i.e.*, the genuineness of the signature of the Spouses Domingo appearing in the Absolute Deed of Sale, is intimately related to the charge of estafa through falsification of public document in Criminal Case No. 137867; the resolution of the main issue in Civil Case No. 70898 would necessarily be determinative of the guilt or innocence of the Spouses Singson.

Accordingly, the RTC Branch 264 correctly suspended the proceedings in Criminal Case No. 137867 on the ground of prejudicial question since, at the time the proceedings in the criminal case were suspended, Civil Case No. 70898 was still pending.

Second Issue: Dismissal of the petitioners' complaint in Civil Case No. 70898

Under the Rules of Court, the parties and their counsel are mandated to appear at the pre-trial.⁵⁹ Pre-trial cannot be taken for granted. It is not a mere technicality in court proceedings for it serves a vital objective: the

⁵⁶ Sec. 3. *When civil action may proceed independently.* – In the cases provided in Articles 32, 33, 34 and 2176 of the Civil Code of the Philippines, the independent civil action may be brought by the offended party. It shall proceed independently of the criminal action and shall require only a preponderance of evidence. In no case, however, may the offended party recover damages twice for the same act or omission charged in the criminal action.

⁵⁷ Art. 33. In cases of defamation, fraud, and physical injuries, a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence.

⁵⁸ See *Salta v. Hon. Judge De Veyra, etc., et al.*, 202 Phil. 527, 533 (1982), citing *Dionisio, et al. v. Hon. C. G. Aluendia, et al.*, 102 Phil. 443 (1957).

⁵⁹ RULES OF COURT, Rule 18, Section 4.

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simplification, abbreviation and expedition of the trial, if not indeed its dispensation.⁶⁰ Thus, the failure of a party to appear at the pre-trial has adverse consequences. If the absent party is the plaintiff, then his case shall be dismissed, which shall be with prejudice, unless otherwise ordered by the court. If it is the defendant who fails to appear, then the plaintiff is allowed to present his evidence *ex parte* and the court shall render judgment on the basis thereof.⁶¹

Civil Case No. 70898 was initially set for pre-trial on February 7, 2008. In July 2010, after more than two years, Civil Case No. 70898, which was still in the pre-trial stage, was re-raffled to Branch 264 presided by Judge Janolo; the latter immediately scheduled the pre-trial on August 25, 2010. What transpired thereafter is a series of resetting of the hearing due to the failure of the petitioners and/or their counsel to appear during the scheduled pre-trial dates. During the scheduled pre-trial on March 23, 2011, the petitioners and their counsel again failed to appear without informing the RTC of the reason for their non-appearance. Clearly, the petitioners' wanton disregard of scheduled pre-trial indeed justified the dismissal of their complaint.

It should be stressed that procedural rules are not to be disregarded or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. Like all rules they are to be followed, except only when for the most persuasive of reasons they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.⁶²

The petitioners have not shown any persuasive reason, which would justify a relaxation of the rules on pre-trial. That the petitioners' counsel was supposedly indisposed during the pre-trial on March 23, 2011 does not excuse the petitioners themselves from attending the pre-trial. Moreover, the petitioners have failed to advance any valid justification for their and their counsel's failure to attend the previously scheduled pre-trial hearings. Accordingly, the trial court could not be faulted for dismissing the complaint under Section 5 of Rule 18 of the Rules of Court.

The petitioners' claim that the motion to dismiss filed by Engracia with the RTC is a mere scrap of paper for her failure to comply with the mandatory provisions of Sections 4, 5 and 6 of Rule 15 of the Rules of Court is without merit. Said sections provide that:

⁶⁰ See *The Philippine American Life & General Insurance Company v. Enario*, 645 Phil. 166, 176-177 (2010).

⁶¹ See *Tolentino, et al. v. Laurel, et al.*, 682 Phil. 527, 536 (2012); RULES OF COURT, Rule 18, Section 5.

⁶² See *Social Security System v. Hon. Chaves*, 483 Phil. 292, 301 (2004).

Sec. 4. *Hearing of motion.* Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice.

Sec. 5. *Notice of hearing.* The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion.

Sec. 6. *Proof of service necessary.* No written motion set for hearing shall be acted upon by the court without proof of service thereof.

The pertinent portions of the motion to dismiss filed by Engracia with the RTC read:

NOTICE

CLERK OF COURT
RTC, Branch 264
Pasig City [San Juan Station]

ATTY. EMERITO M. SALVA
Counsel for the Plaintiffs
15th Floor, Washington Tower, Asia World
Complex, Marina Bay, Pacific Avenue
Paranaque City

G r e e t i n g s :

Please submit the foregoing motion [in compliance with the order of the Honorable Court during the hearing on March 23, 2011] for the consideration and resolution of the Honorable Court immediately upon receipt hereof.

(Sgd.)
TRISTRAM B. ZOLETA

EXPLANATION

Copy of this pleading was sent to the counsel for the plaintiffs through registered mail due to lack of messenger at the time of service rendering personal service not possible.

(Sgd.)
TRISTRAM B. ZOLETA⁶³

That the notice of hearing is addressed to the petitioners' counsel and not to the petitioners directly is immaterial and would not be a cause to consider the same defective. The requirement under Section 4 of Rule 15 of the Rules of Court that the notice be addressed to the opposing party is merely directory; what matters is that adverse party had sufficient notice of the hearing of the motion.⁶⁴ Further, even if the notice of hearing in the motion to dismiss failed to state the exact date of hearing, the defect was cured when the RTC considered the same in the hearing that was held on May 26, 2011 and by the fact that the petitioners, through their counsel, were notified of the existence of the said motion.⁶⁵

Anent the supposed lack of proof of service of the motion to dismiss upon the petitioners, suffice it to state that a copy of the said motion was served upon and received by the petitioners' counsel on April 15, 2011.⁶⁶ The petitioners were duly given the full opportunity to be heard and to argue their case when the RTC required them to file a comment to the motion to dismiss during the hearing on May 26, 2011, which they did on May 30, 2011.⁶⁷ "What the law really eschews is not the lack of previous notice of hearing but the lack of opportunity to be heard."⁶⁸

Considering, however, that the complaint in Civil Case No. 70898 had already been dismissed with prejudice on account of the petitioners' and their counsel's persistent failure to appear during the scheduled pre-trial hearings, the proceedings in Criminal Case No. 137867 should now proceed. There is no longer any prejudicial question in Criminal Case No. 137867 since the complaint in Civil Case No. 70898 had been dismissed without definitely resolving the question of whether the signatures of the Spouses Domingo in the Absoluté Deed of Sale are genuine. Thus, it is up for the RTC Branch 264, in Criminal Case No. 137867, to resolve the said issue.

WHEREFORE, in view of the foregoing disquisitions, the petitions in G.R. Nos. 203287 and 207936 are hereby **DENIED**. The Decision dated August 31, 2012 in CA-G.R. SP No. 122054 and the Decision dated June 28, 2013 in CA-G.R. CV No. 98026 issued by the Court of Appeals are hereby **AFFIRMED**. Accordingly, the Regional Trial Court of Pasig City, Branch 264, is hereby **DIRECTED** to proceed with Criminal Case No. 137867 with dispatch.

⁶⁴ See *Omico Mining and Industrial Corporation v. Judge Vallejos*, 159 Phil. 886 (1975).

⁶⁵ See *Un Giok v. Matusa, et al.*, 101 Phil. 727 (1957).

⁶⁶ *Rollo* (G.R. No. 207936), p. 38.

⁶⁷ *Id.* at 40.

⁶⁸ See *Patricio v. Judge Leviste*, 254 Phil. 780, 786 (1989).

SO ORDERED.

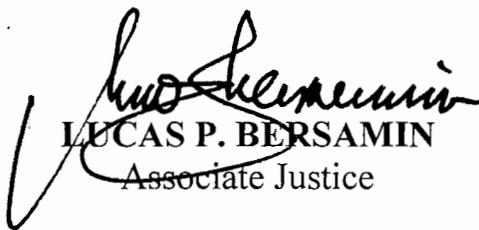


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



LUCAS P. BERSAMIN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



NOEL G. TJAM
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

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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. LAPITAN
Division Clerk of Court
Third Division

JUN 07 2017

