

Republic of the Philippines
Supreme Court
Manila

FEB 03 2017

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 223528

Present:

- versus -

VELASCO, JR., J.,
Chairperson,
LEONARDO-DE CASTRO,*
BERSAMIN,
REYES, and
CAGUIOA,** JJ.

JEFFREY HIRANG y
RODRIGUEZ,
Defendant-Appellant.

Promulgated:

January 11, 2017

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DECISION

REYES, J.:

This is an appeal from the Decision¹ dated March 9, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05129, which affirmed the conviction of defendant-appellant Jeffrey Hirang y Rodriguez (Hirang) for violation of Section 6 of Republic Act (R.A.) No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003.

* Additional Member per Raffle dated May 18, 2016 *vice* Associate Justice Francis H. Jardeleza.
** Designated Fifth Member of the Third Division per Special Order No. 2417 dated January 4, 2017.
¹ Penned by Associate Justice Melchor Q.C. Sadang, with Associate Justices Celia C. Librea-Leagogo and Amy C. Lazaro-Javier concurring; CA *rollo*, pp. 131-148.

The Facts

Hirang, also known as Jojit and Jojie, was charged before the Regional Trial Court (RTC) of Pasig City with the crime of qualified trafficking in persons, as defined and penalized under Section 4(a), in relation to Section 6(a) and (c), and Section 3(a), (b) and (c) of R.A. No. 9208, *via* an Amended Information² that reads:

That on or about June 27, 2007, at Taguig City and within the jurisdiction of this Honorable Court, the above named accused, did then and there, willfully, unlawfully and feloniously **recruited, transported and provided in a large scale minors [AAA],³ 17 years old, [BBB], 17 years old, [CCC], 14 years old and [DDD], 17 years old, for the purpose of prostitution** by taking advantage of their vulnerability as young girls through promise of a good time or “gimik” in a disco and good food if they would simply accompany him in meeting and entertaining his Korean friends and to induce their full consent further promise them Five Thousand Pesos (Php5,000.00) to Ten Thousand Pesos (Php10,000.00) each afterwards when in truth and in fact peddled them for sexual favors and pleasure in consideration of Twenty Thousand Pesos (Php20,000.00) each and engaged their services in prostitution as in fact he already received Seven Thousand Pesos down payment from the Korean national who engaged their services.

CONTRARY TO LAW.⁴ (Emphasis and underlining in the original)

Upon arraignment, Hirang entered a plea of not guilty. After pre-trial, trial on the merits ensued.⁵

Version of the Prosecution

The private complainants are minor victims of Hirang in his prostitution activities. The following persons testified for the prosecution: victims DDD, AAA, CCC and BBB, International Justice Mission (IJM) Investigators Alvin Sarmiento (Sarmiento) and Jeffrey Villagracia (Villagracia), National Bureau of Investigation (NBI) Special Investigator (SI) Menandro Cariaga (Cariaga), SI Anson L. Chumacera and forensic chemist Loren J. Briones.⁶

² Id. at 11-12.

³ The real names of the minor victims were disclosed in the RTC and CA decisions. However, their real names are now withheld and replaced with fictitious initials to protect the victims' identities, as required under Section 6 of R.A. No. 9208.

⁴ CA *rollo*, p. 11.

⁵ Id. at 34.

⁶ Id. at 34-35.

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AAA was born on November 25, 1989. She was only 16 years old when Hirang recruited her in August of 2006 as a sex worker, for which she was paid ₱1,000.00 per day, less Hirang's commission of ₱200.00. She was later prodded to work as a sexy dancer and prostitute at the Catwalk Club along Quezon Avenue. She joined her customers in their tables at the club, and gave sexual services in hotels. She left the club after two nights, upon her live-in partner's order. Still, Hirang sourced several other prostitution jobs for AAA. He convinced AAA to work in a cybersex den in Muñoz, Quezon City. She received ₱700.00 a month, less ₱200.00 commission received by Hirang. In September 2006, Hirang made AAA work again as a sexy dancer at Philippine Village bar in Puerto Galera. AAA had to quit her job when she got pregnant, but resumed work for Hirang after she gave birth.⁷

CCC was born on December 19, 1992. She was 14 years old when she was recruited by Hirang for his illicit activities. She met Hirang at the house of Ka Lolet, her best friend's mother. She knew Hirang to be scouting young girls who could be traded for sex. Sometime in June 2007, Hirang asked CCC to go with him and meet some Koreans.⁸

DDD, who was born on February 11, 1991, was 16 years old when she ran away from home in 2007 and stayed at a friend's house in Sta. Ana, Taguig City. As she was then in need of money, she accepted an offer from one Ate Lolet, a pimp, that she be introduced to a male customer, with whom she had sexual intercourse for ₱2,500.00. It was Ate Lolet who later introduced DDD to Hirang.⁹

BBB was born on March 28, 1990. CCC is her younger sister. She was 17 years old when on June 27, 2007, she visited CCC at Ka Lolet's house. There she saw Hirang, who invited her to come with him in meeting some Koreans that evening. Later in the evening, at around 8:00 p.m., BBB went back to the house of Ka Lolet to meet Hirang. It was then on June 27, 2007 that Hirang sold BBB, along with AAA, CCC and DDD, to his Korean customers for sexual activities. Hirang told his victims that they would receive ₱5,000.00 after a "gimik"¹⁰ with them. At around 10:00 p.m., their group proceeded to meet with the Koreans at Chowking restaurant, C-5 in Taguig City. Hirang instructed the girls to tell the Koreans that they were 16 years of age, as this was their customers' preference.¹¹

⁷ Id. at 37.

⁸ Id. at 38.

⁹ Id. at 35-36.

¹⁰ A colloquial term for hangout, night-out or party.

¹¹ CA *rollo*, pp. 38-39.

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When their group arrived at Chowking, Hirang talked to a Korean and then introduced the girls to him. The Korean handed money to Hirang and as the latter was counting it, NBI agents arrived at the scene and announced a raid. NBI agents arrested Hirang, while a social worker approached the girls and brought them to the NBI for their statements.¹²

The raid was conducted following a prior investigation conducted by IJM, a non-profit organization that renders legal services and is based in Washington, D.C. IJM's investigators Sarmiento and Villagracia gathered data on human trafficking in Metro Manila, after information that Hirang was selling minors for prostitution. Hirang was introduced by a confidential informant to Villagracia, who posed as a travel agency employee having Korean friends. Villagracia claimed to have Korean friends as they knew Hirang to be transacting only with foreign customers.¹³

Hirang and Villagracia first agreed to meet on June 20, 2007 at Chowking restaurant along C-5 Road in Taguig City. Villagracia introduced Hirang to Sarmiento, who introduced himself as Korean national studying English in Manila. Hirang informed Sarmiento that he had with him AAA, who was good in bed, only 15 years old and could perform any sexual position, for a fee of ₱20,000.00. Sarmiento, however, told Hirang that he and his other Korean friends had other plans for the night. Hirang demanded a cancellation fee of ₱1,500.00 and scheduled another meeting with Sarmiento and the other Koreans on June 26, 2007.¹⁴

Thereafter, IJM submitted a report to the NBI-Field Office Division, and asked for the agency's investigative assistance and operation against Hirang. On June 26, 2007, IJM and NBI operatives agreed during a conference that they would conduct an entrapment operation on June 27, 2007. Sarmiento reset his meeting with Hirang to June 27, 2007. Hirang initially got mad, but was appeased after Sarmiento promised to give a bonus of ₱20,000.00. Cariaga prepared the marked money to be used during the entrapment, and was tasked to be the driver of poseur-customer Sarmiento. Several other NBI and IJM agents served as back-up during the operation, in case any untoward incident should happen.¹⁵

On June 27, 2007, the entrapment was conducted with proper coordination with local authorities. A social worker from the Department of Social Welfare and Development and members of the media for the segment

¹² Id. at 39.

¹³ Id. at 39-40.

¹⁴ Id.

¹⁵ Id. at 40.

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XXX of ABS-CBN Channel 2 joined the operation. Villagracia secretly recorded his conversation with Hirang.¹⁶

Hirang introduced AAA, BBB, CCC and DDD to Sarmiento, who feigned his desire to pursue the transaction. Hirang specified the sexual services that the girls could offer, and assured Sarmiento that the girls could fulfill their customers' sexual fantasies.¹⁷ Sarmiento then handed to Hirang a fictitious check amounting to ₱20,000.00, while Cariaga handed the ₱7,000.00 marked money. As Hirang was counting the cash, he complained that the amount was not enough as he charged ₱20,000.00 per girl, plus bonus. At this point, Cariaga performed the pre-arranged signal with NBI operatives, who declared the entrapment operation and arrested Hirang. An ultraviolet dust examination later performed upon Hirang rendered positive result for fluorescent powder specks.¹⁸

Version of the Defense

Hirang and his mother Myrna Hirang (Myrna) testified for the defense.

Hirang claimed to be self-employed, selling *longganisa* and other wares for a living. He denied dealing with sexual trade. It was upon the instigation of Villagracia, who was introduced to him by his friend Jun Valentin (Valentin), that he agreed to bring the girls for the supposed Korean clients. Hirang described Villagracia as a drug addict who frequently visited Valentin's house for pot sessions. Villagracia told Hirang that he knew of Koreans looking for girls and were willing to pay ₱20,000.00 to ₱25,000.00 for each girl who must be 13 to 14 years old.¹⁹

On June 20, 2007, Hirang, Valentin and two girls went to meet up with Villagracia at Chowking in C-5 Road, but the Koreans cancelled the transaction. Villagracia was disappointed that the girls brought by Hirang were already 23 years old. They agreed to meet again, but Villagracia reminded Hirang to bring young girls next time. Hirang promised to do so, and then received ₱500.00 from Villagracia.²⁰

When they later talked again over the telephone, Villagracia advised Hirang to convince the Koreans to hire the girls so that Hirang and Valentin could receive the ₱5,000.00 commission per girl. Another Korean promised

¹⁶ Id. at 40-41.

¹⁷ Id. at 41.

¹⁸ Id.

¹⁹ Id. at 42-43.

²⁰ Id. at 43.

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to give a bonus of ₱10,000.00 if Hirang could provide young girls. Since Hirang claimed to have no girls for the service, he went to the house of Ka Lolet with whom he had previously transacted whenever he needed girls for sexual services. Ka Lolet provided BBB, CCC and DDD, while Hirang personally talked to AAA. Hirang and Ka Lolet agreed to give each girl ₱5,000.00, while a ₱5,000.00 commission for each girl would be divided among him, Ka Lolet, Villagracia and Valentin.²¹

Hirang and Villagracia met again on June 26, 2007 at Valentin's house. Villagracia reminded Hirang that the girls should be young. He also gave instructions on the dresses that the girls should wear during their meeting. On the evening of June 27, 2007, Hirang went to Ka Lolet's house and from there, brought the girls to Chowking in C-5 Road on board a van provided by Ka Lolet. One Korean national gave Hirang money for their food. As their order was being served at the restaurant, NBI operatives approached Hirang and arrested him.²²

In her testimony, defense witness Myrna claimed knowing Villagracia, as the latter frequently talked to Hirang over the cellphone. There were times that she answered Villagracia's calls, and the latter introduced himself as a friend of Hirang with whom he had an arrangement.²³

Ruling of the RTC

On June 25, 2011, the RTC of Pasig City, Branch 163, Taguig City Station rendered its Decision²⁴ convicting Hirang of the crime of human trafficking. The dispositive portion of the decision reads:

WHEREFORE, [HIRANG] is hereby found GUILTY beyond reasonable doubt of the crime of Violation of Section 6 of [R.A.] No. 9208 and is hereby sentenced to suffer the penalty of life imprisonment and a fine of Two Million Pesos (Php2,000,000.00).

SO ORDERED.²⁵

Feeling aggrieved, Hirang appealed²⁶ to the CA based on the following assignment of errors:

²¹ Id.
²² Id. at 43-44.
²³ Id. at 44.
²⁴ Issued by Judge Leili Cruz Suarez; id. at 34-48.
²⁵ Id. at 48.
²⁶ Id. at 49-50.

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- I. THE TRIAL COURT GRAVELY ERRED IN REJECTING [HIRANG'S] DEFENSE.
- II. THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE CONFLICTING AND IMPROBABLE TESTIMONIES OF THE PROSECUTION WITNESSES.
- III. THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT [HIRANG'S] RIGHTS UNDER [R.A.] NO. 7438 (AN ACT DEFINING CERTAIN RIGHTS OF PERSON ARRESTED, DETAINED OR UNDER CUSTODIAL INVESTIGATION AS WELL AS THE DUTIES OF THE ARRESTING, DETAINING AND INVESTIGATING OFFICERS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF) WERE VIOLATED.²⁷

Ruling of the CA

The CA denied the appeal *via* a Decision²⁸ dated March 9, 2015, with dispositive portion that reads:

WHEREFORE, the appeal is **DENIED**. The Decision dated June 25, 2011 of the [RTC] of Pasig City, Branch 163, Taguig City Station in Criminal Case No. 135682 is **AFFIRMED** *in toto*.

SO ORDERED.²⁹

Hence, this appeal.³⁰

The Present Appeal

On June 13, 2016, the Court issued a Resolution notifying the parties that they could file their respective supplemental briefs.³¹ However, both Hirang and the Office of the Solicitor General, as counsel for plaintiff-appellee People of the Philippines, manifested that they would no longer file supplemental briefs, as their respective briefs filed with the CA sufficiently addressed their particular arguments.³²

Based on the parties' contentions as raised before the CA, the Court is called upon to resolve the following issues: (1) whether the prosecution was able to prove beyond reasonable doubt the guilt of Hirang for the crime

²⁷ Id. at 60.
²⁸ Id. at 131-148.
²⁹ Id. at 148.
³⁰ Id. at 152-153.
³¹ Id. at 25-26.
³² Id. at 33-35, 27-29.

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charged; and (2) whether Hirang should be acquitted in view of the failure of the arresting officers to observe R.A. No. 7438.

Ruling of the Court

The Court affirms Hirang's conviction.

Hirang was charged and convicted for qualified trafficking in persons under Section 4(a), in relation to Section 6(a) and (c), and Section 3(a), (b) and (c) of R.A. No. 9208, which read:

Section 4. *Acts of Trafficking in Persons.* - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

Section 6. *Qualified Trafficking in Persons.* - The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

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(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

Section 3. *Definition of Terms.* - As used in this Act:

(a) *Trafficking in Persons* - refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

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(b) *Child* - refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

(c) *Prostitution* - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

In *People v. Casio*,³³ the Court defined the elements of trafficking in persons, as derived from the aforementioned Section 3(a), to wit:

- (1) The *act* of “recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders”;
- (2) The *means* used which include “threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another”; and
- (3) The *purpose* of trafficking is exploitation which includes “exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”³⁴ (Citation omitted and italics in the original)

The information filed against Hirang sufficiently alleged the recruitment and transportation of the minor victims for sexual activities and exploitation, with the offender taking advantage of the vulnerability of the young girls through the guarantee of a good time and financial gain. Pursuant to Section 6 of R.A. No. 9208, the crime committed by Hirang was qualified trafficking, as it was committed in a large scale and his four victims were under 18 years of age.

The presence of the crime’s elements was established by the prosecution witnesses who testified during the trial. The young victims themselves testified on their respective ages, and how they were lured by Hirang to participate in the latter’s illicit sex trade. Hirang recruited the girls to become victims of sexual abuse and exploitation. Mainly upon a promise of financial benefit, the girls agreed and, thus, joined him on June 27, 2007 in meeting with the Korean customers in search for prostitutes. Police authorities personally witnessed Hirang’s unlawful activity, as they

³³ G.R. No. 211465, December 3, 2014, 744 SCRA 113.

³⁴ Id. at 128-129.



conducted the entrapment operations and arrested him after Hirang transacted with the supposed customers and received payment therefor.

Hirang still sought an acquittal by claiming that the prosecution witnesses' testimonies were conflicting and improbable. Such alleged inconsistencies pertained to the supposed participation of Ka Lolet in the recruitment of the victims, how the IJM agents came to personally know of Hirang, and other incidents that involved prior surveillance and the entrapment operation itself. It is evident, however, that the supposed inconsistencies in the witnesses' testimonies pertained to minor details that, in any case, could not negate Hirang's unlawful activity and violation of R.A. No. 9208. Moreover, the Court has ruled time and again that factual findings of the trial court, its assessment of the credibility of witnesses and the probative weight of their testimonies and the conclusions based on these factual findings are to be given the highest respect. As a rule, the Court will not weigh anew the evidence already passed on by the trial court and affirmed by the CA.³⁵

Hirang argued that he was merely instigated to commit the offense, but even such defense deserves scant consideration. It has been established by the prosecution that Hirang has been engaged in the illegal activities leading young women to prostitution, and the police officers merely employed means for his capture. Trafficking of women was his habitual trade; he was merely entrapped by authorities.³⁶ Entrapment is an acceptable means to capture a wrongdoer. In *People v. Bartolome*,³⁷ the Court distinguished between entrapment and instigation, as it explained:

Instigation is the means by which the accused is lured into the commission of the offense charged in order to prosecute him. On the other hand, entrapment is the employment of such ways and means for the purpose of trapping or capturing a lawbreaker. Thus, in instigation, officers of the law or their agents incite, induce, instigate or lure an accused into committing an offense which he or she would otherwise not commit and has no intention of committing. But in entrapment, the criminal intent or design to commit the offense charged originates in the mind of the accused, and law enforcement officials merely facilitate the apprehension of the criminal by employing ruses and schemes; thus, the accused cannot justify his or her conduct. In instigation, where law enforcers act as co-principals, the accused will have to be acquitted. But entrapment cannot bar prosecution and conviction. As has been said, instigation is a "trap for the unwary innocent" while entrapment is a "trap for the unwary criminal."³⁸

³⁵ *People v. Mamaruncas, et al.*, 680 Phil. 192, 211 (2012).

³⁶ *CA rollo*, pp. 143-144.

³⁷ 703 Phil. 148 (2013).

³⁸ *Id.* at 161, citing *People v. Bayani*, 577 Phil. 607, 616-617 (2008).

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In this case, it was established during trial that Hirang had been recruiting and deploying young girls for customers in the sex trade. The IJM personnel approached him for girls precisely because of his illicit activities. Also, Hirang was not first approached for prostitutes by police or government authorities, but by investigators of IJM, which is a non-profit and non-governmental organization. IJM only sought coordination with the police officers after Hirang, Sarmiento and Villagrancia had determined to meet on June 27, 2007 for the transaction with the purported Korean customers. Clearly, there could be no instigation by officers, as barred by law, to speak of.

Even as the Court considers the alleged failure of the apprehending police officers to inform Hirang of the Miranda rights upon his arrest, there is no sufficient ground for the Court to acquit him. The CA correctly explained that any defect in the arrest of the accused was cured by his voluntary act of entering a plea and participating in the trial without raising the issue.³⁹ In *People v. Vasquez*,⁴⁰ the Court held:

[T]he Court rules that the appellant can no longer assail the validity of his arrest. We reiterated in *People v. Tampis* that “[a]ny objection, defect or irregularity attending an arrest must be made before the accused enters his plea on arraignment. Having failed to move for the quashing of the information against them before their arraignment, appellants are now estopped from questioning the legality of their arrest. Any irregularity was cured upon their voluntary submission to the trial court’s jurisdiction. x x x.⁴¹ (Citations omitted)

Given the foregoing, there is no cogent reason for the Court to reverse Hirang’s conviction for qualified trafficking under R.A. No. 9208. The RTC and CA correctly imposed the penalty of life imprisonment and fine of ₱2,000,000.00, applying Section 10(c) of R.A. No. 9208, to wit:

Section 10. Penalties and Sanctions. – The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x x

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (P2,000,000.00) but not more than Five million pesos (5,000,000.00)[.]

³⁹ CA rollo, p. 146.

⁴⁰ 724 Phil. 713 (2014).

⁴¹ Id. at 730-731.

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Damages in favor of the victims should, however, also be awarded. In line with prevailing jurisprudence,⁴² each victim is entitled to ₱500,000.00 as moral damages, and ₱100,000.00 as exemplary damages. This is supported by Article 2219 of the New Civil Code, which reads:

Article 2219. Moral damages may be recovered in the following and analogous cases:

- (1) A criminal offense resulting in physical injuries;
- (2) Quasi-delicts causing physical injuries;
- (3) Seduction, abduction, rape, or other lascivious acts;
- (4) Adultery or concubinage;
- (5) Illegal or arbitrary detention or arrest;
- (6) Illegal search;
- (7) Libel, slander or any other form of defamation;
- (8) Malicious prosecution;
- (9) Acts mentioned in Article 309;
- (10) Acts and actions referred to in Articles 21, 26, 27, 28, 29, 30, 32, 34 and 35.

x x x x

The criminal case of Trafficking in Persons as a Prostitute is an analogous case to the crimes of seduction, abduction, rape, or other lascivious acts. In fact, it is worse, thereby justifying the award of moral damages. When the crime is aggravated, the award of exemplary damages is also justified.⁴³

WHEREFORE, the appeal is **DISMISSED**. The Decision dated March 9, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 05129 is **AFFIRMED** with **MODIFICATION** in that victims AAA, BBB, CCC and DDD are each entitled to ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages.

SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

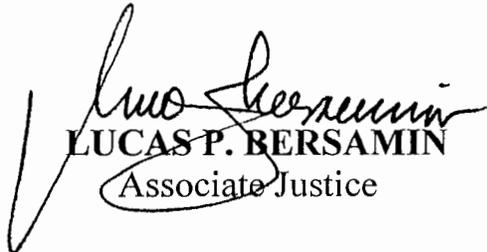
⁴² *People v. Casio*, supra note 33, citing *People v. Lalli, et al.*, 675 Phil. 126, 157-159 (2011).

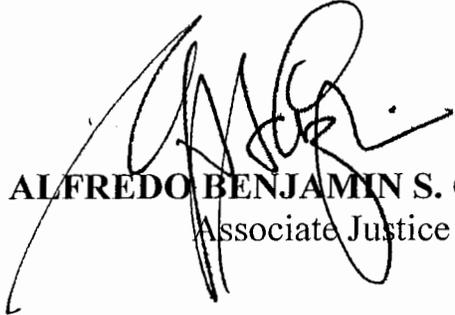
⁴³ *People v. Casio*, supra note 33, at 140, citing *People v. Lalli, et al.*, id. at 159.

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson


TERESITA J. LEONARDO-DE CASTRO
 Associate Justice


LUCAS P. BERSAMIN
 Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
 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

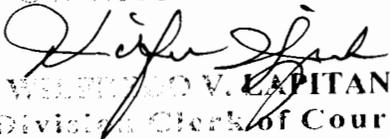
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CERTIFICATION

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

QUOTED TRUE COPY

WILFREDO V. ESPITAN
Division Clerk of Court
Third Division
FEB 03 2017

