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

Republic of the Philippines
Supreme Court
Manila

MAR 06 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 211053

Present:

VELASCO, JR., J., *Chairperson*
BERSAMIN, ,
LEONEN,
MARTIRES, and
GESMUNDO,* JJ.

-versus-

SEGFRED L. OROZCO, MANUEL
D. OSIR, and ALBERTO B.
MATURAN,

Accused,

ERNIE N. CASTRO,

Accused-appellant.

Promulgated:
November 29, 2017

Wilfredo V. Lapitan

X-----X

DECISION

LEONEN, J.:

Accused-appellant does not dispute being at the scene of the crime. He testified to taking a knife, giving chase, and stabbing the decedent. There is evidence beyond reasonable doubt that the victim was subdued by the decedent and his companions. Thus, they employed means to weaken the victim's defense, constituting treachery.

* On leave.

This resolves an appeal¹ from the Court of Appeals November 28, 2013 Decision² in CA-G.R. CR HC No. 00891, affirming the conviction of Ernie N. Castro (Castro), Alberto B. Maturan (Maturan), and Segfred L. Orozco (Orozco) for the crime of murder.³

In an Amended Information dated December 1, 1998, Manuel D. Osir (Osir), Orozco, Maturan, and Castro were charged with the crime of murder. It read, in part:

That on or about the 15th day of November, 1998, in the City of Surigao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, taking advantage of superior strength and by means of treachery and armed with pointed weapons, did then and there willfully, unlawfully and feloniously attack, assault and stab Julius Joshua Mata with the use of said pointed weapons hitting the latter on the vital parts of his body, thereby inflicting upon him serious and mortal wounds which caused the death of said Julius Joshua Mata, to the damage and prejudice of the heirs of the deceased in such amount as may be allowed by law.⁴

Orozco and Osir were arraigned on January 25, 1999 and pled not guilty, while Castro and Maturan were still at large. Trial for Orozco and Osir ensued.⁵ On March 9, 2002, Maturan was arrested and pled not guilty upon arraignment on July 3, 2002. Castro was arrested on November 23, 2006 and arraigned on December 22, 2006. He offered to plead guilty to the lesser offense of homicide; but this was rejected, and a plea of “not guilty” was entered for him.⁶

Osir passed away during the course of trial, and the case against him was dismissed in an Order dated February 20, 2008.⁷

The version of the prosecution was as follows:

Eyewitness Susan Lalona (Lalona) testified that on the evening of November 15, 1998, she was at Murillo’s Restaurant,⁸ Magallanes Street, Surigao City with her friend and herein victim, Julius Joshua Mata (Mata).

¹ The appeal was filed under Rule 124, Section 13(c) of the Rules of Court.

² *Rollo*, pp. 3–15. The Decision was penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Oscar V. Badelles and Edward B. Contreras of the Special Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 3.

⁴ *Id.* at 4.

⁵ *Id.*

⁶ *Id.* at 4–5.

⁷ *Id.* at 5.

⁸ Different parts of the *rollo*, the records, and the transcripts of stenographic notes refer to it as “Murillo’s Restaurant” and “Murillo’s Store.”

They were the only customers at that time.⁹

Later, Orozco, Osir, Castro, and Maturan, apparently drunk, entered and occupied the table in front of Lalona and Mata. Shortly after they ordered beer, Orozco approached Mata from behind and stabbed him twice with a small bolo. Mata shouted that he was stabbed. Lalona grabbed Orozco and wrestled with him, but he pushed her back. When Mata tried to run out, the rest of the accused caught him. While Maturan and Osir held Mata's arms, Castro stabbed him in the chest. The four (4) accused continued stabbing Mata and ran away when Lalona shouted for help. Lalona took Mata to the Caraga Regional Hospital on a tricycle, but Mata was pronounced dead on arrival. Immediately after, Lalona went to Mata's house and told his relatives what had happened.¹⁰

On her way home, Lalona saw Castro walking along Sanchez Construction and reported it to her neighbor, PO1 Ulyses Ibarra (PO1 Ibarra), who then apprehended and took Castro to the police station.¹¹

Dr. Milagros Regaña (Dr. Regaña) testified that on November 16, 1998, she conducted a post mortem examination on Mata's body, which provided the following details:

FINDINGS:

ESTIMATED WEIGHT : 5'7"
LENGTH : Over 60 kilos (sic)

FRONT:

1. Skin deep incised wound located on the right forehead 7.5 cm. long, extending from the hairline and ending between the right and left eye.
2. Skin deep incised wound 0.9 cm. long over the right nasal bone.
3. Small incised wound 1 cm. below wound number 2.
4. Stab wound measuring 2.4 cm. x 1.3 cm. located on the chest 7 cm. from the midsternal line at the level of the 3rd right anterior rib, directed downwards and medially towards the left and mediastinum 13 cm. deep.
5. Stab wound measuring 1 cm. x 4.5 cm. located on the postero-medial side, middle 3rd of right arm.
6. Abrasion, posterior [side] of right elbow.
7. Abrasion posterior side 3 cm. below wound number 6.
8. Confluent abrasion medial side of the right big toe.
9. Confluent abrasion medial side of the left big toe.

BACK

Wound No. 1 Stab wound measuring 1.7 cm. by 0.6 cm. 4.5 cm. from the

⁹ *Rollo*, p. 5.

¹⁰ *Id.*

¹¹ *Id.* at 6.

middle 3rd of the right shoulder line 3.5 cm. deep directed towards the right shoulder joint.

Wound No. 2 Stab wound measuring 1.7 cm. x 0.6 cm. 13 cm. deep at the level of the 9th thoracic vertebra directed downwards along the left side of the 10th to the 12th thoracic vertebrae and to the 1st lumbar vertebra.

Wound No. 3 Stab wound measuring 2.3 cm. x 1 cm, 10.5 cm. deep 7 cm. from the 6th thoracic vertebra directed anteriorly and towards the right shoulder[.]

Wound No. 4 Stab wound measuring 2.6 cm. x 1.2 cm. directed anteriorly and downwards towards the posterior right axillary line and the right upper quadrant of the abdomen 18 cm. deep.

Wound No. 5 Linear abrasion 1.5 cm. located on the lateral side of the right forearm, distal 3rd.

Wound No. 6 Confluent abrasion over the left carpo phalangeal joint of the middle finger volar area.

CAUSE OF DEATH:

Cardiorespiratory arrest secondary to Severe Blood Loss secondary to Stab wounds on the chest and back.¹²

Dr. Regaña also testified that the size and nature of Mata's wounds could indicate the use of at least two (2) separate weapons.¹³

Mata's parents testified that they incurred ₱120,000.00 as funeral expenses for Mata.¹⁴

SPO1 Marlowe Cabaña (SPO1 Cabaña) and PO1 Ibarra testified on the respective arrests of Osir and Castro.¹⁵

The version of the defense was as follows:

All the accused admitted that on the night of November 15, 1998, after drinking beer at Pacelan Videoke in Bilang-bilang, Surigao City, they ordered another round of beer at Murillo's Restaurant. However, they had different versions of what had transpired there.¹⁶

Accused-appellant Castro testified that while they were drinking at

¹² Id. at 6-7.

¹³ Id. at 7.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 7.

Murillo's Restaurant, he went to play some music on the jukebox.¹⁷ When he was at the jukebox, he heard a commotion and saw Orozco and a woman struggle then fall. The woman yelled, "Ta, run ta," and Mata ran to the exit. Castro thought that Mata may have stabbed Orozco, so he took a knife from a bucket of utensils and chased Mata. Orozco overtook Mata then stabbed him in the chest once. Seeing the ensuing commotion, Castro ran away from Murillo's Restaurant.¹⁸

Atty. Escalante:

....

Q While playing the [jukebox] was there anything unusual that happened in that particular instance?

A While I was [at] the [jukebox] there was [a] commotion and when I turned back that was the time I saw the victim that [ran] outside.

Q What else did you notice?

A I saw Orozco fell down with a woman, they were struggling [with] each other.

Q Now, did you know who was that woman?

A I don't know her.

Q Did you hear any voices or shout?

A I heard the shout of the woman "Ta, run Ta".

....

Q Now, after you have seen Orozco down with a woman whom you said you do not know, what did you do?

A I stood up and then I saw a knife on the table placed in the bucket full of spoons and fork[s] and I got it then I followed the victim.

Q What was your purpose in following the victim?

A Because I thought that the victim stabbed Orozco.

Q While you were running after the victim were you able to catch up with him?

A Yes, I had a face to face (nagharong kami) with him so I stabbed him.

Q Now, you said that you were facing each other and then

¹⁷ Id. at 7-8.

¹⁸ Id. at 8.

you stabbed him. After stabbing him what happened next?

A I ran away, sir.

Q You ran away from the scene? To where?

A I went towards San Nicolas Street.

Q What was the reason why you were running away from the scene of the said incident?

A Because there was already commotion so I ran away.¹⁹

Court:

Q So you stabbed the victim?

A Yes.

Q How many times?

A Once.

Q What did you use?

A Knife which was among the utensils, [f]orks and spoons, [which were] placed on the table.

Q Was the stabbing inside or outside of the store?

A Outside.

Q Where was Maturan then?

A I was not able to notice him, sir.

(To the counsel)

In the Affidavit here somebody held the hands of the victim. Did you follow that?

Atty. Begil, Jr:

Yes, Your Honor.

Q Now, when you went outside, as you said in your direct testimony, outside M[u]rillo's Store on November 15, 1998, where were your other companions at that time?

A Not anymore, sir.

Q Now, when you were able to stab the victim in this case what was the position of the victim?

¹⁹ Transcript of stenographic notes of hearing on February 20, 2008, pp. 11-14.

- A We were facing each other, sir.
- Q And you stabbed him on the chest?
- A Yes, somewhere front of the body.
- Q When you stabbed the victim where were Maturan at that time?
- A I was not able to see him anymore.
- Q When you stabbed the victim what happened to him?
- A Right after I stabbed him I immediately ran away.
- Q What happened to him if you know?
- A I did not anymore see because right after stabbing I turned my back and r[a]n away. There were several persons.
-
- Q When you were going to follow the victim outside the M[u]rillo's Store, did you notice where were Maturan and Osir at that time?
- A I did not notice them anymore.
-
- Q What were they doing the last time you saw them inside the M[u]rillo's Store before you r[a]n after the victim in this case?
- A My only focus was on Tata.
- Q You did not ask either Osir or Maturan what happened to your companion Orozco whom you said fell down?
- A Not anymore, sir, because the incident happened so fast.
- Q And you thought at that time when you followed the victim in this case that it was your companion Orozco who was stabbed?
- A Yes, that was what I thought, sir.
- Q Did you not ask Orozco what happened to him before following Tata?
- A No, sir.
- Q But the last time you saw Orozco before you followed the victim in this case he was down grappling with Susan Lal[o]na. Correct?
- A Yes, sir.



Q And you did not try to help Orozco at that time?

A No, sir.

....

Q What was your purpose in following the victim?

A To side with Orozco whom I thought was stabbed.

Q What you did was to follow the victim in this case but not to help Orozco who was grappling with Susan Lal[o]na?

A Yes, sir.²⁰

Maturan testified that while they were drinking beer at Murillo's Restaurant, Orozco went to Mata's table and stabbed him. Mata's companion then held Orozco, and Mata ran toward the exit. Castro chased Mata. Orozco escaped from Mata's companion and followed Mata outside. Osir was already outside. Throughout the incident, Maturan was paralyzed from shock. Afterwards, he went home. The next day, he reported for work as a welder at his aunt's construction store.²¹

Orozco testified that he only drank one (1) glass of beer at Murillo's Restaurant then proceeded to the restroom. Afterwards, he immediately went to his tricycle outside the restaurant to pick up passengers.²²

Osir testified that after ordering beer at Murillo's Restaurant, he went to the jukebox. He then went to a telephone outside the restaurant to call his girlfriend and waited while someone else was using it. While outside, he heard a commotion inside the restaurant. He saw Lalona calling for help and Mata running to the exit. He witnessed Castro chase and stab Mata. When Mata fell, Castro sat on top of him. Osir stayed at the telephone booth, rattled. After calling his girlfriend, Osir ran toward the city hall then rode a tricycle home, afraid he would be implicated in Mata's stabbing.²³

In its October 7, 2010 Decision, the Regional Trial Court found Maturan, Orozco, and accused-appellant Castro guilty of the crime of murder. The dispositive portion of this Decision read:

WHEREFORE, the Court finds accused ERNIE CASTRO, SEGFRED OROZCO, and ALBERTO MATURAN GUILTY beyond reasonable doubt as co-principals by direct participation of the crime of

²⁰ Transcript of stenographic notes, April 3, 2008, pp. 13-26.

²¹ *Rollo*, p. 8.

²² *Id.*

²³ *Id.*

MURDER qualified by treachery, penalized under Article 248 of the Revised Penal Code, and hereby sentences them to suffer the penalty of RECLUSION PERPETUA together with all its accessory penalties. They are also ordered to jointly and severally indemnify the heirs of Julius Joshua Mata the sum of Php 75,000.00 as civil indemnity, Php 50,000.00 as moral damages, and Php 120,000.00 as actual expenses.

SO ORDERED.²⁴

Maturan and Castro appealed to the Court of Appeals.²⁵

In its November 28, 2013 Decision, the Court of Appeals affirmed the findings of the Regional Trial Court. The dispositive portion of this Decision read:

WHEREFORE, premises considered, the appeal is DISMISED. The October 7, 2010 Decision of the Regional Trial Court, 10th Judicial Region, Branch 29 of Surigao City, in Criminal Case No. 5246 is hereby AFFIRMED *in toto*.

SO ORDERED.²⁶

Thus, Castro filed a Notice of Appeal with the Court of Appeals.²⁷

In compliance with its January 23, 2014 Resolution,²⁸ which gave due course to accused-appellant Castro's notice of appeal, the Court of Appeals elevated the records of the case to this Court.²⁹ On March 18, 2014, accused-appellant filed his supplemental brief.³⁰ In its March 31, 2014 Resolution, the Office of the Solicitor General was notified that it may file its supplemental brief.³¹ On June 4, 2014, the Office of the Solicitor General filed a manifestation in lieu of a supplemental brief.³²

In his supplemental brief, accused-appellant insists that the qualifying circumstance of treachery should not have been applied to all the accused.³³ There was no clear and convincing evidence proving the existence of conspiracy.³⁴ Considering that there was no conspiracy, accused-appellant should be liable only for the consequences of his individual acts and not for any treachery employed by the other accused.³⁵ No other issues were raised.

²⁴ Id. at 3-4.

²⁵ Id. at 9.

²⁶ Id. at 15.

²⁷ Id. at 16.

²⁸ CA *rollo*, p. 270.

²⁹ *Rollo*, p. 1.

³⁰ Id. at 24-52.

³¹ Id. at 21.

³² Id. at 57-61.

³³ Id. at 47.

³⁴ Id. at 35.

³⁵ Id. at 48.

After carefully considering the parties' arguments and the records of this case, this Court resolves to **DISMISS** accused-appellant's appeal for failing to show reversible error in the assailed Court of Appeals November 28, 2013 Decision warranting the exercise of this Court's appellate jurisdiction.

Article 248 of the Revised Penal Code provides:

Article 248. *Murder*. — Any person who, not falling within the provisions of article 246 shall kill another, shall be guilty of murder and shall be punished by reclusión temporal in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a street car or locomotive, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

To sustain a conviction under Article 248 of the Revised Penal Code, the prosecution must prove that a person was killed, that the accused killed him, that the killing was not parricide or infanticide, and that the killing was attended by any of the qualifying circumstances mentioned under this Article.³⁶

It is admitted that Mata was killed and that accused-appellant was one of those responsible for the stabs that led to his death. The only element disputed in this case is that the killing was attended by circumstances which

³⁶ *People v. De la Cruz*, 626 Phil. 631, 639 (2010) [Per J. Velasco, Third Division], citing L.B. REYES, THE REVISED PENAL CODE CRIMINAL LAW 469 (16th ed., 2006).

qualify the crime as murder.

In *People v. Dela Cruz*,³⁷

There is treachery when the offender commits any of the crimes against persons, employing means, methods, or forms in the execution, which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make. The essence of treachery is that the attack comes without a warning and in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape. For treachery to be considered, two elements must concur: (1) the employment of means of execution that gives the persons attacked no opportunity to defend themselves or retaliate; and (2) the means of execution were deliberately or consciously adopted.³⁸

The circumstances proved by the prosecution amply show that treachery attended the killing of Mata:

As above-stated, Mata was completely helpless. His hands were held by two other persons while he was stabbed. To make matters worse, four persons, who were armed with knives, ganged-up on Mata. Certainly, Mata was completely deprived of any prerogative to defend himself or to retaliate.³⁹

Accused-appellant claims that the prosecution failed to prove that treachery attended the killing of Mata, positing that the finding of treachery was based only on the fact that Orozco stabbed Mata suddenly in the back, which is insufficient to establish treachery.⁴⁰ This argument has no merit. Contrary to accused-appellant's contention, the finding of treachery was not based only on Orozco's act of swiftly stabbing Mata from behind. As observed by the Court of Appeals, Mata was helpless against a group of persons with knives, who ganged up on him and held his hands while stabbing him.

There is likewise no sufficient ground to overturn the finding of conspiracy.

Conspiracy exists when two (2) or more persons come to an agreement concerning the commission of a felony and decide to commit it.⁴¹

³⁷ 626 Phil. 631 (2010) [Per J. Velasco, Third Division],

³⁸ Id. at 639–640 citing *People v. Amazan*, 402 Phil. 247, 270 (2001) [Per J. Mendoza, Second Division]; *People v. Bato*, 401 Phil. 415, 431 (2000) [Per J. Pardo, First Division]; *People v. Albarido*, 420 Phil. 235, 252 (2001) [Per J. Sandoval-Gutierrez, Third Division], citing *People v. Francisco*, 389 Phil. 243, 266 (2000) [Per J. Kapunan, First Division].

³⁹ *Rollo*, pp. 13–14.

⁴⁰ Id. at 47–48.

⁴¹ REV. PEN. CODE, art. 8.

Its existence may be inferred and proved through acts that show a common purpose, a concert of action, and a community of interest.⁴² In this case, the prosecution proved the common purpose of all the accused, a concert of action, and a community of interest. This Court quotes the Court of Appeals:

In the case at hand, the overwhelming evidence is to the effect that accused-appellants and their co-accused acted in concert with a unity of purpose to kill Mata. After Orozco stabbed Mata in the back, the latter mustered his remaining strength to run away from his assailants. However, Osir, Maturan, and Castro chased and caught Mata. While Osir and Maturan held the hands of Mata, Castro stabbed the latter's chest. This caused Mata to fall on the ground. Still not contented with the dismal condition of the victim, all of the accused continued on stabbing the victim. Such carnage would not have stopped if not for the shouting made by Lalona to call for help. Clearly, the acts of the accused-appellants showed a unity of the criminal design to kill Mata.⁴³

Accused-appellant insists that Lalona's testimony was insufficient to establish that he and his co-accused acted in conspiracy with one another, considering that it was not shown that they assumed positions or made statements showing a prior intention to kill Mata.⁴⁴ This claim has no merit. The finding of conspiracy was based on the fact that Orozco delivered the initial stabs to Mata's back and that the others chased, held down, and continued attacking him when he attempted to escape. This finding was based on overt acts by all the accused, which were determined to be concerted actions.

Accused-appellant insists that Lalona's testimony is inconsistent, uncertain, and insufficient to establish treachery and conspiracy on the part of the accused.⁴⁵ This argument must be rejected.

The trial court's factual findings, assessment of the credibility of witnesses and the probative weight of their testimonies, and conclusions based on these factual findings are to be given the highest respect. When these have been affirmed by the Court of Appeals, this Court will generally not re-examine them.⁴⁶ Here, the Court of Appeals and Regional Trial Court found Lalona's testimony to be credible, considering that it was candid, categorical, and straightforward:

Lalona, the eye-witness to the gruesome killing of Mata, was candid, categorical and straightforward throughout the course of her examination. Hence the trial court gave ample credence to the testimony

⁴² See *People v. Andres*, 357 Phil. 321 (1998) [Per. J. Panganiban, First Division].

⁴³ *Rollo*, p. 13.

⁴⁴ *Id.* at 43.

⁴⁵ *Id.* at 35-40.

⁴⁶ See *People v. Castel*, 593 Phil. 288 (2008) [Per J. Reyes, En Banc].

of the said witness.

....

Lalona, in her testimony, convincingly narrated a complete picture of what really transpired during that fateful night . . .

....

Moreover, whatever doubts that surrounded Lalona's credibility as an eyewitness were purged by her clear and straightforward testimony during the trial. While there might have been several minor inconsistencies in her testimony, Lalona was nonetheless able to give a candid narration of the crime which she claimed to have transpired right before her very eyes. Certainly, this Court does not demand from the said witness a blow by blow account of the incident. Her positive identification of the accused-appellants in open court as the persons who stabbed and mauled the victim was unerring. A truth-telling witness is not always expected to give an error-free testimony, considering the lapse of time and treachery of human memory. Thus, We have followed the rule in accord with human nature and experience that honest inconsistencies on minor and trivial matters serve to strengthen, rather than destroy, the credibility of a witness, especially of witnesses to crimes shocking to conscience and numbing to senses.

It should be noted that Lalona was recalled several times to the witness stand because of the fact that herein appellants were arrested long after the prosecution rested its case. Lalona first testified on February 22, 1999. Then, on November 22, 2002, she testified again after the arrest of Maturan. And finally, on April 26, 2007, she appeared before the trial court after the arrest of Castro. Given the foregoing, it would be unreasonable to expect from Lalona to recall to the exact detail the testimony she had given years ago.⁴⁷ (Citation omitted)

Accused-appellant has failed to present any cogent reason to reverse the factual findings of the Court of Appeals and of the Regional Trial Court.

However, in line with current jurisprudence, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages shall be awarded to the heirs of Mata.⁴⁸

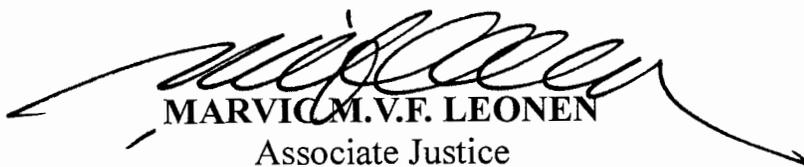
WHEREFORE, this Court **ADOPTS** the findings of fact and conclusions of the Court of Appeals November 28, 2013 Decision in CA-G.R. CR HC No. 00891, which found accused-appellant Ernie N. Castro and his co-accused Segfred L. Orozco, and Alberto B. Maturan **GUILTY** beyond reasonable doubt of the crime of murder, and sentences them to *reclusión perpetua*. This assailed Decision is **AFFIRMED with MODIFICATION** in that the award of damages shall be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and

⁴⁷ *Rollo*, pp. 10, 12-13.

⁴⁸ *People v. Jugueta*, G.R. No. 202124, April 5, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/april2016/202124.pdf>> [Per J. Peralta, En Banc].

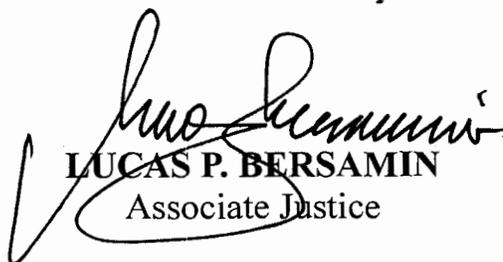
₱120,000.00 as actual damages. The award of damages shall be subject to an interest at the rate of six percent (6%) per annum from the finality of judgment until fully paid.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


SAMUEL R. MARTIRES
Associate Justice

On leave
ALEXANDER G. GESMUNDO
Associate Justice

ATTESTATION

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


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

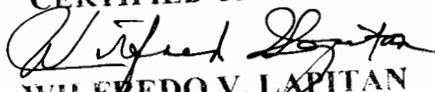
CERTIFICATION

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



MARIA LOURDES P. A. SERENO
Chief Justice

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

MAR 06 2018