



Republic of the Philippines  
Supreme Court  
Manila

CERTIFIED TRUE COPY

*Wilfredo V. Lapidan*  
WILFREDO V. LAPIDAN  
Division Clerk of Court  
Third Division

AUG 23 2018

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 225322

Present:

- versus -

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

RONELO BERMUDO Y MARCELLANO,  
ROMMEL BERMUDO Y CAPISTRANO  
and ROLANDO BERMUDO Y  
CAPISTRANO,

Accused,

Promulgated:

ROMMEL BERMUDO Y CAPISTRANO,  
Accused-Appellant.

July 4, 2018

X

*Wilfredo V. Lapidan* X

DECISION

MARTIRES, J.:

This is an appeal from the 26 June 2015 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06615, which affirmed with modification the 27 January 2014 Judgment<sup>2</sup> of the Regional Trial Court, Branch 23, Naga City (RTC), in Criminal Case No. 2012-0116, finding accused-appellant Rommel Bermudo y Capistrano (*Rommel*) guilty beyond reasonable doubt of Murder.

*Martires*

<sup>1</sup> *Rollo*, pp. 2-17; penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Pedro B. Corales.

<sup>2</sup> *CA rollo*, pp. 51-72; penned by Presiding Judge Valentin E. Pura, Jr.

## THE FACTS

In an Amended Information<sup>3</sup> dated 10 April 2012, Rommel, together with his co-accused Ronelo Bermudo y Marcellano (*Ronelo*) and Rolando Bermudo y Capistrano (*Rolando*) were charged with murder for the death of Gilberto Bedrero (*Gilberto*) defined and penalized under Article 248 of the Revised Penal Code (*RPC*). The accusatory portion of the information reads:

That [at] or about 8:30 PM of March 7, 2012 in Barangay San Francisco, Municipality of Canaman, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent to kill, while armed with deadly weapons, did then and there willfully, unlawfully and feloniously assault, attack and hack one GILBERTO BEDRERO y REGACHUELO, and with treachery and evident premeditation and superior strength, hitting the latter on the different parts of his body, thereby inflicting upon him several stab/hack wounds which caused his death, to the damage and prejudice of his heirs.

On 11 April 2012, Ronelo and Rommel pleaded not guilty during their arraignment.<sup>4</sup> Rolando remains at large.<sup>5</sup>

### *Version of the Prosecution*

The prosecution presented Gilberto's cousin Philip Bedrero (*Philip*), Gilberto's niece Grace Bedrero (*Grace*), Gilberto's wife Lolita Bedrero (*Lolita*), Dr. Geysler H. Agustin (*Dr. Agustin*), Dr. Raoul V. Alcantara (*Dr. Alcantara*), and PO3 Manuel San Agustin, Jr., as witnesses. Their testimonies sought to establish the following:

On 7 March 2012, at around 6:30 P.M., Ronelo and Philip were arguing in front of the latter's house about George, the latter's nephew, for supposedly wrecking the former's bike. After the argument, both parties parted ways and returned to their homes. At around 8:30 P.M. of the same day, Ronelo, this time armed with a bolo, stood in front of Philip's house demanding the latter to come out so he could kill him. Unfazed, Philip went outside to have a word with Ronelo. George's father, Gilberto, decided to come out of his house and tried to pacify Ronelo telling him that they would fix his bike the next day.<sup>6</sup>



<sup>3</sup> Records (Volume I), p. 54.

<sup>4</sup> Id. at 58.

<sup>5</sup> Id. at 4.

<sup>6</sup> *Rollo*, pp. 3-4.

Suddenly, Rommel and Rolando rushed towards Gilberto and, without warning, Rommel struck Gilberto on the head with a small ax which made the latter fall. As Gilberto lay prostrate, Ronelo hacked him in the stomach while Rolando beat him with a piece of wood and stabbed him with a bolo. Philip tried to help Gilberto but Rommel swung his ax at him injuring his upper lip causing him to retreat to his house.<sup>7</sup>

Thereafter, Grace ran towards a bloodied Gilberto and cradled him. Ronelo ordered her to leave forcing her to step away from them. At this point, Ronelo continued to assault Gilberto by hacking him in the chest and striking his face with a piece of wood. Rommel and Rolando urged him to finish Gilberto.<sup>8</sup>

After the assailants had left, Gilberto was eventually brought to the Bicol Medical Center (*BMC*), where Philip was also being treated for his wounds. Unfortunately, the former died after several hours of treatment due to cardio-pulmonary arrest, hemorrhagic shock, and hack wound in the chest. At the hospital, Philip also saw Ronelo receiving treatment for his wounds. He notified police that the latter was one of those who attacked Gilberto; consequently, Ronelo was brought to the police station. On the other hand, Rommel was brought to the precinct after he was identified at the crime scene as one of the suspects — Rolando eluded arrest and is still at-large. After the testimony of the medico-legal, Gilberto's body was exhumed. According to Dr. Alcantara's findings, Gilberto died of asphyxia by manual strangulation and a stab wound in the chest.<sup>9</sup>

### *Version of the Accused-Appellant*

Rommel presented himself, Ipecris Bermudo (*Ipecris*) and Mario Pasibe as his witnesses. Their testimonies sought to establish the following:

On 7 March 2012, at around 5:00 P.M., Rommel and Ipecris were drinking with their friends in the house of a certain Jimmy Peñalosa. Later that evening, at around 8:30 P.M., they decided to go to Rommel's house for a videoke session; Ipecris left ahead to get some money.<sup>10</sup>

Along the way, Ipecris saw Ronelo challenging Philip with a bolo. When Ronelo was hit with a stone that Philip threw at him, he retaliated by striking the latter with a bolo hitting Philip's upper lip prompting him to retreat. At this point, Gilberto came out of his house armed with a weapon.

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<sup>7</sup> Id. at 4.

<sup>8</sup> Id.

<sup>9</sup> Id. at 4-7.

<sup>10</sup> Id. at 7-8.



Ronelo hacked him and continued to do so even when he was already on the ground.<sup>11</sup>

When Ronelo fled, Philip rushed out again from his house to aid Gilberto. At this time, Rommel arrived together with his friends on the way to a videoke session. Philip then challenged Rommel to a fight while brandishing his bolo making him run away towards his house. A few minutes later, policemen arrived at Rommel's house and invited him to the police station. There, he was identified as one of Gilberto's assailants.<sup>12</sup>

### ***The RTC Ruling***

In its 27 January 2014 judgment, the RTC found Rommel guilty of murder. It highlighted the prosecution witnesses' categorical identification of Rommel and Ronelo as the ones who assaulted Gilberto and described their respective participation in the death of the victim. The trial court found that Rommel conspired with his co-accused because the manner by which Gilberto was attacked demonstrated unity of purpose and community of design. In addition, the RTC ruled that Gilberto's killing was attended by the qualifying circumstances of treachery and abuse of superior strength. The dispositive portion reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the accused, ROMMEL BERMUDO Y CAPISTRANO and RONELO BERMUDO Y MARCELLANO, GUILTY beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code, sentencing them to suffer the penalty of Reclusion Perpetua and to pay the Heirs of Gilberto Bedrero, jointly and severally, the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱25,000.00 as nominal damages, ₱25,000.00 as exemplary damages, ₱25,000.00 as attorney's fees and litigation expenses.

In the service of their sentence, the said accused shall be credited with the periods of their preventive imprisonment pursuant to the provision of Article 29 of the Revised Penal Code, as amended.

This case, in so far as accused Rolando Bermudo y Capistrano is concerned, is hereby ordered archived the same to be revived after his arrest.

SO ORDERED.<sup>13</sup> 

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<sup>11</sup> Id. at 8-9.

<sup>12</sup> Id. at 7-8.

<sup>13</sup> CA *rollo*, pp. 71-72.

Aggrieved, Rommel appealed before the CA.

### ***The CA Ruling***

In its 26 June 2015 decision, the CA affirmed the RTC judgment. The appellate court explained that it was constrained to sustain the RTC's findings as to the credibility and weight of the testimony of the witnesses absent any evidence showing that some facts had been overlooked or misapplied. It concurred that the prosecution witnesses positively identified Rommel as one of the malefactors in the killing of Gilberto. The CA pointed out that their testimony was corroborated on material points by physical evidence. The appellate court agreed that Rommel conspired with his co-accused as manifested by their actions. Nevertheless, it disagreed that abuse of superior physical strength should be appreciated on account of the presence of treachery. The CA clarified that when abuse of superior strength concurs with treachery, the former is absorbed in the latter. The dispositive portion of the decision reads:

**WHEREFORE**, the foregoing considered, the present appeal is hereby **DISMISSED** and the assailed Judgment dated January 27, 2014 **AFFIRMED IN TOTO**.

IT IS SO ORDERED.<sup>14</sup>

Aggrieved, Rommel appealed before the Court raising:

### **ISSUE**

**WHETHER THE ACCUSED-APPELLANT IS GUILTY BEYOND REASONABLE DOUBT OF MURDER**

### **THE COURT'S RULING**

The appeal has no merit.

It is axiomatic that the appreciation made by the trial courts as to the credibility and probative value of the testimony of witnesses is accorded finality, provided that there is no showing that the trial court had overlooked or misinterpreted some material facts which could materially affect the outcome of the case.<sup>15</sup> In the present case, Rommel assails Philip and Grace's credibility claiming that their motive is questionable because they are Gilberto's relatives. He finds it suspicious that Philip could identify the assailants in view of his position at the crime scene and his intoxication at

<sup>14</sup> *Rollo*, p. 17.

<sup>15</sup> *People v. Bautista*, 665 Phil. 815, 826 (2011), citing *People v. Gabrino*, 660 Phil. 485, 493 (2011).

that time. On the other hand, Rommel argues that Grace never actually witnessed the crime and that her testimony was inconsistent.

After a closer perusal of the records, the Court finds no reason to reverse the assessment of the courts *a quo* as to the credibility and probative value of the testimony of the prosecution witnesses.

Both Philip and Grace categorically and consistently identified Rommel as one of those who attacked Gilberto. Their narrations are so interwoven that when taken together, Gilberto's demise at the hands of Rommel and his co-accused is clearly illustrated.

According to Philip, he witnessed how Rommel and his co-accused commenced their assault on Gilberto. He, however, fled the scene when Rommel attacked him after he tried to help Gilberto. Philip recalled thus:

ATTY. NATE

Q: So what happened to Gilberto Bedrero when he came out from his residence also?

A: When Manoy Gilbert went out of his residence, I saw two (2) men running towards the direction of Manoy Gilbert coming from behind.

Q: Do you know the names or identity of these two (2) persons who were rushing at the back of Gilberto Bedrero?

A: Yes, sir. Rommel Bermudo and Rolando Bermudo. They are siblings.

x x x x

Q: You said that this Rommel and Rolando came and went at the back of Gilberto Bermudo. When these two (2) went at the back of Gilberto, what happened next, if any?

A: Rommel struck Gilberto with an axe on his head.

Q: When Gilberto was axed by Rommel, what happened to Gilberto?

A: Gilberto fell to the ground and after that Ronelo rushed to him and hacked him.

Q: To your recollection, was Gilberto hit when he was hacked by Ronelo?

A: Yes, sir, with a bolo.

Q: What portion or what part of the body of Gilberto was hit by Ronelo when he was hacked?

A: He was hit on the stomach.

Q: After that, what happened next if any?

A: Rolando struck Gilberto Bedrero with a piece of wood and stabbed him with a bolo.

- Q: At that moment, what did you do when you saw that incident?  
A: I came near them to pacify them but Rommel tried to strike me with an axe also.

x x x x

- Q: So, when you were hit by Rommel Bermudo, what did you do if any?  
A: After I fell, I stood up and [ran] towards our house.<sup>16</sup>

On the other hand, Grace witnessed how Rommel and his co-accused continued to maul Gilberto after he was already lying on the ground. She narrated:

ATTY. NATE

- Q: So when Philip Bedrero and Ronelo Bermudo were having an altercation, what transpired next?  
A: I saw "Papa Gilbert" came out, Sir.
- Q: What is the name of your Papa Gilbert who came out to the open?  
A: Gilberto Bedrero, Sir.
- Q: When Gilberto Bedrero went outside from where he came, what transpired next?  
A: I saw Rommel Bermudo and Rolando Bermudo approaching, Sir.
- Q: So what happened when Rommel and Rolando Bermudo came?  
A: When I saw them, I immediately asked for help, Sir.
- Q: So what is the reason why you were then asking for assistance or help?  
A: I was frightened because I saw that Manoy Philip and Ronelo were having an altercation and my Manoy Gilbert also came out, that's why I asked for help, Sir.

x x x x

- Q: So after seeking assistance, what transpired next?  
A: Nobody came to help me and when I went back to the place, I saw my Uncle already lying on the ground blooded, Sir.
- Q: So when you saw your Uncle blooded, what did you do after seeing such circumstance?  
A: I took pity on him so I went to him and I cradled him, Sir.
- Q: So at that moment when you saw your Uncle, do you recall where were these persons of Ronelo, Rommel and Rolando Bermudo at that time?  
A: They were just there standing near Uncle Gilbert, Sir. 

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<sup>16</sup> TSN, 7 June 2012, pp. 5-12.

Q: And likewise, where was Philip Bedrero at that time when you came back to the scene?

A: I did not see him anymore, Sir.

Q: While thereat Madam witness, while you were embracing your Uncle Gilbert, what transpired next?

A: Ronelo asked me to leave because he will hack again Uncle Gilbert, Sir.

x x x x

Q: When you were asked by Ronelo to leave, what did you do?

A: Because of fear I left but I stayed close to where my Uncle Gilbert was because I tripped, Sir.

Q: Could you estimate the distance when you moved away when you were asked by Ronelo to leave?

A: About three (3) meters, Sir.

Q: When you were at that distance of 3 meters away from Gilberto Bedrero, what transpired next?

A: I saw Ronelo hacked (sic) my Uncle Gilbert and then struck him with a piece of wood on his face, Sir. (Witness pointing to her forehead)

Q: When you said Gilbert was hacked by Ronelo, to your reflection, what portion of his body was hit?

A: Here Sir. (Witness pointing on the lower portion of his chest).

x x x x

Q: When Ronelo hacked Gilberto with a bolo and struck him with a piece of wood, where were these two (2) persons of Rommel and Rolando?

A: They were just standing there, Sir.

Q: To your reflection, what were these two persons doing aside from standing?

A: They were telling Ronelo "sige tagaa na 'yan, gadana na 'yan."

Q: After Ronelo was being instructed or directed by these two persons to struck (sic) or to kill Gilberto, what transpired next?

A: They left and then the members of the Brgy. Tanod arrived Sir.<sup>17</sup>

Philip and Grace's testimony corroborate each other on material points. They both saw Rommel and Rolando rush towards Gilberto — Philip saw Rommel hit Gilberto's head while Grace fled to get help. Once Gilberto was down on the ground, Ronelo and Rolando continued to stab and hack him. Philip tried to intervene but was forced to flee after Rommel swung an axe at him. When Grace returned, she hurriedly went to the side of a bloodied Gilberto. However, Ronelo instructed her to leave as he would

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<sup>17</sup> TSN, 5 July 2012, pp. 4-8.

hack and stab Gilberto again as his two companions encouraged him to finish the victim off.

Rommel's attempt to discredit the prosecution witnesses has no leg to stand on. Philip consistently identified Rommel and his co-accused as Gilberto's attackers and even described their respective participations. Notwithstanding that he was at a lower elevation, he could clearly see Gilberto and his attackers because of his proximity to the parties involved in the scuffle and the presence of sufficient illumination. Further, Rommel is mistaken in claiming that Grace's testimony was inconsistent because she first said that she did not see who hacked Gilberto but later on recalled that it was Ronelo. A deeper scrutiny of her testimony reveals that it is true that she did not see who initially attacked Gilberto because when she came back he was already bloodied on the ground. Nevertheless, once she tried to comfort the victim, Ronelo told her to leave Gilberto's side so he could hack him again.

Much ado is made about Philip's alleged intoxication. Rommel highlights that according to the BMC Medical Certificate,<sup>18</sup> he was drunk at that time the incident happened and he even admitted the same during his testimony. As such, accused-appellant believes that Philip's credibility is questionable in the light of his condition.

It is noteworthy that the medical certificate merely noted that Philip's breath smelled of alcohol. No other tests were conducted on him to determine his blood alcohol level, which could help establish his degree of intoxication. In addition, Philip merely testified<sup>19</sup> that he was drunk because he had imbibed some alcoholic beverage that night.

The certification and Philip's testimony, however, do not prove that Philip was such in a drunken stupor that his faculties had been greatly impaired or diminished. In *People v. Dee*,<sup>20</sup> the Court explained that a witness being positive for alcohol breath does not detract his positive identification of the accused because there was no showing that the level of intoxication impaired his senses and prevented him from positively identifying the accused — the law presumes every person is of sound mind unless proven otherwise.<sup>21</sup> Even assuming that Philip's testimony is an admission of drunkenness at the time of the incident; still, in the absence of satisfactory proof that his intoxication had clouded his sense and perception rendering his testimony unreliable, it should be presumed that Philip was sober enough to have processed and to vividly recall the gruesome incident he had witnessed.

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<sup>18</sup> Records, p. 35.

<sup>19</sup> TSN, 7 June 2012, p. 22.

<sup>20</sup> 396 Phil. 274 (2000).

<sup>21</sup> Id. at 284-285.

Likewise, Rommel bewails that Philip and Grace's testimonies were contrary to the physical evidence. He notes that the medical report suggests that Gilberto died because of asphyxiation through manual strangulation, yet, none of them testified that they had seen someone choke Gilberto. Such conclusion, however, is gravely erroneous. According to the physician who exhumed Gilberto's remains, the cause of death may have been asphyxiation through manual strangulation or the effect of the stab wound in the lower right portion of his chest.

Thus, contrary to Rommel's position, the physical evidence supported the testimony of the eyewitnesses. Both Philip and Grace saw Ronelo stab Philip in the chest and their narration of the assault that took place was consistent with the injuries suffered by the victim. Further, it can be easily explained why neither Philip nor Grace testified seeing someone choke Gilberto considering that at the time Grace returned to the crime scene, Philip had already fled. As such, the choking, if it indeed occurred, could have happened during the interim period where both Philip and Grace were not around. Still, it does not detract from the fact that they saw Rommel's co-accused inflict the fatal blow to Gilberto's chest.

Rommel also assails that Philip and Grace's testimonies were biased because of their close relationship with Gilberto. Nonetheless, such relationship alone does not necessarily prejudice the credibility of the witnesses. In *People v. Guillera*,<sup>22</sup> the Court explained that filial relations could in fact bolster the credibility of witnesses, to wit:

Neither did Geraldine's relationship with Enrique impair her credibility since it is a basic precept that relationship per se of a witness with the victim does not necessarily mean that the witness is biased. Close or blood relationship alone, does not, by itself, impair a witness' credibility. On the contrary, it could even strengthen the witness' credibility, for it is unnatural for an aggrieved relative to falsely accuse someone other than the actual culprit. Their natural interest in securing the conviction of the guilty would deter them from implicating a person other than the true offender.<sup>23</sup>

Thus, Philip and Grace's relationship with Gilberto does not *ipso facto* render their testimony unworthy of credence. This is especially true since they were steadfast in pointing at Rommel as one of the persons who mauled Gilberto. Such unflinching testimony leads to no other conclusion but that Philip and Grace witnessed their own relative's demise at the hands of Rommel and his co-accused.



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<sup>22</sup> 601 Phil. 155 (2009).

<sup>23</sup> *Id.* at 164.

Based on Philip and Grace's testimony, all the elements of the crime of murder were proven beyond reasonable doubt, viz: (1) a person was killed; (2) the accused killed the victim; (3) the killing was attended by any of the qualifying circumstance in Article 248 of the Revised Penal Code, i.e., treachery or *alevosia*; and (4) the killing is neither parricide nor infanticide.<sup>24</sup>

Treachery is present when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.<sup>25</sup> In turn, its elements are: (1) employment of means, method or manner of execution which will ensure the safety of the malefactor from defensive or retaliating acts on the part of the victim; and (2) deliberate adoption of such means, method or manner of execution.<sup>26</sup> In other words, the means of attack, consciously adopted by the assailant, rendered the victim defenseless.

In the present case, it is readily apparent that Gilberto was completely defenseless at the time of the attack because he was surprised by Rommel with a blow to the head causing him to fall to the ground. Rommel and co-accused continued to attack him causing him multiple injuries, including the fatal ones. From the inception of the assault until the *coup de grace* was inflicted, Gilberto was never in a position to defend himself. Further, Rommel and his co-accused consciously adopted the means of attack because, as noted by the CA, they were already armed when they proceeded to the crime scene. In addition, it is noteworthy that Rommel suddenly, without warning or provocation, attacked Gilberto from behind manifesting that their actions were planned and orchestrated, and not merely impetuous.

In Gilberto's death, Rommel and his co-accused are equally guilty of murder as conspirators. Conspiracy arises when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.<sup>27</sup> While there was no express agreement between the malefactors, their concerted actions indicate that they conspired with each other. There is an implied conspiracy when two or more persons aimed by their acts towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent, are in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment.<sup>28</sup> In other words, there must be unity of purpose and unity in the execution of the unlawful objective.<sup>29</sup>

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<sup>24</sup> *People v. Lagman*, 685 Phil. 733, 743 (2012).

<sup>25</sup> Article 14(16) of the Revised Penal Code.

<sup>26</sup> *Cirera v. People*, 739 Phil. 25, 44-45 (2014).

<sup>27</sup> Article 8 of the Revised Penal Code.

<sup>28</sup> *People v. de Leon*, 608 Phil. 701, 718-719 (2009).

<sup>29</sup> Reyes, *The Revised Penal Code* (2008 Ed.), p. 127.

In this case, Rommel and his co-accused clearly acted with a common purpose to kill Gilberto as manifested by their coordinated actions. Accused-appellant initiated the assault and assisted his co-accused in accomplishing their goal. It must be remembered that when Philip tried to help Gilberto, Rommel swung an axe at him and, with a horrified Grace nearby, urged and encouraged Ronelo to kill the victim. Thus, even if there is no direct evidence to establish who among the culprits inflicted the mortal blow, they are all guilty of murder as conspirators because their mutual purpose impelled them to execute their harmonized attack on Gilberto.

### *Damages modified*

The trial court awarded to Gilberto's heirs: ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱25,000.00 as nominal damages, ₱25,000.00 as exemplary damages, and ₱25,000.00 as attorney's fees. In *People v. Jugueta*,<sup>30</sup> the Court set the standard for the award of damages in certain heinous crimes, increasing to ₱75,000.00 the award of exemplary damages in murder punishable by *reclusion perpetua*. Consequently, the damages awarded should be modified to conform to recent jurisprudence.

**WHEREFORE**, the 26 June 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06615 is **AFFIRMED with MODIFICATION**. The exemplary damages awarded to the heirs of Gilberto Bedrero is increased to ₱75,000.00. All damages shall earn interest at the rate of six percent (6%) per annum from the finality of judgment until fully paid.

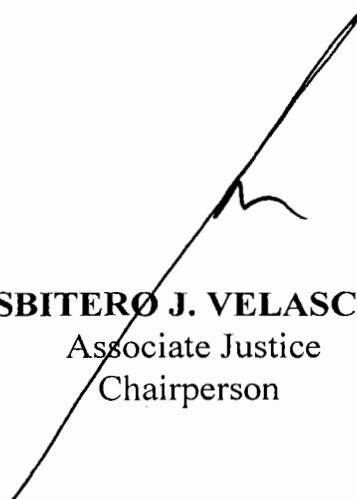
**SO ORDERED.**

  
**SAMUEL H. MARTIRES**  
Associate Justice

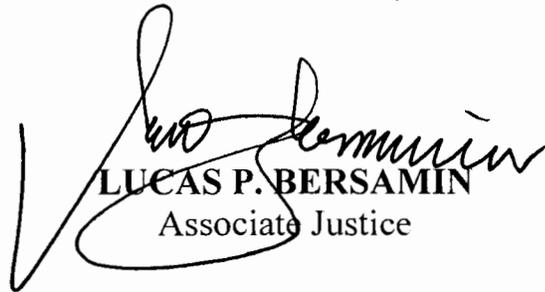
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<sup>30</sup> 783 Phil. 806 (2016).

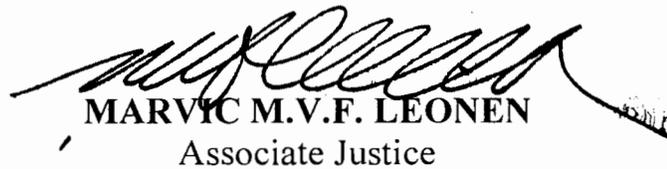
**WE CONCUR:**



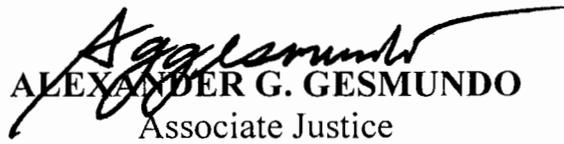
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson



**LUCAS P. BERSAMIN**  
Associate Justice



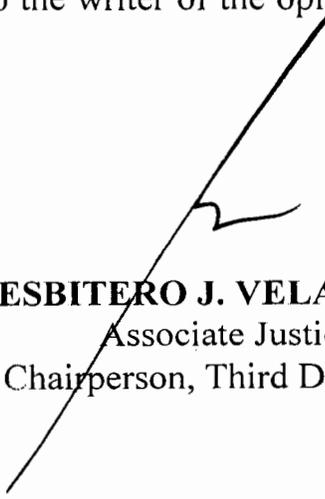
**MARVIC M.V.F. LEONEN**  
Associate Justice



**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.



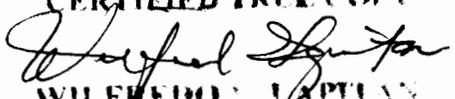
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**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.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, R.A. No. 296,  
The Judiciary Act of 1948, as amended)

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WILFREDO LAPITAN  
Division Clerk of Court  
Third Division  
AUG 25 2018