Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

RICARDO P. CARNIYAN and among other real parties in interest similarly situated *bona fide* residents, Petitioners,	**G.R. No. 228516**
	Present:
	PERALTA, *J.*, Chairperson, LEONEN, A. REYES, JR., HERNANDO, and INTING, *JJ.*
- versus -	
HOME GUARANTY CORPORATION, Respondent.	Promulgated:
	August 14, 2019
	MisPDC Batt

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DECISION

A. REYES, JR., *J.*:

Assailed in this petition for review on *certiorari*[1] are the August 26, 2016 Decision[2] and November 28, 2016 Resolution[3] rendered by the Court of Appeals (CA) in CA-G.R. SP No. 127693, both of which upheld the orders dated March 18, 2011,[4] February 8, 2012,[5] October 31, 2012,[6] and November 21, 2012[7] (the challenged trial court orders), all issued by Hon. Tita Marilyn Payoyo-Villordon (Judge Villordon), Presiding Judge of Branch 224 of the Regional Trial Court (RTC) of Quezon City, in Civil Case No. Q-09-64015.

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1 *Rollo*, pp. 14-80.

2 Associate Justice Leoncia Real-Dimagiba penned the challenged decision, in which Associate Justices Ramon R. Garcia and Jhosep Y. Lopez concurred; id. at 85-91.

3 Id. at 81-83.

4 Id. at 213-215.

5 Id. at 234-235.

6 Id. at 144-145.

7 Id. at 146.

Reyes

The Factual Antecedents

On September 7, 2010, Home Guaranty Corporation (HGC) filed before the Quezon City RTC a complaint for recovery of possession against Edilberto P. Carniyan, Ricardo P. Carniyan, and Sherly R. Carniyan (the petitioners), seeking their eviction from a portion of a 7,113-square meter parcel of land situated in Constitution Hills, Quezon City, covered by Transfer Certificate of Title (TCT) No. 262715.[8] The complaint was docketed as Civil Case No. Q-09-64015 and raffled to Judge Villordon of Branch 224.

Instead of filing an answer, the petitioners filed a Motion to Dismiss[9] dated October 8, 2010 and, subsequently, a Motion to Archive the Case as May Be Possible in Lieu of Dismissal[10] dated December 10, 2010. In the former, the petitioners argued that the RTC had no jurisdiction to resolve the complaint (1) due to the fact that HGC has not yet acquired ownership over the contested property; and (2) because the assessed value thereof fell below ₱400,000.00, the alleged jurisdictional amount of civil actions filed in Metro Manila.[11] On the other hand, in the latter motion, they essentially sought to hold in abeyance the proceedings in Civil Case No. Q-09-64015 until HGC submitted a certified true copy of TCT No. 262715, among other things.[12]

The Challenged Trial Court Orders

On March 18, 2011, Judge Villordon issued the first of the challenged trial court orders. She ruled, for one, that the petitioners' contention as to the jurisdictional amount was misplaced. Since the case was an action involving title to or possession of real property, and because the subject property had an assessed value of ₱50,000.00, it was held that the trial court was possessed of the requisite jurisdiction to take cognizance of the complaint.[13] Next, she likewise denied the motion to archive the case on the ground that the said motion was merely dilatory.[14] The *fallo* of the March 18, 2011 Order reads:

> WHEREFORE, premises considered, the x x x Motion to Dismiss and Motion to Archive The Case As Maybe Possible in Lieu of Dismissal filed by the defendants are hereby DENIED for lack of merit.
>
> SO ORDERED.[15]

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8 Id. at 147-153.
9 Id. at 155-182.
10 Id. at 185-207.
11 Id. at 213.
12 Id. at 205-206.
13 Id. at 214.
14 Id.
15 Id. at 215.

On June 29, 2011, the petitioners filed a Motion to Expunge/Rescind the Interlocutory Order Dated March 18, 2011 with Motion for Inhibition.[16] First, they contended that the trial court failed to pass upon their allegation on the non-existence of a cause of action on the part of HGC. Second, they asserted that their previous motions were not intended to delay the resolution of the issues in the case.[17] The petitioners therefore prayed that Judge Villordon inhibit herself from hearing the motion to expunge and that the records of the case be returned to the Executive Judge of the Quezon City RTC for re-raffle to another branch thereof.[18]

It appears, however, that the petitioners had previously sought Judge Villordon's inhibition, only to be denied through an earlier order dated August 2, 2010.

On February 8, 2012, Judge Villordon issued the second challenged order. In denying the petitioners' motion to expunge, she ruled that the same was essentially a motion for reconsideration of the March 18, 2011 order, the merits of which had already been thoroughly passed upon. Anent the motion for inhibition, she simply reiterated her position in the said August 2, 2010 order.[19] She then disposed of the motions and directed the petitioners to file their answer within a non-extendable period of ten (10) days, *viz.*

> WHEREFORE, premises considered, the defendants' Motion To expunge/Rescind the Interlocutory Order dated March 18, 2011 with Motion for Inhibition are DENIED for lack of merit.
>
> Meanwhile, the Court notes that the defendants have not yet filed their Answer to the plaintiff's Amended Complaint. Hence, defendants are hereby given the non-extendable period of 10 days from receipt of this Order within which to file their Answer to the plaintiff's Amended Complaint.
>
> SO ORDERED.[20]

Despite Judge Villordon's directive, the petitioners failed to file an answer within the allotted period. Consequently, on August 23, 2012, HGC moved to declare the petitioners in default.[21]

Meanwhile, before the RTC resolved HGC's motion, the petitioners filed a Motion to Amend the February 8, 2012 Order to Resolve the Actual Controversy and to Judiciously Resolve the Instant Motion for Inhibition

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16 Id. at 216-233.
17 Id. at 234.
18 Id. at 233.
19 Id. at 235.
20 Id.
21 Id. at 86.

Upon Receipt Hereof (In the Higher Interests of Justice and Equity) dated October 8, 2012,[22] which was set for hearing on October 19, 2012, along with the motion to declare them in default.[23]

On October 31, 2012, Judge Villordon issued the third challenged order, denying the petitioners' motion and declaring them in default. She ruled that the said motion partook of the nature of a second motion for inhibition, which is proscribed under A.M. No. 11-6-10-SC. Hence, the same was held to be a mere scrap of paper, and was stricken from the records. On the other hand, HGC's motion was held to be impressed with merit. Despite proper service of summons and the trial court's earlier order, the petitioners never filed an answer in due time.[24] For this reason, HGC was allowed to present its evidence *ex parte* before the branch clerk of court on December 9, 2012. The *fallo* of the October 31, 2012 Order reads:

> WHEREFORE, premises considered, the defendants' "Motion to Amend xxxxx" is denied due course for being dilatory. The "Motion for Inhibition" is denied for violating AM. No. No. 11-6-10-SC. Both motions are considered mere scrap of paper and ordered stricken from the records of this case.
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> The plaintiff's "Motion to Declare Defendant in Default" is GRANTED. As prayed for, the defendants are declared in default. As further prayed for, the plaintiff is allowed to present its evidence ex-parte before the branch clerk of this Court on December 9, 2012 at 2:00 in the afternoon.
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> SO ORDERED.[25]

Finally, on November 21, 2012, Judge Villordon issued the last of the challenged trial court orders, rescheduling the *ex parte* presentation of HGC's evidence, *viz.*

> It appearing that the December 9, 2012 ex-parte hearing schedule falls on a Sunday, the same is cancelled and re-scheduled to December 14, 2012 at 2:00 P.M. Notify the parties of the said ex-parte hearing.
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> SO ORDERED.[26]

Aggrieved, the petitioners challenged the four aforesaid trial court orders before the CA via a Petition for *Certiorari,* Prohibition, and *Mandamus*,[27] arguing that Judge Villordon had acted with grave abuse of discretion in issuing the same.

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22 Id. at 236-288.
23 Id. at 144.
24 Id.
25 Id. at 145.
26 Id. at 146.
27 Id. at 93-143.

The CA's Ruling

On August 26, 2016, the CA promulgated the herein assailed decision, denying the said petition on the ground that the same was an inappropriate remedy. The appellate court ruled that the petitioners should have instead filed a motion under oath to set aside the order of default and shown that they had a meritorious defense through an affidavit of merit. Moreover, the CA held that the petitioners' failure to file an answer was attributable solely to their own negligence.[28] The appellate court disposed of the case, thus:

> **WHEREFORE**, premises considered, the instant petition is hereby **DISMISSED** for being the wrong or improper remedy. The Orders of the Regional Trial Court in Civil Case No. Q-09-64015, are **AFFIRMED**.
>
> **SO ORDERED.**[29]

The petitioners, after their motion for reconsideration was denied in the assailed November 28, 2016 Resolution, sought the present recourse before the Court.

The Issue

Whether or not the challenged trial court orders dated March 18, 2011, February 8, 2012, October 31, 2012, and November 21, 2012 were issued with grave abuse of discretion[30]

The Court's Ruling

The petition lacks merit.

Judge Villordon, through the first challenged trial court order, dated March 18, 2011, denied the petitioners' motions to dismiss and archive the case. According to the petitioners, the trial court had no jurisdiction over the complaint considering that HGC never submitted a copy of TCT No. 262715. They contended that, in actions for recovery of possession, the identity of the subject land must be established through the presentation of a certificate of title. They, therefore, prayed for the dismissal of the complaint and, later, that the same be held in abeyance until HGC presented a certified true copy of TCT No. 262715.[31] Upon the denial of their motions, they sought relief before the CA through a petition for *certiorari*.

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28 Id. at 89-90.
29 Id. at 91.
30 Id. at 54-56.
31 Id. at 62-65.

A petition for *certiorari* under Rule 65 of the Rules of Court is a special civil action that may be resorted to only in the absence of appeal or any plain, speedy, and adequate remedy in the ordinary course of law.[32]

An order denying a motion to dismiss is classified as an interlocutory, as opposed to a final, order. This classification is vital because it is determinative of the remedy available to the aggrieved party.[33] In *Denso (Phils.), Inc. v. Intermediate Appellate Court*,[34] the difference between a final and an interlocutory order was stated in the following manner:

> A "final" judgment or order is one that finally disposes of a case, leaving nothing more to be done by the Court in respect thereto, *e.g.*, an adjudication on the merits which, on the basis of the evidence presented at the trial, declares categorically what the rights and obligations of the parties are and which party is in the right; or a judgment or order that dismisses an action on the ground, for instance, of *res judicata* or prescription. Once rendered, the task of the Court is ended, as far as deciding the controversy or determining the rights and liabilities of the litigants is concerned. **Nothing more remains to be done by the Court except to await the parties' next move (which among others, may consist of the filing of a motion for new trial or reconsideration, or the taking of an appeal) and ultimately, of course, to cause the execution of the judgment** once it becomes "final" or, to use the established and more distinctive term, "final and executory."
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> x x x x
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> Conversely, an order that does not finally dispose of the case, and does not end the Court's task of adjudicating the parties' contentions and determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the Court, is "interlocutory," *e.g.*, an order denying a motion to dismiss under Rule 16 of the Rules, or granting a motion for extension of time to file a pleading, or authorizing amendment thereof, or granting or denying applications for postponement, or production or inspection of documents or things, etc. **Unlike a "final" judgment or order, which is appealable, as above pointed out, an "interlocutory" order may not be questioned on appeal except only as part of an appeal that may eventually be taken from the final judgment rendered in the case**.[35] (Emphasis and underscoring supplied)

Considering that Judge Villordon, through the March 18, 2011 Order, denied the petitioners' motion to dismiss, the appropriate remedy was to file an answer, proceed to trial, and, in the event of an adverse judgment, interpose an appeal, assigning as errors the grounds stated in the motion to dismiss.[36] For this reason, *certiorari* did not lie as a

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32 *Malayang Manggagawa ng Stayfast Phils., Inc. v. NLRC, et al.* 716 Phil. 500, 512 (2013).

33 *G.V. Florida Transport, Inc. v. Tiara Commercial Corporation*, G.R. No. 201378, October 18, 2017, 842 SCRA 576, 589.

34 232 Phil. 256 (1987).

35 Id. at 263-264.

36 *G.V. Florida Transport, Inc. v. Tiara Commercial Corporation*, supra note 33, at 589.

remedy in the proceedings *a quo*. To allow such recourse would not only delay the already-lethargic administration of justice, but also unduly burden the courts and further clog their dockets.[37] Moreover, the said order could not have been the proper subject of an appeal due to its interlocutory nature. Clearly, then, the petitioners committed a fatal procedural lapse when they sought relief before the CA *via certiorari*.

Jurisprudence, however, provides exceptions to the rule that an order denying a motion to dismiss is not the proper subject of a petition for *certiorari*. When such orders are issued without or in excess of jurisdiction, or when their issuance is tainted with grave abuse of discretion, *certiorari* lies as a remedy.[38] In *Emergency Loan Pawnshop, Inc. v. Court of Appeals*,[39] the Court held:

> The remedy of the aggrieved party is to file an answer to the complaint and to interpose as defenses the objections raised in his motion to dismiss, proceed to trial, and in case of an adverse decision, to elevate the entire case by appeal in due course. However, the rule is not ironclad. Under certain situations, recourse to *certiorari* or *mandamus* is considered appropriate, that is, (a) when the trial court issued the order without or in excess of jurisdiction; (b) where there is patent grave abuse of discretion by the trial court; or, (c) appeal would not prove to be a speedy and adequate remedy as when an appeal would not promptly relieve a defendant from the injurious effects of the patently mistaken order maintaining the plaintiff's baseless action and compelling the defendant needlessly to go through a protracted trial and clogging the court dockets by another futile case.[40] (Citation omitted;)

None of the exceptions apply in this case.

To be sure, the issuance of the March 18, 2011 Order was done in accordance with the rules and established jurisprudence. The petitioners' motion to dismiss was grounded on the RTC's alleged lack of jurisdiction, which, according to them, was a result of HGC's failure to submit a certified true copy of TCT No. 262715. The petitioners postulated that, absent a Torrens title, the trial court was bereft of jurisdiction to hear HGC's complaint.[41]

The contention fails to impress.

Contrary to the petitioners' stance, the submission of a certified true copy of TCT No. 262715 was not a condition precedent to vest the Quezon City RTC with jurisdiction over HGC's complaint. Jurisdiction

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37 *Bañez, Jr. v. Judge Concepcion, et al.*, 693 Phil. 399, 409 (2012).
38 Id. at 410.
39 405 Phil. 524 (2001).
40 Id. at 530.
41 *Rollo*, pp. 62-65.

is conferred by law and determined by the allegations in the pleadings.[42] In arguing that it is dependent on the presentation of evidence, the petitioners seem to have overlooked a rudiment of civil procedure—a motion to dismiss is filed before the parties have an opportunity to offer and present their evidence. Under the rules, the defendant in a civil case is allowed to file such a motion before responding to the complaint, *viz.*

> **Section 1.** *Grounds.* — Within the time for but before filing the answer to the complaint or pleading asserting a claim, a motion to dismiss may be made on any of the following grounds[.][43]

Assuming that the motion is denied, the defendant is then given the opportunity to file an answer within the remainder of the prescribed reglementary period, but in no case less than five days, computed from notice of the motion's denial.[44] Then, after the defendant files an answer and the parties serve on each other their respective pleadings, the case may proceed to pre-trial, *viz.*

> **Section 1.** *When conducted.* — After the last pleading has been served and filed, it shall be the duty of the plaintiff to promptly move *ex parte* that the case be set for pre-trial.[45]

Upon the termination of the pre-trial, the clerk of court enters the case in the trial calendar. It is only when the case reaches trial that the parties have an opportunity to substantiate their claims and defenses through evidence duly presented, *viz*:

> **Section 5.** *Order of trial.* — Subject to the provisions of Section 2 of Rule 31, and unless the court for special reasons otherwise directs, the trial shall be limited to the issues stated in the pre-trial order and shall proceed as follows:
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> (a) The plaintiff shall adduce evidence in support of his complaint;
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> (b) The defendant shall then adduce evidence in support of his defense, counterclaim, cross-claim and third-party complaint;
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> (c) The third-party defendant, if any, shall adduce evidence of his defense, counterclaim, cross-claim and fourth-party complaint;
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> (d) The fourth-party, and so forth, if any, shall adduce evidence of the material facts pleaded by them;
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> (e) The parties against whom any counterclaim or cross-claim has been pleaded, shall adduce evidence in support of their defense, in the order to be prescribed by the court;

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42 *City of Dumaguete v. Philippine Ports Authority*, 671 Phil. 610, 629 (2011).
43 RULES OF COURT, Rule 16, Sec. 1.
44 RULES OF COURT, Rule 16, Sec. 4.
45 RULES OF COURT, Rule 18, Sec. 1.

> (f) The parties may then respectively adduce rebutting evidence only, unless the court, for good reasons and in the furtherance of justice, permits them to adduce evidence upon their original case; and
>
> (g) Upon admission of the evidence, the case shall be deemed submitted for decision, unless the court directs the parties to argue or to submit their respective memoranda or any further pleadings.
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> If several defendants or third-party defendants, and so forth, having separate defenses appear by different counsel, the court shall determine the relative order of presentation of their evidence.[46]

Therefore, the petitioners' argument that the trial court had no jurisdiction over HGC's complaint *sans* a certified true copy of TCT No. 262715 has no legal leg to stand on, and, for the same reason, no grave abuse of discretion can be attributed to Judge Villordon in denying the motion to archive the case. Clearly, the presentation of a Torrens title was not a condition precedent to the vesting of jurisdiction in the Quezon City RTC. Couched in general terms, a motion to dismiss based on lack of jurisdiction is not dependent on the evidence (or the lack thereof) of the parties.

Moving on to the second challenged trial court order, dated February 8, 2012, the Court remains unconvinced that Judge Villordon gravely abused her discretion in issuing the same. A perusal of the motion that occasioned the said order (*i.e.*, the petitioners' Motion to Expunge/Rescind the Interlocutory Order Dated March 18, 2011 with Motion for Inhibition) reveals that the petitioners sought the presiding judge's inhibition and, essentially, reconsideration of the previous March 18, 2011 Order.

Anent the motion for inhibition, the record discloses that the petitioners had previously moved that Judge Villordon inhibit herself from hearing the case. The previous motion, however, was denied through an order dated August 2, 2010. Pertinently, A.M. No. 11-6-10-SC, which finds particular application to litigations in Quezon City trial courts, specifically prohibits the filing of multiple motions for inhibition by one party, *viz.*

> 9. *Inhibitions.* – Each party shall only be allowed to file one motion for inhibition in any case strictly on grounds provided for under Rule 137 of the Rules of Court.[47]

Since A.M. No. 11-6-10-SC explicitly proscribed the filing by the petitioners of the Motion to Expunge/Rescind the Interlocutory Order Dated March 18, 2011 with Motion for Inhibition insofar as Judge Villordon's inhibition was concerned, hardly any grave abuse of discretion can be

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46 RULES OF COURT, Rule 30, Sec. 5.

47 A.M. No. 11-6-10-SC dated February 21, 2012.

imputed to her in denying the same through the second challenged trial court order.

At this juncture, it bears noting that the second challenged trial court order contained a directive to the petitioners to file an answer to HGC's complaint within a non-extendible period of 10 days from notice. However, the records reveal that the petitioners never complied with the same. Consequently, on August 23, 2012, HGC filed a motion to declare them in default, which Judge Villordon granted through the third challenged trial court order, dated October 31, 2012.

The petitioners assailed the October 31, 2012 Order via *certiorari* before the CA. In arguing that the same was tainted with grave abuse of discretion, they maintained that the order was prematurely issued by Judge Villordon.

Again, *certiorari* was the improper remedy.

A cursory reading of Section 3 (b) of Rule 9 of the Rules of Court will reveal that one of the defending party's remedies against an order of default is to file a motion under oath to set it aside on the ground of fraud, accident, mistake, or excusable negligence. Additionally, the defending party must append to the said motion an affidavit showing that he or she has a meritorious defense.[48] Section 3 (b) of Rule 9 relevantly provides:

> (b) *Relief from order of default.* — A party declared in default may at any time after notice thereof and before judgment file a motion under oath to set aside the order of default upon proper showing that his failure to answer was due to fraud, accident, mistake or excusable negligence and that he has a meritorious defense. In such case, the order of default may be set aside on such terms and conditions as the judge may impose in the interest of justice.[49]

Verily, so that an order of default may be lifted, the following requisites must be met: (a) that a motion be filed under oath by one who has knowledge of the facts; (b) that the defending party's failure to file answer was due to fraud, accident, mistake, or excusable negligence; and (c) that the defending party shows the existence of a meritorious defense through an affidavit of merit.[50]

In addition to a motion to lift the order of default, jurisprudence provides several other remedies at the disposal of the defendant who fails to

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48 *Spouses Manuel v. Ong*, 745 Phil. 589, 602 (2014).

49 RULES OF COURT, Rule 9, Sec. 3(b).

50 *Sps. Delos Santos v. Judge Carpio*, 533 Phil. 42, 55-56 (2006).

file an answer. These were enumerated in *Lina v. CA, et al.*[51] The availability of these alternative remedies, however, depends on when the defending party discovers that he or she has been declared in default, or whether the judgment in the suit is contrary to law, jurisprudence, or the evidence on record, thus:

> b) If the judgment has already been rendered when the defendant discovered the default, but before the same has become final and executory, he may file a motion for new trial under Section 1(a) of Rule 37;
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> c) If the defendant discovered the default after the judgment has become final and executory, he may file a petition for relief under Section 2 of Rule 38; and
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> d) He may also appeal from the judgment rendered against him as contrary to the evidence or to the law, even if no petition to set aside the order of default has been presented by him. (Sec. 2, Rule 41)[52]

As discussed above, resort may be had to a petition for *certiorari* only in the absence of an appeal or any other plain, speedy, and adequate remedy in the ordinary course of law. **Considering that no judgment had yet been rendered *a quo*, the petitioners, pursuant to Section 3(b) of Rule 9 of the Rules of Court, should have filed a motion to lift the order declaring them in default.** Failing to do so, their recourse to the CA via a petition for *certiorari* was improper. As aptly ruled by the appellate court:

> Petitioners cannot mask their failure to file a Motion under Oath to Set Aside the Order of Default by the mere expedient of conjuring grave abuse of discretion to avail of a Petition for *Certiorari*. Clearly, the instant remedy sought by petitioners is premature considering that a plain, speedy, and adequate remedy in the ordinary course of law was still available.[53]

As a consequence of declaring the petitioners in default, Judge Villordon allowed HGC to present its evidence *ex parte* before the branch clerk of court.[54] Originally, the reception of evidence was set to take place on December 9, 2012. However, since that date fell on a Sunday, the presiding judge, through the last challenged trial court order, rescheduled the same to Friday, December 14, 2012. According to the petitioners, such scheduling and rescheduling of the *ex parte* hearing were the result of Judge

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51 220 Phil. 311 (1985).

52 Id. at 316-317.

53 *Rollo*, p. 89.

54 **Rules of Court, Rule 9:**
EFFECT OF FAILURE TO PLEAD
xxxx
Section 3. *Default; declaration of.* — If the defending party fails to answer within the time allowed therefor, the court shall, upon motion of the claiming party with notice to the defending party, and proof of such failure, declare the defending party in default. Thereupon, the court shall proceed to render judgment granting the claimant such relief as his pleading may warrant, unless the court in its discretion requires the claimant to submit evidence. **Such reception of evidence may be delegated to the clerk of court**. (Emphasis and underscoring supplied)

Villordon's hasty and preemptive action on HGC's complaint, which was tantamount to further grave abuse of discretion.[55]

However, aside from their bare allegation, the petitioners miserably failed to show any circumstance indicative of grave abuse of discretion on the part of Judge Villordon. It is well-settled that a petition for *certiorari* will prosper only if the act or omission constituting grave abuse of discretion is alleged and proved.[56] Hence, the petitioners were duty-bound to show that the presiding judge exercised her official power in an "arbitrary or despotic manner by reason of passion, prejudice, or personal hostility"[57] when she rescheduled HGC's *ex parte* presentation of evidence. Without such a showing, the Court is left with no alternative other than to uphold the CA's denial of their petition for *certiorari*.

WHEREFORE, the petition is **DENIED**. The August 26, 2016 Decision and November 28, 2016 Resolution rendered by the Court of Appeals in CA-G.R. SP No. 127693 are hereby **AFFIRMED**.

SO ORDERED.

ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Associate Justice
Chairperson

MARVIC M.V.F. LEONEN
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

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55 *Rollo*, p. 47.
56 *Beluso v. COMELEC*, 635 Phil. 436, 443-444 (2010).
57 *Tagle v. Equitable PCI Bank, et al.*, 575 Phil. 384, 397 (2008).

HENRI JEAN PAUL B. INTING
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.

DIOSDADO M. PERALTA
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.

LUCAS P. BERSAMIN
Chief Justice