Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

RADAMES F. HERRERA,
Petitioner,

-versus-

NOEL P. MAGO, SIMEON B. VILLACRUSIS, and JOSE R. ASIS, JR.,
Respondents.

G.R. No. 231120

Present:

PERALTA, C.J., *Chairperson,*
CAGUIOA,
REYES, J.C., JR.,
LAZARO-JAVIER, and
LOPEZ, *JJ.*

Promulgated:

JAN 15 2020

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DECISION

LAZARO-JAVIER, *J.:*

The Case

This petition for review on certiorari assails the following issuances of the Court of Appeals in CA-G.R. SP No. 144741 entitled "*Radames F. Herrera v. Noel P. Mago, Simeon B. Villacrusis, and Jose R. Asis, Sr.:*"

1) Decision[1] dated October 24, 2016, affirming petitioner's liability for grave misconduct and conduct prejudicial to the best interest of service and the penalty of dismissal and accessory penalties imposed on him; and

[1] Penned by Associate Justice Ramon R. Garcia, with the concurrence of Associate Justices Leoncia R. Dimagiba and Jhosep Y. Lopez, all members of Fifteenth Division, *rollo*, pp. 29-42.

2) Resolution[2] dated April 7, 2017, denying petitioner's motion for reconsideration.

Antecedents

On May 15, 2013, the Department of Budget and Management (DBM) issued Local Budget Circular No. 103 granting an increase in the Representation and Transportation Allowances (RATA) of local chief executives, local vice-chief executives, *sanggunian* members, department heads, assistant department heads, chiefs of hospitals, and division chiefs in special cities. The increase was chargeable to the local government units (LGUs) concerned. The increase was retroactive to January 1, 2013, subject to the 45% to 55% limitation on personal services expenditure under Section 325(a) of Republic Act No. 7160[3] (RA 7160).[4]

On August 12, 2013, the *Sangguniang Bayan* of Vinzons, Camarines Norte passed Supplemental Budget No. 21-2013 and Appropriation Ordinance No. 02-2013 appropriating the amount of ₱4,136,512.83 to cover its members' RATA increase from January to June 2013. Mayor Agnes Diezno-Ang, however, vetoed in part the appropriation for "RATA differential" insofar as it exceeded the 45% statutory limitation on personal services expenditure or a total of ₱443,520.00 only.[5]

By Resolution No. 34-2013 dated October 14, 2013, the *Sangguniang Bayan* unanimously voted to override the veto.[6]

On December 25, 2013, former councilor Enrique Palacio, Jr. wrote petitioner Vice-Mayor Radames Herrera for the release of his "RATA differential" for January to June 2013. In response, petitioner instructed Municipal Accountant Leonilo Pajarin to prepare the corresponding payroll for "RATA differentials" due not only to Enrique Palacio, Jr., but also to other former councilors Victor Ingatan, Gilberto Adorino, and Nestor Pajarillo.[7]

Municipal Accountant Leonilo Pajarin signified his reservations about the payment of "RATA differentials" to the four (4) former councilors. He opined that pursuant to Section 106 of Presidential Decree No. 1445 (PD 1445) and Section 454 of RA 7160, they were not entitled to RATA differential because they were no longer in active service when the supplemental budget and ordinance were passed. But despite Pajarin's reservations, Obligation Request No. 713-12-13-2722 for ₱76,800.00 corresponding to the four (4) councilors' RATA differentials was released.[8]

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[2] *Id.* at 44-45.
[3] The Local Government Code.
[4] *Rollo*, p. 30.
[5] *Id.* at 30-31.
[6] *Id.* at 31.
[7] *Id.*
[8] *Id.* at 31-32.

The obligation request was forwarded to Municipal Budget Officer Raul Rigodon, who refused to sign it for the same reason. He annotated his objection on the obligation request. But, again, despite this objection, Disbursement Voucher No. 1002014030061 for ₱76,800.00 was prepared and referred to Municipal Treasurer Cynthia Jimenez, who refused to sign it and wrote "*I invoke Section 344 of RA 7160 and Section 40 of NGA's and the right not to be liable/accountable from any liability that may arise in this transaction.*"[9]

In the end, it was only petitioner who signed the disbursement voucher in his capacity as agency head or authorized representative. The amount of ₱76,800.00 was released and the four (4) former councilors received their RATA differential.[10]

On review, the *Sangguniang Panlalawigan* of Camarines Norte declared as inoperative Supplemental Budget No. 21-2013 and Appropriation Ordinance No. 02-2013 based on the same ground cited by Mayor Agnes Diezno-Ang, *i.e.*, the appropriation exceeded the 45% limit set by law on personal services expenditures. Subsequently, the Commission on Audit (COA), Daet, Camarines Norte issued Notice of Disallowance dated October 14, 2014 to the extent of ₱76,800.00. Petitioner and the four (4) former councilors were, therefore, directed to return the amount, which they did.[11]

Proceedings before the Office of the Ombudsman

On January 9, 2015, respondents Noel Mago, Simeon Villacrusis, and Jose Asis, Sr., all residents of the Municipality of Vinzons, filed a Complaint-Affidavit (with Urgent Prayer for Preventive Suspension) against petitioner. They accused petitioner of disregarding the ethical standards of public officials and gravely abusing his position when he facilitated the release of the RATA differential for the four (4) former councilors despite the refusal/reservations of the municipal accountant, municipal treasurer, and municipal budget officer. Notably, Municipal Accountant Leonilo Pajarin still issued Obligation Request No. 713-12-13-2722 because petitioner told him "*Ipaparelease ko yan at ako na ang may sagot kung idis-allow yan ng COA.*" Petitioner was guilty of grave abuse of authority, gross ignorance of law, conduct prejudicial to the best interest of the service, and violation of the rules and regulations on the disbursement of public funds because of his act of illegally releasing the RATA differentials to the four (4) former councilors.[12]

Petitioner, in turn, denied any wrongdoing and prayed for the dismissal of the complaint. He asserted that the complaint was politically-motivated because it was initiated by the supporters of Mayor Agnes Ang, with whom he was not in good terms. He admitted that he requested the Office of the

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[9] *Id.* at 32.
[10] *Id.* at 32-33.
[11] *Id.* at 33.
[12] *Id.* at 34.

Municipal Accountant to prepare the RATA differential because he believed in good faith that the four (4) former councilors were entitled thereto. He, however, denied compelling the municipal officers to release the RATA differentials. The municipal officers voluntarily signed the pertinent documents although they expressed reservations thereon. Proper procedures were observed and there were, in fact, available funds for the RATA differentials. When COA disallowed the payment, the four (4) former councilors returned the corresponding amounts they received.[13]

Ruling of the Ombudsman

By Decision[14] dated October 2, 2015, the Office of the Ombudsman found petitioner guilty of grave misconduct and conduct prejudicial to the best interest of service, thus, meting on him the penalty of dismissal from the service with all the accessory penalties. Petitioner improperly interfered with the release of the RATA differentials, despite the objections of the municipal officers, tarnished the integrity of his office, and committed an act prejudicial to public interest. Further, his clear intent to violate the law was manifest, amounting to grave misconduct when he allowed payment of the RATA differential despite the absence of the respective signatures of the municipal accountant and the municipal treasurer on the disbursement voucher.[15] Consequently, the Office of the Ombudsman decreed:

> WHEREFORE, finding substantial evidence, respondent RADAMES F. HERRERA, is found administratively liable for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service and is meted the penalty of DISMISSAL FROM THE SERVICE with all its accessory penalties including cancellation of eligibility, forfeiture of retirement benefits, except accrued leaves, perpetual disqualification to hold public office and bar from taking civil service examinations pursuant to Section 10, Rule III, Administrative Order No. 07 as amended by Administrative Order No. 17, in relation to Section 25 of Republic Act No. 6770.
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> In the event that the penalty of dismissal can no longer be enforced due to respondent's separation from the service, the same shall be converted into a fine in the amount equivalent to respondent's salary for one (1) year payable to the Office of the Ombudsman and may be deductible from respondent's retirement benefits, accrued leave credits, or any receivable from their office.
>
> The Honorable Secretary, Department of the Interior and Local Government is hereby directed to implement this DECISION immediately upon receipt thereof pursuant to Section 7, Rule III of Administrative Order No. 07, as amended by Administrative Order No. 17 (Ombudsman Rules of Procedure) in relation to Memorandum Circular No. 1 Series of 2005 dated 11 April 2006 and to promptly (notify) this Office of the action taken hereon.

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[13] *Id.* at 34.
[14] *Id.* at 35.
[15] *Id.*

SO ORDERED.[16]

Petitioner moved for reconsideration which the Office of the Ombudsman denied under Joint Order dated January 18, 2016.[17]

Proceedings before the Court of Appeals

Petitioner, thereafter, sought affirmative relief from the Court of Appeals. He basically argued that he acted in good faith in facilitating the release of the RATA differentials. Since he acted in good faith, he could not be guilty of conduct prejudicial to the best interest of the service and grave misconduct.[18]

By its assailed Decision dated October 24, 2016, the Court of Appeals affirmed. It held that the factual findings of the Office of the Ombudsman are accorded with great respect and finality especially when these are supported by substantial evidence.[19] Petitioner was guilty of grave misconduct when he facilitated the release of the RATA differential without following the procedure set by law, *viz.*: 1) the local budget officer must certify to the existence of appropriation that has been legally made for the purpose; 2) the local accountant must obligate said appropriation; and 3) the local treasurer must certify to the availability of funds for the purpose.[20] By facilitating the release of the funds, he was guilty of conduct prejudicial to the best interest of service.[21]

Petitioner cannot invoke good faith for the attendant circumstances would have already put him on guard. He was duly informed of the objections of the municipal officers concerned but he still compelled the release of the RATA differential. He had been repeatedly told that the release of the RATA differential was illegal.[22]

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[16] *Id.* at 35-36.
[17] *Id.* at 36.
[18] *Id.* at 35-36.
[19] *Id.* at 38.
[20] See Local Government Code: Section 344. Certification, and Approval of Vouchers. - No money shall be disbursed unless the local budget officer certifies to the existence of appropriation that has been legally made for the purpose, the local accountant has obligated said appropriation, and the local treasurer certifies to the availability of funds for the purpose. Vouchers and payrolls shall be certified to and approved by the head of the department or office who has administrative control of the fund concerned, as to validity, propriety, and legality of the claim involved. Except in cases of disbursements involving regularly recurring administrative expenses such as payrolls for regular or permanent employees, expenses for light, water, telephone and telegraph services, remittances to government creditor agencies such as GSIS, SSS, LDP, DBP, National Printing Office, Procurement Service of the DBM and others, approval of the disbursement voucher by the local chief executive himself shall be required whenever local funds are disbursed.

In cases of special or trust funds, disbursements shall be approved by the administrator of the fund.

In case of temporary absence or incapacity of the department head or chief of office, the officer next-in-rank shall automatically perform his function and he shall be fully responsible therefor.

[21] *Rollo*, pp. 38-39.
[22] *Id.* at 40.

Since petitioner committed two (2) offenses, the imposable penalty should correspond to the most serious offense. Conduct prejudicial to the best interest of service is punishable by suspension from six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense. Grave misconduct is punishable by dismissal with cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification for reemployment in the government service and bar from taking the civil service examination. Since grave misconduct was the more serious offense, dismissal and its accessory penalties were duly imposed by the Office of the Ombudsman.[23]

Petitioner moved for reconsideration, which the Court of Appeals denied through its assailed Resolution[24] dated April 7, 2017.

The Present Petition

Petitioner now invokes this Court's discretionary appellate jurisdiction for affirmative relief *via* Rule 45 of the Revised Rules of Court. He basically argues: his alleged illegal acts were committed sometime between 2013 and 2014. He was re-elected as Vice-Mayor of the Municipality of Vinzons, Camarines Norte in the 2016 national and local elections, thus, he was already exonerated of the charges per the "Aguinaldo doctrine." The "Binay doctrine," which abandoned the "Aguinaldo doctrine," only has prospective application, that is, it only covers administrative charges from November 10, 2015 onward. Nonetheless, he was not guilty of serious misconduct because he was not impelled by malice, ill motive, or corruption when he facilitated the release of the RATA differential. Nor was he guilty of conduct prejudicial to the best interest of service because the disbursement of funds was merely an internal matter and did not involve the public at large.[25]

In their Manifestation[26] dated September 6, 2017, respondents aver that they would no longer file a comment since their former counsel is abroad and no other lawyer would accept the case.

Ruling

Petitioner can no longer avail of the condonation doctrine

The condonation doctrine was first enunciated on October 31, 1959 in ***Pascual v. Provincial Board of Nueva Ecija,***[27] *viz.*:

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[23] *Id.* at 41.
[24] *Id.* at 44-45.
[25] *Id.* at 3-21.
[26] *Id.* at 61.
[27] 106 Phil. 466, 471-472 (1959).

We now come to the main issue of the controversy—the legality of disciplining an elective municipal official for a wrongful act committed by him during his immediately preceding term of office.

In the absence of any precedent in this jurisdiction, we have resorted to American authorities. We found that cases on the matter are conflicting due in part, probably, to differences in statutes and constitutional provisions, and also, in part, to & divergence of views with respect to the question of whether the subsequent election or appointment condones the prior misconduct. The weight of authority, however, seems to incline to the rule denying the right to remove one from office because of misconduct during a prior term, to which we fully subscribe.

> "Offenses committed, or acts done, during previous term are generally held not to furnish cause for removal and this is especially true where the constitution provides that the penalty in proceedings for removal shall not extend beyond the removal from office, and disqualification from holding office for the term for which the officer was elected, or appointed." (67 C.J.S. p. 248, citing Rice vs. State, 161 S.W. 2d. 401; Montgomery vs. Nowell, 40 S.W. 2d. 418; People ex rel. Bagshaw vs. Thompson, 130 P. 2d. 237; Board of Com'rs of Kingfisher County vs. Shutler, 281 P. 222; State vs. Blake, 280 P. 388; In re Fudula, 147 A. 67; State vs. Ward, 43 S.W. 2d. 217).

The underlying theory is that each term is separate from other terms, and that the reelection to office operates as a condonation of the officer's previous misconduct to the extent of cutting off the right to remove him therefor (43 Am. Jur. p. 45, citing Atty. Gen. vs. Hasty, 184 Ala. 121, 63 So. 559, 50 L.R.A. (NS) 553. As held in Conant vs. Brogan (1887) 6 N.Y.S.R. 332, cited in 17 A.I.R. 281, 63 So. 559, 50 LRA (NS) 553—

> **"The Court should never remove a public officer for acts done prior to his present term of office. To do otherwise would be to deprive the people of their right to elect their officers. When the people have elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any. It is not for the court, by reason of such faults or misconduct to practically overrule the will of the people."** (Emphasis supplied)

The condonation doctrine had been considered as good law since then until November 10, 2015 when the Court promulgated ***Carpio-Morales v. Court of Appeals***,[28] thus:

> Relatedly it should be clarified that there is no truth in *Pascual's* postulation that the courts would be depriving the electorate of their right to elect their officers if condonation were not to be sanctioned. In political law, election pertains to the process by which a particular constituency chooses

[28] 772 Phil. 672, 773-775 (2015).

an individual to hold a public office. In this jurisdiction, there is, again, no legal basis to conclude that election automatically implies condonation. Neither is there any legal basis to say that every democratic and republican state has an inherent regime of condonation. If condonation of an elective official's administrative liability would perhaps, be allowed in this jurisdiction, then the same should have been provided by law under our governing legal mechanisms. May it be at the time of *Pascual* or at present, by no means has it been shown that such a law, whether in a constitutional or statutory provision, exists. Therefore, inferring from this manifest absence, it cannot be said that the electorate's will has been abdicated.

Equally infirm is *Pascual's* proposition that the electorate, when re-electing a local official, are assumed to have done so with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any. Suffice it to state that no such presumption exists in any statute or procedural rule. Besides, it is contrary to human experience that the electorate would have full knowledge of a public official's misdeeds. The Ombudsman correctly points out the reality that most corrupt acts by public officers are shrouded in secrecy, and concealed from the public. Misconduct committed by an elective official is easily covered up, and is almost always unknown to the electorate when they cast their votes. At a conceptual level, condonation presupposes that the condoner has actual knowledge of what is to be condoned. Thus, there could be no condonation of an act that is unknown. As observed in *Walsh v. City Council of Trenton* decided by the New Jersey Supreme Court:

Many of the cases holding that re-election of a public official prevents his removal for acts done in a preceding term of office are reasoned out on the theory of condonation. We cannot subscribe to that theory because condonation, implying as it does forgiveness, connotes knowledge and in the absence of knowledge there can be no condonation. One cannot forgive something of which one has no knowledge.

That being said, this Court simply finds no legal authority to sustain the condonation doctrine in this jurisdiction. As can be seen from this discourse, it was a doctrine adopted from one class of US rulings way back in 1959 and thus, out of touch from - and now rendered obsolete by - the current legal regime. In consequence, it is high time for this Court to abandon the condonation doctrine that originated from *Pascual*, and affirmed in the cases following the same, such as *Aguinaldo, Salalima, Mayor Garcia*, and *Governor Garcia, Jr.* which were all relied upon by the CA.

It should, however, be clarified that this Court's abandonment of the condonation doctrine should be prospective in application for the reason that judicial decisions applying or interpreting the laws or the Constitution, until reversed, shall form part of the legal system of the Philippines. x x x

In ***Office of the Ombudsman v. Vergara***,[29] the Court clarified that administrative cases against elective officials instituted prior to *Carpio-Morales* are still covered by the condonation doctrine, thus:

The above ruling, however, was explicit in its pronouncement that the abandonment of the doctrine of condonation is prospective in

[29] G.R. No. 216871, December 06, 2017, 848 SCRA 151, 171-173.

application, hence, the same doctrine is still applicable in cases that transpired prior to the ruling of this Court in *Carpio Morales v. CA and Jejomar Binay, Jr.* Thus:

> It should, however, be clarified that this Court's abandonment of the condonation doctrine should be prospective in application for the reason that judicial decisions applying or interpreting the laws or the Constitution, until reversed, shall form part of the legal system of the Philippines. Unto this Court devolves the sole authority to interpret what the Constitution means, and all persons are bound to follow its interpretation. As explained in *De Castro v. Judicial Bar Council*:
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> > Judicial decisions assume the same authority as a statute itself and, until authoritatively abandoned, necessarily become, to the extent that they are applicable, the criteria that must control the actuations, not only of those called upon to abide by them, but also of those duty-bound to enforce obedience to them.
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> Hence, while the future may ultimately uncover a doctrine's error, it should be, as a general rule, recognized as "good law" prior to its abandonment. Consequently, the people's reliance thereupon should be respected. The landmark case on this matter is *People v. Jabinal*, wherein it was ruled:
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> [W]hen a doctrine of this Court is overruled and a different view is adopted, the new doctrine should be applied prospectively, and should not apply to parties who had relied on the old doctrine and acted on the faith thereof.
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> Later, in *Spouses Benzonan v. CA*, it was further elaborated:
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> > [P]ursuant to Article 8 of the Civil Code "judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines." But while our decisions form part of the law of the land, they are also subject to Article 4 of the Civil Code which provides that "laws shall have no retroactive effect unless the contrary is provided." This is expressed in the familiar *legal maxim lex prospicit, non respicit*, the law looks forward not backward. The rationale against retroactivity is easy to perceive. The retroactive application of a law usually divests rights that have already become vested or impairs the obligations of contract and hence, is unconstitutional.
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> Indeed, the lessons of history teach us that institutions can greatly benefit from hindsight and rectify its ensuing course. Thus, while it is truly perplexing to think that a doctrine which is barren of legal anchorage was able to endure in our jurisprudence for a considerable length of time, this Court, under a new membership, takes up the cudgels and now abandons the condonation doctrine.
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> **Considering that the present case was instituted prior to the above-cited ruling of this Court, the doctrine of condonation may still be applied.** (Emphasis supplied)

Yet, in ***Crebello v. Ombudsman***,[30] it was underscored that the prospective application of *Carpio-Morales* should be reckoned from April 12, 2016 because that was the date on which this Court had acted upon and denied with finality the motion for clarification/motion for partial reconsideration thereon.

Verily, we hold that petitioner can no longer avail of the condonation doctrine because although the complaint below was instituted on January 9, 2015, he got reelected only on May 9, 2016, well within the prospective application of *Carpio-Morales*.

The Office of the Ombudsman's factual findings are supported by substantial evidence

Grave misconduct is defined as the transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer coupled with the elements of corruption, willful intent to violate the law or to disregard established rules.[31]

Here, petitioner undoubtedly committed grave misconduct when he facilitated the release of the RATA differential despite the absence of the mandatory requisites prescribed by Section 344 of the Local Government Code that "*no money shall be disbursed unless the local budget officer certifies to the existence of appropriation that has been legally made for the purpose, the local accountant has obligated said appropriation, and the local treasurer certifies to the availability of funds for the purpose.*" As keenly noted by the Court of Appeals:

> Petitioner's hand in the questioned transaction is unassailable. He admitted that he had requested Municipal Accountant Leonilo Pajarin to prepare the payroll for the RATA differential despite the fact that they were no longer connected with the *Sangguniang Bayan*. He also went to the Office of the Municipal Accountant to follow up his request for the release of the RATA differentials of the four former Councilors. Moreover, despite knowledge of the Municipal Officers' unanimous opinion that the former Councilors were not entitled to RATA differentials for the period of January to June 2013 and their refusal to sign the necessary documents therefor, petitioner still approved for payment the Disbursement Voucher No. 1002014030061. He was, in fact, the sole signatory approving the release of the amount of P76,800.00 representing the total salary differentials of the four former Councilors.[32]

Petitioner was shown to have willfully violated the law or disregarded established rules when he facilitated, pursued, and even forced the release of

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[30] G.R. No. 232325, April 10, 2019.
[31] *Fajardo v. Corral*, 813 Phil. 149, 158 (2017)
[32] *Rollo*, p. 39.

the RATA differential to persons who were not legally entitled to receive them. This constitutes grave misconduct.

Further, petitioner is guilty of conduct prejudicial to the best interest of the service considering that his questioned act tainted the image and integrity of his office as Vice-Mayor.

Under Section 50[33] of the Revised Rules on Administrative Cases in the Civil Service, if the respondent is found guilty of two (2) or more charges, the penalty for the most serious charge shall be imposed and the other charges shall be considered as aggravating circumstances. Likewise, under Section 49[34] of the same Rules, the maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.[35]

Grave misconduct is classified as a grave offense for which the penalty of dismissal is meted even for first time offenders.[36] On the other hand, conduct prejudicial to the best interest of the service is a grave offense, which carries the penalty of suspension for six (6) months and one (1) day to one (1) year for the first offense, and the penalty of dismissal for the second offense.[37] Since grave misconduct is the more serious charge and in the absence of any mitigating circumstance, the penalty of dismissal and its accessory penalties should be imposed on petitioner.

ACCORDINGLY, the petition is **DENIED,** and the assailed Decision dated October 24, 2016 and Resolution dated April 7, 2017 of the Court of Appeals in CA-G.R. SP No. 144741, **AFFIRMED**.

SO ORDERED.

AMY C. LAZARO-JAVIER
Associate Justice

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[33] Section 50. Penalty for the Most Serious Offense. - If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

[34] Section 49. Manner of Imposition. - When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

x x x

c. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

x x x

[35] *Office of the Ombudsman, FIO v. Faller*, 786 Phil. 467, 483 (2016).

[36] *Sabio v. FIO*, G.R. No. 229882, February 13, 2018, 855 SCRA 293, 305.

[37] *Miranda v. CSC*, G.R. No. 213502, February 18, 2019.

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice
Chairperson

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

JOSE C. REYES, JR.
Associate Justice

MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.

DIOSDADO M. PERALTA
Chief Justice
Chairperson, First Division