



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

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FIRST DIVISION

DANILO BRIZUELA,* **BELGA** **y** **G.R. No. 241836**
Petitioner, Present:

GESMUNDO, C.J., Chairperson,
CAGUIOA,
LAZARO-JAVIER,
LOPEZ, M., and
LOPEZ, J., JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

NOV 11 2021

X-----X

DECISION

CAGUIOA, J.:

Before this Court is a Petition for Review on *Certiorari*¹ (Petition) under Rule 45 of the Rules of Court questioning the Decision² dated May 21, 2018 and Resolution³ dated August 24, 2018 of the Court of Appeals (CA), Eighth Division in CA-G.R. CR No. 39940, which affirmed the Decision⁴ dated December 2, 2016 rendered by the Regional Trial Court (RTC), Branch 18, Tabaco City in Crim. Cases Nos. T-5819 and T-5820, which found herein petitioner **Danilo Belga y Brizuela** (petitioner) guilty beyond reasonable doubt of violating Sections 11 and 12, Article II of Republic Act No. (R.A.) 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended by R.A. 10640.

* "Danilo Belga y Brizuela @ 'Kambal'" in some parts of the *rollo* and CA *rollo*.

¹ *Rollo*, pp. 13-28.

² Id. at 32-61. Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Samuel H. Gaerlan (now a member of this Court) and Marie Christine Azcarraga-Jacob, concurring.

³ Id. at 63-64.

⁴ Id. at 83-90. Penned by Judge Mamerto M. Buban, Jr.

The Facts

On March 1, 2014, two separate Informations⁵ for violation of Sections 11 and 12, Article II of R.A. 9165 were filed against herein petitioner, the accusatory portions of which read:

[Crim. Case No. T-5819, Section 12]

“That on or about 5:30 o’clock in the morning of February 28, 2014, at Barangay 13, Municipality of Bacacay, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully[,] and feloniously, have in his possession, custody[,] and control **drug paraphernalias (sic), such as [a] lighter, rolled aluminum foil, improvised tooter[,] and a match** which are intended for smoking, consuming, administering or introducing any dangerous drug into the body, to the damage and prejudice of the public welfare.”

ACTS CONTRARY TO LAW[.]⁶ (Emphasis and underscoring in the original)

[Crim. Case No. T-5820, Section 11]

“That on or about 5:30 o’clock in the morning of February 28, 2014, at Barangay 13, Municipality of Bacacay, Province of Albay, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully[,] and feloniously, have in his possession, custody[,] and control, three (3) pieces of small heat sealed transparent plastic sachets each containing white crystalline substance which was tested positive for Methamphetamine Hydrochloride or “Shabu”, a dangerous drug, with a collective weight of 0.148 grams (*sic*), to the damage and prejudice of the public welfare.”

ACTS CONTRARY TO LAW[.]⁷ (Emphasis in the original)

When arraigned, petitioner pleaded “not guilty” to the offenses charged.⁸

Version of the Prosecution

The version of the prosecution, as summarized by the RTC, is as follows:

Taking the witness stand for the government, PO2 Alex Lucañas narrated to the court that prior to the implementation of the search warrant, they first underwent briefing at the police station where he was designated as the seizing officer and at the same time the evidence custodian. At about 4:45 a.m., the team together with PDEA agents jumped off and proceeded to the target area at Sitio Tubog, Brgy. 13, Bacacay, Albay. During his search in the bedroom of Mr. Belga, on top of the table, he recovered one pencil case containing three heat-

⁵ Records (Crim. Case No. T-5819), p. 1; records (Crim. Case No. T-5820), p. 1.

⁶ Records (Crim. Case No. T-5819), id.

⁷ Records (Crim. Case No. T-5820), p. 1.

⁸ *Rollo*, p. 34.

sealed plastic sachet with white crystalline substance suspected as shabu. While continuing with his search, he seized live ammunitions for cal. 45. He likewise seized one (1) commando match box, improvised tooter, rolled aluminum foil placed in heat-sealed plastic sachet. Thereafter, they proceeded to the police station where he prepared the Request for Laboratory Examination and subsequently turned them over to PNP Crime Laboratory Unit where the same was received by Police Officer Latoza as shown from the Chain of Custody Form. For the non-drug items, he took custody of the same.

At the witness stand, he identified all the drug and non-drug items which were seized by him in the course of the search as well as the photographs that were taken during the inventory.

Francis Ryle Camarce[,] at the witness stand, identified the affidavit he executed and testified that he was the one who arrested Belga, the herein accused for violation of R.A. 9165, in the presence of the seizing officer, PDEA agents, their team leader, Luke Palma Ventura and other PDEA agents. That except for witnessing the inventory, he did not participate in the search.

PSI Luke Ventura, testified that he came to know of the accused thru casing and surveillance. Prior to the implementation of the search warrant, he prepared documents like the Pre-Operation Report and the Request for Coordination with the PDEA.

PSI Wilfredo I. Pabustan, the forensic chemist who conducted the examination on the items submitted to his office, narrated and explained to the Court the procedures he undertook in examining the specimens which he marked as A, B, C and E, and his examination gave positive result to the test for methamphetamine hydrochloride, the dangerous drug. With respect to specimen D, the same does not contain methamphetamine hydrochloride because it gave negative result to the test for the presence of drug. That the items he examined were received by him from Police Officer Latoza, the duty receiving clerk in their office. After receipt of the items, he checked if the markings therein tallies (*sic*) with that of the described markings in the Letter-Request and after finding that it tallied, he proceeded with the examination. After examination, he turned over the items to Maribel Bagato for safekeeping. At the witness stand, he affirmed and confirmed the contents of Chemistry Report No. D-43-2014.

PO2 Zarlyn Latoza, claimed that as duty PNCO, her duties and responsibilities are to receive all incoming communications as well as request for examination of specimens submitted. At the witness stand, she identified the request (Exhibit "H") as well as the signature thereto. She likewise identified the items that were submitted for examination.

Kagawad Renato Bertillo of Barangay 13, Bacacay, Albay, would tell the [c]ourt that between 4:30 to 5:00 o'clock in the morning, police officers came to his residence to ask his presence during the conduct of the search in the house of Kambal Belga (Danilo Belga). Arriving at the place of Belga, a police officer read the search warrant. After the same was read to the accused, they entered the house including the accused and the searching officer started with the search. Inventory was conducted. At the witness stand, he identified the items which were seized during the search with markings LAA. He likewise identified the Receipt of Property Seized as well as the Certificate of Orderly Search.

Norma Cardifio, another barangay kagawad of Barangay 13, would narrate to the [c]ourt that on February 28, 2014 at about 5:30 o'clock in the morning, police officers Bellen and Belleza knocked at her house, telling her that they

need a barangay official in the conduct of the search, so, she went with the policemen to the house of accused, Danilo Belga. Arriving at the house, the chief of police read the search warrant to the accused and informed him of his rights. Thereafter, they entered the house together with the representative for media, DOJ, policemen[,] and barangay kagawad[,] and the accused. During the search, plastic with white crystalline substance inside, a lighter, match box, eyeglass case[,] and aluminum foils were found. The items were laid on the table and were marked and listed on a piece of paper while a policeman was taking pictures. At the witness stand[,] he identified the photographs which were taken during the implementation of the search warrant. (Exhibits "J" to "J-5", inclusive) and explained the sequences depicted on the pictures. After the search, the suspect was handcuffed and they were made to sign the Certificate of Inventory as well as the Certificate of Orderly search. After the signing of the mentioned documents, accused was boarded on a patrol car and she followed for her to make sure that the accused reached the station, thereafter, she went home.⁹

Version of the Defense

The version of the defense, as summarized by the RTC, is as follows:

Denying the charges against him, accused, Danilo Belga would tell the [c]ourt that on February 28, 2014 at about 5:30 a.m., he was awakened from his sleep on account of the barking of a dog. He then stood up and got [a] flashlight and when he was about to go out, the door was kicked. He was not able to identify who kicked the door because it was still dark and there were many (*sic*). There were those who stayed in front of the house and those at the back and the people simultaneously [went] inside his house[,] more particularly at the very place where he slept. They made him lie down with [his] face downward and when he asked what they were looking for, they just did not answer. Receiving no answer from them, he shouted for [a] tanod and they kicked him.¹⁰

Ruling of the RTC

In a Decision dated December 2, 2016, the RTC convicted petitioner for violation of Sections 11 and 12, Article II of R.A. 9165, to wit:

WHEREFORE, from all the foregoing, judgment is hereby rendered finding the accused "**GUILTY**" beyond reasonable doubt in both cases. Accordingly, in Criminal Case No. 5819 for possession of drug paraphernalias (*sic*), accused is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from **SIX (6) MONTHS and ONE (1) DAY, as minimum, to FOUR (4) YEARS**, as maximum; and to pay a fine of Ten Thousand (Php10,000.00) Pesos.

WHEREAS, in Criminal Case No. 5820 for violation of Section 12, R.A. 9165, accused is hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from **TWELVE (12) YEARS and ONE (1) DAY, as minimum, to SIXTEEN (16) YEARS, as maximum**; and, to pay a fine of Three Hundred Thousand (Php300,000.00) Pesos.

The drug and drug paraphernalias (*sic*) are hereby confiscated and forfeited in favor of the government.

⁹ Id. at 84-87.

¹⁰ Id. at 87.



SO ORDERED.¹¹ (Emphasis and italics in the original)

The RTC ruled that the police officers followed the proper procedure in the implementation of the search warrant, seizure of the drug items, and arrest of petitioner. Prior to the application for a search warrant, the police officers conducted surveillance on petitioner and consequently conducted a test buy operation, which proved to be successful when the policemen were able to buy one (1) medium heat-sealed transparent plastic sachet containing white crystalline substance suspected to be *shabu* in the amount of ₱500.00. At the residence of petitioner, before the conduct of the search, the search warrant was read and explained to petitioner. During the actual search, petitioner was with the searching officer and observed the search. When the drugs and drug paraphernalia were discovered and seized, the same were marked and thereafter inventoried in the presence of petitioner and the required witnesses at the place of arrest.

Ruling of the CA

In a Decision dated May 21, 2018, the CA affirmed the conviction of petitioner, to wit:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated 02 December 2016 of the Regional Trial Court of Tabaco City, Branch 18 in *Crim. Case No. T-5819* for violation of Section 12, Article II of Republic Act No. 9165, and imposing upon accused-appellant the indeterminate penalty of imprisonment of six (6) months and one (1) day as minimum, to four (4) years, as maximum and a fine of Php10,000.00; and in *Crim. Case No. T-5820* for violation of Section 11, Article II of Republic Act No. 9165, and imposing upon him the indeterminate penalty of imprisonment of twelve (12) years and one (1) day, as minimum, to sixteen (16) years, as maximum, and a fine of Php300,000.00 is **AFFIRMED**.

SO ORDERED.¹² (Emphasis and italics in the original)

The CA held that the prosecution was able to prove all the elements of the crimes charged. It further ruled that the prosecution established the chain of custody, as well as the integrity and evidentiary value of the dangerous drugs from the time of seizure up to the time it was presented in court. Lastly, it ruled that denial and alibi are intrinsically weak defenses which must be buttressed with strong evidence of non-culpability to merit credibility. Thus, petitioner's mere denial cannot prevail over the positive and categorical identification and declarations of the police officers.

Hence, petitioner filed a Petition.

¹¹ Id. at 90.

¹² Id. at 58-59.



In a Resolution¹³ dated December 5, 2019, the Court ordered respondent, through the Office of the Solicitor General (OSG) to file a Comment on the Petition. The OSG filed its Comment¹⁴ dated June 29, 2020.

Issue

Whether the CA committed reversible error in affirming the conviction of petitioner for violation of Sections 11 and 12, Article II of R.A. 9165.

The Court's Ruling

The Petition lacks merit.

At the outset, the Court notes that the issues raised in the Petition are factual and evidentiary in nature, which are outside the Court's scope of review in Rule 45 petitions. In this regard, it is settled that the assessment of the credibility of witnesses is a task most properly within the domain of trial courts due to the unique opportunity afforded them to observe the witnesses when placed on the stand.¹⁵ While questions of fact have been entertained by the Court in justifiable circumstances, petitioner herein failed to establish that the instant case falls within the allowable exceptions. Hence, not being a trier of facts but of law, the Court must necessarily defer to the concurrent findings of fact of the CA and the RTC.¹⁶

Be that as it may, the Court finds no reversible error committed by the CA in affirming petitioners' guilt for violation of Sections 11 and 12, Article II of R.A. 9165.

The appeal lacks merit. The Court affirms petitioner's conviction for violation of Sections 11 and 12, Article II of R.A. 9165.

In the prosecution of the crimes involving illegal drugs, aside from proof beyond reasonable doubt that the offenses were committed, there must be proof of the identity and integrity of the *corpus delicti* — the dangerous drug itself.¹⁷ There must be an accounting of the following links in its chain of custody: *first*, the seizure and marking of the illegal drug recovered from the accused by the apprehending officer; *second*, the turnover of the illegal drug seized by the apprehending officer to the investigating officer; *third*, the turnover by the investigating officer of the illegal drug to the forensic chemist for laboratory examination; and *fourth*, the turnover and submission of the marked illegal drug seized by the forensic chemist to the court.¹⁸

¹³ Id. at 125.

¹⁴ Id. at 132-152.

¹⁵ *People v. Gahi*, 727 Phil. 642, 658 (2014).

¹⁶ *Miro v. Vda. de Erederos*, 721 Phil. 772, 785-787 (2013).

¹⁷ *People v. Barte*, 806 Phil. 533, 542 (2017).

¹⁸ *Jacson v. People*, G.R. No. 199644, June 19, 2019, 904 SCRA 537, 548.



In this relation, as part of the chain of custody, Section 21,¹⁹ Article II of R.A. 9165, imposes upon the members of the apprehending team to strictly comply with the following requirements: (1) the seized items must be inventoried and photographed immediately after seizure or confiscation; and (2) the physical inventory and photographing must be done in the presence of (a) the accused or his/her representative or counsel, (b) an elected public official, (c) a representative from the media, and (d) a representative from the Department of Justice (DOJ), all of whom shall be required to sign the copies of the inventory and be given a copy thereof.²⁰

Strict compliance with Section 21 is mandatory, and any deviation therefrom must be acknowledged and explained or justified by the prosecution.²¹

Petitioner contends that the requirements of Section 21 of R.A. 9165 were not complied with. He argues that: (1) the inventory report shows that the sachets containing the white crystalline substances were not weighed, thus the alleged amount of white crystalline substance in the Information is not precise and (2) the prosecution failed to establish every link in the chain of custody since PO3 Maribel Bagato (PO3 Bagato), the evidence custodian, was not presented.²²

However, these arguments are clearly without merit.

In the instant case, the police officers were able to follow to the letter the strict requirements of Section 21. The prosecution was able to establish an unbroken chain of custody over the sachets of shabu and drug paraphernalia, that is, from the seizure, confiscation, and marking of the sachets of shabu and drug paraphernalia up to the delivery of the same to the crime laboratory, and presentation before the RTC.²³

First, the implementation of the search warrant in the house of petitioner was witnessed by two (2) barangay officials of Barangay 13, Bacacay, Albay, a representative from the media, and a representative from

¹⁹ The said section reads as follows:

SEC. 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* — The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof[.]

²⁰ *People v. De Leon*, G.R. No. 214472, November 28, 2018, 887 SCRA 349, 363.

²¹ *Limbo v. People*, G.R. No. 238299, July 1, 2019, 907 SCRA 129.

²² *Rollo*, p. 45.

²³ *Id.* at 147-148.

the DOJ.²⁴ PO2 Alex Lucañas²⁵ (PO2 Lucañas), the seizing officer for the said operation, found three (3) heat-sealed sachets containing white crystalline substance inside an empty Marlboro pack.²⁶ PO2 Lucañas also recovered a lighter, a match, an improvised tooter, a rolled foil place in a heat-sealed plastic, and an ammunition of calibre .45 gun.²⁷ Thereafter, the items recovered by PO2 Lucañas were placed on the table and were marked by him in the presence of petitioner, two (2) barangay officials, a media representative, and a DOJ representative.²⁸ After marking the items, PO2 Lucañas prepared an Inventory of Property Seized²⁹ and requested the witnesses to sign the same, which they all did.³⁰

Second, following petitioner's arrest, PO2 Lucañas maintained custody and possession of the seized items.³¹ When they got back to the police station, he prepared the letter-request addressed to the Philippine National Police (PNP) Crime Laboratory Office in Legazpi City.³² On that same day, he delivered the letter-request together with the heat-sealed plastic sachets to the PNP Crime Laboratory for examination.³³

Third, PO2 Zarlyn Latoza received the letter-request and seized paraphernalia from PO2 Lucañas.³⁴ She marked the specimens and placed them inside a bigger envelope and put her marking and signature on them.³⁵ She then handed the same to PSI Wilfredo I. Pabustan, Jr (PSI Pabustan, Jr.) who examined the said drugs submitted to his office.³⁶ The test results showed that the seized items were positive for methamphetamine hydrochloride.³⁷ The results were contained in Chemical Report No. D-43-2014.³⁸

In this relation, petitioner contends that the sachets containing the white crystalline substances were not weighed, thus the alleged amount of white crystalline substance in the Information is not precise.³⁹ However, Chemistry Report No. D-43-2014 dated February 28, 2014 proves otherwise.⁴⁰ It clearly stated that the specimen submitted were four (4) heat-sealed transparent plastic sachets each containing crystalline substance, having the following markings and recorded net weights: A(LAA-1)=0.037 gram, B(LAA-2)=0.061 gram, C(LAA-3)=0.050 gram, D(LAA-10)=5.214 gram, and E-One (1) improvised tooter with markings LAA-6.⁴¹ Qualitative examination

²⁴ Id. at 147.

²⁵ Spelled "Lucanas" and "Lacanas" in some parts of the *rollo* and CA *rollo*.

²⁶ *Rollo*, p. 147.

²⁷ Id.

²⁸ Id.

²⁹ Records (Crim. Case No. T-5819), pp. 26-27.

³⁰ *Rollo*, p. 147.

³¹ Id.

³² Id.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id. at 147-148.

³⁸ Id. at 148; records (Crim. Case No. T-5819), p. 21.

³⁹ *Rollo*, id. at 74-75.

⁴⁰ Id. at 146.

⁴¹ Id.; records (Crim. Case No. T-5819), p. 21.



conducted on the above-mentioned specimens gave the following results: specimens A, B, C and E gave positive results to the test for the presence of methamphetamine hydrochloride, while specimen D yielded a negative result.⁴² Thus, the collective weight of the three (3) sachets of drugs seized, excluding specimen D, was 0.148 gram, as specified in the Information. These were the same specimens identified by PO2 Lucañas in court.⁴³

Fourth, after examining the items, PSI Pabustan, Jr. turned over the items to PO3 Bagato, their evidence custodian, for safekeeping.⁴⁴ PSI Pabustan, Jr. then received the specimens from the assistant evidence custodian on the day he testified and not from PO3 Bagato, since the latter was schooling.⁴⁵

Anent the last link, petitioner argues that the prosecution failed to establish every link in the chain of custody since PO3 Bagato, the evidence custodian, was not presented.

However, as shown above, the prosecution was clearly able to account for each link in the chain of custody over the dangerous drugs.

Further, the failure of the prosecution to present PO3 Bagato, the evidence custodian, is not fatal to the admissibility of the seized drugs and paraphernalia. In *People v. Padua*,⁴⁶ the Court held that not all people who came into contact with the seized drugs are required to testify in court. There is nothing in R.A. 9165 or in any rule implementing the same that imposes such requirement. As long as the chain of custody of the seized drug was clearly established not to have been broken and that the prosecution did not fail to identify properly the drugs seized, it is not indispensable that each and every person who came into possession of the drugs should take the witness stand.

In *People v. Zeng Hua Dian*,⁴⁷ the Court ruled:

After a thorough review of the records of this case, we find that the chain of custody of the seized substance was not broken and that the prosecution did not fail to identify properly the drugs seized in this case. The non-presentation as witnesses of other persons such as SPO1 Grafia, the evidence custodian, and PO3 Alamia, the officer on duty, is not a crucial point against the prosecution. The matter of presentation of witnesses by the prosecution is not for the court to decide. The prosecution has the discretion as to how to present its case and it has the right to choose whom it wishes to present as witnesses.⁴⁸

⁴² Id.; records, id.

⁴³ *Rollo*, id.

⁴⁴ Id. at 148.

⁴⁵ Id.

⁴⁶ 639 Phil. 235, 251 (2010).

⁴⁷ 475 Phil. 700 (2004).

⁴⁸ Id. at 709.

Hence, since the prosecution was able to prove that the integrity and evidentiary value of the seized drugs remained uncompromised, the Court finds no reasons to disturb the decision of the CA.

Thus, petitioner's conviction must be upheld.

On a final note, the Court is not unaware that there have been numerous cases⁴⁹ wherein due to the police officers' inexcusable failure to comply with the mandatory requirements of Section 21, the Court has been compelled to acquit an accused.

However, it is obvious in this case that although the mandatory requirements of Section 21 are strict, they are not unreasonable and are in fact, not difficult to follow. As adequately shown above, the police officers were able to meticulously follow the procedure laid out in Section 21 – from the arrest of the accused and the seizure, marking, photography and inventory of the illegal drugs and paraphernalia in the presence of the three (3) mandatory witnesses, to the turnover of the illegal drugs and paraphernalia seized to the investigator and then to the forensic chemist for examination, until their final turnover to the Court.

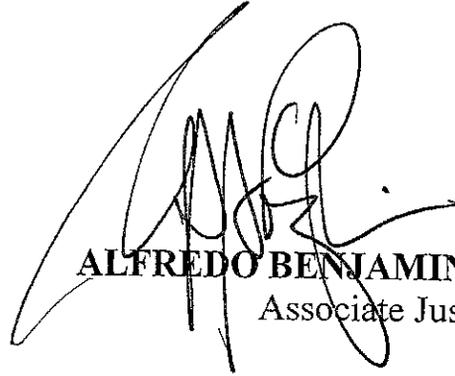
This case therefore belies any claim that the requirements of R.A. 9165 are difficult to comply with and defeats the usual weak and flimsy excuses of police officers for non-compliance. It is an exemplar of how the law can be easily followed if the police officers are thorough enough. More importantly, it shows that if police officers diligently perform their duties and obligations, justice would be rightfully served. The Court thus commends the police officers involved in this case for upholding the law and enforcing it as it is.

WHEREFORE, premises considered, the petition is **DENIED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated May 21, 2018 of the Court of Appeals, Eighth Division in CA-G.R. CR No. 39940. The Decision finding petitioner **DANILO BELGA y BRIZUELA** guilty beyond reasonable doubt of violating Sections 11 and 12, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, as amended by Republic Act No. 10640 is **AFFIRMED**.

⁴⁹ *Asis v. People*, G.R. No. 241602, November 20, 2019, 925 SCRA 693; *Loayon v. People*, G.R. No. 232940, January 14, 2019, 890 SCRA 331; *People v. Arciaga*, G.R. No. 239471, January 14, 2019, 890 SCRA 392; *People v. Ilagan*, G.R. No. 227021, December 5, 2018, 888 SCRA 496; *People v. Mendoza*, G.R. No. 225061, October 10, 2018, 883 SCRA 119; *Ramos v. People*, 837 Phil. 473 (2018); *People v. Balubal*, 837 Phil. 496 (2018).



SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

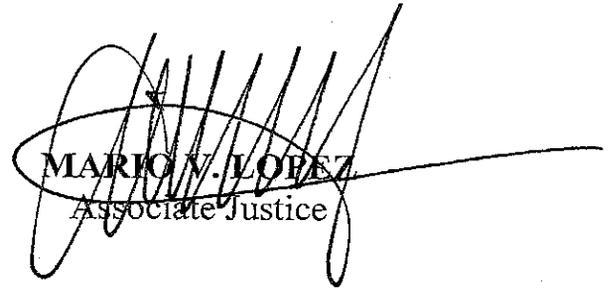
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



JHOSEP Y. 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.



ALEXANDER G. GESMUNDO
Chief Justice

