



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 252021
Plaintiff-Appellee,

Present:

PERLAS-BERNABE, S.A.J.,
Chairperson,
HERNANDO,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

- versus -

Promulgated:

SHERYL LIM y LEE,
Accused-Appellant.

NOV 10 2021

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DECISION

INTING, J.:

This is an appeal¹ from the Decision² dated July 22, 2019 of the Court of Appeals (CA) in CA-G.R. CR HC No. 11052. The assailed CA Decision affirmed the Decision³ dated March 5, 2018 of Branch 30, Regional Trial Court (RTC), San Fernando City, La Union in Criminal Case No. 12328 finding Sheryl Lim y Lee (accused-appellant) guilty beyond reasonable doubt of Qualified Trafficking in Persons under Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. (RA) 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, as amended by RA 10364.⁴

¹ See Notice of Appeal dated August 13, 2019, *rollo*, pp. 35-36.

² *Id.* at 3-34; penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Edwin D. Sorongon and Geraldine C. Fiel-Macaraig, concurring.

³ CA *rollo*, pp. 53-65; penned by Judge Alpino P. Florendo.

⁴ Entitled, "Expanded Anti-Trafficking in Persons Act of 2012," approved on February 6, 2013. q

The Antecedents

The case stemmed from an Information⁵ filed before the RTC charging accused-appellant with the offense of Qualified Trafficking in Persons, as follows:

That during the months of July and August, 2017, in ██████████ ██████████, Z[a]mboanga Del Sur, the above-named accused by means of fraud, deception, and taking advantage of the vulnerability of persons, and for the purpose [*sic*] prostitution and other forms of sexual exploitation, did then and there willfully, unlawfully, and knowingly recruit, [EEE],⁶ [FFF], and the following children who are all 16-year old minors: [AAA]; [DDD]; [BBB]; [CCC], and thereafter did then and there willfully, unlawfully and knowingly transport and transfer them to the ██████████ Videoke Bar owned and managed by the accused located in San Fernando City, La Union, which is within the jurisdiction of this Honorable Court and in pursuit of the aforesaid exploitation, said accused, did then and there and willfully, unlawfully and knowingly maintain and offer the said victims as prostitutes in said videoke bar, to their damage and prejudice.

CONTRARY TO LAW.⁷

When arraigned, accused-appellant pleaded not guilty to the charge.⁸

Trial on the merits ensued.⁹

Version of the Prosecution

Accused-appellant recruited AAA, BBB, CCC, DDD, EEE, and FFF (collectively, complainants) to work as entertainers in her videoke

⁵ Records, p. 1.

⁶ The identity of the victim or any information to establish or compromise their identity, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;" RA 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;" Section 40 of Administrative Matter No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017. Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

⁷ Records, p. 1.

⁸ *Rollo*, p. 4.

⁹ *Id.* at 7.

bar in San Fernando City, La Union during the months of July and August, 2017. All of them, including accused-appellant, were from [REDACTED], Zamboanga del Sur.¹⁰

Accused-appellant met FFF in her house in [REDACTED] through a certain XXX. Accused-appellant offered her a job as an entertainer which the latter likened to a waitress who serves customers. FFF accepted the job for the sake of her child. Accused-appellant also offered EEE the same job which the latter accepted in order to support her two children.¹¹

XXX also introduced CCC, a minor, to accused-appellant. XXX told CCC that accused-appellant wanted to hire her as an entertainer. Accused-appellant called CCC on her phone three times to convince and tell her that the work entailed serving customers with food and drinks. CCC's mother did not approve of the work, but CCC, who was then three months pregnant, still went ahead because of the promise of a better life.¹²

BBB, a minor, came to know accused-appellant through her friend, DDD,¹³ likewise a minor. DDD brought BBB to Union Bank in [REDACTED] to meet accused-appellant. After the introduction, accused-appellant offered BBB to work in a *carinderia* in Manila with a salary of ₱3,000.00. BBB readily accepted the work and proceeded to her boarding house to get her things.¹⁴

AAA, who was born on December 18, 2000, met accused-appellant at [REDACTED] through a person whose name she could no longer recall. Accused-appellant convinced AAA to work as a waitress in Manila and told her that she will have a better life if she would work for her.¹⁵

On July 23, 2017, complainants and GGG, a male companion, were billeted at ENW Hotel in [REDACTED] for their travel to San Fernando City, La Union. Accused-appellant provided them with fake birth certificates and identification cards to make it appear that they were

¹⁰ CA rollo, p. 54.

¹¹ *Id.* at 54-55.

¹² *Id.* at 55.

¹³ DDD did not testify: TSN, November 15, 2017, p. 15.

¹⁴ CA rollo, p. 55.

¹⁵ *Id.*

of legal age. On the following day, they boarded a bus to Cagayan de Oro. From there, they traveled to Manila by ship. Accused-appellant, who was with them, paid for their fares. When the ship was nearing Manila, accused-appellant revealed to them that they will not be entertainers but will instead work as prostitutes so that they can earn more money and pay her back for their travel expenses. Complainants had no choice but to follow accused-appellant because they were in an unfamiliar city and had no money to go back home in [REDACTED].¹⁶

Complainants finally arrived in San Fernando City, La Union at around 9 p.m. on July 26, 2017. As soon as they reached the [REDACTED] Videoke Bar, accused-appellant ordered them to start working by displaying themselves in front of the bar to attract male customers. She further instructed them to wear makeup and sexy dresses, sit beside customers, and convince them to pay a bar fine. The bar fine, amounting from ₱1,000.00 to ₱1,500.00 for short time, and ₱2,500.00 if overnight, would entitle a customer to take out a girl for sex in a nearby motel. Should complainants refuse, a fine will be imposed upon them ranging from ₱500.00 to ₱5,000.00.¹⁷

Each complainant indulged in sex with customers ranging from at least four to eight times. Accused-appellant received all the payments of the bar fine, but did not give the complainants their respective shares. She explained to them that whatever salary due them would first be considered as payment for the travel and food expenses they incurred in traveling from [REDACTED] to La Union, as well as for their daily needs.¹⁸

As for DDD, accused-appellant “sold” her, for the amount of ₱4,400.00,¹⁹ to an unknown person.²⁰

On August 8, 2017, EEE, FFF, and GGG asked permission from accused-appellant to go to Manna Mall. Instead of going to the mall, they went to the police station of San Fernando City to report their situation. The police station created a team of police officers that immediately proceeded to the [REDACTED] Videoke Bar. There, they saw and

¹⁶ *Id.* at 55-56.

¹⁷ *Id.* at 56.

¹⁸ *Id.* at 56-57.

¹⁹ During the rescue operation, the amount mentioned to Police Officer I Werlo Galvan for the “sale” of DDD was ₱4,000.00.

See TSN PO1 Werlo Galvan, November 8, 2017, p. 9.

²⁰ CA *rollo*, p. 57.

rescued three minor girls and arrested accused-appellant. The team was able to determine the whereabouts of DDD; thus they rescued her from a certain “Wina”. DDD confirmed that she was, indeed, “sold” by accused-appellant to “Wina” for ₱4,000.00.²¹

Version of the Defense

Accused-appellant admitted that she hired complainants in [REDACTED] to work as entertainers or waitresses in her videoke bar. However, she denied providing them with fake documents and identification cards.²² She narrated that complainants lived in [REDACTED] Videoke Bar and occupied the only room upstairs where they slept side by side; that as entertainers, they got a commission of ₱80.00 per ladies’ drink; that male customers may bring entertainers outside the bar with a bar fine amounting to ₱1,000.00 which will be divided between the entertainer and accused-appellant at ₱600.00 and ₱400.00, respectively; that the ₱400.00 share of accused-appellant would defray the expenses for food, electricity, and water bills; and that if the entertainer would like to have sex with a customer, the choice would be hers alone.

Accused-appellant denied having forced any of the complainants to have sex with customers as part of their job.²³ Further, accused-appellant denied having “sold” DDD for ₱4,000.00 and averred that she referred DDD to her friend, Hazel, to work as a babysitter.²⁴

Ruling of the RTC

In the Decision²⁵ dated March 5, 2018, the RTC found accused-appellant guilty beyond reasonable doubt of the offense of Qualified Trafficking in Persons, as defined under RA 9208, as amended. The RTC sentenced accused-appellant to suffer the penalty of life imprisonment and ordered her to pay a fine of ₱2,000,000.00. Moreover, the RTC ordered accused-appellant to pay the victims named in the Information ₱500,000.00 each as moral damages and ₱100,000.00 each as exemplary damages, plus legal interest on all monetary awards at the rate of 6% *per annum* from the finality of judgment until full payment.²⁶

²¹ *Id.*

²² *Id.* at 58.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 53-65.

²⁶ *Id.* at 64-65.

Ruling of the CA

In the Decision²⁷ dated July 22, 2019, the CA affirmed accused-appellant's conviction for the offense of Qualified Trafficking in Persons, the penalty of life imprisonment, the fine of ₱2,000,000.00 imposed upon her, and the award of ₱500,000.00 for moral damages, and ₱100,000.00 for exemplary damages to each of the victims named in the Information. The CA likewise affirmed the imposition of legal interest on all monetary awards at the rate of 6% *per annum* from the finality of judgment until full payment.²⁸

Hence, the instant appeal.

The parties adopted their respective Appellant's and Appellee's Briefs²⁹ filed before the CA as their supplemental briefs in the Court.³⁰

Accused-appellant avers that she was only charged in the Information with Qualified Trafficking in Persons without reference to any law or section thereof, thereby violating Section 8, Rule 110 of the Rules of Court.³¹ She argues that this resulted in uncertainty which should be resolved in her favor, consistent with the doctrine in criminal prosecution that any doubt shall be resolved in favor of the accused.³² Likewise, she maintains that the prosecution failed to establish all the elements of Trafficking in Persons against her.³³

On the other hand, the Office of the Solicitor General argues that all the elements of the offense are present. Moreover, it counters that the Information filed against accused-appellant clearly recited the facts

²⁷ *Rollo*, pp. 3-34.

²⁸ *Id.* at 30-31.

²⁹ See Brief for the Accused-Appellant dated December 3, 2018, *CA rollo*, pp. 35-51. See also Brief for Plaintiff-Appellee dated April 2, 2019, *id.* at 80-100.

³⁰ See Manifestation in Lieu of Supplemental Brief dated November 11, 2020 for the Accused-Appellant, *rollo*, pp. 49-50. See also Manifestation in Lieu of Supplemental Brief dated February 2, 2021 for the People of the Philippines, *id.* at 54-55.

³¹ Section 8, Rule 10 of the Revised Rules of Court provides:

SEC. 8. *Designation of the offense.* - The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

³² *CA rollo*, p. 46.

³³ *Id.* at 48.

constituting the offense; thus, her right to be informed of the nature and cause of the accusation against her was not violated.³⁴

The Court's Ruling

The appeal lacks merit.

Well settled is the rule that findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.³⁵ The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.³⁶ Thus, generally, the Court will not reexamine evidence that had been analyzed and ruled upon by the RTC.

After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. Thus, the Court affirms accused-appellant's conviction.

The Information is sufficient in form and substance.

Under Section 6, Rule 110³⁷ of the Rules on Criminal Procedure, the Information is sufficient if it contains the full name of the accused, the designation of the offense given by the statute, the acts or omissions constituting the offense, the name of the offended party, the approximate date, and the place of the offense.

³⁴ *Id.* at 88-98.

³⁵ *People v. Aspa*, 838 Phil. 302, 311-312 (2018), citing *People v. De Guzman*, 564 Phil. 282, 290 (2017).

³⁶ *Id.*, citing *People v. Villamin*, 625 Phil. 698, 713 (2010).

³⁷ Section 6, Rule 110 of the Rules on Criminal Procedure reads:

SEC. 6. *Sufficiency of complaint or information.* --- A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

When an offense is committed by more than one person, all of them shall be included in the complaint or information.

To the Court's mind, the Information dated August 23, 2017 complied with the conditions in that accused-appellant: (1) knowingly transported and transferred her victims to the videoke bar; (2) by means of fraud, deception, and taking advantage of the vulnerability of persons; and (3) for the purpose of prostitution and other forms of sexual exploitation.³⁸ Verily, an Information is valid as long as it distinctly states the statutory designation of the offense and the acts or omissions constitutive thereof.³⁹ It is not necessary to follow the language of the statute in the information.⁴⁰

At any rate, it bears emphasis that accused-appellant never asserted that she was deprived of the right to be fully apprised of the nature of the charges against her due to the insufficiency of the Information.

In *People v. Candaza*⁴¹ (*Candaza*), the Court declared that an Information which lacks the essential allegations may still sustain a conviction if the accused fails to object to its sufficiency during the trial, and the deficiency was cured by competent evidence presented therein.⁴² Section 9 of Rule 117 of the same Rules reads:

SEC. 9. *Failure to move to quash or to allege any ground therefor.* — The failure of the accused to assert any ground of a motion to quash before he pleads to the complaint or information, either because he did not file a motion to quash or failed to allege the same in said motion, shall be deemed a waiver of any objections except those based on the grounds provided for in paragraphs (a), (b), (g), and (i) of section 3 of this Rule.

More recently, in *People v. Solar*⁴³ (*Solar*), the Court found that therein accused-appellant had waived his right to question the defects in the Information filed against him. He did not question the supposed insufficiency of the Information through either a motion to quash or motion for bill of particulars. He also voluntarily entered his plea during the arraignment and proceeded with the trial. As such, he was deemed to

³⁸ *Rollo*, p. 4.

³⁹ *People v. Alba*, 365 Phil. 365, 382 (1999), citing *People v. Dimapilis*, 360 Phil. 466, 478 (1998) and *Sta. Rita v. CA*, 317 Phil. 578, 585 (1995).

⁴⁰ *Flores v. Hon. Layosa*, 479 Phil. 1020, 1036 (2004).

⁴¹ 524 Phil. 589 (2006).

⁴² *Id.* at 599.

⁴³ G.R. No. 225595, August 6, 2019.

have waived any of the waivable defects in the information, including the supposed lack of particularity in the description of the attendant circumstances. Simply put, he was deemed to have understood the acts imputed against him by the information.⁴⁴

Following *Candaza* and *Solar* and granting *arguendo* that the Information filed against her was insufficient, herein accused-appellant is deemed to have waived any objections against the supposed insufficiency when she failed to raise this issue at any time during the pendency of the case before the RTC.⁴⁵

All the elements of the offense are present.

As defined under Section 3(a) of RA 9208, as amended by RA 10364, Trafficking in Persons refers to “the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”

Under RA 10364, the elements of Trafficking in Persons have been expanded to include the following acts:

- (1) The act of “recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders”;
- (2) The means used include “by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”;

⁴⁴ *People v. Dela Peña*, G.R. No. 238120, February 12, 2020.

⁴⁵ *Id.*

- (3) The purpose of trafficking includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”⁴⁶

The prosecution satisfactorily established the presence of all the elements of the offense. As found by the RTC and the CA, the following are undisputed:

First, it was accused-appellant who recruited complainants in [REDACTED] and offered them work as entertainers or waitresses with the promise of a big amount of money. When they accepted the employment offers, accused-appellant transported them and paid for their travel expenses from [REDACTED] to San Fernando, La Union to work in her videoke bar.⁴⁷

Second, fraud and deception were present because accused-appellant promised complainants that they will work as entertainers or waitresses with a big salary. Accused-appellant only revealed to them the true nature of their work when the ship they boarded was already about to dock in Manila and complainants could no longer back out as they had no money and were unfamiliar with the place.⁴⁸

Third, as soon as the complainants arrived at the videoke bar, accused-appellant ordered them to wear skimpy clothes and display themselves in front of the bar to entice customers. Upon payment of a bar fine, complainants would indulge in sex with the customers. Thus, it is clear that the purpose of the accused-appellant in recruiting the complainants was to exploit them by forcing the latter to engage in sex with customers in exchange for money, under pain of being penalized should they refuse to do so. In other words, she recruited the complainants for purposes of prostitution.⁴⁹

Section 6(a) and (c) of RA 9208,⁵⁰ as amended, respectively

⁴⁶ *People v. Ramirez*, G.R. No. 217978, January 30, 2019, citing *People v. Casio*, 749 Phil. 458, 474 (2014).

⁴⁷ *Rollo*, p. 24.

⁴⁸ *Id.*

⁴⁹ *Id.* at 25.

⁵⁰ Section 6(a) and (c). RA 9208 provides:

Section 6. *Qualified Trafficking in Persons*. — The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

provides that the offense of Trafficking in Persons is qualified when the person trafficked is a child and it is committed in large scale, *i.e.*, against three (3) or more persons, individually or as a group. Here, the prosecution was able to prove that AAA, BBB, CCC, and DDD were children⁵¹ at the time of the commission of the offense. Their minority was sufficiently alleged in the Information and proven during trial.⁵² In fact, the prosecution established that accused-appellant had obtained fake birth certificates and identification cards for them to make it appear that they were of legal age.⁵³ Also, the offense was in large scale because it was committed against more than three persons. In sum, accused-appellant committed the offense of Qualified Trafficking in Persons.

In contrast to complainants' direct, positive, and categorical testimonies and identification of accused-appellant as their recruiter, accused-appellant merely interposed the defense of denial. A bare denial will not prevail. This is especially true because accused-appellant failed to substantiate her defense of denial with any act that would bolster her credibility and innocence. Hence, the Court cannot accord accused-appellant's bare-faced denial a bit of worthiness.

No jurisprudence in criminal law is more settled than that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility.⁵⁴

Penalty and damages.

Considering that the qualifying circumstance of minority and the fact of commission of the offense in large scale were alleged in the Information and proved during trial, the RTC and the CA did not err in convicting accused-appellant for Qualified Trafficking in Persons.

x x x

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group.

⁵¹ Section 3(b), RA 9208, as amended, provides:

Section 3. *Definition of Terms.* — As used in this Act:

x x x

(b) Child — refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.

⁵² *CA rollo*, pp. 62-63.

⁵³ *Id.* at 55.

⁵⁴ *People v. Baguion*, 835 Phil. 707, 717 (2018), citing *People v. Deliola*, 749 Phil. 194, 209 (2016).

Section 10(c) of RA 9208 provides:

Section 10. Penalties and Sanctions. — The following penalties and sanctions are hereby established for the offenses enumerated in this Act:

x x x x

(c) Any person found guilty of qualified trafficking under Section 6 shall suffer the penalty of life imprisonment and a fine of not less than Two million pesos (₱2,000,000.00) but not more than Five million pesos (₱5,000,000.00);

Thus, the RTC and the CA correctly imposed the penalty of life imprisonment and a fine of ₱2,000,000.00 against accused-appellant.

Finally, the award of moral damages of ₱500,000.00 and exemplary damages of ₱100,000.00 to each of the victims named in the Information and the imposition of legal interest on all monetary awards at the rate of 6% *per annum* from the finality of judgment until full payment⁵⁵ are correct as they are consistent with prevailing jurisprudence.⁵⁶

WHEREFORE, the appeal is **DISMISSED**. The Decision dated July 22, 2019 of the Court of Appeals in CA-G.R. CR HC No. 11052 affirming the Decision dated March 5, 2018 of Branch 30, Regional Trial Court, San Fernando City, La Union in Criminal Case No. 12328 is **AFFIRMED**. Accused-appellant Sheryl Lim y Lee is found **GUILTY** beyond reasonable doubt of the crime of Qualified Trafficking in Persons under Section 4(a) in relation to Section 6(a) and (c) of Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, as amended by Republic Act No. 10364, and sentenced to suffer the penalty of life imprisonment and a fine in the amount of ₱2,000,000.00, and to pay each of the victims the amount of ₱500,000.00 as moral damages and ₱100,000.00 as exemplary damages with interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.

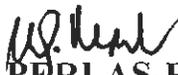
⁵⁵ *People v. AXY, et al.*, 835 Phil. 1083, 1096 (2018), citing *People v. Jugueta*, 783 Phil. 806, 854 (2016).

⁵⁶ *People v. Aguirre, et al.*, 820 Phil. 1085, 1195 (2017), citing *People v. Lalli, et al.*, 675 Phil. 126, 158 (2011); *People v. Casio*, 749 Phil. 458, 482 (2014); and *People v. Hirang*, 803 Phil. 277, 292-293 (2017).

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

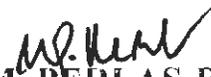

RAMON PAUL L. HERNANDO
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


JAFAR B. DIMAAMPAO
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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

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.


ALEXANDER G. GESMUNDO
Chief Justice