Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, - versus - **JUN VILLEGAS @ "PEDRITO" BASIGNA, UDEBS GONZALES, AND KENNETH MATIAS *y* ANGLO,** Accused, **KENNETH MATIAS *y* ANGLO,** Accused-Appellant.	**G.R. No. 247002** Present: CAGUIOA, *J., Chairperson,* LAZARO-JAVIER,* INTING, GAERLAN, and DIMAAMPAO, *JJ.* Promulgated: April 12, 2023 Mi SPDC Batt

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D E C I S I O N

DIMAAMPAO, *J.:*

Challenged in this Appeal[1] is the Decision[2] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09598, upholding with modification the Decision[3] of the Regional Trial Court (RTC) of Quezon City, Branch 86, in Crim. Case Nos. Q-08-150788 and Q-08-150789, in that accused-appellant Kenneth Matias *y* Anglo (accused-appellant) was adjudged guilty of two counts of Rape under Article 266-A of the Revised Penal Code.

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* Designated as the additional Member, per Raffle dated February 28, 2023 *vice* Associate Justice Maria Filomena D. Singh.

1 CA *rollo*, pp. 114-115.

2 Id. at 101-113. The August 30, 2018 Decision was penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), with the concurrence of Associate Justices Fernanda Lampas Peralta and Marie Christine Azcarraga-Jacob.

3 Records (Crim. Case No. Q-08-150788), pp. 234-247. The December 19, 2016 Decision was penned by Presiding Judge Roberto P. Buenaventura.

THE FACTS

Accused-appellant, together with Jun Villegas @ "Pedrito" Basigna (Villegas) and Udebs Gonzales (Gonzales), was inculpated for three counts of Rape,[4] two of which were docketed as Crim. Case Nos. Q-08-150788 and Q-08-150789 and jointly heard by the RTC of Quezon City, Branch 86.[5] The Informations dated January 7, 2008, in these two cases set forth the following accusatory averments:

> **[Crim. Case No. Q-08-150788]**
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> That on or about the 23rd day of July, 2007 in Quezon City, Philippines, the above-named accused, conspiring together, confederating with and mutually helping one another, armed with guns, by means of force, threats and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with one [AAA],[6] a minor, 15 years of age, by then and there, [Villegas] removing her short and pointing a gun on her nape, while [Gonzales] was holding [AAA]'S hands and covering her mouth, with **[accused-appellant] acting as a lookout** and thereafter said [Villegas] inserting his organ on [sic] complainant's private part, all against her will and without her consent.
>
> CONTRARY TO LAW.[7]
>
> **[Crim. Case No. Q-08-150789]**
>
> That on or about the 23rd day of July, 2007 in Quezon City, Philippines, the above-named accused, conspiring together, confederating with and mutually helping one another, by means of force, and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with one [AAA], a minor, 15 years of age, accused pursuant to their conspiracy while [Gonzales] was holding her legs with [Villegas] acting as lookout and thereafter said **[accused-appellant] inserting his organ on [sic] complainant's private part**, all against her will and without her consent.
>
> CONTRARY TO LAW.[8]

Arraigned on August 5, 2008,[9] accused-appellant pled *not* guilty. Meanwhile, his co-accused remained at large.[10] During pre-trial, the prosecution and the defense stipulated on the jurisdiction of the trial court as

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4 Records (Crim. Case No. Q-08-150788), p. 27. Order dated November 17, 2008.

5 Id. See also Records (Crim. Case No. Q-08-150789), pp. 9 and 10. Order dated February 21, 2008 and Transmittal Letter dated February 21, 2008, respectively.

6 In line with Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017, as mandated by Republic Act No. 8505 in relation to Article 266-A of the Revised Penal Code, the name of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

7 Records (Crim. Case No. Q-08-150788), p. 1. Emphasis supplied.

8 Records (Crim. Case No. Q-08-150789), p. 1. Emphasis supplied.

9 Records (Crim. Case No. Q-08-150788), pp. 17 and 19. Certificate of Arraignment dated August 5, 2008, and Order dated August 5, 2008, respectively.

10 Id. at 51. Order dated September 1, 2010.

well as the identities of the parties involved.[11] Thereupon, trial on the merits ensued.

The prosecution's witnesses espoused the following narrative:

On July 22, 2007, around 7:00 p.m., AAA, then 15 years of age,[12] attended the baptism of the nephew of her friend BBB somewhere along [redacted], Quezon City.[13]

At around 11:00 p.m., AAA went home with another friend, CCC. While they were traversing [redacted] at 12 midnight on July 23, 2007, accused-appellant and his co-accused suddenly appeared behind them. Villegas pointed a gun at AAA's nape and dragged them towards an alley near a half-basketball court. He then pushed her against a wall, removed her lower garments and forcibly inserted his penis into her vagina. AAA began to cry and swore not to tell anyone about what transpired. She was also told not to make any noise lest she be killed. In the meantime, accused-appellant and Gonzales held and frisked CCC.[14]

Subsequently, AAA was pulled into another alley where accused-appellant forced her to lie down on a flight of stairs and raped her. All the while, Villegas held her legs and Gonzales guarded the alley. AAA continued to cry but was unable to scream since accused-appellant covered her mouth. By this time, the three assailants freed CCC. He immediately sought help from the *barangay* authorities, but to no avail.[15]

AAA's tribulation came to a close when Gonzales raped her while accused-appellant pinned down her legs. At this point, Villegas had already fled the scene. AAA was still in tears and powerless to shout because Gonzales took a page from accused-appellant's book and gripped her mouth. When Gonzales was finished with the deed, he left together with accused-appellant.[16]

Thereafter, AAA went to her cousin's house along [redacted] and was able to knock on the door before passing out. After regaining her consciousness, she relayed to DDD, the wife of her cousin, her ordeal of being raped thrice. At around 4:00 a.m., AAA's mother EEE was apprised of what happened to her daughter. Afterwards, EEE accompanied AAA and DDD to the *barangay* hall along [redacted] to report the incident. Eventually, AAA

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11 Id. at 23. Order dated September 16, 2008.

12 Id. at 7. Certificate of Live Birth of AAA. See also TSN, February 27, 2013, p. 12. NB: Based on her Certificate of Live Birth, AAA was born on August 7, 1992, which would make her 14 years of age at the time of the subject incident.

13 TSN, December 15, 2010, pp. 4-5.

14 Id. at 5-10.

15 Id. at 10-13. See also TSN, March 9, 2011, p. 6.

16 Id. at 13-14.

gave her statement against accused-appellant and his co-accused at the Quezon City Police Station 6 (PS6).[17]

Upon the request of the PS6,[18] Dr. Joseph C. Palmero (Dr. Palmero) of the Philippine National Police Crime Laboratory in Camp Crame, Quezon City conducted a medical examination of AAA in the afternoon of the same date. He found a deep healed hymenal laceration at the six o'clock position, which may have been caused by the insertion of a blunt object or a penis in the vagina. Likewise, the vaginal smear tested positive for the presence of spermatozoa, suggesting that AAA had sexual contact within 24 hours from the time of examination. Given these circumstances, Dr. Palmero rendered a Medico-Legal Report,[19] declaring that there was definitive evidence that AAA suffered sexual abuse.[20]

Fulminating against the prosecution's chronicle of the events, accused-appellant denied committing any wrongdoing and countered that at 12 midnight on July 23, 2007, he accompanied his aunt to [redacted] to buy vegetables. Several hours later, they went to his aunt's store at [redacted] to unload the produce.[21]

On October 16, 2007, while plying his tricycle route along [redacted] in [redacted], Quezon City, he was flagged down by a group of men and was asked if he was "Kenneth." Upon answering in the affirmative, they aimed a gun in his direction and informed him that he was implicated in a gang rape. Accused-appellant was then brought to the *barangay* hall of [redacted], where he was supposedly tortured. He was also being forced to confess to the crime and to surrender information about Villegas and Gonzales. Still, accused-appellant maintained his innocence.[22]

Thereupon, they proceeded to the PS6 for further investigation. At around 11:00 p.m., AAA and her family arrived to identify her assailants. The desk officer then accompanied her to the cell where accused-appellant and approximately ten other men were being held. However, when she was asked by the desk officer to point out her perpetrator, she supposedly told them that she did not know the persons involved. It was only when the investigator asked who the man named Kenneth with the rape charge was that accused-appellant volunteered himself.[23]

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17 Id. at 15-18. See also TSN, February 27, 2013, pp. 5-8; and TSN, March 25, 2015, pp. 4-6.
18 Records (Crim. Case No. Q-08-150788), p. 53. Memorandum dated July 23, 2007.
19 Id. at 56.
20 TSN, September 15, 2010, pp. 7-23.
21 TSN, February 10, 2016, pp. 5-9.
22 Id. at 9-14.
23 Id. at 15-18.

THE RTC'S RULING

Sifting through the discordant evidence of the prosecution and the defense with a fine-tooth comb, the RTC rendered the Decision[24] finding accused-appellant guilty beyond reasonable doubt of one count of Rape as a principal by direct participation, *viz.*:

> WHEREFORE, in view of the foregoing premises, the [accused-appellant] is hereby found guilty beyond reasonable doubt of the crime of rape punishable under Article 266-A(1)(A) of the Revised Penal Code, as amended, by having carnal knowledge with AAA through force and intimidation and is hereby sentenced to a penalty of Reclusion Perpetua. No judgment is rendered with respect to the accused [Villegas] and [Gonzales] together with [accused-appellant] arising from conspiracy to commit rape until the arrest and trial of the said two accused.
>
> The [accused-appellant] is adjudged liable to pay the victim: (1) Seventy Five Thousand Pesos (P75,000.00) by way of civil indemnity *ex delicto;* (2) moral damages in the amount of Seventy Five Thousand Pesos o(P75,000.00); (3) Twenty Five Thousand Pesos (P25,000.00) as exemplary damages; (4) as well as cost[s] of suit, said amounts to earn interest at the rate of 6% per annum from date of finality of the judgement [sic].
>
> Let an alias warrant of arrest be issued against the two accused [Villegas] alias Pedrito Basigna and [Gonzales] who remained at large since the filing of the case for their immediate apprehension.
>
> SO ORDERED.[25]

The trial court held that AAA was straightforward in recounting how accused-appellant raped her under threat and intimidation. It also noted that she immediately told her cousin's wife as well as her mother about what happened, and that she did not hesitate to undergo medical evaluation. In this regard, the RTC ingeminated the jurisprudential teaching that no woman would concoct a story of defloration and subject herself to public trial and ridicule if she had not been truly impelled to seek justice for the wrong done to her.[26]

Furthermore, the RTC ratiocinated that not only did AAA point at accused-appellant in open court as one of the malefactors, but she also testified hearing their names while they took turns raping her. On this score, the trial court highlighted that AAA came face to face with accused-appellant when he forced her to lie down before raping her while covering her mouth.[27]

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[24] Records (Crim. Case No. Q-08-150788), pp. 234-247. The December 19, 2016 Decision was penned by Presiding Judge Roberto P. Buenaventura.

[25] Id. at 246-247.

[26] Id. at 242-243.

[27] Id. at 243.

In the same breath, the RTC decreed that AAA's testimony was worthy of belief owing to her tender age and the absence of malice or ill will on her part in imputing the crime to accused-appellant. Tellingly, her account was corroborated by the medical findings of Dr. Palmero. Contrariwise, accused-appellant's denial and alibi were inherently weak defenses which cannot be given heavier weight than the positive declaration of the victim.[28]

THE CA'S RULING

On appeal,[29] docketed as CA-G.R. CR-HC No. 09598, the CA affirmed with modification the RTC's judgment through the impugned Decision,[30] disposing thusly:

> **WHEREFORE,** premises considered, the Appeal is hereby **DENIED** and the Decision dated 19 December 2016 issued by Branch 86, Regional Trial Court of Quezon City is **AFFIRMED** with **MODIFICATION**, in that [accused-appellant] is found GUILTY beyond reasonable doubt for (sic) two (2) counts of the crime of Rape under Art. 266-A of the RPC and is hereby sentenced to suffer the penalty of Reclusion Perpetua in each case, without eligibility for parole.
>
> The award for exemplary damages is likewise increased to Php75,000.00 pursuant to prevailing jurisprudence.
>
> The DECISION is **AFFIRMED** in all other respects.
>
> **SO ORDERED**.[31]

The CA agreed with the RTC that accused-appellant should be held liable for Rape in Criminal Case No. Q-08-150789. However, it expounded that accused-appellant must also be convicted of Rape in Criminal Case No. Q-08-150788 since the prosecution successfully established the presence of conspiracy among accused-appellant (who acted as a lookout), Villegas, and Gonzales.[32]

Moreover, as adumbrated by the trial court, AAA positively identified accused-appellant during trial. Assuming *ex gratia argumenti* that the out-of-court identification was defective, the CA stressed that such defect was cured by the subsequent positive identification in court, for the inadmissibility of police line-up identification should not necessarily foreclose the admissibility of an independent in-court identification.[33]

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28 Id. at 243-246.
29 Id. at 248-250.
30 CA *rollo*, pp. 101-113. The August 30, 2018 Decision was penned by Associate Justice Rodil V. Zalameda (now a Member of this Court), and concurred in by Associate Justices Fernanda Lampas Peralta and Marie Christine Azcarraga-Jacob.
31 Id. at 112.
32 Id. at 107-108.
33 Id. at 110.

Unperturbed, accused-appellant now comes to this Court for relief.[34] He insists, *inter alia,* that the CA gravely erred in sustaining his conviction notwithstanding the prosecution's failure to positively identify him as one of the authors of the crimes against AAA.[35]

THE COURT'S RULING

After a fastidious evaluation of the records of this case, the Court discerns an adequate basis to overturn accused-appellant's conviction.

Preveniently, it is noteworthy to mention that the Court, in the course of its review of criminal cases elevated to it, still commences its analysis from the fundamental principle that the accused before it is presumed innocent. This presumption continues although the accused had been convicted in the trial court, as long as such conviction is still pending appeal.[36]

Likewise, it is axiomatic that an appeal in criminal cases opens the entire case for review, and it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.[37]

In the case at bench, accused-appellant contends that the presence of at least five of the danger signals that the Court enunciated in *People v. Pineda*[38] tainted his identification by AAA as one of the culprits.[39]

The contention passes judicial muster.

It is ingrained in this jurisdiction that a successful prosecution of a criminal action largely depends on proof of two things: *one,* the identification of the author of the crime; and *two,* his or her actual commission of the same. An ample proof that a crime has been committed has no use if the prosecution is unable to convincingly prove the offender's identity. The constitutional presumption of innocence that an accused enjoys is not demolished by an identification that is full of uncertainties.[40]

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34 Id. at 114-115. Notice of Appeal dated September 10, 2018.

35 Id. at 50-54. Brief for the Accused-Appellant dated January 15, 2018.

36 See *People v. Ansano,* G.R. No. 232455, December 2, 2020, citing *Polangcos v. People,* G.R. No. 239866, September 11, 2019, 919 SCRA 325, 339.

37 See *People v. Ansus,* G.R. No. 247907, December 2, 2020, citing *Rivac v. People,* 824 Phil. 157, 166 (2018).

38 473 Phil. 517 (2004).

39 CA *rollo,* pp. 50-54. Brief for the Accused-Appellant dated January 15, 2018.

40 See *People v. Ansano,* supra, citing *People v. Tumambing,* 659 Phil. 544, 547 (2011).

To that end, our case law has adopted the *totality of circumstances* test in determining the reliability, or at times even the admissibility, of a witness' out-of-court identification of the accused. It requires the Court to look at the following factors in weighing the reliability of the out-of-court identification: *one,* the witness' opportunity to view the criminal at the time of the crime; *two,* the witness' degree of attention at that time; *three,* the accuracy of any prior description given by the witness; *four,* the length of time between the crime and the identification; *five,* the level of certainty demonstrated by the witness at the identification; and *six,* the suggestiveness of the identification procedure.[41]

Connectedly, the following so-called "danger signals" caution that the identification may be erroneous even though the method used is proper,[42] to wit:

> (1) **The witness originally stated that he or she could not identify anyone**;
>
> (2) The identifying witness knew the accused before the crime, but made no accusation against him or her when questioned by the police;
>
> (3) A serious discrepancy exists between the identifying witness' original description and the actual description of the accused;
>
> (4) Before identifying the accused at the trial, the witness erroneously identified some other person;
>
> (5) **Other witnesses to the crime fail to identify the accused**;
>
> (6) Before trial, the witness sees the accused but fails to identify him or her;
>
> (7) Before the commission of the crime, the witness had limited opportunity to see the accused;
>
> (8) The witness and the person identified are of different racial groups;
>
> (9) During his or her original observation of the perpetrator of the crime, the witness was unaware that a crime was involved;
>
> (10) A considerable time elapsed between the witness' view of the criminal and his identification of the accused;
>
> (11) **Several persons committed the crime**; and
>
> (12) The witness fails to make a positive trial identification.[43]

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41 Id., citing *People v. Teehankee*, 319 Phil. 128, 180 (1995).
42 Id., citing *People v. Pineda*, supra note 38 at 547-548.
43 Id. Emphasis supplied.

Given the above disquisitions, the Court rules and so holds that the identification of accused-appellant by AAA fell short of the jurisprudential standards for reliability. Simply put, while AAA's harrowing ordeal remains undisputed, there is no moral certainty that accused-appellant was culpable for the offenses charged against him.

For one, AAA herself admitted during her cross-examination that the lighting conditions at the time she was raped were less than ideal, thus:

> Q At what time again did the incident take place?
> A 12:00 midnight.
>
> Q And this half court is **not well-lighted, correct**?
> A **Yes, ma'am**.
>
> Q Do you know the accused in this case before the incident?
> A **No, ma'am**.[44]

For another, it is not extant from the records that AAA proffered any prior description of accused-appellant's physical attributes. She only attested on the witness stand that she heard accused-appellant and his co-accused mentioning their names while talking to each other.[45]

Invariably, Associate Justice Alfredo Benjamin S. Caguioa aptly elucidated during the deliberations of this case that the manner by which accused-appellant was singled out during the out-of-court identification was tainted with suggestiveness,[46] to wit:

> Q: So Mr. Witness, when and where did you see [AAA] for the first time?
> A: I saw her at Station 6, sir.
>
> Q: On the said date of July 23, 2007?
> A: After the investigation, it was about 11:00 in the evening, that I saw a family and it was the first time that I met [AAA], sir.
>
> Q: Now, since you were there Mr. Witness, were you able to see the investigator speaking with [AAA]?
> A: Yes, sir.
>
> Q: What did the Investigator ask or tell if there was any to said [AAA]?
> A: [AAA] was asked who [was] the person [who] raped her, sir.
>
> Q: And what did [AAA] reply if there was any to the said Police officer?
> A: The Desk Officer accompanied [AAA] towards the cell to see if the person who raped her was there, sir.

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[44] TSN, 9 March 2011, p. 3. Emphasis supplied.
[45] Id. at 4.
[46] Letter dated February 6, 2023.

Q: Now, were you there in the said cell?
A: Yes, sir.

Q: Were there any other persons Mr. Witness with you inside the cell?
A: There were, sir.

Q: How many if there was?
A: We were around ten, sir.

Q: Now, when [AAA] was accompanied in the said cell, what did [AAA] do if there was any?
A: She was looking for the person who allegedly raped her, sir.

Q: Did [AAA] point to any of the persons including you inside the cell?
A: The Desk Officer asked [AAA] the person who raped her among the persons inside the cell, **but according to [AAA], she does not know the person, sir.**

Q: Did said Police Officer, who accompanied [AAA] inside the cell, refer [to] any of you inside the cell, Mr. Witness?
A: **When [AAA] could not identify the person who raped her, it was the time that the Investigator asked who is the person who has a rape incident, that person who has the name Kenneth, it was the only time that I volunteered myself, sir.**[47]

As can be gleaned from the uncontradicted account of accused-appellant, he was merely prompted to identify himself as the culprit after he was singled out by the desk officer as the only person in the holding cell who was charged with rape and named Kenneth. In all likelihood, AAA was conditioned to believe that accused-appellant carried out the nefarious deed against her at the time she was asked to point to her assailant in the holding cell, especially in the absence of any prior description of the malefactors.

Apart from the foregoing, a number of danger signals also impaired AAA's identification of accused-appellant.

First. Based on the interview of Dr. Palmero with AAA on July 23, 2007,[48] she was raped "by 3 unknown assailants"[49] and that she "cannot remember their faces because they were covered w/ their shirts."[50] AAA unwittingly lent credence to these details when she recounted—

Q How were you able to know that it was [Villegas] who were (sic) raping you at that time?
A Because during that time, he removed his shirt which he used in covering his face.

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47 TSN, February 10, 2016, pp. 16-18. Emphasis supplied.
48 Records (Crim. Case No. Q-08-150788), p. 54. Sexual Crime (Protocol) dated July 23, 2007.
49 Id.
50 Id.

Q In other words, [Villegas] was wearing a face mask?
A No, sir, it was also **his shirt which he used in covering his face**.[51]

Plain as day, AAA originally professed that she could not identify her attackers as early as the date of the commission of the offense. Lamentably, the prosecution was unable to adduce sufficient justification as to how she suddenly became sure of accused-appellant's characterization.

Second. AAA avowed that she was accompanied by her friend CCC when the unfortunate occurrence befell her.[52] All the same, the prosecution did not present his testimony for the purpose of ascertaining accused-appellant's identity.

Third. It is beyond cavil that several individuals were incriminated in the rapes of AAA.

Essentially, the prosecution's evidence did not hurdle the totality of circumstances test. Taken together with the attendance of danger signals, it is readily apparent that the heavy reliance of the courts *a quo* on AAA's testimony in open court was misplaced. After all, the probative weight of an in-court identification is largely dependent upon an out-of-court identification.[53]

In synthesis, the identification of accused-appellant failed to meet the touchstone of reliability. On the other hand, while his defenses of denial and alibi are inherently weak, they are only so in the face of an effective identification,[54] which does not obtain in this case. In light thereof, it is hornbook doctrine that a slight doubt created in the identity of the perpetrators of the crime should be resolved in favor of the accused.[55] Perforce, while a felony ineludibly transpired in this case, the Court is constrained to acquit accused-appellant on the ground of reasonable doubt.

Accordingly, the Court perceives no necessity to delve into the other issues raised by accused-appellant.

A final inflection. The Court echoes with approbation the following reminder to the Bench concerning the significance of establishing the identity of an accused in criminal cases:

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51 TSN, December 15, 2010, p. 10. Emphasis supplied.
52 See TSN, December 15, 2010, p. 6.
53 See *Concha v. People,* 841 Phil. 212, 229 (2018), citing *People v. Calica,* 471 Phil. 270, 285 (2004).
54 See *People v. Ansano,* supra note 36, citing *People v. Pineda,* supra note 38 at 548-549.
55 See *People v. Vargas,* 784 Phil. 144, 156 (2016), citing *People v. De la Cruz,* 666 Phil. 593, 619 (2011).

> . . . A conviction for a crime rests on two bases: (1) credible and convincing testimony establishing the **identity** of the accused as the perpetrator of the crime; and (2) the prosecution proving beyond reasonable doubt that all elements of the crime **are attributable to the accused**. Proving the identity of the accused as the malefactor is the prosecution's primary responsibility. Thus, in every criminal prosecution, the identity of the offender, like the crime itself, must be established by proof beyond reasonable doubt. Indeed, the first duty of the prosecution is not to prove the crime but to prove the identity of the criminal, for **even if the commission of the crime can be established, there can be no conviction without proof of identity of the criminal beyond reasonable doubt**.[56]

WHEREFORE, the Appeal is hereby **GRANTED**. The Decision dated August 30, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09598 is hereby **REVERSED** and **SET ASIDE**.

Accused-appellant Kenneth Matias *y* Anglo is **ACQUITTED** on the ground of reasonable doubt. He is thereby **ORDERED IMMEDIATELY RELEASED** from detention unless he is being held for some other valid or lawful cause.

Let a copy of this Decision be **FURNISHED** the Director General of the Bureau of Corrections, Muntinlupa City for immediate implementation. The Director General is **DIRECTED** to **REPORT** to this Court within five (5) days from receipt hereof of the action taken.

Finally, let an entry of final judgment be **ISSUED IMMEDIATELY**.

SO ORDERED.

JAPAR B. DIMAAMPAO
Associate Justice

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[56] See *People v. Ansano,* supra note 36. Emphasis in the original and citations omitted.

WE CONCUR:

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
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.

ALFREDO BENJAMIN S. CAGUIOA
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 this Court.

ALEXANDER G. GESMUNDO
Chief Justice