



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

GLEN ORDA y LOYOLA,
Petitioner,

G.R. No. 258894

Present:

-versus-

LEONEN, M., *Chairperson,*
LAZARO-JAVIER, A.,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

JAN 30 2023

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DECISION

LAZARO-JAVIER, J.:

The Case

Petitioner Glen Orda y Loyola (petitioner) assails the Amended Decision¹ dated July 21, 2021 of the Court of Appeals in CA-G.R. CEB SP. No. 12760 entitled *People of the Philippines v. Hon. Kristine B. Tiangco-Vinculado, in her capacity as Presiding Judge of Regional Trial Court of Roxas City, Branch 16, and Glen Orda y Loyola* which granted the People's

¹ Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justice Marilyn B. Lagura-Yap and Associate Justice Lorenza Redulla Bordios. *rollo*, pp. 167-178.

Motion for Reconsideration against the grant of petitioner's proposal to enter into plea bargaining in the three drugs cases against him.

Antecedents

Petitioner was separately charged with violations of Sections 5, 11, and 12, Article II of Republic Act No. 9165,² viz:³

Criminal Case No. C-87-16

(Violation of Section 5, Article II of RA 9165)

“That on or about the 25th day of February 2016, in the City of Roxas, Philippines, and within the jurisdiction of the Honorable Court, said accused with deliberate intent, did then and there willfully, unlawfully, and feloniously sell and deliver to PO1 ARGIE ESICO a (“poseur buyer”), in consideration of the sum of P300.00 one (1) piece heat-sealed transparent plastic sachet with marking “BB-GO-1” containing 0.310 [gram] of methamphetamine hydrochloride or “shabu” a dangerous drug without authority to sell and distribute the same.

CONTRARY TO LAW.”

Criminal Case No. C-88-16

(Violation of Section 11, Article II of RA 9165)

“That on or about the 25th day of February 2016, in the City of Roxas, Philippines, and within the jurisdiction of the Honorable Court, said accused, did then and there willfully, unlawfully, and feloniously have in his possession and control six (6) pieces heat-sealed transparent plastic sachets containing white crystalline substance of suspected shabu marked as “P-GO-2”, “P-GO-3”, “P-GO-4”, “P-GO-5”, “P-GO-6”, and “P-GO-7”, of methamphetamine hydrochloride or “SHABU” a dangerous drug with a total weight of 0.164 [gram], without being authorized by law to possess the same.

CONTRARY TO LAW.”

Criminal Case No. C-89-16

(Violation of Section 12, Article II of RA 9165)

“That on or about the 25th day of February 2016, in the City of Roxas, Philippines, and within the jurisdiction of the Honorable Court, said accused, did then and there willfully, unlawfully, and feloniously, without being authorized by law, have under his possession and control one (1) piece improvised tooter transparent

² The Comprehensive Dangerous Drugs Act of 2002.

³ *Rollo*, p. 108.

glass pipe marked as P-GO-8, and one (1) piece rolled aluminum foil marked as P-GO-9, one (1) piece disposable lighter marked as P-GO-10 considered as drug equipment, instrument, apparatus and/or paraphernalia fit or intended for smoking, consuming, administering, ingesting or introducing dangerous drugs into the body.

CONTRARY TO LAW.”

The cases were raffled to the Regional Trial Court, Branch 16, Roxas City.⁴

On arraignment, petitioner pleaded not guilty to all the charges.⁵

During the trial, petitioner expressed his intention to enter into plea bargaining to all the charges pursuant to A.M. No.18-03-16-SC, or the Adoption of Plea Bargaining Framework in Drug Cases. For Criminal Case Nos. C-87-16 and C-88-16, he intended to plead guilty to two counts of violation of Section 12, Article II of Republic Act No. 9165, with an imposable penalty of six months and one day to four years of imprisonment and a fine ranging from PHP 10,000.00 to PHP 50,000.00.⁶ As for Criminal Case No. C-89-16, he proposed to plead guilty to violation of Section 15 of the same law.⁷

Too, as mandated by A.M. No. 18-03-16-SC, petitioner underwent a drug dependency evaluation which yielded the following results:⁸

DIAGNOSIS/DIAGNOSES

Methamphetamine Use Disorder, Mild

RECOMMENDATION

MR. GLEN L. ORDA has been found to be a drug dependent and is hereby recommended to undergo **OUTPATIENT REHABILITATION** at Department of Health Treatment and Rehabilitation Center-Iloilo for a period of not less than six (6) months to one (1) year with discharge or completion contingent upon the evaluation and recommendation of the treatment team. It is further recommended that he will undergo an After Care Program after completion of his primary rehabilitation program for a period of 18 months with discharge from the program contingent upon the evaluation and recommendation of the treatment team. Violation of

⁴ Id. at 76.

⁵ Id. at 33.

⁶ Id. at 72.

⁷ Id. at 133.

⁸ Id. at 72.

any of the center's rules and regulation will result in the imposition of proper sanction.⁹

Meantime, the People, through the public prosecutor, interposed its objection to the proposal since: (1) in Criminal Case No. C-87-16, the plea-bargaining proposal is not in accordance with Department of Justice Circular No. 27¹⁰ dated April 10, 2018 which only allows an accused charged with violation of Section 5, Article II of Republic Act No. 9165 to plea bargain to Section 11 (3), Article II of the same Act, with an imposable penalty of 12 years and one day to 20 years, and a fine of PHP 300,000.00; and (2) in Criminal Case Nos. C-88-16 and C-89-16, though in consonance with Department of Justice Circular No. 27, violated Section 2,¹¹ Rule 116 of the Revised Rules on Criminal Procedure which requires the consent of both the prosecutor and the police officers to any plea of guilty to a lesser offense.¹²

The Ruling of the Trial Court

By Decision ¹³ dated February 4, 2019, the trial court granted petitioner's proposal for plea bargaining, thus:

WHEREFORE, judgment is hereby rendered as follows:

1. In Criminal Case No. C-87-16 accused Glen Orda y Loyola alias "Lapong" is found GUILTY beyond reasonable doubt of the crime of violation of Section 12, Article II of RA No. 9165 and is hereby sentenced to imprisonment consisting of six (6) months and one (1) day to three (3) years and to pay a fine of P10,000.00;

2. In Criminal Case No. C-88-16, accused Glen Orda y Loyola alias "Lapong" is found GUILTY beyond reasonable doubt of the crime of violation of Section 12, Article II of RA No. 9165 and is hereby sentenced to imprisonment consisting of six (6) months and one (1) day to one (1) year and to pay a fine of P10,000.00; and

3. In Criminal Case No. C-89-16 accused Glen Orda y Loyola alias "Lapong" is found GUILTY beyond reasonable doubt of the crime of violation of Section 15, Article II of RA 9165 and is hereby sentenced to six (6) months of drug treatment and rehabilitation.

⁹ Id. at 72-73.

¹⁰ *Adoption of the Plea-Bargaining Framework in Drug Cases.*

¹¹ **Section 2. Plea of guilty to a lesser offense.** — At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.

¹² *Rollo*, p. 73.

¹³ Id. at 75.

Accused's detention period and his yet to be served drug treatment and rehabilitation shall be credited in his service of sentences. Unless he has already served the maximum penalties involved, he is advised to avail the benefits of probation and be released on recognizance.

Accused is mandated to report to the DOH Treatment and Rehabilitation Center, Brgy. Rumbang, Pototan, Iloilo for the proper orientation of the terms and condition of his **OUTPATIENT** drug treatment and rehabilitation within fifteen (15) days from his release.

The sachets of shabu and drug paraphernalia are confiscated to be turned over to the Philippine Drug Enforcement Agency Region VI, Iloilo City for proper disposal. Their buy-bust money shall be turned over to the national treasury.

SO ORDERED. (Emphases in the original)

The trial court essentially ordained that A.M. No. 18-03-16-SC should prevail over Department of Justice Circular No. 27 considering that the former was issued in the exercise of the Supreme Court's rule-making authority, especially for the protection and enforcement of constitutional rights, pleading practice, and procedure in all courts, including plea bargaining in drug cases, as mandated by Section 5 (5),¹⁴ Article VIII of the 1987 Constitution.¹⁵ Too, the consent of the police officers should be dispensed with since violation of Republic Act No. 9165 is a public crime and, as such, the State is deemed to be the offended party. The public prosecutor is the representative of the State and thus, his or her comment to the proposal for plea bargaining of the petitioner will suffice.¹⁶

Petitioner was immediately rearraigned thereafter.¹⁷ The People's Motion for Reconsideration was denied under Order¹⁸ dated February 22, 2019.

The Proceedings before the Court of Appeals

Undaunted, the People, through the Office of the Solicitor General, sought the nullification of the trial court's dispositions *via* a Petition for

¹⁴ Section 5. The Supreme Court shall have the following powers:
xxx

(5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.
xxx

¹⁵ *Rollo*, p. 74.

¹⁶ *Id.* at 73.

¹⁷ *Id.* at 133.

¹⁸ *Id.* at 76.

Certiorari before the Court of Appeals.¹⁹ It maintained that as provided in the rules and pertinent jurisprudence, the consent of the State is required to sustain a valid plea of guilty to a lesser offense. Hence, the trial court's alleged disregard of the prosecution's objection to petitioner's plea bargaining constitutes grave abuse of discretion amounting to lack or excess of jurisdiction.²⁰

The Ruling of the Court of Appeals

Under its assailed Decision²¹ dated November 29, 2019, the Court of Appeals dismissed the Petition. It ruled that the trial court did not commit grave abuse of discretion when it granted petitioner's proposed plea bargaining,²² for plea bargaining is always addressed to the sound discretion of the judge as mandated under A.M. No. 18-03-16-SC. If the objection to the plea bargaining will weaken the drug campaign of the government, then the judges may overrule such objection because they are constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable.²³ Ultimately, the trial court strictly adhered to the Supreme Court's framework on plea bargaining despite the opposition of the prosecution.²⁴

But respondent's subsequent Motion for Reconsideration²⁵ dated January 20, 2020 was granted by the Court of Appeals under its Amended Decision²⁶ dated July 21, 2021, *viz.*:

WHEREFORE, the Motion for Reconsideration filed by respondent is **GRANTED**. Accordingly, the dispositive portion of our 29 November 2019 Decision is hereby **amended**, to read as follows:

WHEREFORE, the petition is GRANTED. 4 February 2019 Decision of the Hon. Kristine B. Tiangco-Vinculado, the Presiding Judge of the Regional Trial Court (RTC), Branch 16, Roxas City, in Crim. Case Nos. C87-16, C-88-16, and C-89-16 are hereby ANNULLED and SET ASIDE.

Accordingly, the Regional Trial Court (RTC), Branch 16, Roxas City, is ORDERED to proceed with the trial on the original charges in Crim. Case Nos. C87-16, C-88-16, and C-89-16.

SO ORDERED. (Emphases in the original)

¹⁹ Id. at 43-68.
²⁰ Id.
²¹ Id. at 132-148.
²² Id. at 144.
²³ Id.
²⁴ Id. at 147.
²⁵ Id. at 149-163.
²⁶ Id. at 167-178.

The Court of Appeals held that a plea of guilty to a lesser offense would never become valid without the conformity of the prosecutor. In the absence of a mutual agreement to plea bargain, the proper course of action would be the continuation of the proceedings.²⁷ Too, Department of Justice Circular No. 27 did not violate the rule-making authority of the Court. Rather, it merely served as an internal guideline for prosecutors to observe before they may give their consent to proposed plea bargains.²⁸ In any event, the trial court committed grave abuse of discretion when it granted petitioner's proposal to plea bargaining to lesser offenses sans the consent of the prosecution.²⁹

The Present Petition

Petitioner now seeks affirmative relief from the foregoing dispositions of the Court of Appeals *via* Rule 45. He essentially avers that the trial court did not commit grave abuse of discretion when it granted the proposed plea bargaining on the offenses charged. In fact, courts have the authority to overrule objections since they are constitutionally bound to settle actual controversies involving rights which are legally demandable and enforceable.³⁰ Verily, the trial court's exercise of sound discretion is not tantamount to grave abuse of discretion.³¹

Our Ruling

We reverse.

*The recently issued
Department of Justice
Circular No. 18 now
conforms to the Court-issued
Plea Bargaining Framework*

Foremost, the issues raised in this Petition have already been addressed and resolved in the recent consolidated cases of *Montierro v. People* and *Baldadera v. People*.³² In these cases, Cypher Baldadera and Erick Montierro were separately charged with violation of Section 5, Article II of Republic Act No. 9165. During the pendency of their cases, the Court promulgated *Estipona v. Lobrigo*.³³ which essentially allowed plea bargaining in drugs cases. Incidental thereto, Montierro and Baldadera accordingly filed their respective proposals for plea bargaining, offering to enter a guilty plea to Section 12 of

²⁷ Id. at 174.

²⁸ Id. at 176

²⁹ Id. at 174.

³⁰ Id. at 20.

³¹ Id. at 25.

³² G.R No. 254564 and G.R. No. 254974, July 26, 2022.

³³ See 816 Phil. 789 (2017).

Republic Act No. 9165, in accordance with the Court's plea bargaining framework. The prosecution nevertheless interposed its objection, citing the provisions of Department of Justice Circular No. 27. Ultimately, however, the Court held that consistent with the amendments introduced by Department of Justice Circular No. 18, the **prosecution's objection to Montierro's plea bargaining proposals, which was based solely on the superseded provisions of Department of Justice Circular No. 27, may now be considered to have been effectively withdrawn.**

Indeed, Department of Justice Circular No. 18 is a significant development in the framework on plea bargaining in drug cases as it introduced amendments which harmonized conflicting portions under A.M. No. 18-03-16-SC. Thus:

AM 18-03-16-SC dated May 4, 2018		DOJ 27 dated June 26, 2018		DOJ 18 dated May 10, 2022	
Offense charged in Information	Acceptable Plea Bargain	Offense charged in Information	Acceptable Plea Bargain	Offense charged in Information	Acceptable Plea Bargain
Section 5, <i>Sale, Trading, etc. of Dangerous Drugs</i>	Section 12 <i>Possession of Equipment, Appartus, and Other</i>	Section 5 <i>Sale, Trading, etc. of Dangerous Drugs</i>	Section 11 (3) <i>Possession of Dangerous Drugs</i>	Section 5 <i>Sale, Trading, etc. of Dangerous Drugs</i>	Section 12 <i>Possession of Equipment, Apparatus, and Other</i>
<u>Penalty:</u>	<u>Penalty:</u>	<u>Penalty:</u>	<u>Penalty:</u>	<u>Penalty:</u>	<u>Penalty:</u>
Life Imprisonment to Death	6 months and 1 day to 4 years	Life Imprisonment to Death	12 years and 1 day to 20 years	Life Imprisonment to Death	6 months and 1 day to 4 years
<u>Fine:</u>	<u>Fine:</u>	<u>Fine:</u>	<u>Fine:</u>	<u>Fine:</u>	<u>Fine:</u>
PHP 500,000.00 to PHP 10,000,000.00	PHP 10,000.00 to PHP 50,000.00	PHP 500,000.00 to PHP 10,000,000.00	PHP 300,000.00 to PHP 400,000.00	PHP 500,000.00 to PHP 10,000,000.00	PHP 10,000.00 to PHP 50,000.00

Notably, the recently issued Department of Justice Circular No. 18, which amended Department of Justice Circular No. 27, now conforms to A.M. No. 18-03-16-SC specifically as regards the acceptable plea bargain on Section 5, Article II of Republic Act No. 9165 (to Section 12 of the same law).

In fine, following *Montierro*, the prosecution's objection to petitioner's plea bargaining proposal in Criminal Case No. C-87-16 may now be deemed to have been effectively withdrawn. Anent Criminal Case Nos. C-88-16 and C-89-16, though in conformity with Department of Justice Circular No. 27, the proposal violated Section 2, Rule 116 of the Revised Rules on Criminal Procedure since it lacks the required consent on the part of the public prosecutor.

***Approval of a Plea
Bargaining proposal is
ultimately subject to the
sound discretion of the court***

Section 2, Rule 116 of the Revised Rules of Criminal Procedure governs the plea bargaining in criminal cases, thus:

SECTION 2. Plea of guilty to a lesser offense. — At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.

Jurisprudence has always referred to plea bargaining as a process of arriving at “a mutually satisfactory disposition of a case.”³⁴ Hence, mutual consent of the prosecution and the offended party, on one hand, and the defendant, on the other, has always been emphasized as a condition precedent or an indispensable requirement to a valid plea of guilty to a lesser offense.³⁵

More, plea bargaining in criminal cases is a rule of procedure which falls within the Court's exclusive rule-making power under Article VIII, Section 5 of the 1987 Constitution.³⁶ It advances the constitutional right to speedy disposition of cases and benefits both the State and the accused.³⁷ On one hand, the State is, *inter alia*, able to secure a conviction without expending scarce judicial and prosecutorial resources. On the other hand, the accused is

³⁴ See *Sayre v. Xenos*, 871 Phil. 86 (2020).

³⁵ *Id.*

³⁶ See *Montierro v. People* G.R. No. 245564, July 26, 2022 citing *Echegaray v. Secretary of Justice*, 361 Phil. 73 (1999).

³⁷ *Id.* citing *Estipona v. Lobrigo*, G.R. No. 226679, 816 Phil. 789 (2017).

able to avoid trial, reduce his or her possible exposure, and limit the penalty which would probably be imposed on him or her.³⁸

Here, petitioner manifested his intention to enter into plea bargaining during the trial court proceedings. In Criminal Case Nos. C-87-16 (for violation of Section 5, Article II of Republic Act No. 9165) and C-88-16 (for violation of Section 11, Article II of Republic Act No. 9165), he proposed to plead guilty to two counts of violation of Section 12, Article II of Republic Act No. 9165. And in Criminal Case No. C-89-16 (for violation of Section 12, Article II of Republic Act No. 9165), he proposed to plead guilty to the lesser offense of violation of Section 15 of the same law. Despite the objection of the public prosecutor, the trial court proceeded to grant his proposal to plea bargain. The Court of Appeals initially affirmed, but subsequently granted the Petition on reconsideration. It ruled that a plea of guilty to a lesser offense cannot be sustained without the conformity of the prosecutor, as here.

Again, though the mutual consent of the State and the accused has always been a condition precedent to a valid plea of guilty to a lesser offense,³⁹ trial courts have the discretion whether to allow the accused to make such plea.⁴⁰ To be sure, the exercise of such discretion is independent from the requirement of mutual consent.⁴¹ Indeed, if the approval of plea bargaining proposals is made entirely contingent upon the consent of the prosecution—which has generally been withheld due to issuances such as Department of Justice Circular No. 27 which contravened A.M. No. 18-03-16-SC—then the Court’s constitutionally-endowed rule-making power would be rendered nugatory.⁴²

As impartial tribunals, trial courts are objectively in the best position to disinterestedly assess whether the facts, the evidence, and the circumstances of the accused necessitate a plea bargaining agreement, and ultimately, to determine its propriety in each case. Thus, their duty necessarily includes the discretion to approve the accused’s plea of guilty to a lesser offense over the objection of the prosecution when such objection has no valid basis, or is not supported by evidence, or if the objection solely tends to undermine the Court’s plea bargaining framework, or that the objection is solely to the effect that it will weaken the drug campaign of the government.⁴³

On this score, the Court in *Montierro* set forth the following guidelines for plea bargaining in drugs cases:

³⁸ Id.

³⁹ Id. citing *People v. Villarama, Jr.*, 285 Phil. 723, 730 (1992).

⁴⁰ Id. citing *Daan v. Sandiganbayan*, 573 Phil. 368, 376 (2008).

⁴¹ Id.

⁴² Supra note 36 & 34.

⁴³ See *People v. Montierro*, G.R. No. 245564, July 26, 2022.

1. Offers for plea bargaining must be initiated in writing by way of a formal written motion filed by the accused in court.
2. The lesser offense which the accused proposes to plead guilty to must necessarily be included in the offense charged.
3. Upon receipt of the proposal for plea bargaining that is compliant with the provisions of the Plea Bargaining Framework in Drugs Cases, the judge shall order that a drug dependency assessment be administered. If the accused admits drug use, or denies it but is found positive after a drug dependency test, then he/she shall undergo treatment and rehabilitation for a period of not less than six (6) months. Said period shall be credited to his/her penalty and the period of his/her after-care and follow-up program if the penalty is still unserved. If the accused is found negative for drug use/dependency, then he/she will be released on time served, otherwise, he/she will serve his/her sentence in jail minus the counselling period at rehabilitation center.
4. As a rule, plea bargaining requires the mutual agreement of the parties and remains subject to the approval of the court. Regardless of the mutual agreement of the parties, the acceptance of the offer to plead guilty to a lesser offense is not demandable by the accused as a matter of right but is a matter addressed entirely to the sound discretion of the court.
 - a. Though the prosecution and the defense may agree to enter into a plea bargain, it does not follow that the courts will automatically approve the proposal. Judges must still exercise sound discretion in granting or denying plea bargaining taking into account the relevant circumstances, including the character of the accused.
5. The court shall not allow plea bargaining if the objection to the plea bargaining is valid and supported by evidence to the effect that:
 - a. the offender is a recidivist, habitual offender, known in the community as a drug addict and a troublemaker, has undergone rehabilitation but had a relapse, or has been charged many times; or
 - b. when the evidence of guilt is strong.
6. Plea bargaining in drugs cases shall not be allowed when the proposed plea bargain does not conform to the Court-issued Plea Bargaining Framework in Drugs Cases.
7. Judges may overrule the objection of the prosecution if it is based solely on the ground that the accused's plea

bargaining proposal is inconsistent with the acceptable plea bargain under any internal rules or guidelines of the DOJ, though in accordance with the plea bargaining framework issued by the Court, if any.

8. If the prosecution objects to the accused's plea bargaining proposal due to the circumstances enumerated in item no. 5, the trial court is mandated to hear the prosecution's objection and rule on the merits thereof. If the trial court finds the objection meritorious, it shall order the continuation of the criminal proceedings.
9. If an accused applies for probation in offenses punishable under RA No. 9165, other than for illegal drug trafficking or pushing under Section 5 in relation to Section 24 thereof, then the law on probation shall apply.

In sum, the Court clarifies that the consent of the parties is necessary in the plea bargaining process. The approval of the accused's plea of guilty to a lesser offense, however, is ultimately subject to the sound discretion of the trial court.⁴⁴ Thus, petitioner's plea bargaining depends on the trial court's assessment of their qualifications, along with the foregoing guidelines, and not whether the public prosecutor will interpose his or her objection thereto. Verily, we find it necessary to remand the case to the trial court to determine whether petitioner is qualified to avail of the benefits of plea bargaining.

ACCORDINGLY, the Petition is **PARTLY GRANTED**. The Amended Decision dated July 21, 2021 of the Court of Appeals in CA-G.R. CEB SP. No. 12760 is **REVERSED** insofar as it **NULLIFIED** the Decision dated February 4, 2019 in *Criminal Case Nos. C-87-16, C-88-16, and C-89-16*. These cases are remanded to the Regional Trial Court, Branch 16, Roxas City, which is directed to determine the qualification of petitioner **GLEN ORDA y LOYOLA** based on the Guidelines heretofore stated, and thereafter, resolve anew his plea bargaining proposals.

SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

⁴⁴ Id.

WE CONCUR:



MARVIC MARIO VICTOR F. LEONEN

Senior Associate Justice

Chairperson



MARIO V. LOPEZ

Associate Justice



JHOSEPY LOPEZ

Associate Justice



ANTONIO T. KHO, JR.

Associate Justice

*Please see accompanying
dissenting opinion.*

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.

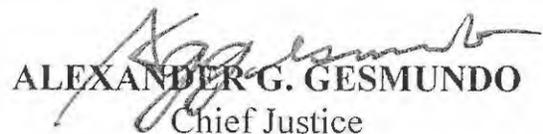


MARVIC MARIO VICTOR F. LEONEN

Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the above 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

