

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 223107
PHILIPPINES,

Plaintiff-Appellee,

Present:

— versus —

RUBY AGUSTIN and
JOVELYN ANTONIO,
Accused-Appellants.

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

Promulgated:

MAR 15 2023

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DECISION

M. LOPEZ, J.:

The power of the courts to commit prisoners carries with it the duty to immediately release them in case of detention for a period equivalent or longer than the maximum imposable penalty. Any prolonged imprisonment is not only cruel and inhumane but is also a “*second-by-second assault on the soul, a day-to-day degradation*”¹ of the dignity and person of the detainees.

For our review in this present appeal assailing the Decision² dated December 5, 2014 of the Court of Appeals (CA) in CA-G.R. CR. H.C. No. 05342.

¹ Mumia Abu-Jamal, Author of “*Live from Death Row*.”

² *Rollo*, pp. 2-11. Penned by Associate Justice Elihu A. Ybañez, with the concurrence of Associate Justices Romeo F. Barza and Carmelita S. Manahan.

ANTECEDENTS

Susie Qui (Susie), owner of GQ Pawnshop, hired Ruby Agustin (Ruby) in 1997 and Jovelyn Antonio (Jovelyn) in 1999 as appraiser and secretary, respectively. As an appraiser, Ruby ascertains the genuineness of pawned items and requires customers to accomplish pawn tickets. Upon approval of the pawnshop manager Alfonso Gervacio, Sr. (Alfonso), Ruby gives customers money based on the appraised value of the items and copies of the pawn tickets. Thereafter, Ruby puts the pawned items inside separate plastic bags with control numbers. At the end of the business day, Alfonso stores all the pawned items in the safety vault of which only he and Susie knew the combination lock. Meanwhile, Jovelyn keeps records of the transactions and acts as a reliever whenever Ruby is not around. In 2000, both Ruby and Jovelyn resigned from work. Later, the new appraiser Anabelle Reyes (Anabelle)* discovered that several pawned items were fake, and that Ruby and Jovelyn processed these transactions with a total value of PHP 585,250.00. Alfonso confronted Ruby and Jovelyn, who both admitted the fraud and undertook to return the money within a period of one year.³

Aggrieved, Susie and Alfonso filed a criminal complaint against Ruby and Jovelyn. Finding probable cause, the public prosecutor charged Ruby and Jovelyn with qualified theft before the Regional Trial Court (RTC) docketed as Criminal Case No. 00-127, to wit:

That on or about the period from the month of January to August 2000, in the Municipality of Camiling, [P]rovince of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the said accused Ruby Agustin, being then the appraiser and Jovelyn Antonio, being then the secretary of Susie G. Qui, owner of GQ Pawnshop, managed by Alfonso Gervacio, Jr., situated at Arellano St., Camiling, [T]arlac, as employees, have access to the said pawnshop where the pawned/pledged jewelries were stored/placed, conspiring and confederating together and helping one another and conniving with the persons who pledged the said jewelries, did then and there willfully, unlawfully and feloniously with grave breach of trust and confidence reposed upon them by their employer, Susie G. Qui owner of GQ Pawnshop, managed by Alfonso Gervacio, Jr., with intent to gain and without knowledge and consent of their employer, take, steal and carry away, from the GQ Pawnshop pawned/pledged jewelries and some were passed off as genuine when in truth and in fact are fake, thereby sharing the difference of the proceeds to the damage and prejudice of said Susie G. Qui in the amount of [PHP] 666,600.00, Philippines currency.

Contrary to law.⁴

Upon arraignment, Ruby and Jovelyn pleaded not guilty. At the trial, the prosecution presented Anabelle, Alfonso, Benigno Sunglay (Benigno), Cindy Sarmiento (Cindy), Purita Manuel (Purita), and Marichu Babas-Tabula (Marichu). The collective testimonies of Cindy, Purita, and Marichu showed that Ruby and Jovelyn requested them on various occasions to pawn fake pieces of jewelry. After

* "Anabel" in some parts of the records.

³ CA *rollo* at 19-20; 91-93.

⁴ *Id.* at 18-19; and 89-90.

the transactions, Ruby and Jovelyn will meet them outside the pawnshop and collect the proceeds. On the other hand, Alfonso explained that he instructed Anabelle to inventory the pawned items that Ruby and Jovelyn processed because they were already scheduled for auction. Anabelle used blackstone and acid tests which revealed that several pieces of jewelry were fake.⁵ Alfonso and Benigno testified that Ruby and Jovelyn executed handwritten statements where they admitted the scheme of using people to pawn fake items. Ruby and Jovelyn also promised to return the money, but Susie refused and filed a criminal complaint.⁶ In contrast, Ruby and Jovelyn denied the accusation and claimed that Alfonso forced them to write the admissions on the pretext that he would take care of the problem of the fake items pawned during their employment.⁷

On November 24, 2011, the RTC convicted Ruby and Jovelyn of qualified theft. The RTC held that the prosecution established that Ruby and Jovelyn unlawfully took PHP 585,250.00 with grave abuse of their employer's confidence. The RTC gave weight to Ruby and Jovelyn's extrajudicial admissions and the testimonies of people they used to accomplish the crime.⁸ On even date, the RTC committed Ruby and Jovelyn to the Bureau of Jail Management and Penology and transferred them to the Correctional Institution for Women,⁹ thus:

After considering the evidence presented by the prosecution and the defense, this court finds that the prosecution was able to prove the guilt of the accused beyond reasonable doubt.

To begin with, the prosecution submitted two documents (exhibits "G" and "H") executed by the accused themselves wherein they admitted that the items pawned were passed as genuine jewelries [*sic*] when in fact and in truth they are fake and promised to pay the amount defrauded little by little. When accused were confronted about these two documents at the witness stand, they identified the signatures appearing thereon as theirs. The due execution and authenticity of the documents were thus duly established.

The fact that accused's extra-judicial statements were taken in the house of the sister of the owner and manager of the GQ Pawnshop and without the assistance of counsel does not render their statements inadmissible in evidence. ...

....

Even assuming that the two documents are inadmissible in evidence, the prosecution had presented the testimony of [Anabelle Reyes], the one who replaced accused Ruby Agustin as appraiser[.] Reyes declared that she conducted an examination of the items pawned during the time when both accused were still connected with the said pawnshop and found out that a considerable number of jewelry items are fake, amounting to [PHP] 585,250.00.

....

⁵ *Id.* at 19-20; and 122-135.

⁶ *Id.*

⁷ *Id.* at 20-21; and 93-94.

⁸ *Id.* at 18-26.

⁹ *Id.* at 27.

Even further granting that the testimonies of the prosecution witnesses Alfonso Gervacio and Anabel[le] Reyes are not credible, **there is circumstantial evidence to prove that both accused conspired with each other in defrauding GQ Pawnshop.**

First, both accused were employees of GQ Pawnshop during the period of the commission of the fraud;

Second, Purita Manuel, Cindy Sarmiento, [and] Marichu Babas-Tabula uniformly testified that accused Ruby Agustin requested them several times to pawn certain jewelries [sic] at GQ Pawnshop by making it appear that they were the pawners [sic] but in fact and in truth said accused was really the one who was the pawner [sic].

Third, **after the pawning of the jewelries [sic] passed as genuine items, accused will returned [sic] to the said prosecution witnesses to collect the proceeds of the pawned items.**

Fourth, **both accused were always together whenever they made the said requests and when they collected the proceeds of the pawned items.**

Fifth, when the new appraiser Anabel[le] Reyes examined the pawned items during the term of the accused, she found the same to be fake items;

Sixth, when confronted about the anomaly, **both accused admitted their wrongdoing.** In fact, they reduced into writing their respective admissions. (exhibits "G" and "H").

From the foregoing circumstances, it is apparent that accused Ruby Agustin and Jovelyn Antonio conspired with each other in defrauding GQ Pawnshop. ...


....

In their efforts to escape criminal liability, both accused "argue that their written statements were obtained through deceit, trickery, promise and scheme," they claiming that they only copied from a certain paper their contents. "There is nothing on record, however, buttressing such claim other than their self-serving assertion. The presumption that no person of normal mind would deliberately and knowingly confess to a crime unless prompted by truth and conscience such that it is presumed to be voluntary until the contrary is proved thus stands." ...

Concerning the penalty, the accused should be meted the penalty of reclusion perpetua considering that the list and the audit report which was identified and affirmed by Anabel[le] Reyes and Alfonso Gervacio and presented as evidence by the Prosecution reveals that the total amount taken by the accused is [PHP] 585,285.00. True, the total imposable penalty for simple theft should not exceed 20 years. However, since the penalty for the offense charged is two degrees higher than that for simple theft, the penalty imposable is reclusion perpetua. ...

....

WHEREFORE, premises considered, accused Ruby Agustin and Jovelyn Antonio are hereby found guilty beyond reasonable doubt of the offense of qualified theft and hereby sentences each of them to the penalty of reclusion



perpetua and the accessory penalties of death under Article 40 of the Revised Penal Code, as amended.

Both accused are likewise ordered to pay the owner of GQ Pawnshop the amount defrauded which totaled [PHP] 585,250.00, jointly and severally.

....

SO ORDERED.¹⁰

Dissatisfied, Ruby and Jovelyn elevated the case to the CA docketed as CA-G.R. CR. H.C. No. 05342. Ruby and Jovelyn argued that they are not liable for qualified theft because they did not steal personal properties belonging to the pawnshop. The ownership of the pawned pieces of jewelry remained with the pledgors. The pawnshop merely kept the items for safekeeping. Ruby and Jovelyn maintained that their admissions are involuntary.¹¹ On December 5, 2014, the CA affirmed the judgment of conviction for qualified theft,¹² viz.:

Here, the prosecution has ably established that accused-appellants took advantage of their positions as appraiser and secretary who connived to defraud the pawnshop. Accused-appellant Agustin, as the appraiser, is the person authorized to examine and declare the value of any pawned article while the secretary records the same for release of the proceeds. **For almost eight months, accused-appellants have designed and committed a systematic way of defrauding GQ Pawnshop by conniving with outside persons to pawn fake jewelries at GQ Pawnshop.** The fake items being pawned passes only through accused-appellants who are both instrumental for the release of the proceeds of the pawned articles. Hence, it is beyond doubt that only accused-appellants can commit said acts of defrauding GQ Pawnshop because they are the only ones invested with confidence by the owners thereof.

Moreover, several witnesses testified that they were the persons asked by the accused-appellants to pawn the fake jewelries and later collected the proceeds from them. These testimonies all the more strengthens [*sic*] the presence of the elements of the crime charged. **Further, it must be emphasized that accused-appellants admitted in writing the acts they have committed.** Accused-appellants had asked several persons to pawn fake items at GQ pawnshop which they would pass on as genuine and later on collect the proceeds from the persons who pawned them.

Accused-appellants aver that they were only forced to write the said admissions on the pretext that Alfonso Gervacio will take care of the issue. We find this excuse as superfluous.

Why would any person in his right mind admit to a wrongdoing which can hold him criminally liable? They admitted in open court that they understood the contents of the written admissions they executed. If they truly believe they were not liable for the fake jewelries that were pawned, why would they freely execute such an admission?

¹⁰ *Id.* at 22–26.

¹¹ *Id.* at 87–103.

¹² *Id.* at 146–154. Penned by Associate Justice Elihu A. Ybañez, with the concurrence of Associate Justices Romeo F. Barza and Carmelita S. Manahan.

The denials advanced by accused-appellants cannot overcome the overwhelming evidence presented by the prosecution.

Accused-appellants also argue that there can be no qualified theft in the instant case because there was no sufficient proof as to the ownership of the stolen property.

We do not agree.

First, what was stolen in the instant case is the amount of [PHP]585,285.00 that was released by GQ Pawnshop as proceeds of the pawned fake items. It is as if the Pawnshop parted with [PHP]585,285.00 and received items of no value. This is theft in itself. When it was done through abuse of confidence, the crime of qualified theft was committed.

Second, in the case of *Miranda vs. People of the Philippines*, the Supreme Court had the occasion to rule that:

... Moreover, we agree with the CA when it gave short shrift to petitioner's argument that full ownership of the thing stolen needed to be established first before she could be convicted of qualified theft. **As correctly held by the CA, the subject of the crime of theft is any personal property belonging to another. Hence, as long as the property taken does not belong to the accused who has a valid claim thereover, it is immaterial whether said offender stole it from the owner, a mere possessor, or even a thief of the property. ...**

In view of the above quoted declaration of the Supreme Court, it did not matter whether the money taken belongs to private complainants, **what matter's (sic) is that it is beyond doubt that the money taken do not belong to the accused-appellants.**

In sum, the crime of qualified theft has been proven beyond reasonable doubt when they successfully contrived a scheme in defrauding GQ Pawnshop by abusing the confidence reposed in their positions as appraiser and secretary. The denial interposed by accused-appellants failed to overcome the overwhelming evidence of the prosecution that they are the perpetrators of the crime as charged. Thus, We find no reversible error committed by the court a quo in rendering the assailed decision.

WHEREFORE, in view of the foregoing, the appeal is hereby DENIED for lack of merit. The Decision of the Regional Trial Court of Camiling, Tarlac, Branch 68, in Criminal Case No. 00-127 is hereby AFFIRMED in toto.

SO ORDERED.¹³ (Emphasis supplied)

Ruby and Jovelyn sought reconsideration but were denied.¹⁴ Hence, this recourse.¹⁵ The parties opted not to file supplemental briefs considering that all issues have already been exhaustively discussed in their pleadings before the CA. Thus, Ruby and Jovelyn reiterate that the prosecution failed to prove their guilt beyond reasonable doubt. Meantime, the Correctional Institution for Women

¹³ *Id.* at 151-154.

¹⁴ *Id.* at 178-179.

¹⁵ *Id.* at 180-181.

informed the Court that Ruby died on February 26, 2017 due to multiple organ failure as evidenced by her death certificate.¹⁶

RULING

At the outset, Article 89, paragraph 1 of the Revised Penal Code (RPC) provides that criminal liability is totally extinguished “[b]y the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.” Under prevailing jurisprudence, the death of the accused before final judgment of conviction renders dismissible not only the criminal action but also the civil action to recover civil liability based on the commission of the crime.¹⁷ This is because when the death of the accused supervenes pending appeal of the conviction, there is no longer a defendant to stand as the accused. The civil action impliedly instituted in the criminal case is *ipso facto* extinguished.¹⁸ Accordingly, there is no need to decide Ruby’s criminal liability and civil liability *ex delicto*. However, the civil liability of the accused may survive if it is predicated on a source other than the crime. The victim may then file a separate civil action against the estate of the accused as may be warranted by law and procedural rules.¹⁹

The Court now determines Jovelyn’s criminal liability. The crime of theft is committed by any person who, with intent to gain, but without violence against, or intimidation of persons nor force upon things, shall take the personal property of another without the latter’s consent.²⁰ Grave abuse of trust is a circumstance that aggravates and qualifies the commission of the crime of theft; hence, the imposition of a higher penalty is necessary.²¹ The crime of qualified theft requires the confluence of the following elements, to wit: (1) there was a taking of personal property; (2) the said property belongs to another; (3) the taking was done without the consent of the owner; (4) the taking was done with intent to gain; (5) the taking was accomplished without violence or intimidation against person, or force upon things; and (6) the taking was done under any of the circumstances enumerated in Article 310 of the RPC, *i.e.*, with grave abuse of confidence.²²

Here, the prosecution established all the elements of qualified theft.²³ First, Jovelyn took the proceeds from the pledge of fake items. Second, the funds belong to GQ Pawnshop and its owner. Third, the absence of consent was shown in Jovelyn’s defiance of the specific procedures to ascertain the genuineness of the pawned items and to allow the release of the money to the customers. Jovelyn employed the scheme of using other persons who pawned pieces of jewelry that

¹⁶ Rollo, pp. 45–47.

¹⁷ *People v. Lipata*, 785 Phil. 520, 530 (2016) [Per J. Carpio, Second Division]. See also *People v. Maylon*, 874 Phil. 901 (2020) [Per J. Perlas-Bernabe, Special Second Division].

¹⁸ *People v. Paras*, 746 Phil. 167, 171 (2014) [Per J. Leonardo-De Castro, Special First Division].

¹⁹ *People v. Culas*, 810 Phil. 205, 209 (2017) [Per J. Perlas-Bernabe, First Division].

²⁰ Revised Penal Code, art. 308 paragraph 1.

²¹ Revised Penal Code, art. 310. See also *People v. Mejares*, 823 Phil. 459, 470 (2018) [Per J. Leonen, Third Division].

²² *People v. Bago*, 386 Phil. 310, 334–335 (2000) [Per J. Puno, First Division].

²³ *People v. Euraba*, G.R. No. 220762, April 18, 2018 [Notice, Third Division]; *Ringor v. People*, 723 Phil. 685, 691 (2013) [Per J. Reyes, First Division]; *Zapanta v. People*, 707 Phil. 23, 31 (2013) [Per J. Brion, Second Division]; and *Matrido v. People*, 610 Phil. 203, 211–212 (2009) [Per J. Carpio, Second Division].

she passed off as genuine and collecting the proceeds after the fraudulent transactions. Fourth, the furtive taking of the money raised the reasonable presumption of intent to gain. Fifth, Jovelyn held the proceeds of the pawned items without force, violence, or intimidation. Sixth, Jovelyn's position as secretary and reliever in appraising the pieces of jewelry entails a high degree of confidence in having access to the funds of the pawnshop.

The taking in qualified theft must be the result of a relation by reason of dependence, guardianship, or vigilance, between the accused and the offended party that has created a high degree of confidence between them.²⁴ In *People v. Cahilig*,²⁵ the Court found that the victim reposed in the accused with high trust and confidence because he handles, manages, receives, and disburses funds. In *People v. Boquecosa*,²⁶ the accused committed qualified theft when she took pieces of jewelry, class ring collections, and cell card sales, without the consent of the pawnshop's owner. The accused's position as vault custodian entailed a high degree of trust. In *People v. Cruz*,²⁷ the accused accomplished the theft with grave abuse of confidence because he was entrusted to receive payments, issue receipts, and oversee all aspects pertaining to cash purchases and sale of merchandise of the business. The accused also had access to the lists of sales reports and the cash of the daily sales. In *People v. Sabado*,²⁸ the accused was guilty of qualified theft when he gravely exploited the trust of his employer. The Court considered the accused's exclusive management of the shop and access to the vault.

In the same manner, the prosecution substantiated the gravity of how Jovelyn betrayed the special trust of her employer who entrusted to her the funds as well as the delicate task of ensuring the legitimacy of transactions in the pawnshop. More telling, Jovelyn's job was significant to facilitate the taking of money. As the CA aptly observed, the fake pawned items passed "*only through accused-appellants who are both instrumental for the release of the proceeds of the pawned articles.*"²⁹ Taken together, the CA and the RTC correctly convicted Jovelyn of qualified theft. Contrary to the theory of Jovelyn, the object of qualified theft is not the fake pieces of jewelry but the proceeds from the unlawful transactions that do not belong to her but to the pawnshop. Finally, Jovelyn's incriminatory statement given before her employer is admissible in evidence. As the RTC correctly ruled, the protective mantle of the Constitution applies only during custodial investigation and does not extend to confessions made to a private individual.³⁰ In any event, the Court discerns no sign that the extrajudicial admission is involuntary. Jovelyn signed the statement executed in Filipino which discounted any confusion as to its contents. Corroborating evidence also dovetails with the essential facts contained in the confession. As such, the extrajudicial admission is presumed voluntary absent conclusive evidence that the declarant's consent has been vitiated.

²⁴ *People v. Cahilig*, 740 Phil. 200, 209–210 (2014) [Per J. Carpio, Second Division].

²⁵ *Id.*

²⁶ 767 Phil. 445 (2015) [Per J. Perez, First Division].

²⁷ 786 Phil. 609 (2016) [Per J. Perez, Third Division].

²⁸ 813 Phil. 221 (2017) [Per J. Tijam, Third Division].

²⁹ *Rollo*, pp. 8–9.

³⁰ *Astudillo v. People*, 538 Phil. 786 (2006) [Per J. Carpio-Morales, Third Division].

Qualified theft is punished by penalties next higher by two degrees than those prescribed for simple theft. In this case, the prosecution proved that the money stolen is PHP 585,250.00 and not PHP 666,600.00 as alleged in the Information. Under Republic Act No. 10951,³¹ the penalty for simple theft is *prision correccional* in its minimum and medium periods, if the value of the property stolen is more than PHP 20,000.00 but does not exceed PHP 600,000.00. Two degrees higher than this penalty is *prision mayor* in its medium and maximum periods. As this penalty exceeds one year, the Indeterminate Sentence Law is applicable. Absent any modifying circumstance, the maximum term of the indeterminate penalty must be within the medium period of the prescribed penalty of *prision mayor* in its medium and maximum periods or **nine years, four months, and one day to 10 years and eight months**. The minimum term of the indeterminate penalty must be within the range of the penalty next lower in degree which is *prision correccional* in its maximum period to *prision mayor* in its minimum period or four years, two months, and one day to eight years.

On this point, Article 89, paragraph 2 of the RPC is explicit that criminal liability is totally extinguished by service of the sentence. The records show that Jovelyn has been incarcerated from November 24, 2011 up to present or for almost 12 years which is much more than the maximum imposable penalty of **10 years and eight months**. The policy is to release detainees who have been imprisoned for a period equivalent or longer than the maximum imposable penalty. A contrary stance downgrades the basic principles under the United Nations Standard Minimum Rules for the Treatment of Prisoners popularly known as the *Nelson Mandela Rules* which provide that “[t]he purposes of a sentence of imprisonment or similar measures deprivative of a person’s liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.”³² Hence, Jovelyn must now be set free and any further delay is nothing but unjust.

However, this is without prejudice to the accused’s civil liability arising from the commission of the crime which subsists notwithstanding the service of sentence.³³ Applying the prevailing jurisprudence, the actual damages due to GQ Pawnshop and its owner amounting to PHP 585,250.00 shall earn interest at the rate of 6% per annum from the date of the RTC’s Decision on November 24, 2011 until full payment.³⁴


ACCORDINGLY, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated December 5, 2014 in CA-G.R. CR-HC No. 05342 is **AFFIRMED** with **MODIFICATION** in that accused-appellant Jovelyn Antonio is found guilty of qualified theft and is sentenced to suffer the indeterminate penalty of four years, two months and one day of *prision correccional*, as

³¹ Entitled “An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based and the Fines Imposed Under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as ‘The Revised Penal Code’, as Amended,” (2017).

³² Basic Principles, Rule 4.

³³ *Monsanto v. Factoran, Jr.*, 252 Phil. 192, 204 (1989) [Per J. Fernan, *En Banc*].

³⁴ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013) [Per J. Peralta, *En Banc*].

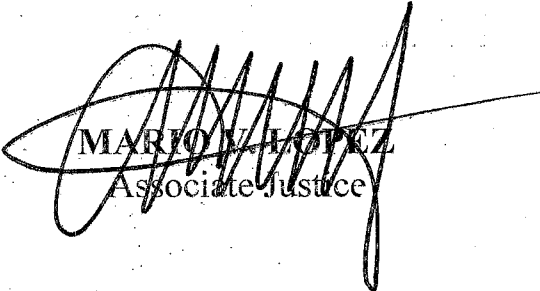


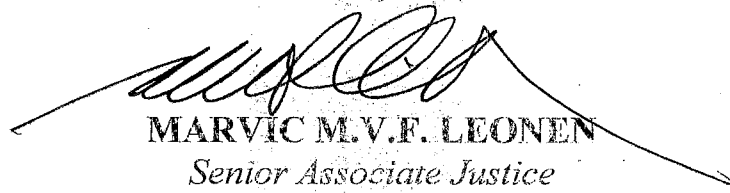
minimum, to nine years, four months, and one day of *prision mayor*, as maximum. Accused-appellant is also directed to pay the private complainant PHP 585,250.00 which shall earn interest at rate of 6% per annum from the date of the Regional Trial Court's Decision on November 24, 2011 until full payment. However, accused-appellant is **ORDERED IMMEDIATELY RELEASED** from detention due to service of sentence, unless she is being lawfully held for another cause.

Let a copy of this Decision be furnished to the Superintendent of the Correctional Institution for Women, Mandaluyong City for immediate implementation. The Superintendent is required to report to the Court the action taken within five days from receipt of this Decision.

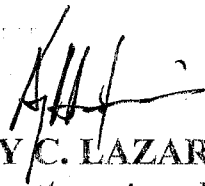
On the other hand, the assailed Decision is **SET ASIDE** with respect to accused-appellant Ruby Agustin in view of her supervening death pending appeal. The criminal liability and civil liability *ex delicto* of accused-appellant are declared **EXTINGUISHED** by her death before final judgment. Let entry of judgment be issued immediately.

SO ORDERED.


MARION LOPEZ
Associate Justice

WE CONCUR:

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



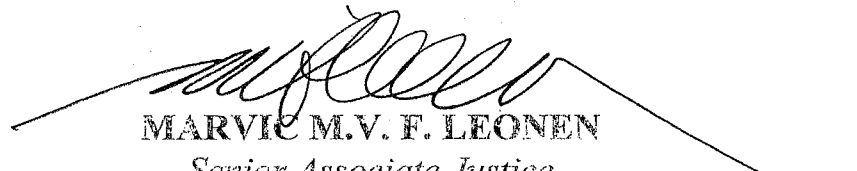
JHOSEP K. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

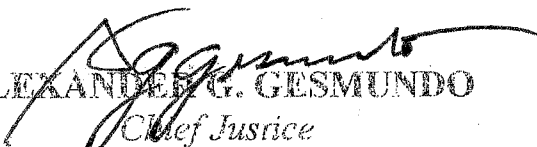
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V. F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 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

