



Republic of the Philippines
Supreme Court
Manila City

EN BANC

TERESITA L. SALVA,
Petitioner,

G.R. No. 193773

Present:

- versus -

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,* and
LEONEN, JJ.

FLAVIANA M. VALLE,
Respondent.

Promulgated:

APR 02 2013

X-----X

DECISION

VILLARAMA, JR., J.:

Assailed in this petition for review on certiorari under Rule 45 is the Decision¹ dated August 25, 2010 of the Court of Appeals (CA) in CA-G.R. SP No. 103622.

The facts leading to the present controversy, as summarized by the CA:

On June 11, 2004, petitioner Teresita L. Salva (petitioner hereafter), President of Palawan State University (PSU), issued Office

* On official leave.

¹ *Rollo*, pp. 53-66. Penned by Associate Justice Mario V. Lopez with Associate Justices Magdangal M. De Leon and Manuel M. Barrios concurring.

Order No. 061 reassigning four (4) PSU faculty members of the College of Arts and Humanities to various Extramural Studies Centers. She assigned respondent Flaviana M. Valle (respondent hereafter) at Brooke's Point, Palawan.

In a letter dated June 17, 2004, respondent informed petitioner that her net take home pay is only P378.66 per month and that she needed financial assistance in the total amount of P5,100.00 to support her stay at Brooke's Point. Pending the approval of her request, respondent asked that she be allowed to report to the main campus. But, it appears that as early as respondent's receipt of the reassignment order, her teaching load or subjects in the main campus were already distributed to other faculty members.

When respondent did not report to her new assignment, petitioner issued a memorandum directing respondent to explain in writing within seventy two (72) hours why no disciplinary action should be taken against her. Respondent stated that upon approval of her request for financial assistance, she will immediately report to her new place of assignment. On June 25, 2004, respondent received an endorsement approving her travel expenses.

On June 30, 2004, William M. Herrera, Director of PSU-Brooke's Point, informed petitioner that respondent merely reported for two to three hours on June 15, 2004 and did not return since then. Thus, petitioner issued another memorandum directing respondent to explain within 72 hours why she should not be administratively charged with insubordination for failure to comply with the order of reassignment (Office Order No. 061). Again, respondent declared that her failure to report to her new station was due to her poor financial status.

Finding respondent's explanation unsatisfactory, petitioner issued Administrative Order No. 001 dated July 5, 2004 imposing upon respondent the penalty of one (1) month suspension from office without pay. Respondent's motion for reconsideration was denied.

When respondent's suspension expired, on August 5, 2004, petitioner issued another memorandum directing respondent to immediately report at Brooke's Point. Petitioner informed respondent that she, her husband and minor children are entitled to traveling and freight expenses. Respondent filed another motion for reconsideration stressing that her relocation would result in financial distress to her family. Again, she requested that she remain at the main campus.

Petitioner issued another memorandum directing respondent to explain within 72 hours why she should not be administratively charged with insubordination. Instead of tendering an explanation, respondent sent petitioner a letter dated August 30, 2004 stating that she has appealed petitioner's order of reassignment and suspension to the PSU Board of Regents. She requested for the deferment of any action against her. However, petitioner claimed that respondent failed to furnish her a copy of the notice of appeal. Thus, on September 13, 2004, petitioner issued Administrative Order No. 003 finding respondent guilty of insubordination for the second time and imposing upon her the supreme penalty of dismissal from service. When reconsideration was denied, respondent appealed to the PSU Board seeking nullification of petitioner's orders. She argued that she was unceremoniously dismissed without cause

and due process and that her dismissal was flawed due to procedural infirmities such as lack of formal complaint and hearing.

Finding petitioner's actions in order, the PSU Board, in a Resolution dated November 17, 2004, confirmed petitioner's orders, to wit: (1) Office Order No. 061 reassigning respondent to Brooke's Point; (2) Administrative Order No. 001 suspending her for a month; and (3) Administrative Order No. 003 terminating her from service with cancellation of eligibility, forfeiture of leave credits and retirement benefits and disqualification from government service.

On December 13, 2004, respondent received her copy of the PSU Board's decision confirming the orders issued by petitioner. As the PSU Board Resolution dated November 17, 2004 was allegedly unsigned, respondent wrote a letter dated January 7, 2005 to Rev. Fr. Rolando V. Dela Rosa, O.P., the Chairman of the PSU Board and Commission on Higher Education (CHED). She sought to clarify whether the resolution was already approved in a referendum and whether the PSU Board intended to release the said resolution.

On February 18, 2005, respondent was furnished a copy of the PSU Board referendum [dated December 6, 2004] which approved and formalized the November 17, 2004 Resolution. Subsequently, on May 6, 2005, respondent received the CHED memoranda dated November 16, 2004 and February 11, 2005 stating that due process was not observed. The CHED, then, recommended the deferment of the dismissal order to give way to the proper observance of the rules of procedure. When the PSU Board did not act on the said recommendation, on July 14, 2005 or almost five (5) months from her receipt of the referendum, respondent filed her Memorandum of Appeal to the CSC.²

On July 3, 2007, the Civil Service Commission (CSC) issued Resolution No. 071255³ granting respondent's appeal, as follows:

WHEREFORE, the appeal of Flaviana M. Valle, Palawan State University, is hereby **GRANTED**. Accordingly, the instant case is hereby **REMANDED** to the Palawan State University, Puerto Princesa City, Palawan, for the issuance of the required formal charge, if the evidence so warrants, and thereafter to proceed with the formal investigation of the case. The formal investigation should be completed within three (3) calendar months from the date of receipt of the records from the Commission. Within fifteen (15) days from the termination of the investigation, the disciplining authority shall render its decision, otherwise, the Commission shall vacate and set aside the appealed decision and declare respondent exonerated from the charge.

The Director IV of the Civil Service Commission Regional Office No. IV, Panay Avenue, Quezon City, is hereby directed to monitor the implementation of this Resolution and submit a report to the Commission.⁴

The CSC found that respondent was not afforded due process as there was no formal charge issued against her before she was adjudged guilty of

² Id. at 53-57.

³ Id. at 174-188.

⁴ Id. at 188.

insubordination and meted the penalty of dismissal. Petitioner filed a motion for reconsideration⁵ but the CSC denied it under Resolution No. 080582⁶ dated April 10, 2008.

Dissatisfied, petitioner filed a petition for review under Rule 43 in the CA. By Decision dated August 25, 2010, the CA sustained the ruling of the CSC.

Hence, this petition alleging that –

THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT
THE RESPONDENT WAS DISMISSED FROM THE SERVICE
WITHOUT THE REQUISITE FORMAL CHARGE

THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT
THE CIRCUMSTANCES SURROUNDING RESPONDENT'S
DISMISSAL FROM THE SERVICE WERE SHORT OF
SUBSTANTIAL COMPLIANCE WITH THE DUE PROCESS
REQUIREMENTS⁷

Petitioner argues that the requisite formal charge had been duly complied through her issuance of memorandum orders which were in the nature of a formal charge contemplated under the civil service rules. With these memoranda, respondent was apprised of the offense she had committed and afforded her the opportunity to ventilate within a period of 72 hours from receipt of the same the reasons why she should not be held liable for such offense. Petitioner asserts that subsequent issuance of another directive captioned “formal charge” would have been an exercise in redundancy that would serve no purpose other than to unduly prolong the administrative proceeding, which could not be the intendment of the rules. Moreover, respondent’s “[participation] in the administrative proceedings initiated against her by the Petitioner x xx likewise x xx supports the stance that proper administrative charges were initiated against her and militates [against respondent’s] contention that due process was not accorded her.”⁸

We disagree.

A formal charge issued prior to the imposition of administrative sanctions must conform to the requirements set forth in Section 16, Rule II of the Uniform Rules on Administrative Cases in the Civil Service⁹ (URACCS), which reads:

SEC. 16.*Formal Charge.* – After a finding of a *prima facie* case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of charge(s), a brief statement of material or relevant facts, accompanied by certified true

⁵ Id. at 190-207.

⁶ Id. at 67-72.

⁷ Id. at 32.

⁸ Id. at 35.

⁹ CSC Resolution No. 991936 dated August 31, 1999.

copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his answer whether or not he elects a formal investigation of the charge(s), and a notice that he is entitled to be assisted by a counsel of his choice.

If the respondent has submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

The disciplining authority shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to delay the administrative proceedings. If any of these pleadings are interposed by the respondent, the same shall be considered as an answer and shall be evaluated as such.

We have held that if the purported “formal charge” does not contain the foregoing, it cannot be said that the employee concerned has been formally charged.¹⁰ Thus:

Citing CSC Resolution No. 99-1936 entitled “Uniform Rules on Administrative Cases in the Civil Service,” particularly Section 16 thereof on the requirement of a formal charge in investigations, the appellate court correctly ruled that:

As contemplated under the foregoing provision, a formal charge is a written specification of the charge(s) against an employee. While its form may vary, it generally embodies a brief statement of the material and relevant facts constituting the basis of the charge(s); a directive for the employee to answer the charge(s) in writing and under oath, accompanied by his/her evidence; and advice for the employee to indicate in his/her answer whether he/she elects a formal investigation; and a notice that he/she may secure the assistance of a counsel of his/her own choice. A cursory reading of the purported formal charge issued to Manahan shows that the same is defective as it does not contain the abovementioned statements, and it was not issued by the proper disciplining authority. Hence, under the foregoing factual and legal milieu, Manahan is not deemed to have been formally charged.

Reference to CSC Resolution No. 99-1936 is proper, being the law applicable to formal charges in the civil service prior to the imposition of administrative sanctions. The requirements under Section 16 thereof are clear x xx.¹¹

The Memorandum dated August 24, 2004 issued by petitioner to respondent prior to Administrative Order No. 003¹² dated September 13, 2004 imposing on her the penalty of dismissal, is therefore defective as it did not contain the statements required by Section 16 of the URACCS:

¹⁰ *Philippine Amusement and Gaming Corporation v. Court of Appeals*, G.R. No. 185668, December 13, 2011, 662 SCRA 294, 306.

¹¹ *Id.*

¹² *Rollo*, pp. 130-131.

August 24, 2004

MEMORANDUM

TO: Asst. Prof. Flaviana M. Valle
This University

Subject: Administrative Case For Insubordination

You are hereby directed to explain within 72 hours from receipt hereof why no disciplinary action be taken against you for the administrative offense of Insubordination for your failure and/or refusal to comply with Memorandum Order dated August 5, 2004 requiring you to report to the PSU Extramural Studies Center at Brooke's Point, Palawan where you were reassigned as a faculty member. As per written report dated August 19, 2004 of Director William M. Herrera, you have not yet reported for work to the said center.

(SGD.)

TERESITA L. SALVA
President¹³

As to the "administrative proceedings" mentioned by petitioner, wherein respondent supposedly participated, we find that it consists merely of the written explanation submitted by respondent in compliance with the memorandum of petitioner. Such explanation considered as answer/comment is different from the answer that may be later filed by respondent during the formal investigation. Evidently, the petitioner failed to substantially comply not only with the requisite formal charge, but also with the other requirements under CSC Resolution No. 991936 concerning the procedure for the conduct of an administrative investigation. In fact, there was no formal investigation conducted at all prior to the issuance of Administrative Order No. 003 dismissing respondent from the service.

In *Garcia v. Molina*,¹⁴ we declared the formal charges issued by petitioner Government Service Insurance System President without prior conduct of a preliminary investigation as null and void. In this case, while respondent was given the opportunity to submit a written explanation (not a preliminary investigation proper¹⁵), she was not formally charged, and no

¹³ Id. at 127.

¹⁴ G.R. Nos. 157383 & 174137, August 10, 2010, 627 SCRA 540.

¹⁵ SEC. 12. *Preliminary Investigation*.— A Preliminary Investigation involves the *ex parte* examination of records and documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices. During said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits. Failure of the person complained of to submit his counter affidavit shall be considered as a waiver thereof.

Thereafter, if necessary, the parties may be summoned to a conference where the investigator may propound clarificatory and other relevant questions.

Upon receipt of the counter-affidavit or comment under oath, the disciplining authority may now determine whether a *prima facie* case exist to warrant the issuance of a formal charge.

A fact-finding investigation may be conducted further or prior to the preliminary investigation for the purpose of ascertaining the truth. A preliminary investigation necessarily includes a fact-finding investigation.

formal investigation had been conducted before the petitioner rendered her decision to dismiss the respondent (Administrative Order No. 003), as required by the civil service rules.

Section 22 of the URACCS provides:

SEC. 22. *Conduct of Formal Investigation.* – Although the respondent does not request a formal investigation, one **shall** nevertheless be conducted by the disciplining authority where from the allegations of the complaint and the answer of the respondent, including the supporting documents of both parties, the merits of the case cannot be decided judiciously without conducting such investigation.

The investigation shall be held not earlier than five (5) days nor later than ten (10) days from receipt of the respondent's answer. Said investigation shall be finished within thirty (30) days from the issuance of the formal charge or the receipt of the answer unless the period is extended by the disciplining authority in meritorious cases.

For this purpose, the Commission may entrust the formal investigation to lawyers of other agencies pursuant to Section 79.

Respondent had raised the issue of non-observance of due process in her appeal to the Board of Regents (BOR), in particular, that petitioner did not give her “the benefit of hearing required by law for her to refute or present witnesses and to adduce evidence for her defense to fully air her side” and “every assistance” including legal representation which she considered indispensable for the full protection of her rights in view of the possible loss of her only source of livelihood.¹⁶ The BOR, however maintained that a formal hearing was dispensed with for being unnecessary since the records of the case sufficiently provided the bases for respondent's liability for insubordination.

Such wanton disregard of the proper procedure in administrative investigations under the civil service rules cannot be countenanced. For a valid dismissal from the government service, the requirements of due process must be complied with. Indeed, even the filing by respondent of a motion for reconsideration of the decision to dismiss her could not have cured the violation of her right to due process.¹⁷

Without a formal charge and proper investigation on the charges imputed on the respondent, the respondent did not get the chance to sufficiently defend herself; and more importantly, the petitioner, the CSC and the courts could not have had the chance to reasonably ascertain the truth which the CSC rules aim to accomplish.¹⁸ It is to be noted that

SEC. 15. *Decision or Resolution After Preliminary Investigation.* – If a *prima facie* case is established during the investigation, a formal charge shall be issued by the disciplining authority. A formal investigation shall follow.

In the absence of a *prima facie* case, the complaint shall be dismissed.

¹⁶ *Rollo*, pp. 136-137.

¹⁷ See *Philippine Amusement Gaming Corporation v. Court of Appeals*, *supra* note 10, at 310.

¹⁸ *Id.* at 311.

respondent had repeatedly requested the petitioner to reconsider the reassignment order because of the financial hardship it would cause her family, explaining that her meager take-home pay was due to the loans she previously availed to finance her post-graduate (master's degree) studies. Respondent should have been given the opportunity to prove her defenses against the charge of insubordination and present evidence to refute petitioner's claim that her reassignment was reasonable, necessary and not impelled by improper considerations.

We quote with approval the following findings and observations of the appellate court:

To begin with, petitioner's memorandum dated August 24, 2004 contained no indication that her failure to explain or abide by her reassignment could result to her dismissal; hence, respondent was not properly apprised of the severity of the charge to intelligently prepare for her defenses. And, even if We were to construe petitioner's memorandum as a complaint or a formal charge, still, the circumstances surrounding respondent's dismissal were short of substantial compliance with due process requirements. A perusal of the minutes during the PSU Board meetings reveal that the issues of lack of a formal charge, notice and answer after a formal charge, and a hearing committee to allow respondent to be heard were timely raised. But, the PSU Board agreed to decide respondent's appeal because the records were allegedly sufficient to show her liability for insubordination.

On the contrary, further examination of the minutes of the PSU Board meetings shows that respondent's repeated failure to report to her new assignment was not the sole factor which was considered for her alleged acts of insubordination. It was more of respondent's attacks on petitioner and the administration through the radio or media and her attempts to organize rallies that prompted the PSU Board to hasten their confirmation of the order of her dismissal without appropriate proceedings. In fact, the PSU Board issued Resolution No. 45 strictly enjoining respondent "to desist from inciting other members of the community to any protest action against the University or the University President." Moreover, petitioner brought up in the board meeting that there have been some cases of insubordination on the part of respondent regarding the giving of departmental examinations and complaints from some students regarding collections of money.

Indeed, respondent had a right to present evidence which, to say the least, could have blunted the effects of the PSU Board's decision. She could have shown that her failure to comply with her reassignment order was in good faith and not willful or intentional.¹⁹

Given the serious violation of respondent's right to due process, no reversible error was committed by the CA in upholding the CSC ruling granting respondent's appeal and remanding the case to the PSU for the conduct of proper administrative investigation.

¹⁹ *Rollo*, pp. 63-65.

Petitioner nonetheless faults the CA in not holding that respondent's appeal was filed with the CSC beyond the reglementary period provided in Section 43,²⁰ Rule III of the URACCS. She points out that whether the reglementary period for appeal be reckoned from December 13, 2004 – the date when respondent received the BOR Resolution Nos. 44 and 51, series of 2004 and the Resolution dismissing her appeal – or on February 18, 2005 – the date when respondent received a copy of the Referendum of the BOR dated December 6, 2004 approving BOR Resolution dated November 17, 2004 confirming respondent's reassignment, suspension and dismissal, and dismissing the appeals she filed, it is clear that respondent's appeal with the CSC filed in July 2005 is patently beyond the reglementary period of appeal.

We hold that the CA correctly upheld the CSC in giving due course to respondent's belated appeal. This Court has allowed the liberal application of rules of procedure for perfecting appeals in exceptional circumstances to better serve the interest of justice.²¹

In this case, the CSC found respondent's appeal as meritorious and that delay in filing her appeal was excusable in view of her pending query with the Commission on Higher Education (CHED) and the time she waited in vain for the BOR to act on CHED'S subsequent recommendation²² to defer the implementation of the dismissal order against respondent. Thus:

As to movant's assertion that Valle's appeal was filed beyond the reglementary fifteen-day period to appeal, records clearly show that upon receipt of the unsigned Resolution of the PSU Board of Regents confirming the reassignment and dismissal orders, Valle immediately wrote a letter to the Chairman of the PSU Board of Regents and the Chairman of the Commission on Higher Education (CHED), inquiring whether the said Resolution was already approved and intended by the PSU to be released. On February 18, 2005, Valle was furnished a copy of the Referendum dated December 6, 2004 of the PSU Board of Regents, officially confirming her dismissal from the service. Subsequently, on May 6, 2005, Valle received the Memoranda dated November 16, 2004 and February 11, 2005 of the CHED stating that the PSU should defer the implementation of the dismissal order and instead, issue a formal charge against Valle and that without the Referendum of the Board of Regents approving the unsigned Resolution, the same has no legal effect. On July 14, 2005, after waiting for the PSU Board of Regents to calendar her case following the opinion rendered by the CHED, Valle filed her appeal with the Commission. From the above factual antecedents, it cannot be said that Valle's delay in filing her appeal with the Commission was intentional or deliberate. On the contrary, it was excusable as she was waiting for the PSU Board of Regents to act on her case pursuant to the CHED Memoranda. However, no action was forthcoming from the PSU, thus she elevated the case to the Commission. x xxx²³

²⁰ SEC. 43. *Filing of Appeals*. – Decisions of heads of departments, agencies, provinces, cities municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension or fine in an amount exceeding thirty days salary, may be appealed to the Commission Proper within a period of fifteen (15) days from receipt thereof.

x xxx

²¹ See *Ruiz v. Delos Santos*, G.R. No. 166386, January 27, 2009, 577 SCRA 29, 45.

²² *Rollo*, pp. 265-268. Memorandum dated November 16, 2004.

²³ *Id.* at 71.

In *Commission on Appointments v. Paler*,²⁴ this Court likewise sustained the CSC when it entertained a belated appeal in the interest of substantial justice. We thus held:

We agree with the CSC. We uphold its decision to relax the procedural rules because Paler's appeal was meritorious. This is not the first time that the Court has upheld such exercise of discretion. In *Rosales, Jr. v. Mijares* involving Section 49(a) of the CSC Revised Rules of Procedure, the Court ruled:

On the contention of the petitioner that the appeal of the respondent to the CSC was made beyond the period therefor under Section 49(a) of the CSC Revised Rules of Procedure, the CSC correctly ruled that:

Movant claims that Mijares' appeal was filed way beyond the reglementary period for filing appeals. He, thus, contends that the Commission should not have given due course to said appeal.

The Commission need not delve much on the dates when Mijares was separated from the service and when he assailed his separation. **Suffice it to state that the Commission found his appeal meritorious. This being the case, procedural rules need not be strictly observed.** This principle was explained by in the case of *Mauna vs. CSC*, 232 SCRA 388, where the Supreme Court ruled, to wit:

“Assuming for the sake of argument that the petitioner's appeal was filed out of time, **it is within the power of this Court to temper rigid rules in favor of substantial justice. While it is desirable that the Rules of Court be faithfully and even meticulously observed, courts should not be so strict about procedural lapses that do not really impair the proper administration of justice. If the rules are intended to ensure the orderly conduct of litigation, it is because of the higher objective they seek which is the protection of substantive rights of the parties.** As held by the Court in a number of cases:

x xx

It bears stressing that the case before the CSC involves the security of tenure of a public officer sacrosanctly protected by the Constitution. Public interest requires a resolution of the merits of the appeal instead of dismissing the same based on a strained and inordinate application of Section 49(a) of the CSC Revised Rules of Procedure.” (Emphasis supplied)

Constantino-David v. Pangandaman-Gania likewise sustained the CSC when it modified an otherwise final and executory resolution and awarded backwages to the respondent, in the interest of justice and fair

²⁴ G.R. No. 172623, March 3, 2010, 614 SCRA 127, 134.

play. The Court stated –

“No doubt, the Civil Service Commission was in the legitimate exercise of its mandate under Sec. 3, Rule I, of the *Revised Uniform Rules on Administrative Cases in the Civil Service* that “[a]dministrative investigations shall be conducted without necessarily adhering strictly to the technical rules of procedure and evidence applicable to judicial proceedings.” This authority is consistent with its powers and functions to “[p]rescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws” being the central personnel agency of the Government.


Furthermore, there are special circumstances in accordance with the tenets of justice and fair play that warrant such liberal attitude on the part of the CSC and a compassionate like-minded discernment by this Court. x x x”²⁵ (Citations omitted.)

More importantly, the denial of the fundamental right to due process in this case being apparent, the dismissal order issued by petitioner in disregard of that right is void for lack of jurisdiction.²⁶ The cardinal precept is that where there is a violation of basic constitutional rights, courts are ousted from their jurisdiction. The violation of a party’s right to due process raises a serious jurisdictional issue which cannot be glossed over or disregarded at will.²⁷ It is well-settled that a decision rendered without due process is void *ab initio* and may be attacked at anytime directly or collaterally by means of a separate action, or by resisting such decision in any action or proceeding where it is invoked.²⁸

WHEREFORE, the petition for review on certiorari is **DENIED**, for lack of merit. The Decision dated August 25, 2010 of the Court of Appeals in CA-G.R. SP No. 103622 is **AFFIRMED**.

No pronouncement as to costs.

SO ORDERED.


MARTIN S. VILLARAMA, JR.
Associate Justice

²⁵ Id. at 134-136.

²⁶ See *Garcia v. Molina*, supra note 14, at 554.

²⁷ Id., citing *Montoya v. Varilla*, G.R. No. 180146, December 18, 2008, 574 SCRA 831, 843.

²⁸ Id. at 555, citing *Engr. Rubio, Jr. v. Hon. Paras*, 495 Phil 629, 643 (2005).

WE CONCUR:




MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



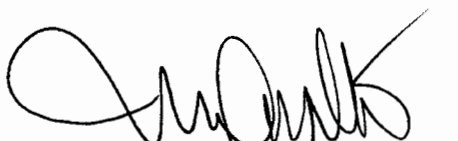
PRESBITERO J. VELASCO, JR.
Associate Justice



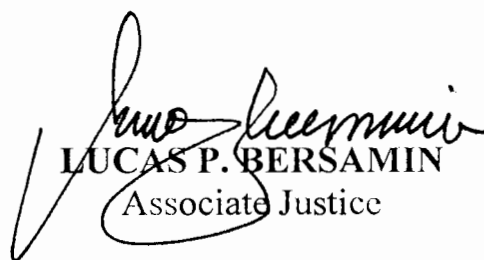
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice


(On official leave)
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

C E R T I F I C A T I O N

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified 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.



MARIA LOURDES P. A. SERENO
Chief Justice