



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**REYNANTE TADEJA, RICKY
TADEJA, RICARDO TADEJA and
FERDINAND TADEJA,**

Petitioners,

G. R. No. 145336

Present:

SERENO, *CJ*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR. and
REYES, *JJ*.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

FEB 20 2013

X ----- X

RESOLUTION

SERENO, *CJ*:

On the strength of their co-accused Plaridel Tadeja's extrajudicial confession, taken after his apprehension on 29 November 2006, petitioners pray for the reopening of the homicide case against them. Their prayer is for the reception of newly discovered evidence, despite the fact that this Court's Decision affirming their conviction already became final and executory on 26 July 2007. Notably, the Office of the Solicitor General (OSG) does not object to the reopening of the case.

As found by the trial court,¹ the incident happened while prosecution witnesses Maria Elena Bernardo Almaria (Elena) and Jacinta del Fierro (Jacinta) were watching a public dance around midnight on 3 May 1994, during the celebration of the annual *fiesta* of *Barangay* Talabaan, Mamburao, Occidental Mindoro. It was then that they witnessed Ruben Bernardo (Elena's brother and Jacinta's uncle) being hacked to death by the

¹ *Rollo*, pp. 333-340, Decision in Criminal Case No. Z-814 dated 15 July 1997 issued by the Regional Trial Court, Branch 44, Mamburao, Occidental Mindoro.

brothers Reynante, Ricky, Ricardo, and Ferdinand (petitioners), and petitioners' first cousin Plaridel – all surnamed Tadeja. They also testified that Plaridel accidentally hit Reynante while trying to hack Ruben; hence, Reynante's injuries. According to them, they stayed at the scene of the incident until Ruben was brought to the hospital.²

On the other hand, petitioners alleged³ that Ruben and his sons, Russell and Robenson Bernardo, went to the *barangay* plaza shortly after Russell had been twice prevented by *barangay tanods* from entering the dance hall due to his drunken state and inappropriate attire (no upper garment). Ruben was brandishing a knife and cursing at the crowd. The Bernardos challenged Reynante, who was then waiting for his children and sisters still inside the dance hall. Reynante's brothers (Ricky, Ricardo, and Ferdinand) testified that they were together at their mother's house at the time.

Reynante was able to evade the first knife attack by Ruben. *Barangay* Chairperson Lolito Tapales tried to intervene, but he was threatened by Ruben as well. The latter then turned his attention back to Reynante, who tried to run away, and gave chase. Russell and Robenson blocked the path of Reynante, causing him to lose his balance and fall to the ground. The Bernardos then took turns in attacking him. Ruben got hold of Reynante's right hand and shouted to his two sons to run away. He then stabbed Reynante on the right part of the chest and the left side of the body before running away.

Reynante struggled back to the plaza. From there, he was taken to the hospital by Eddie Eraso (Eddie) and two others, using a jeep. Upon boarding the jeep and turning on its lights and engine, they all saw Ruben about 15 meters away, still holding a knife. Thereafter, Eddie reported the incident to the police. In response, Police Officer 3 Ronaldo Flores went to the hospital to question Reynante. The latter narrated how he was stabbed by the Bernardos. The inquiry was interrupted when Ruben arrived at the emergency room of the hospital in serious condition. He later died of "hypovolemic shock secondary to acute blood loss" due to multiple stab wounds and a hacking wound.

The next day, 4 May 1994, Senior Police Officer 3 Rogelio Tomayosa went to the hospital to continue questioning Reynante. Based on the latter's account, an Official Signal Dispatch was sent to the Philippine National Police Provincial Headquarters in San Jose, Occidental Mindoro, stating: "VICTIM REYNANTE TADEJA ARRIVED TO FETCH HIS CHILDREN BUT WAS CHASED BY RUBEN BERNARDO AND STABBED [BY] HIM WHEN HE LOST BALANCE."⁴

² Id. at 23.

³ Id. at 10-47.

⁴ Id. at 14.

On 15 July 1994, an Information⁵ for homicide for the death of Ruben was filed against Reynante, Ricky, Ricardo, Ferdinand, and Plaridel. Thus, Criminal Case No. Z-814 was filed with the Regional Trial Court, Branch 44, Mamburao, Occidental Mindoro (RTC).

Meanwhile, Reynante filed a complaint for frustrated homicide against Russell and Robenson, later docketed as Criminal Case No. Z-815 before the RTC. Criminal Case Nos. Z-814 and Z-815 were tried jointly.⁶

On 15 July 1997, the RTC issued a Decision⁷ in Criminal Case No. Z-814 finding Reynante, Ferdinand, Plaridel, Ricardo and Ricky guilty beyond reasonable doubt of homicide. The trial court sentenced them to an indeterminate penalty of imprisonment from six (6) years and one day of *prision mayor*, as minimum, to fourteen (14) years, eight (8) months and one day of *reclusion temporal* as maximum. It also ordered them to indemnify the heirs of Ruben in the amount of ₱50,000 and to pay the costs.

In Criminal Case No. Z-815, the RTC acquitted Russell and Robenson of frustrated homicide in its 14 July 1997 Decision.

Except for Plaridel, who absconded, all the other accused (petitioners herein) appealed to the Court of Appeals (CA).

On 8 March 2000, the CA issued a Decision⁸ in CA-G.R. CR No. 21740 affirming the findings and Decision of the RTC in Criminal Case No. Z-814. The CA held that although the prosecution witnesses were relatives of the victim, they had no evil motive to testify falsely or to concoct a story against petitioners. In fact, the injuries sustained by Ruben matched the stab wounds as testified to by Elena and Jacinta. While three of the petitioners claimed to have been asleep in their mother's house during the incident, the place was only about one kilometer away and may be reached in twenty (20) minutes by foot or five (5) minutes by tricycle. Thus, it was not physically impossible for them to be at the scene of the crime at the time it was committed.

The CA also found that conspiracy was properly appreciated by the RTC on the basis of sufficient evidence. It did not give credence to the apparently conflicting testimonies of Reynante, Plaridel and Ricky regarding what happened at the time of the incident. The CA explained:

⁵ Id. at 50.

⁶ Id. at 18-19.

⁷ Id. at 333-340.

⁸ Id. at 49-64. The Decision of the Court of Appeals (CA) Fifth Division in CA-GR No. 21740 was penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Angelina Sandoval-Gutierrez (later a member of this Court) and Salvador Valdez, Jr. concurring.

The defenses of Reynante and Plaridel were even more confusing. Both claimed that at that precise time, around 12:00 midnight, Ruben Bernardo, for no reason at all, chased Reynante and hit him with his knife. Then Reynante was brought to the hospital. At the same time, Ruben Bernardo again without any reason, chased Plaridel Tadeja. But this time, Ruben Bernardo was holding a stainless bladed weapon and was with his two (2) sons Russel, holding a .29 knife (Balisong) and Robenson with a bat (panggarote). However, despite the alleged attack of the Bernardos on Plaridel, Plaridel was not hurt. It was Ruben Bernardo, who was killed, not by Plaridel but by two (2) men who allegedly held Ruben Bernardo. What is unbelievable, Plaridel did not see or know these two (2) men that he claimed killed Ruben Bernardo. On the other hand, Ricky Tadeja testified that Plaridel Tadeja was with him in their house sleeping.⁹

Petitioners moved for reconsideration and submitted the transcripts of the testimonies of Leticia Bernardo, Maria Regina Cortuna (Regina), and Eduardo Eraso.¹⁰ These witnesses, whose testimonies were missing from the records of Criminal Case No. Z-814 forwarded to the CA, testified in Criminal Case No. Z-815.¹¹ Petitioners believed their testimonies could debunk the main basis of the RTC Decision.

The CA denied the motion for reconsideration in a Resolution¹² dated 25 September 2000 on the ground that nothing in the transcripts provided would affect the positive testimonies of prosecution witnesses Elena and Jacinta.

Petitioners then filed with this Court a Petition for Review¹³ under Rule 45 of the Rules of Court, seeking to set aside the CA Decision and Resolution.

Petitioners claimed that since Criminal Case Nos. Z-814 and Z-815 were tried jointly, and all pieces of evidence presented by the parties in one case were adopted in the other, all the evidence in both cases should have been considered and given due weight in the resolution of the two cases. The testimonies of the prosecution witnesses in Criminal Case No. Z-814 as to how Ruben was killed ran counter to the testimony given by Regina (neighbor to both parties), who was presented by Russel and Robenson as defense witness in Criminal Case No. Z-815. Elena and Jacinta testified that they had witnessed the stabbing of Ruben and stayed with him until he was brought to the hospital. However, Regina testified that the two women were with her in *Lola Tinay's* house that night. They allegedly stayed on after Regina proceed to Amado Alfaro's house, where she saw Ruben leaning on the fence alone, already wounded.

⁹ Id. at 62.

¹⁰ Id. at 66-67.

¹¹ Id. at 24, 28.

¹² Id. at 66- 67.

¹³ Id. at 10-47.

Petitioners stressed that the testimonies of Elena and Jacinta were not credible since, among other objections, these were given nearly a year after the incident; and Jacinta never executed a statement immediately thereafter to aid her later recollection.

Petitioners also alleged that while alibi is a weak defense, there are times when it is the plain and simple truth.¹⁴ Moreover, considering the surrounding circumstances in this case, their non-flight was allegedly a “logical and favorable consideration pointing to their innocence.”¹⁵

When required¹⁶ to comment on the petition, the OSG countered¹⁷ that the testimony of a witness may be believed in part and disbelieved in another, depending on the corroborative evidence and probabilities of the case. Thus, even if the narration of Regina was true, “the same cannot pose a legal obstacle to the finding of the court *a quo* in regard [to] petitioners’ direct and actual participation in the killing of Ruben Bernardo as the court a quo has the discretion to believe or not to believe a witness’ testimony.”¹⁸

Also, while Elena and Jacinta were relatives of the victim, it did not necessarily make them biased in his favor.¹⁹ As to petitioners’ claim that it was unnatural for the prosecution witnesses to have noticed and recalled every blow to Ruben and who inflicted it, the OSG alleged²⁰ that the natural reaction of the victims of criminal violence was to note the appearance of their assailant and observe the manner in which the crime was committed. The same reaction was expected from the victim’s relatives, who would also naturally want to bring the malefactors to justice. Finally, the OSG asserted that while flight is indicative of guilt, there is no jurisprudence holding that non-flight is an indication of innocence.

This Court issued a Decision²¹ dated 21 July 2006 affirming the Decision and Resolution of the CA. We held that while petitioners were correct in asserting that the totality of the evidence in Criminal Case Nos. Z-814 and Z-815 should have been considered and given due weight, the testimonies of Leticia, Regina and Eduardo would not have altered the judgment of conviction by the RTC. For instance, Regina’s testimony did not indicate that there were no witnesses to the incident, or that Ruben was alone at the time. Contrary to petitioners’ argument, we held that blood relationship may even fortify credibility, because it would be unnatural for an aggrieved relative to falsely accuse a person other than the actual culprit.

¹⁴ Id. at 41-42.

¹⁵ Id. at 42.

¹⁶ Id. at 68.

¹⁷ Id. at 76-91.

¹⁸ Id. at 81.

¹⁹ Id. at 85.

²⁰ Id. at 165-185.

²¹ Id. at 217-228. The Decision of the Court’s Second Division was penned by Associate Justice Cancio C. Garcia with Associate Justices Reynato S. Puno (later Chief Justice), Angelina Sandoval-Gutierrez, Renato C. Corona (later Chief Justice) and Adolfo S. Azcuna concurring.

As regards the defense of alibi put forward by Ferdinand, Ricky and Ricardo, we saw that it was not physically impossible on their part to be at the scene of the crime at the time of its occurrence.

Petitioners moved for reconsideration,²² alleging that this Court had failed to reconcile the testimonies of witnesses Elena and Jacinta on the one hand and Regina on the other. On 23 October 2006,²³ we denied the motion with finality.

On 6 November 2006, petitioners filed a Motion with Leave of Court to Vacate Judgment,²⁴ invoking the power of the Supreme Court to suspend its own rules for the purpose of substantial justice and to remand the case to the RTC for further reception of evidence. Petitioners attached the sworn statements of Maryjane Togas,²⁵ Dennis Laudiangco,²⁶ Heneroso Anoba²⁷ and Francisco de Veyra, Jr.²⁸ The affiants all corroborated the story of Reynante that it was Ruben who had chased and stabbed the former when he lost his footing. However, the affiants added that Reynante was aided by Plaridel, who slashed (*kinilik*) Ruben in the neck and repeatedly stabbed the latter until he fell. Thereafter, Plaridel scurried away (*tumalilis palayo*), while the people brought Reynante and Ruben to the hospital. The affiants also stated that Ricky, Ricardo, and Ferdinand were not at the place during the incident. It was only then that the affiants stepped forward and told the truth about the incident out of fear of reprisal from Plaridel, who was a known criminal.

Also attached was the *Pinagsamang Salaysay*²⁹ signed by 228 residents of *Barangay* Talabaan attesting to petitioners' innocence of the crime charged.

Later, petitioners filed a Supplemental Motion to Motion with Leave of Court to Vacate Judgment Due to Supervening Event³⁰ alleging that on 29 November 2006, the Mamburao Municipal Police Force of Occidental Mindoro finally arrested Plaridel at Area 1, Talanay, Batasan Hills, Quezon City. Attached was the Spot Report Re- Apprehension of a Long Time Wanted Person.³¹

Also attached was a statement,³² executed by Plaridel with the assistance of Atty. Cirilo Tejoso, Jr. admitting therein that he had killed

²² Id. at 238-252.

²³ Id. at 253.

²⁴ Id. at 254-261.

²⁵ Id. at 262-263.

²⁶ Id. at 264-265.

²⁷ Id. at 266-267.

²⁸ Id. at 268-269.

²⁹ Id. at 270-283.

³⁰ Id. at 284-295, filed on 14 December 2006.

³¹ Id. at 289.

³² Id. at 290-295.

Ruben, Plaridel narrated that on 3 May 1994, he was at Highway, Talabaan. He was looking for his child when he saw his first cousin Reynante being chased by Ruben. He aided Reynante by grabbing the knife of Ruben and stabbing the latter with it. Reynante was then transported to the hospital and Plaridel followed him there, leaving Ruben in the street. Upon reaching the hospital, Plaridel was arrested by the police.

Plaridel did not know why Ruben had chased Reynante with a knife. Neither did he see Ricardo, Ricky or Ferdinand at the scene of the incident. Plaridel admitted to the crime only later, because he allegedly felt afraid during the trial of the case and thus absconded. He did not know why petitioners were also charged with Ruben's killing.

With the arrest of Plaridel and his account of what happened, petitioners argued that the situation called for the application of the rules on newly discovered evidence, which provided grounds for a new trial. Since the statement of Plaridel was obtained only after his arrest, it was not produced or presented during the trial and even during the pendency of the appeal. Petitioners then reiterated their prayer that the judgment of conviction meted out to them be vacated and the entire records of the criminal case remanded to the RTC for the conduct of a new trial.

We treated³³ the motion of petitioners as a second motion for reconsideration of the 21 July 2006 Decision and denied it on the ground that it was a prohibited pleading under the Rules. We noted without action their supplemental motion, stated that no further pleadings would be entertained, and directed that entry of judgment be made in due course.

Petitioners moved for reconsideration³⁴ and later filed a Supplemental Motion for Reconsideration and/or Motion to Set Aside Minute Resolution Dated 22 January 2007.³⁵ They argued that their motion to vacate judgment could not be considered as a second motion for reconsideration, because the relief prayed for was different from that which had already been passed upon for review. Instead, the motion prayed for the reopening of the case and its remand to the RTC for a new trial on grounds of newly discovered evidence and supervening event.

We denied³⁶ the motion of petitioners with finality for lack of merit. The 21 July 2006 Decision was then recorded in the Book of Entries of Judgments on 26 July 2007.³⁷

³³ Id. at 296, Resolution dated 22 January 2007.

³⁴ Id. at 299-302.

³⁵ Id. at 304-316.

³⁶ Id. at 323, Resolution dated 6 June 2007.

³⁷ Id. at 325.

In a letter³⁸ dated 7 August 2007 addressed to then Chief Justice Reynato S. Puno, Ferdinand prayed for the reopening of the case on the basis of the confession of Plaridel. We required the OSG to file its comment thereon.³⁹

In its Comment,⁴⁰ the OSG manifested that it was not posing any objection to the reopening of the case. Ferdinand then filed an Urgent Manifestation and/or Motion to Suspend or Hold in Abeyance the Execution of the Decision Pending Resolution of the Letter dated 7 August 2007.⁴¹

Meanwhile, the Court received a letter⁴² from Sonia A. Bernardo, widow of Ruben, manifesting her objection to the reopening of the case.

Following the receipt of another letter⁴³ from Ferdinand reiterating the request to reopen the case, we issued a Resolution⁴⁴ denying the motion to suspend the execution of our Decision, on the ground that there was no legal basis to justify the reopening of the case.

Petitioners filed a Motion for Reconsideration,⁴⁵ which we denied⁴⁶ with finality for lack of merit, with a statement that no further pleading or motion shall be entertained in the case.

On 27 January 2009, petitioners filed a Motion for Leave to File Second Motion for Reconsideration and/or for Review by En Banc,⁴⁷ which we denied⁴⁸ on the grounds that it was a prohibited pleading, and that the Court *En Banc* is not an appellate court to which decisions/resolutions of a Division may be appealed.

A letter sent by Ferdinand and a Motion to Suspend Procedural Rules with Prayer to Declare the Proceedings Below as a Mistrial and/or to Grant Petitioners a New Trial Due to Newly Discovered Evidence were ordered expunged⁴⁹ from the records. This action was taken in view of the entry of judgment on the case made on 26 July 2007 and of the Resolutions dated 26 November 2008 and 23 September 2009 declaring that no further pleadings shall be entertained.

³⁸ Id. at 330-406.

³⁹ Id. at 407.

⁴⁰ Id. at 411-415, dated 20 December 2007.

⁴¹ Id. at 416-427.

⁴² Id. at 464-468, received on 3 June 2008.

⁴³ Id. at 470-480, dated 23 July 2008.

⁴⁴ Id. at 483, dated 6 October 2008.

⁴⁵ Id. at 484-501, dated 5 November 2008.

⁴⁶ Id. at 502.

⁴⁷ Id. at 504-511.

⁴⁸ Id. (no pagination); Special Second Division Resolution dated 30 March 2009.

⁴⁹ Id. at 675; First Division Resolutions dated 9 and 23 September 2009.

Also expunged were another letter from Ferdinand and various pleadings filed by petitioners, on the ground that entry of judgment had already been made on 26 July 2007.⁵⁰

In a letter⁵¹ dated 17 May 2010 addressed to Chief Justice Renato Corona, Ferdinand reiterated the request for the reopening of the case. Petitioners later filed a Plea for Alteration, Modification and/or Reversal of Resolutions (In the Sublime Interest of Justice, Equity and Fair Play) with Leave of Court.⁵² He alleged that, in a parallel case,⁵³ we had granted *pro hac vice* a motion to reopen a case for further reception of evidence filed by the accused, whose judgment of conviction had already been entered in the Book of Entry of Judgments.

On 2 November 2010, petitioners filed a letter manifesting the hope that their last motion would be favorably acted upon by this Court and reiterating their request for the reopening of the case to receive newly discovered evidence.⁵⁴ Petitioners also filed an Omnibus Motion for Leave to Set Aside Conviction and Remand the Case to the Trial Court for Reception of Newly Discovered Evidence.⁵⁵

We resolve to DENY petitioners' motion to reopen the case for reception of further evidence in the trial court.

Fundamental considerations of public policy and sound practice necessitate that, at the risk of occasional errors, the judgment or orders of courts should attain finality at some definite time fixed by law.⁵⁶ Otherwise, there would be no end to litigation.⁵⁷

This is the reason why we have consistently denied petitioners' motions for reconsideration of this Court's Decision and subsequent pleas for the reopening of the case.

Section 1 of Rule 121 of the Rules of Court provides that a new trial may only be granted by the court on motion of the accused, or *motu proprio* with the consent of the accused "(a)t any time before a judgment of conviction becomes final." In this case, petitioners' judgment of conviction already became final and executory on 26 July 2007 – the date on which the Decision of this Court denying the petition and affirming the ruling of the CA was recorded in the Book of Entries of Judgments. Thus, pleas for the

⁵⁰ Id. at 914-915, 963 and 964-A; Resolutions dated 23 November 2009, 27 January 2010 and 10 March 2010, respectively.

⁵¹ Id. at 968-1046.

⁵² Id. at 1049-1080.

⁵³ *People v. Licayan*, G.R. No. 140900 and 140911, Resolution dated 17 February 2004.

⁵⁴ *Rollo*, pp. 1083-1110.

⁵⁵ Id. at 1150-1165.

⁵⁶ *So v. CA*, 415 Phil. 705, 711 (2001).

⁵⁷ Id.

remand of this case to the trial court for the conduct of a new trial may no longer be entertained.

Petitioners premise their motion for a new trial on the ground of newly discovered evidence, i.e. Plaridel's extrajudicial confession, executed with the assistance of Atty. Cirilo Tejoso, Jr., and the spot report of the police on Plaridel's apprehension.

Newly discovered evidence refers to that which (a) is discovered after trial; (b) could not have been discovered and produced at the trial even with the exercise of reasonable diligence; (c) is material, not merely cumulative, corroborative or impeaching; and (d) is of such weight that it would probably change the judgment if admitted.⁵⁸

The most important requisite is that the evidence could not have been discovered and produced at the trial even with reasonable diligence; hence, the term "newly discovered." The confession of Plaridel does not meet this requisite. He participated in the trial before the RTC and even gave testimony as to his defense.⁵⁹ It was only after he and petitioners had been convicted by the trial court that he absconded. Thus, the contention that his confession could not have been obtained during trial does not hold water.

It is also noteworthy that Plaridel's confession does not jibe with Reynante's narration of what happened during the incident. According to Reynante, Ruben stabbed him in his right chest and the left side of his body. Upon seeing him bleeding profusely, Ruben ran away. This narration contradicted the confession of Plaridel that when he saw the stabbing incident, he approached and grabbed the knife from Ruben and immediately stabbed the latter with it.

Furthermore, Plaridel stated in his confession that as he stabbed Ruben, Reynante was being transported to the hospital. Plaridel then left Ruben on the road and followed Reynante. If this version is true, then in no way can the story of Reynante be plausible, considering that he allegedly still saw Ruben about 15 meters away holding the knife while the former was being transported to the hospital.

Clearly, the cousins chose not to tell the truth during trial. Whatever their reasons were, the inevitable conclusion is that Plaridel's version in his extrajudicial confession is not newly discovered evidence that can be a ground for a new trial within the contemplation of the rules.

⁵⁸ *People v. Judavar*, 430 Phil. 366, 380 (2002).

⁵⁹ *Rollo*, p. 338.

Petitioners point out that this Court has had occasion to grant a motion for a new trial after the judgment of conviction had become final and executory. In *People v. Licayan*,⁶⁰ all the accused were convicted of the crime of kidnapping for ransom and sentenced to death by the trial court. More than two years after their conviction became final and executory,⁶¹ the accused Lara and Licayan filed an Urgent Motion to Re-Open the Case with Leave of Court. They attached thereto the *Sinumpaang Salaysay* executed by two of their co-accused in the case, to the effect that Lara and Licayan had not participated in the commission of the crime. Since the OSG also recommended the reopening of the case, this Court remanded the case to the trial court for the reception of newly discovered evidence.

It is worth pointing out that the motion in *Licayan* was granted *pro hac vice*, which is a Latin term used by courts to refer to rulings rendered “for this one particular occasion.”⁶² A ruling expressly qualified as such cannot be relied upon as a precedent to govern other cases.⁶³

We do not presume to know the predicament of petitioners, who will face incarceration in view of the instant Resolution. Courts are bound to apply the rules they have laid down in order to facilitate their duty to dispense justice. However, we deem it proper within the premises to refer the matter to the President through the Secretary of Justice for a possible grant of clemency to petitioners.

WHEREFORE, the motion of petitioners to reopen the case for reception of further evidence in the trial court is **DENIED**.

Let a copy of this Resolution be furnished the President of the Philippines, through the Secretary of Justice, for consideration of the propriety of extending to petitioners the benefits of executive clemency.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice, Chairperson

⁶⁰ 415 Phil. 459, 476 (2001).

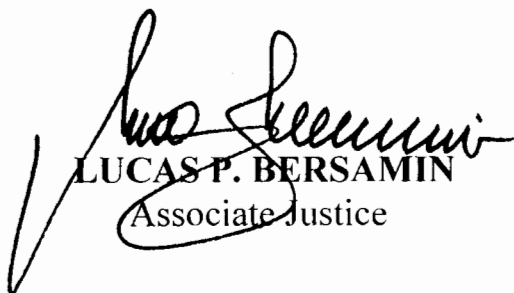
⁶¹ Supra note 51.


⁶² *Partido ng Manggagawa v. COMELEC*, 519 Phil. 644, 671 (2006).

⁶³ Id.

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice



LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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