



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 194253

Present:

CARPIO, J.,
Chairperson,
DEL CASTILLO,
PEREZ,
MENDOZA,* and
PERLAS-BERNABE, JJ.

- versus -

Promulgated:

MAGSALIN DIWA Y GUTIERREZ,
Accused-Appellant.

FEB 27 2013 *HW Cabalag Director*

X-----X

RESOLUTION

PEREZ, J.:

Before us is an appeal *via* a Notice of Appeal of the Court of Appeals Decision¹ in CA-G.R. CR.-H.C. No. 03219 affirming the Decision² of the Regional Trial Court (RTC), Branch 120, Caloocan City, which, in turn, convicted accused-appellant Magsalin Diwa (Diwa) of violation of Sections 5 and 11 of Republic Act No. 9165, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*.

* Per Special Order No. 1421 dated 20 February 2013.

¹ Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Antonio L. Villamor and Rodil V. Zalameda, concurring. *Rollo*, pp. 2-20.

² Penned by Acting Presiding Judge Oscar P. Barrientos. *CA rollo*, pp. 17-26.

Diwa was charged in two separate Informations for illegal sale and illegal possession of *marijuana*, a dangerous drug:

CRIM CASE NO. 68962
Violation of Section 5, Art. II, RA 9165

That on or about the 20th day of August 2003, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without the authority of law, did then and there, willfully, unlawfully and feloniously sell and deliver to PO3 RAMON GALVEZ, who posed as buyer ONE (1) folded newspaper print containing 72.90 grams of dried suspected marijuana fruiting tops for one (1) pc. one hundred peso bill with serial number #FJI62290 knowing the same to be a dangerous drug.³

CRIM CASE NO. 68963
Violation of Section 11, Art. II, RA 9165

That on or about the 20th day of August 2003, in Caloocan City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, without the authority of law, did then and there, willfully, unlawfully and feloniously have in his possession, custody and control one (1) yellow plastic bag with one (1) folded newspaper print containing 288.49 grams of dried suspected marijuana fruiting tops, knowing [the same] to be a dangerous drug of the provisions of the above-cited law.⁴

During arraignment, Diwa pleaded not guilty to both charges.

At the pre-trial, the prosecution and defense admitted the identity of the accused (Diwa) and the jurisdiction of the RTC, and stipulated on the testimony of prosecution witness, P/Insp. Jesse Dela Rosa, Forensic Chemical Officer of the Northern Police District-Philippine National Police (PNP) Crime Laboratory Office, Caloocan City Police Station, to wit:

- (1) That the witness was the one who conducted qualitative examination on the specimens submitted which gave positive results for the presence of dangerous drugs;
- (2) That he reduced his findings in writing which is Physical Science Report No. D-1097-03; and
- (3) That under his present oath, the witness confirms that the signature above the name P/Insp. Jesse Abadilla Dela Rosa is his signature.⁵

³ Id. at 17.

⁴ Id. at 18.

⁵ Id.

The foregoing charges were preceded by facts contrarily presented by the parties.

The prosecution's version, initially testified to by PO3 Ramon Galvez (PO3 Galvez) and corroborated by SPO1 Fernando Moran (SPO1 Moran), follows:

On 20 August 2003, an informant came to the Caloocan City Police Station and reported the rampant selling of prohibited drugs by a certain Magsalin Diwa along North Diversion Road, Service Road, *Bagong Barrio*, Caloocan City. Upon receiving the information, P/Insp. Cesar Gonzalez Cruz (P/Insp. Cruz) forthwith formed a group to conduct surveillance on the pinpointed area and to arrest possible violators of the Dangerous Drugs Act.

The police operatives were composed of PO3 Rodrigo Antonio, SPO1 Wilson Gamit, PO3 Manuel de Guzman, PO1 Rolly Montefrio, SPO1 Moran and PO3 Galvez. The team assigned PO3 Galvez as the *poseur*-buyer and agreed on a pre-arranged signal of identifying accused, *i.e.*, the informant throws his cigarette in front of Diwa. Thereafter, P/Insp. Cruz handed over to PO3 Galvez a One Hundred Peso-bill dusted with ultra-violet powder, which PO3 Galvez then marked with his initials "RG."

On the same date, at 8:30 in the evening, the police operatives proceeded to North Diversion Road, Service Road, *Bagong Barrio*, Caloocan City. The team of police operatives positioned themselves, with PO3 Galvez at a distance of about five (5) meters from the informant and the other policemen at ten (10) meters away from where PO3 Galvez was situated. Prompted by the informant's execution of the pre-arranged signal, PO3 Galvez approached Diwa and asked him, "*Pre, may chongke* (street name for *Marijuana*) *ka pa ba?*" to which Diwa replied "*Meron, magkano ba ang kukunin mo?*" PO3 Galvez answered back "*Piso lang,*" which, in street lingo, meant One Hundred Pesos (P100.00) worth of *marijuana*.

PO3 Galvez paid Diwa with the One Hundred Peso-bill dusted with ultra-violet powder. Diwa held the marked money in his right hand, reached for a yellow "SM Supermarket" plastic bag beside him, and got a portion of a bunch of *marijuana* wrapped in a newspaper, which portion he gave to PO3 Galvez. At once, as soon as the buy-bust deal was consummated, PO3 Galvez scratched his head, the pre-arranged signal for the other policemen to approach them, and instantaneously grabbed Diwa's hands. Seeing PO3 Galvez's signal, the waiting police operatives rushed towards him. PO3

Galvez introduced himself as a policeman to Diwa, recovered the buy-bust money and marked the *marijuana* he bought from the latter, “MDG,” Diwa’s initials. SPO1 Moran then confiscated the yellow “SM Supermarket” plastic bag which contained more *marijuana*. After informing Diwa of his constitutional rights, the team brought Diwa to the police station for investigation.

The items confiscated from Diwa were sent to the Crime Laboratory Office of Caloocan City for examination. P/Insp. Jesse Dela Rosa conducted a laboratory test on the specimen submitted by the police operatives, and subsequently issued Physical Sciences Report No. D-1097-03 containing the following entries:

SPECIMEN SUBMITTED:

A- One (1) yellow plastic bag with markings SM Supermarket containing the following;

A-1 = One (1) folded newspaper print with markings ‘MDG-1 08-20-03 BUY BUST’ containing 72.90 grams of dried suspected Marijuana fruiting tops.

A-2 = One (1) folded newspaper print with markings ‘MDG-2 08-20-03’ containing 288.49 grams of dried suspected Marijuana fruiting tops.

x x x

x x x

x x x

PURPOSE OF LABORATORY EXAMINATION:

To determine the presence of a dangerous drug. x x x

FINDINGS:

Qualitative examination conducted on the above-stated specimen A-1 and A-2 gave POSITIVE result to the test for Marijuana, a dangerous drug. x x x

CONCLUSION:

Specimen A-1 and A-2 contain Marijuana, a dangerous drug. x x x⁶

⁶

Records, p. 4.

PO2 Randolph Hipolito (PO2 Hipolito), the investigator-in-case, was likewise presented by the prosecution, but his testimony was eventually dispensed with because the prosecution and defense entered into another stipulation, that PO2 Hipolito prepared the Referral Slip, Request for Laboratory Examination and the *Pinagsamang Salaysay*.

Accused-appellant Diwa proffered an entirely different story. He claimed that on the inauspicious date of 20 August 2003, he was in front of his house, fetching water, when SPO1 Moran, whom Diwa did not know at the time, approached him and inquired about a certain Brenda. Not knowing who Brenda is, and having told SPO1 Moran so, Diwa was surprised to be whisked away by SPO1 Moran. SPO1 Moran first took Diwa to Balintawak, EDSA, where they transferred to another vehicle; thereafter, Diwa was brought to the Caloocan City police station.

At the precinct, Diwa was detained for two (2) days, and in the interim was supposedly brought to the hospital for medical examination. Further, the policemen allegedly demanded One Hundred Thousand Pesos (₱100,000.00) from Diwa in exchange for his release. When Diwa told the police that he had no money, Diwa was detained for another day, and the next day was brought to the prosecutor's office for inquest. He was then returned to the Caloocan City Jail.

On the whole, Diwa denied all the allegations against him; he denied ownership of the *marijuana*, claiming that he only saw these when he was brought before the prosecutor's office. Diwa only admitted to the money, Forty Pesos (₱40.00) that was taken from him, which was purportedly used for his fare in going to the hospital for check-up. He claimed to have never met PO3 Galvez, and his supposed arrest by the latter during a buy-bust operation never happened.

However, on cross-examination, Diwa admitted that PO3 Galvez was present during his arrest. On re-direct examination, Diwa failed to clarify his inconsistent statements. Lastly, Diwa claimed that he was brought to a dark room in the Drug Enforcement Unit where his hands were held, rubbed and examined.

On 11 February 2008, the RTC rendered a Decision finding Diwa guilty beyond reasonable doubt for violation of Sections 5 and 11 of Republic Act No. 9165:

Premises considered, this court finds and so holds the accused Magsalin Diwa GUILTY beyond reasonable doubt for violation of Sections 5 and 11, Article II of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and imposes upon him the following:

- (a) In Crim. Case No. C-68962, the penalty of life imprisonment and a fine of Five Hundred Thousand Pesos (₱500,000.00); and
- (b) In Crim. Case No. C-68963, the penalty of imprisonment of twelve (12) years and one (1) day to Fourteen (14) years and a fine of Three Hundred Thousand Pesos (₱300,00.00).

The drugs subject matter of these cases are hereby confiscated and forfeited in favor of the government to be dealt with in accordance with law.⁷

On appeal, the appellate court affirmed the conviction of accused-appellant and the penalty imposed on him by the RTC.

Gaining no reprieve before the lower courts, Diwa comes to us assigning the following errors:

I. THE [LOWER COURTS] GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE SELF-SERVING TESTIMONIES OF POLICE OFFICERS RAMON GALVEZ AND FERNANDO MORAN.

II. THE [LOWER COURTS] GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME[S] CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.⁸

Accused-appellant hinges his appeal on PO3 Galvez's and SPO1 Moran's failure to follow the procedure for the custody and disposition of the *marijuana*, outlined in Section 21⁹ of Republic Act No. 9165, after these

⁷ Id. at 233-234.

⁸ CA rollo, p. 65.

⁹ **Section 21.** *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

were seized and confiscated. Diwa points out that, on cross-examination, PO3 Galvez and SPO1 Moran did not know what was done to the seized and confiscated *marijuana* fruiting tops. Thus, the prosecution failed to establish that the seized items were *marijuana*, in short, dangerous drugs. Corollary thereto, Diwa theorizes that it was possible that, not having had the money to pay the police for his release, the actual items seized from Diwa were replaced with the *marijuana* dried fruiting tops to justify his arrest.

As the lower courts were, we are not convinced. We find no cause to disturb their factual findings that a buy-bust transaction took place between PO3 Galvez and Diwa, resulting in the latter's lawful arrest for illegal sale and illegal possession of *marijuana*.

On more than one occasion, we have ruled that findings of fact of the trial court, particularly when affirmed by the Court of Appeals, are accorded great weight.¹⁰ This is because the trial judge has the distinct advantage of closely observing the demeanor of the witnesses, as well as the manner in which they testify, and is in a better position to determine whether or not they are telling the truth.¹¹ On that score alone, Diwa's appeal ought to have been dismissed outright.

As found by the lower courts, the prosecution proved beyond reasonable doubt the elements of illegal sale of dangerous drugs: (1) the accused sold and delivered a prohibited drug to another and (2) knew that what was sold and delivered was a prohibited drug;¹² and illegal possession of dangerous drugs: (1) the accused is in possession of the object identified as a prohibited or regulatory drug; (2) such possession is not authorized by law; and (3) the accused freely and consciously possessed the said drug.¹³

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

(2) Within twenty-four (24) hours upon confiscation/seizure of dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment, the same shall be submitted to the PDEA Forensic Laboratory for a qualitative and quantitative examination;

¹⁰ *People v. Abedin*, G.R. No. 179936, 11 April 2012, 669 SCRA 322, 336.

¹¹ *People v. Enriquez*, 346 Phil. 84, 95 (1997).

¹² *People v. Unisa*, G.R. No. 185721, 28 September 2011, 658 SCRA 305, 324 citing *People v. Manlangit*, G.R. No. 189806, 12 January 2011, 639 SCRA 455, 463.

¹³ *People v. De Leon*, G.R. No. 186471, 25 January 2010, 611 SCRA 118, 134.

For the reversal of his conviction, Diwa of course relies on the presumption of innocence in his favor, and on the corresponding argument that the details of the purported transaction between him and PO3 Galvez were not clearly and adequately shown. In this regard, we study the testimony of PO3 Galvez:

FISCAL GRAVINO:

Do you recall where were you on August 20, 2003?

A: I was in the office.

Q: And do you remember if you had an operation on that date?

A: Yes, Ma[’a]m.

Q: Can you recall what is (*sic*) that operation all about?

A: We conducted buy bust operation[.]

Q: Who ordered you to conduct buy bust operation?

A: Our Chief.

Q: What is the name?

A: Police Insp. Cesar Gonzales Cruz.

Q: And how did Police Insp. Cesar Cruz got (*sic*) information which prompted him to order you tour (*sic*) team to conduct buy bust operation?

A: There was an informant who came to our office, giving information about rampant selling of Marijuana.

Q: And were you informed about the place where the rampant selling of Marijuana took place?

A: Yes, Ma[’a]m.

Q: Where?

A: Along Express Way, Service Road, Caloocan City.

Q: And you said that your team was ordered by your Chief to conduct buy bust operation. Who was the subject?

A: Magsalin Diwa.

x x x x

Q: When you arrived and parked your vehicle near the target area, what else happened?

A: We went ahead to the target area.

Q: You said “we” to whom are you referring to?

A: Me and the informant.

Q: Why do (*sic*) you went (*sic*) ahead?

A: Because we agreed in the briefing regarding the pre-arranged signal and that is the informant will (*sic*) throw cigarette in front of the person of Magsalin Diwa.

x x x x

Q: Now Mr. Witness, what happened when you were following the informant?

A: After seeing the throwing of cigarette by the informant, I immediately approached the suspect.

Q: To whom was that cigarette thrown by the informant?

A: In front of Magsalin Diwa.

Q: Aside from you and the informant, were there other persons around?

A: None Ma[’a]m.

x x x x

Q: And how far were you when the informant threw cigarette in front of the suspect?

A: Five (5) Meters.

Q: Upon seeing that situation, throwing of cigarette in front of the suspect, what did you do?

A: I approached him.

Q: “*Siya*” you are referring to the suspect?

A: I am referring to Magsalin Diwa.

Q: What about the informant?

A: He went already, Ma[’a]m.

Q: What did you do when you approach (*sic*) the suspect?

A: I told him, “*PRE, MAY CHONGKE KA PA BA?*”

Q: What do you mean by “*Chongke?*”

A: The street name of Marijuana.

A: He replied, “*Meron, magkano ba ang kukunin mo.*”

Q: What is the response?

A: I replied, “*Piso lang,*” worth ₱100.00 peso[s].

Q: What did he do after you told him that you are going to buy *Chongke* for ₱100.00?

A: He took the ₱100.00 peso [bill] from me. He held the money with his right hand.

- Q: And what else happened?
A: He got a plastic bag colored yellow “SM Supermarket.”

x x x x

- Q: What did he do with the yellow plastic bag?
A: The yellow plastic bag contained *Marijuana* and took *Marijuana* wrapped in a newspaper and gave it to me.

x x x x

- Q: So there were other parts of *Marijuana* left in that plastic bag, is that what you mean?
A: Yes, Ma[’a]m.

x x x x

- Q: And so after the small portion of *Marijuana* was already handed to you by the suspect what did you do?
A: When I got the *Marijuana* from the suspect I scratched my head as pre-arranged signal that I already bought *Marijuana* from him.¹⁴

Manifest from the foregoing is that the buy-bust transaction between the police operatives and Diwa was unequivocally established by the prosecution, and it was so found by both lower courts. After being identified by the informant, Diwa was approached by PO3 Galvez for the purchase of *marijuana*. Diwa, after ascertaining the quantity to be purchased and accepting the marked money from PO3 Galvez, handed him a portion of *marijuana* from the bunch wrapped in newspaper, contained in the yellow “SM Supermarket” plastic bag. The contents thereof were sent to the Physical Sciences Division, and after examination, confirmed to be *marijuana*, a dangerous drug.

In contrast to the presentation of the prosecution, Diwa’s roughly drawn scene is that of a frame up, and that he was eventually charged with illegal sale and illegal possession of *marijuana* because he could not produce the money to obtain his release. For good measure, Diwa argues that the police operatives did not perform their duties regularly.

The presumption that official duty has been regularly performed, and the corresponding testimony of the arresting officers on the buy-bust transaction, can only be overcome through clear and convincing evidence showing either of two things: (1) that they were not properly performing

¹⁴ TSN, 12 September 2006, pp. 3-12.

their duty, or (2) that they were inspired by any improper motive.¹⁵ In the face of the straightforward and direct testimony of the police officers, and absent any improper motive on their part to frame up Diwa, stacked against the bare and thin self-serving testimony of Diwa, we find no reason to overturn the lower courts' findings.

Diwa makes much of the fact that the police operatives did not follow to the letter the text of Section 21 of Republic Act No. 9165, in that they were unaware whether or not an inventory was made of the seized items, or photos taken thereof. Regrettably for Diwa, and as found by both lower courts, the chain of custody of the seized illegal drugs (*corpus delicti*) was duly accounted for and remained unbroken as demonstrated by the marking placed by PO3 Galvez on the substance, from the time it was seized from Diwa until the police turned it over to the crime laboratory for chemical analysis.

In this regard, we quote with favor the appellate court's disquisition:

There can be no doubt that the *marijuana* bought and seized from [Diwa] was the same one examined in the crime laboratory and later, presented in court. This Court, thus, finds the integrity and the evidentiary value of the drugs coming from [Diwa] to have not been compromised. Having found the integrity and evidentiary value of the seized items to be properly preserved, then there is no violation of Section 21 of Republic Act No. 9165. As held by the Supreme Court, non-compliance by the apprehending policemen with Section 21 is not fatal as long as there is justifiable ground therefor, and as long as the integrity and the evidentiary value of the confiscated items are properly preserved by the apprehending officer/team [citation omitted]. As provided in Section 21 (a) of the pertinent Implementing Rules of Republic Act No. 9165:

“...Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items..”

The integrity of the evidence is presumed to be preserved unless there is a showing of bad faith, ill will, or proof that the evidence has been tampered with. [Diwa], in the instant case, has the burden to show that the evidence was tampered, altered or meddled with to overcome the presumption of regularity in the handling of exhibits by public officers and

¹⁵

Miclat, Jr. v. People, G.R. No. 176077, 31 August 2011, 656 SCRA 539, 555-556; *People v. Pagkalinawan*, G.R. No. 184805, 3 March 2010, 614 SCRA 202, 219-220.

a presumption that public officer properly discharge their duties. Having failed to discharge this burden, his conviction must be sustained [citation omitted].¹⁶

Turning now to the imposable penalty on accused-appellant, we sustain the penalty imposed by the RTC, and affirmed by the Court of Appeals. Sections 5 and 11 of Republic Act No. 9165 provide for the penalty for the illegal sale and illegal possession, respectively, of dangerous drugs:

Section 5. *Sale, Trading, Administration, Dispensation, Delivery, Distribution and Transportation of Dangerous Drugs and/or Controlled Precursors and Essential Chemicals.* - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall sell, trade, administer, dispense, deliver, give away to another, distribute, dispatch in transit or transport any dangerous drug, including any and all species of opium poppy regardless of the quantity and purity involved, or shall act as a broker in any of such transactions.

x x x x

Section 11. *Possession of Dangerous Drugs.* - The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

x x x x

(7) 500 grams or more of marijuana; and

x x x x

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

x x x x

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, marijuana resin or marijuana resin oil,

¹⁶

CA rollo, pp. 102-103.

methamphetamine hydrochloride or “shabu,” or other dangerous drugs such as, but not limited to, MDMA or “ecstasy,” PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; or less than three hundred (300) grams of marijuana.

For the illegal sale of *marijuana*, violation of Section 5 of Republic Act No. 9165, the lower courts correctly imposed the penalty of life imprisonment and a fine of Five Hundred Thousand Pesos (₱500,000.00). The penalty of death was deleted given the advent of Republic Act No. 9346¹⁷ which prohibits the imposition of the Death Penalty.

For the illegal possession of *marijuana* in the amount of 288.49 grams, violation of Section 11 of Republic Act No. 9165, and applying the Indeterminate Sentence Law,¹⁸ the lower courts correctly imposed the penalty of imprisonment of twelve (12) years and one (1) day to fourteen (14) years and a fine of Three Hundred Thousand Pesos (₱300,000.00).

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 03219 and the RTC in Criminal Cases Nos. C-68962 and C-68963 are **AFFIRMED**. No costs.

SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

¹⁷ Entitled, “An Act Prohibiting the Imposition of Death Penalty in the Philippines.”

¹⁸ Section 1. x x x. [A]nd if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

WE CONCUR:



ANTONIO T. CARPIO

Associate Justice
Chairperson



MARIANO C. DEL CASTILLO

Associate Justice



JOSE CATRAL MENDOZA

Associate Justice



ESTELA PERLAS-BERNABE

Associate Justice

A T T E S T A T I O N

I attest 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's Division.



ANTONIO T. CARPIO

Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice