



Republic of the Philippines
Supreme Court
Manila

EN BANC

REPUBLIC OF THE
PHILIPPINES, represented by
THE EXECUTIVE SECRETARY,
THE SECRETARY OF JUSTICE,
THE SECRETARY OF
FOREIGN AFFAIRS, THE
SECRETARY OF NATIONAL
DEFENSE, THE SECRETARY
OF THE INTERIOR AND
LOCAL GOVERNMENT, THE
SECRETARY OF FINANCE,
THE NATIONAL SECURITY
ADVISER, THE SECRETARY
OF BUDGET AND
MANAGEMENT, THE
TREASURER OF THE
PHILIPPINES, THE CHIEF OF
STAFF OF THE ARMED
FORCES OF THE
PHILIPPINES, and THE CHIEF
OF THE PHILIPPINE
NATIONAL POLICE,

Petitioners,

G.R. No. 204603

Present:

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.

Promulgated:

- versus -

SEPTEMBER 24, 2013

HERMINIO HARRY ROQUE,
MORO CHRISTIAN PEOPLE'S
ALLIANCE, FR. JOE DIZON,
RODINIE SORIANO,
STEPHANIE ABIERA, MARIA
LOURDES ALCAIN, VOLTAIRE
ALFEREZ, CZARINA MAY
ALTEZ, SHERYL BALOT,
RENIZZA BATACAN, EDAN
MARRI CAÑETE, LEANA
CARAMOAN, ALDWIN

* On leave.

** On Official leave.

**CAMANCE, RENE DELORINO,
PAULYN MAY DUMAN,
RODRIGO FAJARDO III, ANNA
MARIE GO, ANNA ARMINDA
JIMENEZ, MARY ANN LEE,
LUISA MANALAYSAY, MIGUEL
MUSNGI, MICHAEL OCAMPO,
NORMAN ROLAND OCANA III,
WILLIAM RAGAMAT,
MARICAR RAMOS, CHERRY
LOU REYES, MELISSA ANN
SICAT, CRISTINE MAE
TABING, VANESSA TORNÓ, and
HON. JUDGE ELEUTERIO L.
BATHAN, as Presiding Judge of
Regional Trial Court, Quezon
City, Branch 92,**

Respondents.

X-----X

RESOLUTION

PERLAS-BERNABE, J.:

Assailed in this petition for *certiorari*¹ are the April 23, 2012² and July 31, 2012³ Orders of the Regional Trial Court of Quezon City, Branch 92 (RTC) in Special Civil Action (SCA) No. Q-07-60778, denying petitioners' motion to dismiss (subject motion to dismiss) based on the following grounds: (a) that the Court had yet to pass upon the constitutionality of Republic Act No. (RA) 9372,⁴ otherwise known as the "Human Security Act of 2007," in the consolidated cases of *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*⁵ (*Southern Hemisphere*); and (b) that private respondents' petition for declaratory relief was proper.

The Facts

On July 17, 2007, private respondents filed a Petition⁶ for declaratory relief before the RTC, assailing the constitutionality of the following

¹ *Rollo*, pp. 2-29.

² *Id.* at 31-32. Penned by Presiding Judge Eleuterio L. Bathán.

³ *Id.* at 33-35.

⁴ "AN ACT TO SECURE THE STATE AND PROTECT OUR PEOPLE FROM TERRORISM."

⁵ G.R. Nos. 178552, 178554, 178581, 178890, 179157 & 179461, October 5, 2010, 632 SCRA 146.

⁶ *Rollo*, pp. 51-91.

sections of RA 9372: (a) Section 3,⁷ for being void for vagueness;⁸ (b) Section 7,⁹ for violating the right to privacy of communication and due process and the privileged nature of priest-penitent relationships;¹⁰ (c) Section 18,¹¹ for violating due process, the prohibition against *ex post facto*

⁷ SEC. 3. *Terrorism.*- Any person who commits an act punishable under any of the following provisions of the Revised Penal Code:

- a. Article 122 (Piracy in General and Mutiny in the High Seas or in the Philippine Waters);
- b. Article 134 (Rebellion or Insurrection);
- c. Article 134-a (Coup d'Etat), including acts committed by private persons;
- d. Article 248 (Murder);
- e. Article 267 (Kidnapping and Serious Illegal Detention);
- f. Article 324 (Crimes Involving Destruction), or under
 1. Presidential Decree No. 1613 (The Law on Arson);
 2. Republic Act No. 6969 (Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990);
 3. Republic Act No. 5207, (Atomic Energy Regulatory and Liability Act of 1968);
 4. Republic Act No. 6235 (Anti-Hijacking Law);
 5. Presidential Decree No. 532 (Anti-Piracy and Anti-Highway Robbery Law of 1974); and,
 6. Presidential Decree No. 1866, as amended (Decree Codifying the Laws on Illegal and Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunitions or Explosives)

thereby sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand shall be guilty of the crime of terrorism and shall suffer the penalty of forty (40) years of imprisonment, without the benefit of parole as provided for under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

⁸ *Rollo*, pp. 72-77.

⁹ SEC. 7. *Surveillance of Suspects and Interception and Recording of Communications.* - The provisions of Republic Act No. 4200 (Anti-Wire Tapping Law) to the contrary notwithstanding, a police or law enforcement official and the members of his team may, upon a written order of the Court of Appeals, listen to, intercept and record, with the use of any mode, form, kind or type of electronic or other surveillance equipment or intercepting and tracking devices, or with the use of any other suitable ways and means for that purpose, any communication, message, conversation, discussion, or spoken or written words between members of a judicially declared and outlawed terrorist organization, association, or group of persons or of any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism.

Provided, That surveillance, interception and recording of communications between lawyers and clients, doctors and patients, journalists and their sources and confidential business correspondence shall not be authorized.

¹⁰ *Rollo*, pp. 77-79.

¹¹ SEC. 18. *Period of Detention Without Judicial Warrant of Arrest.* - The provisions of Article 125 of the Revised Penal Code to the contrary notwithstanding, any police or law enforcement personnel, who, having been duly authorized in writing by the Anti-Terrorism Council has taken custody of a person charged with or suspected of the crime of terrorism or the crime of conspiracy to commit terrorism shall, without incurring any criminal liability for delay in the delivery of detained persons to the proper judicial authorities, deliver said charged or suspected person to the proper judicial authority within a period of three days counted from the moment the said charged or suspected person has been apprehended or arrested, detained, and taken into custody by the said police, or law enforcement personnel: *Provided*, That the arrest of those suspected of the crime of terrorism or conspiracy to commit terrorism must result from the surveillance under Section 7 and examination of bank deposits under Section 27 of this Act.

The police or law enforcement personnel concerned shall, before detaining the person suspected of the crime of terrorism, present him or her before any judge at the latter's residence or office nearest the place where the arrest took place at any time of the day or night. It shall be the duty of the judge, among other things, to ascertain the identity of the police or law enforcement personnel and the person or persons they have arrested and presented before him or her, to inquire of them the reasons why they have arrested the person and determine by questioning and personal observation whether or not the suspect has been subjected to any physical, moral or psychological torture by whom and why. The judge shall then submit a written report of what he/she had observed when the subject was brought before him to the proper court that has jurisdiction over the case of the person thus arrested. The judge shall forthwith submit his/her report within three calendar days from the time the suspect was brought to his/her residence or office.

laws or bills of attainder, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, as well as for contradicting Article 125¹² of the Revised Penal Code, as amended;¹³ (d) Section 26,¹⁴ for violating the right to travel;¹⁵ and (e) Section 27,¹⁶ for violating the prohibition against unreasonable searches and seizures.¹⁷

Petitioners moved to suspend the proceedings,¹⁸ averring that certain petitions (SC petitions) raising the issue of RA 9372's constitutionality have been lodged before the Court.¹⁹ The said motion was granted in an Order

Immediately after taking custody of a person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism, the police or law enforcement personnel shall notify in writing the judge of the court nearest the place of apprehension or arrest: *Provided*, That where the arrest is made during Saturdays, Sundays, holidays or after office hours, the written notice shall be served at the residence of the judge nearest the place where the accused was arrested.

The penalty of ten (10) years and one day to twelve (12) years of imprisonment shall be imposed upon the police or law enforcement personnel who fails to notify any judge as provided in the preceding paragraph.

¹² Art. 125. *Delay in the delivery of detained persons to the proper judicial authorities.* - The penalties provided in the next preceding article shall be imposed upon the public officer or employee who shall detain any person for some legal ground and shall fail to deliver such person to the proper judicial authorities within the period of: twelve (12) hours, for crimes or offenses punishable by light penalties, or their equivalent; eighteen (18) hours, for crimes or offenses punishable by correctional penalties, or their equivalent; and thirty-six (36) hours, for crimes, or offenses punishable by afflictive or capital penalties, or their equivalent.

In every case, the person detained shall be informed of the cause of his detention and shall be allowed upon his request, to communicate and confer at any time with his attorney or counsel. (As amended by Executive Order Nos. 59 and 272, November 7, 1986 and July 25, 1987, respectively.)

¹³ *Rollo*, pp. 79-85.

¹⁴ SEC. 26. *Restriction on Travel.* - In cases where evidence of guilt is not strong, and the person charged with the crime of terrorism or conspiracy to commit terrorism is entitled to bail and is granted the same, the court, upon application by the prosecutor, shall limit the right of travel of the accused to within the municipality or city where he resides or where the case is pending, in the interest of national security and public safety, consistent with Article III, Section 6 of the Constitution. Travel outside of said municipality or city, without the authorization of the court, shall be deemed a violation of the terms and conditions of his bail, which shall then be forfeited as provided under the Rules of Court. He/she may also be placed under house arrest by order of the court at his or her usual place of residence.

While under house arrest, he or she may not use telephones, cellphones, e-mails, computers, the internet or other means of communications with people outside the residence until otherwise ordered by the court.

The restrictions abovementioned shall be terminated upon the acquittal of the accused or of the dismissal of the case filed against him or earlier upon the discretion of the court on motion of the prosecutor or of the accused.

¹⁵ *Rollo*, pp. 85-86.

¹⁶ SEC. 27. *Judicial Authorization Required to Examine Bank Deposits, Accounts, and Records.* - The provisions of Republic Act No. 1405 as amended, to the contrary notwithstanding, the justices of the Court of Appeals designated as a special court to handle anti-terrorism cases after satisfying themselves of the existence of probable cause in a hearing called for that purpose that: (1) a person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism, (2) of a judicially declared and outlawed terrorist organization, association, or group of persons; and (3) of a member of such judicially declared and outlawed organization, association, or group of persons, may authorize in writing any police or law enforcement officer and the members of his/her team duly authorized in writing by the anti-terrorism council to: (a) examine, or cause the examination of, the deposits, placements, trust accounts, assets and records in a bank or financial institution; and (b) gather or cause the gathering of any relevant information about such deposits, placements, trust accounts, assets, and records from a bank or financial institution. The bank or financial institution concerned, shall not refuse to allow such examination or to provide the desired information, when so ordered by and served with the written order of the Court of Appeals.

¹⁷ *Rollo*, pp. 86-88.

¹⁸ Id. at 95-99. Very Urgent Motion to Suspend Proceedings in Deference to Supreme Court dated September 3, 2007.

¹⁹ Pertaining to the petitions for *certiorari* in the *Southern Hemisphere* cases.

dated October 19, 2007.²⁰

On October 5, 2010, the Court promulgated its Decision²¹ in the *Southern Hemisphere* cases and thereby dismissed the SC petitions.

On February 27, 2012, petitioners filed the subject motion to dismiss,²² contending that private respondents failed to satisfy the requisites for declaratory relief. Likewise, they averred that the constitutionality of RA 9372 had already been upheld by the Court in the *Southern Hemisphere* cases.

In their Comment/Opposition,²³ private respondents countered that: (a) the Court did not resolve the issue of RA 9372's constitutionality in *Southern Hemisphere* as the SC petitions were dismissed based purely on technical grounds; and (b) the requisites for declaratory relief were met.

The RTC Ruling

On April 23, 2012, the RTC issued an Order²⁴ which denied the subject motion to dismiss, finding that the Court did not pass upon the constitutionality of RA 9372 and that private respondents' petition for declaratory relief was properly filed.

Petitioners moved for reconsideration²⁵ which was, however, denied by the RTC in an Order dated July 31, 2012.²⁶ The RTC observed that private respondents have personal and substantial interests in the case and that it would be illogical to await the adverse consequences of the aforesaid law's implementation considering that the case is of paramount impact to the Filipino people.²⁷

Hence, the instant petition.

²⁰ *Rollo*, pp. 104-105. Penned by then Presiding Judge (now Court of Appeals Associate Justice) Samuel H. Gaerlan.

²¹ *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*, supra note 5.

²² *Rollo*, pp. 107-117.

²³ *Id.* at 118-132. Dated March 23, 2012.

²⁴ *Id.* at 31-32.

²⁵ *Id.* at 37-48. Dated June 13, 2012.

²⁶ *Id.* at 33-35.

²⁷ *Id.* at 35.

The Issues Before the Court

The present controversy revolves around the issue of whether or not the RTC gravely abused its discretion when it denied the subject motion to dismiss.

Asserting the affirmative, petitioners argue that private respondents failed to satisfy the requirements for declaratory relief and that the Court had already sustained with finality the constitutionality of RA 9372.

On the contrary, private respondents maintain that the requirements for declaratory relief have been satisfied and that the Court has yet to resolve the constitutionality of RA 9372, negating any grave abuse of discretion on the RTC's part.

The Court's Ruling

The petition is meritorious.

An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction.²⁸ It is well-settled that the abuse of discretion to be qualified as "grave" must be so patent or gross as to constitute an evasion of a positive duty or a virtual refusal to perform the duty or to act at all in contemplation of law.²⁹ In this relation, case law states that not every error in the proceedings, or every erroneous conclusion of law or fact, constitutes grave abuse of discretion.³⁰ The degree of gravity, as above-described, must be met.

Applying these principles, the Court observes that while no grave abuse of discretion could be ascribed on the part of the RTC when it found that the Court did not pass upon the constitutionality of RA 9372 in the *Southern Hemisphere* cases, it, however, exceeded its jurisdiction when it ruled that private respondents' petition had met all the requisites for an action for declaratory relief. Consequently, its denial of the subject motion to dismiss was altogether improper.

To elucidate, it is clear that the Court, in *Southern Hemisphere*, did not make any definitive ruling on the constitutionality of RA 9372. The

²⁸ *Yu v. Reyes-Carpio*, G.R. No. 189207, June 15, 2011, 652 SCRA 341, 348.

²⁹ *Chua Huat v. Court of Appeals*, 276 Phil. 1, 18 (1991).

³⁰ See *Tavera-Luna, Inc. v. Nable*, 67 Phil. 340, 344 (1939).

certiorari petitions in those consolidated cases were dismissed based solely on procedural grounds, namely: (a) the remedy of *certiorari* was improper;³¹ (b) petitioners therein lack *locus standi*;³² and (c) petitioners therein failed to present an actual case or controversy.³³ Therefore, there was no grave abuse of discretion.

The same conclusion cannot, however, be reached with regard to the RTC's ruling on the sufficiency of private respondents' petition for declaratory relief.

Case law states that the following are the requisites for an action for declaratory relief: first, the subject matter of the controversy must be a deed, will, contract or other written instrument, statute, executive order or regulation, or ordinance; second, the terms of said documents and the validity thereof are doubtful and require judicial construction; third, there must have been no breach of the documents in question; fourth, there must be an actual justiciable controversy or the "ripening seeds" of one between persons whose interests are adverse; fifth, the issue must be ripe for judicial determination; and sixth, adequate relief is not available through other means or other forms of action or proceeding.³⁴

Based on a judicious review of the records, the Court observes that while the first,³⁵ second,³⁶ and third³⁷ requirements appear to exist in this case, the fourth, fifth, and sixth requirements, however, remain wanting.

As to the fourth requisite, there is serious doubt that an actual justiciable controversy or the "ripening seeds" of one exists in this case.

Pertinently, a justiciable controversy refers to an existing case or controversy that is appropriate or ripe for judicial determination, not one that is conjectural or merely anticipatory.³⁸ Corollary thereto, by "ripening seeds" it is meant, not that sufficient accrued facts may be dispensed with, but that a dispute may be tried at its inception before it has accumulated the asperity, distemper, animosity, passion, and violence of a full blown battle that looms ahead. The concept describes a state of facts indicating imminent and inevitable litigation provided that the issue is not settled and stabilized by

³¹ *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*, supra note 5, at 166-167.

³² *Id.* at 167-175.

³³ *Id.* at 175-179.

³⁴ *Almeda v. Bathala Marketing Industries, Inc.*, 566 Phil. 458, 467 (2008).

³⁵ The subject matter of the controversy is a law, in particular, Sections 3, 7, 18, 26, and 27 of RA 9372.

³⁶ Private respondents assert that the validity of Sections 3, 7, 18, 26, and 27 of RA 9372 remain doubtful on grounds of, among others, void for vagueness, lack of due process, and for being violative of various constitutional rights.

³⁷ Private respondents admit that they have yet to suffer any injury from the implementation of the said law. See *rollo*, pp. 162-164.

³⁸ *Velarde v. Social Justice Society*, G.R. No. 159357, April 28, 2004, 428 SCRA 283, 291.

tranquilizing declaration.³⁹

A perusal of private respondents' petition for declaratory relief would show that they have failed to demonstrate how they are left to sustain or are in immediate danger to sustain some direct injury as a result of the enforcement of the assailed provisions of RA 9372. Not far removed from the factual milieu in the *Southern Hemisphere* cases, private respondents only assert general interests as citizens, and taxpayers and infractions which the government could prospectively commit if the enforcement of the said law would remain untrammelled. As their petition would disclose, private respondents' fear of prosecution was solely based on remarks of certain government officials which were addressed to the general public.⁴⁰ They, however, failed to show how these remarks tended towards any prosecutorial or governmental action geared towards the implementation of RA 9372 against them. In other words, there was no particular, real or imminent threat to any of them. As held in *Southern Hemisphere*:

Without any justiciable controversy, the petitions have become pleas for declaratory relief, over which the Court has no original jurisdiction. **Then again, declaratory actions characterized by "double contingency," where both the activity the petitioners intend to undertake and the anticipated reaction to it of a public official are merely theorized, lie beyond judicial review for lack of ripeness.**

The possibility of abuse in the implementation of RA 9372 does not avail to take the present petitions out of the realm of the surreal and merely imagined. Such possibility is not peculiar to RA 9372 since the exercise of any power granted by law may be abused. Allegations of abuse **must be anchored on real events before courts may step in to settle actual controversies involving rights which are legally demandable and enforceable.**⁴¹ (Emphasis supplied; citations omitted)

Thus, in the same light that the Court dismissed the SC petitions in the *Southern Hemisphere* cases on the basis of, among others, lack of actual justiciable controversy (or the ripening seeds of one), the RTC should have dismissed private respondents' petition for declaratory relief all the same.

It is well to note that private respondents also lack the required *locus standi* to mount their constitutional challenge against the implementation of the above-stated provisions of RA 9372 since they have not shown any

³⁹ HERRERA, OSCAR M., Remedial Law, Volume III, Special Civil Actions Rule 57-71, p. 193 (1999), citing *Tolentino v. Board of Accountancy*, 90 Phil. 83 (1951) and *In re: Pablo Y. Sen. v. Republic of the Philippines*, 96 Phil. 987 (1955).

⁴⁰ *Rollo*, pp. 62-65.

⁴¹ *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*, supra note 5, at 179.

direct and personal interest in the case.⁴² While it has been previously held that transcendental public importance dispenses with the requirement that the petitioner has experienced or is in actual danger of suffering direct and personal injury,⁴³ it must be stressed that cases involving the constitutionality of penal legislation belong to an altogether different genus of constitutional litigation.⁴⁴ Towards this end, compelling State and societal interests in the proscription of harmful conduct necessitate a closer judicial scrutiny of *locus standi*,⁴⁵ as in this case. To rule otherwise, would be to corrupt the settled doctrine of *locus standi*, as every worthy cause is an interest shared by the general public.⁴⁶

As to the fifth requisite for an action for declaratory relief, neither can it be inferred that the controversy at hand is ripe for adjudication since the possibility of abuse, based on the above-discussed allegations in private respondents' petition, remain highly-speculative and merely theorized. It is well-settled that a question is ripe for adjudication when the act being challenged has had a direct adverse effect on the individual challenging it.⁴⁷ This private respondents failed to demonstrate in the case at bar.

Finally, as regards the sixth requisite, the Court finds it irrelevant to proceed with a discussion on the availability of adequate reliefs since no impending threat or injury to the private respondents exists in the first place.

All told, in view of the absence of the fourth and fifth requisites for an action for declaratory relief, as well as the irrelevance of the sixth requisite, private respondents' petition for declaratory relief should have been dismissed. Thus, by giving due course to the same, it cannot be gainsaid that the RTC gravely abused its discretion.

WHEREFORE, the petition is **GRANTED**. Accordingly, the April 23, 2012 and July 31, 2012 Orders of the Regional Trial Court of Quezon City, Branch 92 in SCA No. Q-07-60778 are **REVERSED** and **SET ASIDE**

⁴² "x x x [A] party who assails the constitutionality of a statute must have a direct and personal interest. It must show not only that the law or any governmental act is invalid, but also that it sustained or is in immediate danger of sustaining some direct injury as a result of its enforcement, and not merely that it suffers thereby in some indefinite way. It must show that it has been or is about to be denied some right or privilege to which it is lawfully entitled or that it is about to be subjected to some burdens or penalties by reason of the statute or act complained of.

For a concerned party to be allowed to raise a constitutional question, it must show that (1) it has personally suffered some actual or threatened injury as a result of the allegedly illegal conduct of the government, (2) the injury is fairly traceable to the challenged action, and (3) the injury is likely to be redressed by a favorable action." (*Anak Mindanao Party-List Group v. Exec. Sec. Ermita*, 558 Phil. 338, 351 [2007]; citations omitted.)

⁴³ See *Chavez v. PCGG*, 360 Phil. 133, 155-156 (1998).

⁴⁴ *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*, supra note 5, at 168.


⁴⁵ *Id.*

⁴⁶ *Id.* at 174.


⁴⁷ *Guingona, Jr. v. Court of Appeals*, 354 Phil. 415, 427 (1998).

and the petition for declaratory relief before the said court is hereby
DISMISSED.

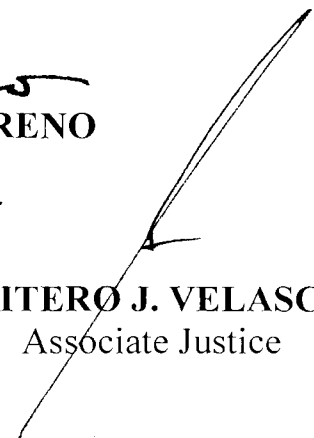
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice

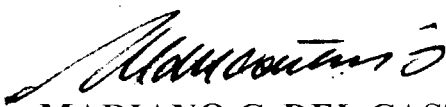

PRESBITERO J. VELASCO, JR.
Associate Justice

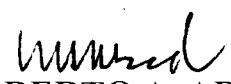

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

On Leave
ARTURO D. BRION
Associate Justice

On Official Leave
DIOSDADO M. PERALTA
Associate Justice

On Official Leave
LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice

On Leave
MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

On Official Leave
JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

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