



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 190178

- versus -

Present:

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

FELIMON PATENTES y
ZAMORA,
Accused-Appellant.

Promulgated:

FEB 12 2014

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DECISION

PEREZ, J.:

The peculiar nature of rape is that conviction or acquittal depends almost entirely upon the word of the private complainant because it is essentially committed in relative isolation or even in secrecy, and it is usually only the victim who can testify of the unconsented coitus. Thus, the long standing rule is that when an alleged victim of rape says she was violated, she says in effect all that is necessary to show that rape has indeed been committed. Since the participants are usually the only witnesses in crimes of this nature and the accused's conviction or acquittal virtually depends on the private complainant's testimony, it must be received with utmost caution. It is then incumbent upon the trial court to be very scrupulous in ascertaining the credibility of the victim's testimony. Judges

must free themselves of the natural tendency to be overprotective of every woman claiming to have been sexually abused and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through as she demands justice, judges should equally bear in mind that their responsibility is to render justice according to law.¹

Before Us is an appeal from the Decision² of the Court of Appeals affirming with modification the Decision³ of the Regional Trial Court, finding appellant guilty beyond reasonable doubt of the crime of Forcible Abduction with Rape and sentencing him to suffer the penalty of *reclusion perpetua*.

The present case involves eight (8) sets of Information for Forcible Abduction with Rape filed by private complainant (“AAA”) against appellant, Felimon Patentés.

The Prosecution’s Case

On 5 December 1998, at about 11:00 a.m., AAA boarded a bus for Bansalan, Davao City, to visit and bring medicines to her sick grandmother. While seated at the rear portion of the bus, appellant suddenly sat next to her. It was the second time AAA met appellant; the first time was on 4 December 1998, when appellant persistently courted her. She only knew appellant as he was a friend of her brother.

After a brief conversation, appellant suddenly showed her his bolo, covered by a red scabbard tucked in his right side while he held a red steel pipe with Arabic markings, which he used to threaten to kill AAA should AAA disobey him. Appellant then accompanied AAA to her grandmother’s place and returned to Davao City proper by bus. As they walked around, appellant placed his right hand on AAA’s shoulder. Appellant also held AAA’s right hand, which covers her mouth with a handkerchief.

¹ *People v. Macapanpan*, 449 Phil. 87-89 (2003) citing *People v. Alitagtag*, 368 Phil. 637, 647 (1999); *People v. Baltazar*, 385 Phil. 1023, 1031 (2000); *People v. Dumaguing*, 394 Phil. 93, 103 (2000); *People v. Gallo*, 348 Phil. 640, 665 (1998); *People v. Babera*, 388 Phil. 44, 53 (2000); *People v. Alvario*, 341 Phil. 526, 538-539 (1997).

² Penned by Associate Justice Romulo V. Borja, with Associate Justices Jane Aurora C. Lantion and Edgardo T. Lloren concurring, Court of Appeals, Twenty First Division, Cagayan de Oro, CA-G.R. CR-H.C. No. 00062; CA *rollo*, p.159-187.

³ Penned by Presiding Judge Jesus V. Quitain, promulgated on 7 March 2005, *People v. Felimon Patentés*, Crim. Case No. 42,786-793-99, Regional Trial Court, Branch 15, Davao City. Records, pp. 129-144.

Upon reaching Davao City, they rode a *jeepney* to Sasa and alighted at a nearby convenience store. Upon arrival, a man gave something to appellant, which he immediately placed inside his pocket. Appellant then brought AAA to his house in Hacienda Heights, Davao City, where his parents, sister, brother-in-law, nephews and nieces live.

Upon entering the house, appellant dragged AAA to a room upstairs and tied her to a sewing machine. Appellant then started to smoke something, which he also forced AAA to inhale, causing AAA to feel light, weak and dizzy. This prevented AAA from fighting back as appellant removed AAA's clothes. Doffed of his own clothes, appellant mounted her and inserted his penis into her vagina.

The following day, 6 December 1998, appellant again forced AAA to inhale the smoke from his cigarette, causing her to feel weak and dizzy as appellant had carnal knowledge of AAA.

On 7 December 1998, appellant again had carnal knowledge of AAA using threats, force and intimidation, causing bruises on AAA's arms.

On 8 December 1998, while appellant was sleeping beside AAA, AAA slowly got up to escape. However, AAA's attempt, while feeble, woke up appellant. Appellant then punched her in the stomach, causing AAA to lose consciousness. When AAA gained a little strength, appellant again mauled her and raped her again.

On 9 December 1998, after AAA took a bath, appellant raped AAA while pointing a bolo to her neck.

On 10, 11 and 12 December 1998, appellant raped AAA while threatening her with bodily harm. He also threatened to kill her family, in case she tells anyone of her ordeal.

On 13 December 1998, to free herself from her predicament, AAA convinced appellant that she will marry him. Appellant agreed. Appellant's mother accompanied AAA to the latter's house to discuss the marital plans with AAA's family. Surprised by the marital plans, AAA's mother asked for a private moment with AAA. In their conversation, AAA confessed how appellant forcibly took her to his house on 5 December 1998 and raped her for more than a week. AAA's mother then accompanied AAA to report her

ordeal to the police, where AAA was examined by a doctor, Dr. Samuel Cruz, the City Health Officer of Davao City.

Dr. Cruz testified that he examined AAA. In his report, he noted the following observations about AAA: (1) contusion on the breast caused by a kiss mark; (2) hymen was intact and can readily admit a normal-sized erect male penis without sustaining any injury; and (3) vaginal canal was negative for spermatozoa. Dr. Cruz also added that he cannot tell whether it was AAA's first sexual intercourse as the vagina was not injured but had healed lacerations.

The Accused-Appellant's Defense

On 5 December 1998, pursuant to their previous agreement, appellant accompanied AAA to Bansalan to visit and bring medicines to AAA's grandmother. After going around Davao City, they went to his house at about 7:00 p.m. Appellant then offered to bring AAA to her house but the latter refused, insisting that she wanted to live with appellant because she was fed up with her mother, who often called her "*buntog*" or prostitute.

AAA stayed in appellant's house together with the latter's parents, sister, brother-in-law, nephews and nieces. AAA slept in the same room with appellant and had consented sexual intercourse. Throughout AAA's stay, she was free to roam around the house and even helped in the household chores. Pursuant to their marital plans, AAA's grandfather went to appellant's house on 7 December 1998. As a result, they agreed to set the wedding date on 27 May 1999. Appellant's mother also went to AAA's house to discuss the marital plans on 14 December 1998. However, AAA's mother rejected the marriage proposal because of appellant's social standing.

Leonora Gerondio (Gerondio), appellant's neighbor, testified that she first met AAA in appellant's house on 5 December 1998. The following day, Gerondio again saw AAA when she went to appellant's house. Appellant told her that he will marry AAA. Since then, Gerondio saw AAA everyday from 7 to 11 December 1998, cleaning the surroundings, doing the laundry, and walking around the vicinity. AAA even visited her house and talked about AAA and appellant's marital plans. In her observation, AAA and appellant acted like a couple. Gerondio also accompanied appellant's mother to AAA's house to discuss AAA and appellant's marital plans. However, AAA's mother rejected the marriage proposal.

Wilma Enriquez (Enriquez), a common friend of AAA and appellant, testified that between 5 to 12 December 1998, she went twice to appellant's house upon AAA's invitation to talk about the couple's marital plans.

During trial, the prosecution presented the following witnesses: (1) AAA, private complainant herself; (2) Dr. Samuel Cruz; (3) PO1 Lennie Ronquillo; (4) private complainant's mother; and (5) Julie Dayaday.

On the other hand, the defense presented: (1) Felimon Patentés, accused-appellant himself; (2) Leonora Gerondio; (3) Wilma Enriquez; and (4) Francisca Patentés.

After trial, the lower court found appellant guilty beyond reasonable doubt of one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape. The dispositive portion of the Decision reads:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, Felimon Patentés a.k.a. Arnold Patentés is hereby sentenced as follows:

- | | |
|----------------------------------|--------------------|
| 1. Criminal Case No. 42,786-99 - | Reclusion Perpetua |
| 2. Criminal Case No. 42,787-99 - | Reclusion Perpetua |
| 3. Criminal Case No. 42,788-99 - | Reclusion Perpetua |
| 4. Criminal Case No. 42,789-99 - | Reclusion Perpetua |
| 5. Criminal Case No. 42,790-99 - | Reclusion Perpetua |
| 6. Criminal Case No. 42,791-99 - | Reclusion Perpetua |
| 7. Criminal Case No. 42,792-99 - | Reclusion Perpetua |
| 8. Criminal Case No. 42,793-99 - | Reclusion Perpetua |

The accused shall indemnify AAA Thirty Thousand Pesos (₱30,000.00) in each of the eight cases for a total of Two Hundred Forty Thousand Pesos (₱240,000.00).

SO ORDERED.⁴

Aggrieved, appellant elevated the case to the Court of Appeals. The appellate court affirmed the decision of the trial court with modification. The dispositive portion of the Decision reads:

WHEREFORE, the assailed decision is AFFIRMED as to the conviction of appellant FELIMON PATENTES for one (1) count of Forcible Abduction with Rape and seven (7) counts of eight (8) counts of Rape and as to the imposition upon him of the penalty of

⁴ Id. at 144.

reclusion perpetua for each of the eight (8) offenses. His civil liability, however, is hereby MODIFIED as follows:

Appellant FELIMON PATENTES is hereby directed to pay the following amounts:

1. ₱50,000.00 each as civil indemnity for one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape or a total of ₱400,000.00;
2. ₱75,000.00 each as moral damages for one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape or a total of ₱600,000.00; and
3. ₱25,000.00 each as temperate damages for one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape or a total of ₱200,000.00.

SO ORDERED.⁵

The appellate court affirmed the findings of the trial court on the matter of credibility of the witnesses for the prosecution. According to the appellate court, “AAA’s account of her ordeal in the hands of appellant was straightforward, firm, candid and consistent. Notwithstanding the rigid, lengthy and rigorous cross-examination by the defense, AAA remained steadfast in her narration of the details of her harrowing experience. A thorough reading of the transcript shows that AAA’s testimony bears the earmarks of truth and credibility.”⁶

Hence, this appeal.

The elements necessary to sustain a conviction for rape are: (1) the accused had carnal knowledge of the victim; and (2) said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.⁷ In the case at bar, appellant never denied having carnal knowledge of AAA. The only matter, thus, to be resolved by this Court is whether appellant had carnal knowledge of AAA against her will using threats, force or intimidation, or that AAA was deprived of reason or otherwise unconscious, or was under 12 years of age or is demented.

⁵ CA *rollo*, p. 186.

⁶ Id. at 179.

⁷ *People v. Bongat*, G. R. No. 184170, 2 February 2011, 641 SCRA 496, 505.

Appellant argues that if AAA really was raped for more than an entire week, it is perplexing why she did not escape, or even seek the help of the neighbors despite several opportunities to do so.⁸ Appellant further alleges that AAA's failure to escape and her helping in the household chores in appellant's house prove that she was not raped and that they had consensual sexual intercourse.⁹

About this position, the appellate court noted and reasoned that, "appellant threatened AAA with harm in the event that she told anyone of what happened between them. The lingering fear instilled upon AAA is understandable considering that appellant was always armed with a bolo and was constantly showing it to AAA. The possibility of him making good his threat was not at all remote and the fear for her life remained palpable."¹⁰

Behavioral psychology teaches us that people react to similar situations dissimilarly. There is no standard form of behavior when one is confronted by a shocking incident as the workings of the human mind when placed under emotional stress are unpredictable.¹¹ Nevertheless, the Court must be guided by established principles.

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense.¹² So long as the private complainant's testimony meets the test of credibility, the accused may be convicted on the basis thereof.¹³

Following these legal precepts, AAA's testimony, placed side by side with the prosecution's evidence, must stand the test of credibility.

1. Absence of external signs or physical injuries does not negate the commission of rape since proof of injuries is not an essential element of the crime.¹⁴ And, it is also a precept that physical evidence is of the highest

⁸ CA *rollo*, p. 101.

⁹ Id. at 93.

¹⁰ Id. at 181.

¹¹ *People v. Mariano*, G.R. No. 168693, 19 June 2009, 590 SCRA 74, 90.

¹² *People v. Marquez*, GR Nos. 137408-10, 8 December 2000, 347 SCRA 510, 517.

¹³ Id.

¹⁴ *People v. Freta*, 406 Phil. 853, 862 (2001).

order and speaks more eloquently than all witnesses put together.¹⁵ In the case at bar, the prosecution failed to present any scintilla of proof to support its claim. In fact, contrary to the prosecution's claim that AAA was dragged, tied, mauled, slapped and boxed, the medical certificate revealed no telltale sign of the prosecution's allegations. It has to be noted that the medical examination was conducted the day after AAA's supposed escape from appellant. As shown by the medical certificate, AAA had no external signs of physical injuries, save for a kiss mark, to wit:¹⁶

EXTRAGENITAL PHYSICAL INJURY:

Contusion, reddish purple, breast, right side, lower-inner quadrant, 2.0x1.0 cm. xxx

CONCLUSIONS:

1. The above physical injury was noted on the body of the subject, age of which is consistent with the alleged date of infliction.
2. That under normal conditions without subsequent complications and unless a deeper involvement might be present but which is not clinically apparent at the time of examination, said injury will require medical attendance of not more than seven (7) days from date of infliction.
3. Hymen intact and its orifice, wide as to allow complete penetration by an average-sized male organ in erection without causing hymenal injury.¹⁷

2. The time-honored test in determining the value of the testimony of a witness is its compatibility with human knowledge, observation and common experience of man.¹⁸ Thus, whatever is repugnant to the standards of human knowledge, observation and experience becomes incredible and must lie outside judicial cognizance.¹⁹

As culled from the records, AAA lived with appellant's family for eight (8) days – in the same house where appellant's parents, sister, brother-in-law, nephews and nieces also lived. AAA even called appellant's mother, "mama." As argued by the defense, "the members of the appellant's family could have noticed that she was being forced and raped by the accused if the

¹⁵ *People v. Bardaje*, 187 Phil. 735, 744 (1980).

¹⁶ Exhibit "B," records, p. 7.

¹⁷ *Id.*

¹⁸ *People v. De Guzman*, G.R. No. 192250, 11 July 2012, 676 SCRA 347, 360.

¹⁹ *Id.*

accusations were really true.”²⁰ Indeed, it is incompatible with human experience to keep a sex slave for eight (8) days in a house where the abuser’s entire family, including the abuser’s minor nephews and nieces live.

When appellant and AAA arrived in the former’s house, they were greeted by appellant’s father. If AAA’s account were true that appellant dragged her to a room upstairs and then tied her to a sewing machine, appellant’s father could have noticed and reacted to the obvious violence. To say the least, he would have talked to the appellant about the deed. Instead, and incredibly, appellant’s mother went to AAA’s house to propose marriage – contrary to the common experience.

Contrary to the prosecution’s claim that AAA only saw appellant on 4 December 1998, a day before the alleged commission of the crime, it was stipulated that AAA knew appellant as appellant was a neighbor and friend of AAA’s brother.²¹ Furthermore, appellant’s mother was the midwife who assisted AAA’s housemaid in giving birth.²² Lastly, AAA and appellant have a common friend, Enriquez, who testified that she saw the two in appellant’s house, through AAA’s invitation.²³ The TSN reflects the inconsistencies in AAA’s testimony:²⁴

Q: Do you know that his mother is a midwife?

A: **No, Sir.**

Because she helped in the delivery of our housemaid.

Q: When did your housemaid give birth?

A: **When I went to Bansalan on December 5 I passed by the house she was about to deliver and I saw the mother of the accused that’s the time I came to know his mother.**

Q: **Is it not that your stepfather even went to the house where you stayed?**

A: **No, sir.**

Q: You will deny that?

²⁰ CA rollo, p. 103.

²¹ Records, p. 13.

²² TSN, 8 February 2000, p. 46.

²³ TSN, 9 December 2002, p. 3.

²⁴ TSN, 8 February 2000, pp. 46-47.

A: I did not see him.

xxxx

Q: Is it not you said you were being locked?

A: **I was locked at the door when my father arrived.**
I do not know because he locked me at the room.
[Emphasis supplied]

For several days that AAA had been missing, which would have caused worry and anxiety among AAA's family members, AAA's father, instead of reporting the matter to police authorities, went to appellant's house to discuss AAA and appellant's marital plans on 7 December 1998.²⁵ Clearly, this is contrary to human logic and experience, and inconsistent with the prosecution's claim.

3. The conduct of the victim immediately following the alleged sexual assault is of utmost importance in establishing the truth or falsity of the charge of rape.²⁶ In the case at bar, the actuations of AAA after the alleged rape is totally uncharacteristic of one who has been raped. It is contrary to normal human behavior for AAA to willingly go with her abuser's mother, and worse, to live with her abuser's entire family in one roof for eight (8) days *sans* any attempt to escape.

It goes against the grain of human experience for a woman who has been robbed of her honor and chastity not to seize an opportunity to escape from the clutches of her malefactor.²⁷ Instead of escaping from her abuser, AAA visited appellant's neighbor.²⁸ Even if AAA had several opportunities to share her ordeal to be rescued by her friend, Wilma, AAA inexplicably failed and instead described the details of her marital plans. What is truly exceptional, however, is the testimony of AAA that she visited her grandmother during the period of her alleged abduction. Despite inconsistencies in her testimony as shown in the TSN, AAA admitted the visit to her grandmother:²⁹

Q: So you did not proceed to your grandmother's house, where is the house of your grandmother?

A: Km. 81.

²⁵ TSN, 8 February 2000, pp. 46-47.

²⁶ *People v. Sapinoso*, 385 Phil. 374, 387 (2000); *People v. Moreno*, 378 Phil. 951, 969 (1999).

²⁷ *People v. Macapanpan*, supra note 1, at 106; citing *People v. Malbog*, 396 Phil. 784 (2000).

²⁸ TSN, 20 June 2001, p. 4.

²⁹ TSN, 8 February 2000, p. 37

Q: Near the Dulo?

A: A bit farther of Dulo.

Q: You rode in a jeep and the driver is your cousin?

A: **No sir we rode (sic) pedicab going to my grandmother's place.**

Q: There were no people?

A: We are used to ride (sic) pedicab.

Q: **So you rode a pedicab at that time?**

A: **No, Sir.** [Emphasis supplied]

We are mindful that appellant's bare invocation of the sweetheart theory cannot alone stand. It must be corroborated by documentary, testimonial, or other evidence. Usually, these are letters, notes, photos, mementos, or credible testimonies of those who know the lovers.³⁰ There is such corroboration in this case. To support its sweetheart theory, the defense presented appellant and AAA's common friend, Enriquez, who attested to the veracity of appellant's claim:³¹

Q: When you arrived at their house did you see the complainant AAA?

A: Yes, sir.

Q: Were you able to talk to her?

A: Yes, sir.

Q: Can you tell the court what was the subject of your conversation?

A: **She told me that she and Felimon Patentes are getting married, saying where they will live and that they will go into the buy and sell business.**

Q: **Did you notice AAA to be happy with Felimon Patentes?**

A: **Yes, sir.**

³⁰ *People v. Jimenez*, 362 Phil. 222, 233 (1999).

³¹ TSN, 9 December 2002, pp. 3-4.

- Q: And the second time you went to their place do you remember what was the subject of your conversation?
- A: **Regarding their plan of getting married.** [Emphasis supplied]

Appellant's neighbor, Gerondio, corroborated the testimony:³²

- Q: Do you remember seeing the accused sometime on December 5, 1998?

A: Yes, sir.

- Q: Where did you see him?

A: In their house, he just arrived.

- Q: Was he alone?

A: He is with AAA.

xxxx

- Q: On the following day did you see again AAA?

A: Yes, sir.

- Q: Where did you see her?

A: Inside their house, she was walking.

xxxx

- Q: When was that when you saw her?

A: The next day, December 6, 1998.

xxxx

- Q: On the succeeding days, from December 7 to 11 were you able to see AAA in the house of F[e]limon?

A: Yes, sir.

- Q: Where did you see her?

A: In the house of the accused, F[e]limon.

- Q: What was she doing?

A: **She was cleaning the surroundings of the house and did the laundry, and she was also going around.**

³² TSN, 20 June 2001, pp. 2-4.

Q: When you said going around or “*suroy-suroy*” where did she go around?

A: She also went to our house.

Q: Were you able to talk to her personally?

A: Yes, sir.

XXXX

Q: **What did you observe from them?**

A: **As if they are married.**

Q: **What were the actions that you saw in them?**

A: **They were loving with each other.**

Q: **What do you mean by loving?**

A: **They are close to each other, they joke, and F[e]limon would place his arm on the shoulder of AAA.** [Emphasis supplied]

A conviction in a criminal case must be supported by proof beyond reasonable doubt, which means a moral certainty that the accused is guilty; the burden of proof rests upon the prosecution.³³ In the case at bar, the prosecution has failed to discharge its burden of establishing with moral certainty the truthfulness of the charge that appellant had carnal knowledge of AAA against her will using threats, force or intimidation.

The testimony of the offended party in crimes against chastity should not be received with precipitate credulity for the charge can easily be concocted.³⁴ Courts should be wary of giving undue credibility to a claim of rape, especially where the sole evidence comes from an alleged victim whose charge is not corroborated and whose conduct during and after the rape is open to conflicting interpretations.³⁵ While judges ought to be cognizant of the anguish and humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law.³⁶

³³ Section 2, Rule 133, Revised Rules on Evidence; *People v. Palma Gil*, 348 Phil. 608, 626 (1998).

³⁴ *People v. Gilbero*, 425 Phil. 241, 249 (2002).

³⁵ *People v. Medel*, 350 Phil. 208, 226 (1998).

³⁶ *People v. Alvario*, 341 Phil. 526, 538-539 (1997).


The numerous inconsistencies in the testimony of private complainant have created reasonable doubt in Our mind. In view of the foregoing considerations, the presumption of innocence in favor of appellant must be upheld considering that the evidence brought forth in trial falls short of the quantum of proof to support a conviction.³⁷

WHEREFORE, in view of the foregoing, the Decision of the Court of Appeals, finding appellant **FELIMON PATENTES y ZAMORA** guilty beyond reasonable doubt of Forcible Abduction with Rape, is **REVERSED** and **SET ASIDE**. **FELIMON PATENTES y ZAMORA** is **ACQUITTED** on the ground of reasonable doubt. His immediate release from confinement is hereby ordered unless he is being detained for some other charge.

SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice


WE CONCUR:


ANTONIO T. CARPIO
Associate Justice


ARTURO D. BRION
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice

³⁷ *People v. Villaflora*, 422 Phil. 776, 792 (2001), citing *People v. Bravo*, 376 Phil. 931, 944 (1999).


ESTELA M. PERLAS-BERNABE
Associate Justice


ATTESTATION

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


ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were 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