



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 200793

Present:

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

- *versus* -

MILAN ROXAS y AGUILUZ,
Accused-Appellant.

Promulgated:

JUN 04 2014

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DECISION

LEONARDO-DE CASTRO, J.:

This is an appeal from the Decision¹ of the Court of Appeals in CA-G.R. CR.-H.C. No. 03473 dated August 16, 2011, which affirmed with modification the Judgment² of Branch 94, Regional Trial Court (RTC) of Quezon City dated December 11, 2007 in Criminal Case Nos. Q-00-91967 to Q-00-91971 finding accused-appellant Milan Roxas y Aguiluz guilty of five counts of rape against AAA,³ a minor who was 9 years old at the time of the first rape and 10 years old at the time of the succeeding four rapes.

¹ Rollo, pp. 2-32; penned by Associate Justice Stephen C. Cruz with Associate Justices Isaias P. Dicdican and Agnes Reyes-Carpio, concurring.

² CA rollo, pp. 59-70.

³ In line with the ruling of this Court in *People v. Cabalquinto* (533 Phil. 703 [2006]), the real name and identity of the rape victim is withheld and, instead, fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family, are not disclosed in this decision. Instead, the rape victim and her immediate family shall herein be referred to as AAA to EEE, while her uncles and aunts shall be referred to as WWW to ZZZ.



Five Informations were filed against accused-appellant Roxas, charging him as follows:

1. Crim. Case No. Q-00-91967:

That on or about the 9th day of August 1998 in Quezon City, Philippines, the above-named accused with force and intimidation did then and there willfully, unlawfully and feloniously commit acts of sexual assault at knifepoint upon the person of [AAA] his own niece a minor 10 years of age by then and there blindfolding her, then removed her shorts and underwear then accused inserted his penis inside her vagina and thereafter had carnal knowledge of her against her will and without her consent.⁴

2. Crim. Case No. Q-00-91968:

That on or about the 28th day of July 1998 in Quezon City, Philippines, the above-named accused with force and intimidation did then and there willfully, unlawfully and feloniously commit acts of sexual assault at knifepoint upon the person of [AAA] his own niece a minor 10 years of age by then and there blindfolding her and removing her shorts and underwear and inserting his penis inside her vagina and thereafter had carnal knowledge of her against her will and without her consent.⁵

3. Crim. Case No. Q-00-91969:

That on or about the 16th day of September 1997 in Quezon City, Philippines, the above-named accused with force and intimidation did then and there willfully, unlawfully and feloniously commit acts of sexual assault at knifepoint upon the person of [AAA] his own niece a minor 9 years of age by then and there laying her on the chairs inside the bathroom, then blindfolded her and then removed her shorts and underwear then accused inserted his penis inside her vagina and thereafter had carnal knowledge of her against her will and without her consent.⁶

4. Crim. Case No. Q-00-91970:

That on or about the 20th day of March 1998 in Quezon City, Philippines, the above-named accused with force and intimidation did then and there willfully, unlawfully and feloniously commit acts of sexual assault at knifepoint upon the person of [AAA] his own niece a minor 10 years of age by then and there laying her down on a bed inside his grandparents' room then blindfolded her, then removed her shorts and underwear, then accused inserted his penis inside her vagina and thereafter had carnal knowledge of her against her will and without her consent.⁷

5. Crim. Case No. Q-00-91971:

That on or about the 11th day of May 1998 in Quezon City, Philippines, the above-named accused with force and intimidation did then

⁴ Records, p. 2.

⁵ Id. at 4.

⁶ Id. at 10.

⁷ Id. at 16.

and there willfully, unlawfully and feloniously commit acts of sexual assault at knifepoint upon the person of [AAA] his own niece a minor 10 years of age by then and there removing her shorts and underwear and inserting his penis inside her vagina and thereafter had carnal knowledge of her against her will and without her consent.⁸

Accused-appellant Roxas entered a plea of Not Guilty to all the crimes charged.⁹

The prosecution's factual account based on the testimony of AAA was concisely stated by the Office of the Solicitor General in its Appellee's Brief, as follows:

On **16 September 1997**, [AAA], who was then 9 years of age, was at her grandmother [CCC]'s house located on [XXX], Quezon City. In the morning of said date, she was at the dirty kitchen with her aunt [ZZZ] who was then washing clothes. Her aunt asked her if she had already taken a bath, she replied in the negative.

Her uncle, accused-appellant, overheard their conversation so he volunteered to give [AAA] a bath. Subsequently, he brought her upstairs to the bathroom.

While inside the bathroom, accused-appellant told [AAA] to turn around. After she complied with his directive, he blindfolded her. [AAA] started to wonder what the accused-appellant was doing so she told him that he was supposed to give her a bath. Accused-appellant told her that they would play first for a while.

He turned her around three (3) times and then, removed her shorts and underwear. After that, he sat on a chair, which was inside the bathroom, and raised both of her legs.

Thereafter, she felt him on top of her. She also felt accused-appellant's penis enter her vagina which she found painful.

She cried and shouted the name of her aunt, but accused-appellant got angry and poked a sharp instrument on her neck. [AAA] did not report the incident because accused-appellant threatened to cut her tongue and to kill her and her mother.

[AAA] was raped again on **20 March 1998** while she was at the same house of her paternal grandparents. She was on the terrace on the second floor of the house when accused-appellant, who was in her grandparents' bedroom at that time, called her. She hesitated to go near him because she was afraid that he might rape her again.

Accused-appellant then went to the terrace and dragged her to the bedroom of her grandparents. She could not run anymore nor shout for help because aside from the fact that there was nobody else in the room, accused-appellant was holding a pointed weapon.

⁸ Id. at 22.

⁹ Id. at 312.

While [AAA] and accused-appellant were inside the room, he blindfolded her, removed her shorts and underwear, and then laid her down the bed. Thereafter, he moved on top of her and inserted his penis in her vagina. Again, she did not report the incident because of accused-appellant's threats should she report the incident to anybody.

Another incident of rape took place on **11 May 1998** while [AAA] was again at her paternal grandparents' house. On the said date, she was alone in the living room on the second floor of the house when accused-appellant called her. She did not accede to his bidding because she was scared of him. Thereafter, he shouted at her and demanded that she come near him, so she went to him.

He brought her inside her grandmother's bedroom and upon reaching the room, he immediately blindfolded her and poked a bladed weapon on her neck. He turned her around three (3) times, removed her shorts and underwear, laid her down the bed, moved on top of her, and inserted his penis in her vagina. Again, the accused-appellant threatened her so she did not report what had happened.

[AAA]'s ordeal did not stop there. She was raped for the fourth time on **28 July 1998** at her paternal grandparents' house. She and the accused were incidentally alone in the living room on the second floor of the house. He asked her to go with him inside the bedroom of her grandparents, but she did not get up from her seat. So accused-appellant pulled her toward the bedroom. She tried to free herself, but he poked a pointed instrument at her.

Accused-appellant committed the same acts he had perpetrated on [AAA] during her three [previous] rape incidents: he removed her shorts and underwear, laid her on the bed, moved on top of her and thereafter, inserted his penis in her vagina. She was again threatened by the accused-appellant not to tell anybody about the incident or else he would cut her tongue and kill her and her mother.

The fifth and last incident of rape happened on **09 August 1998**. At that time, [AAA] was at the terrace on the second floor of her paternal grandparents' house; and accused-appellant also happened to be there. He pulled her and brought her inside the room, blindfolded her, and turned her around three (3) times. He employed the same method in raping her: he removed her shorts and underwear, laid her on the bed and moved on top of her. She tried to push him and raise her shorts and panty, but she did not succeed because he poked a pointed instrument on her neck. Thereafter, he inserted his penis in her vagina. Again, she did not report the incident to anyone because she was scared of his threats.¹⁰ (Emphases supplied, citations omitted.)

In contrast, the defense presented four witnesses: AAA's mother (BBB), AAA's two brothers (DDD and EEE), and Dr. Agnes Aglipay, Regional Psychiatrist of the Bureau of Jail Management and Penology. The defense's statement of the antecedent facts as contained in the Appellant's Brief is reproduced here:

¹⁰ CA rollo, pp. 94-99.

Accused Milan Roxas denied having raped [AAA] on all the five (5) counts of rape.

[DDD], brother of herein private complainant, testified that his aunt in the maternal side, [Tita YYY], induced him by giving toys if he would tell his father that the accused was raping his sister, [AAA]. Upon prodding of his maternal aunt, [DDD], who was only eight (8) years old then, told his father that he saw the accused rape his sister. His father ran amuck which led to the filing of the instant case.

On subsequent days, while [DDD] and [AAA] were in a grocery store buying something, their [Tito XXX], [Tito WWW] and [Tita YYY] arrived on board an FX vehicle. [Tita YYY] told [DDD] that they will be going to buy toys. [DDD] said that he will first ask permission from his grandfather, but [Tita YYY] said that it would only take a few minutes and they will bring them home afterwards. [AAA] was brought to SSDD, a place under the administration of the DSWD, while [DDD] was brought to Caloocan. On the following day, he was brought to Muñoz, in a rented house of his [Tita YYY] and her husband. [DDD] stayed there for almost a year. He was forbidden to go outside as the door was always locked. When [his Tita VVV] arrived from Japan they went to Tarlac where his paternal grandmother fetched him.

[EEE], brother of herein private complainant, likewise testified that when [his Tita VVV] arrived, they went to North Olympus, Quezon City where [his] maternal relatives reside. On one occasion, he saw his sister, [AAA] and his maternal uncle [Tito XXX] entered one of the bedrooms. He tried to open the door to see what the duo were doing, but it was locked. [EEE] looked for a wire and was able to open the door. He saw private complainant on top of his [Tito XXX], both naked. When the duo saw him, private complainant and his [Tito XXX] stood up. The latter threatened him not to tell anybody or he will cut off his tongue.

On November 26, 1999, [BBB], mother of the private complainant testified that her two (2) children, [AAA] and [DDD], were missing. She looked for them, but to no avail. So she went to the police station to have it blotted. Later did she know when she called her sister who resides in Project 6, Quezon City that [DDD] was brought to Ilocos and [AAA] at the SSDD in Kamuning by her 3 brothers and sister. She filed a case of kidnapping against his brother [Tito WWW]. [Tito WWW], however, promised to return her children if she will have the said case dismissed which she did.

She denied the allegations that [her] brother-in-law, herein accused, raped her daughter, [AAA]. In fact, before the filing of the present rape cases there was one rape case filed on September 22, 1999 which was dismissed because [AAA] retracted her statements. As told to [BBB] by her daughter [AAA], she was not raped by herein accused. She told a lie and made the false accusation against the accused, because she does not want to put the blame on any of her maternal relatives. [AAA] was greatly indebted to her maternal grandmother and her maternal uncles and aunts because they had taken care of her since she was three (3) years old.

Dr. Agnes Aglipay, Regional Psychiatrist of the Bureau of Jail Management and Penology testified that based on her examination of the accused, she concluded that he is suffering from a mild mental retardation with a mental age of nine (9) to ten (10) years old. She observed that the subject was aware that he was being accused of rape, but he had consistently denied the allegations against him.¹¹ (Citations omitted.)

The RTC of Quezon City rendered its Judgment on December 11, 2007, finding accused-appellant Roxas guilty as charged in each of the five Informations filed against him. The dispositive portion reads:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused **GUILTY** beyond reasonable doubt in all five (5) counts of rape as recited in the information[s] and sentences accused MILAN ROXAS:

1) In Crim. Case No. Q-00-91967 – to suffer the penalty of *reclusion perpetua*, to indemnify the offended party [AAA] the sum of Php75,000.00, to pay moral damages in the sum of Php50,000.00, and to pay the costs;

2) In Crim. Case No. Q-00-91968 – to suffer the penalty of *reclusion perpetua*, to indemnify the offended party [AAA] the sum of Php75,000.00, to pay moral damages in the sum of Php50,000.00, and to pay the costs;

3) In Crim. Case No. Q-00-91969 – to suffer the penalty of *reclusion perpetua*, to indemnify the offended party [AAA] the sum of Php75,000.00, to pay moral damages in the sum of Php50,000.00, and to pay the costs;

4) In Crim. Case No. Q-00-91970 – to suffer the penalty of *reclusion perpetua*, to indemnify the offended party [AAA] the sum of Php75,000.00, to pay moral damages in the sum of Php50,000.00, and to pay the costs; and

5) In Crim. Case No. Q-00-91971 – to suffer the penalty of *reclusion perpetua*, to indemnify the offended party [AAA] the sum of Php75,000.00, to pay moral damages in the sum of Php50,000.00, and to pay the costs.

To credit in favor of the herein accused the full period of his detention in accordance with law.

Resultantly, all pending incidents are deemed moot and academic.¹²

The RTC held that accused-appellant Roxas is not exempt from criminal responsibility on the ground that he cannot be considered a minor or an imbecile or insane person, since Dr. Aglipay merely testified that he was an eighteen-year old with a mental development comparable to that of children between nine to ten years old. The RTC found the testimony of

¹¹ Id. at 47-50.

¹² Id. at 69-70.

AAA credible, and found the testimonies of the defense witnesses to be “flimsy.”

Accused-appellant Roxas elevated the case to the Court of Appeals, where the case was docketed as CA-G.R. CR.-H.C. No. 03473. Accused-appellant Roxas submitted the following Assignment of Errors in the appellate court:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE PRIVATE COMPLAINANT’S TESTIMONY.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.¹³

On August 16, 2011, the Court of Appeals rendered the assailed Decision, modifying the Judgment of the RTC as follows:

WHEREFORE, premises considered, the Judgment dated 11 December 2007 of the Regional Trial Court of Quezon City, Branch 94, in the case entitled *People of the Philippines vs. Milan Roxas y Aguiluz*”, docketed therein as Criminal Case Nos. Q-00-91967 to Q-00-91971, is **AFFIRMED** with modification that accused-appellant is ordered to pay private complainant on each count civil indemnity in the amount of ₱75,000.00, moral damages in the amount of ₱75,000.00, and exemplary damages in the amount of ₱30,000.00, for each count of rape.¹⁴

Hence, accused-appellant Roxas interposed this appeal, where he, in his Supplemental Brief, presented an Additional Assignment of Error:

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE TRIAL COURT’S DECISION GIVING CREDENCE TO THE PRIVATE COMPLAINANT’S TESTIMONY.¹⁵

Accused-appellant Roxas claims that the testimony of AAA is replete with inconsistencies and narrations that are contrary to common experience, human nature and the natural course of things.¹⁶ Accused-appellant Roxas likewise points out that under Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006, minors fifteen (15) years old and below are exempt from criminal responsibility. Accused-appellant Roxas claims that since he has a mental age of nine years old, he should also be “exempt from criminal

¹³ Id. at 42.

¹⁴ *Rollo*, p. 31.

¹⁵ Id. at 46.

¹⁶ Id. at 48.

liability although his chronological age at the time of the commission of the crime was already eighteen years old.”¹⁷

In the matter of assigning criminal responsibility, Section 6 of Republic Act No. 9344¹⁸ is explicit in providing that:

SEC. 6. *Minimum Age of Criminal Responsibility.* — A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

A child is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary of his/her birthdate.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws. (Emphasis supplied.)

In determining age for purposes of exemption from criminal liability, Section 6 clearly refers to the age as determined by the anniversary of one’s birth date, and not the mental age as argued by accused-appellant Roxas. When the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation. Only when the law is ambiguous or of doubtful meaning may the court interpret or construe its true intent.¹⁹

On the matter of the credibility of AAA, we carefully examined AAA’s testimony and found ourselves in agreement with the assessment of the trial court and the Court of Appeals. As observed by the appellate court:

We note that she recounted her ordeal in a logical, straightforward, spontaneous and frank manner, without any artificialities or pretensions that would tarnish the veracity of her testimony. She recalled the tragic experience and positively identified accused-appellant as the one who ravished her on five occasions. Her testimony was unshaken by a grueling cross-examination and there is no impression whatsoever that the same is a mere fabrication. For her to come out in the open and publicly describe her harrowing experience at a trial can only be taken as a badge of her sincerity and the truth of her claims.²⁰

We further underscore that AAA was merely 14 years old at the time she testified.²¹ We have repeatedly held that testimonies of child-victims are

¹⁷ Id. at 51-52.

¹⁸ As amended by Republic Act No. 10630.

¹⁹ *Rizal Commercial Banking Corporation v. Intermediate Appellate Court*, 378 Phil. 10, 22 (1999).

²⁰ *Rollo*, p. 13.

²¹ TSN, August 3, 2003, p. 3.

normally given full weight and credit, since when a girl, particularly if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed. When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity.²²

It is likewise axiomatic that when it comes to evaluating the credibility of the testimonies of the witnesses, great respect is accorded to the findings of the trial judge who is in a better position to observe the demeanor, facial expression, and manner of testifying of witnesses, and to decide who among them is telling the truth.²³ As the trial court further observed, the defense witnesses were not eyewitnesses. A witness can testify only to those facts which he knows of his personal knowledge; that is, which are derived from his own perception, except as provided in the Rules of Court.²⁴ AAA's mother and brothers were not present when the five rapes allegedly occurred, and therefore any testimony on their part as to whether or not the complained acts actually happened is hearsay.

We shall now discuss the criminal liability of accused-appellant Roxas. As stated above, the trial court imposed the penalty of *reclusion perpetua* for each count of rape.

The first rape incident was committed in July 1997, and therefore the law applicable is Article 335 of the Revised Penal Code as amended by Republic Act No. 7659 which provides:

ART. 335. *When and how rape is committed.* — Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

The crime of rape shall be punished by *reclusion perpetua*.

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

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²² *People v. Araojo*, 616 Phil. 275, 287 (2009).

²³ *People v. Estoya*, G.R. No. 200531, December 5, 2012, 687 SCRA 376, 383.

²⁴ Rule 130, Section 36.

The death penalty shall also be imposed if the crime of rape is committed with any of the following attendant circumstances:

1. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

The succeeding counts of rape were committed after the effectivity of Republic Act No. 8353 on October 22, 1997, which transported the rape provision of the Revised Penal Code to Title 8 under Crimes against Persons, and amended the same to its present wording:

Article 266-A. *Rape, When And How Committed.* — Rape is committed —

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat or intimidation;

b) When the offended party is deprived of reason or is otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority; and

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

Article 266-B. *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim[.]

While it appears that the circumstance of minority under Article 335 (old rape provision) and Article 266-B was sufficiently proven, the allegation of the relationship between AAA and accused-appellant Roxas is considered insufficient under present jurisprudence. This Court has thus held:

However, as regards the allegation in the Information that appellant is an uncle of the victim, we agree with the Court of Appeals that the same did not sufficiently satisfy the requirements of Art. 335 of the Revised Penal Code, *i.e.*, it must be succinctly stated that appellant is a relative within the 3rd civil degree by consanguinity or affinity. It is immaterial that appellant admitted that the victim is his niece. In the same manner, it is irrelevant that “AAA” testified that appellant is her uncle. We held in *People v. Velasquez*:

However, the trial court erred in imposing the death penalty on accused-appellant, applying Section 11 of Republic Act No. 7659. We have consistently held that the circumstances under the amendatory provisions of Section 11 of R.A. No. 7659, the attendance of which could mandate the imposition of the single indivisible penalty of death, are in the nature of qualifying circumstances which cannot be proved as such unless alleged in the information. Even in cases where such circumstances are proved, the death penalty cannot be imposed where the information failed to allege them. To impose the death penalty on the basis of a qualifying circumstance which has not been alleged in the information would violate the accused's constitutional and statutory right to be informed of the nature and cause of the accusation against him.

While the informations in this case alleged that accused-appellant is the uncle of the two victims, they did not state that he is their relative within the third civil degree of consanguinity or affinity. The testimonial evidence that accused-appellant's wife and Luisa de Guzman are sisters is immaterial. The circumstance that accused-appellant is a relative of the victims by consanguinity or affinity within the third civil degree must be alleged in the information. In the case at bar, the allegation that accused-appellant is the uncle of private complainants was not sufficient to satisfy the special qualifying circumstance of relationship. It was necessary to specifically allege that such relationship was within the third civil degree. Hence, accused-appellant can only be convicted of simple rape on two counts, for which the penalty imposed is *reclusion perpetua* in each case.²⁵


In the case at bar, the allegation that AAA was accused-appellant Roxas's “niece” in each Information is therefore insufficient to constitute the qualifying circumstances of minority and relationship. Instead, the applicable qualifying circumstance is that of the use of a deadly weapon, for which the penalty is *reclusion perpetua* to death. Since there was no other aggravating circumstance alleged in the Information and proven during the trial, the imposed penalty of *reclusion perpetua* for each count of rape is nonetheless proper even as we overturn the lower courts' appreciation of the qualifying circumstances of minority and relationship.

²⁵*People v. Estrada*, G.R. No. 178318, January 15, 2010, 610 SCRA 222, 234-235.


For consistency with prevailing jurisprudence, we reduce the awards of civil indemnity and moral damages to ₱50,000.00 each, for each count of rape. The award of exemplary damages in the amount of ₱30,000.00 for each count, on the other hand, is in line with recent jurisprudence.²⁶

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 03473 dated August 16, 2011 is hereby **AFFIRMED with the MODIFICATION** that the amount of civil indemnity and moral damages awarded to the complainant are reduced to ₱50,000.00 each, for each count of rape, plus legal interest upon the amounts of indemnity and damages awarded at the rate of 6% per annum from the date of finality of this judgment.

SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson



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 Decision 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