



Republic of the Philippines  
Supreme Court  
Manila  
SECOND DIVISION

LEOPOLDO QUINTOS y DEL AMOR,  
Petitioner,

G.R. No. 205298

Present:

CARPIO, *Acting C.J.*,  
Chairperson,  
BRION,  
DEL CASTILLO,  
VILLARAMA, JR.,\* and  
LEONEN, *JJ.*

- versus -

PEOPLE OF THE PHILIPPINES,  
Respondent.

Promulgated:

SEP 10 2014

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DECISION

CARPIO, *Acting C.J.*:

The Case

Before the Court is a petition for review<sup>1</sup> assailing the Decision<sup>2</sup> dated 31 July 2012 and Resolution<sup>3</sup> dated 11 January 2013 of the Court of Appeals in CA-G.R. CR No. 33776, affirming the Joint Decision<sup>4</sup> dated 20 October 2010 of the Regional Trial Court of Lingayen, Pangasinan (trial court) in Criminal Case Nos. L-8340, L-8341 and L-8342.

The Facts

Petitioner Leopoldo Quintos y Del Amor (petitioner) was charged, in conspiracy with his brothers Pedro, Rolly and Lando, all surnamed Quintos, and Narciso Buni for frustrated homicide and homicide.

\* Designated Acting Member per Special Order No. 1767 dated 27 August 2014.

<sup>1</sup> Under Rule 45 of the Revised Rules of Civil Procedure.

<sup>2</sup> *Rollo*, pp. 32-48. Penned by Associate Justice Ramon M. Bato, Jr., with Presiding Justice Andres B. Reyes, Jr. and Associate Justice Rodil V. Zalameda, concurring.

<sup>3</sup> *Id.* at 50-51.

<sup>4</sup> *Id.* at 72-91. Penned by Presiding Judge Robert P. Fangayen.

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The Information<sup>5</sup> in Criminal Case No. L-8341 reads, in part:

That on or about January 15, 2008 in the afternoon at Brgy. Laois, Labrador, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused in conspiracy with each other, with intent to kill, did then and there, wil[l]fully, unlawfully and feloniously accost, maul and hack with bolo and samurai Robert M. dela Cruz who suffered hacking wounds, several lacerations and contusions on the different parts of his body, thus, the accused performed all the acts of execution which would produce homicide as a consequence but which, nevertheless, did not produce it by reason of the timely medical intervention applied on him that prevented his death, to the prejudice and damage of the said Robert dela Cruz.

CONTRARY to Article 249 in relation to Art. 6 of the Revised Penal Code.

The Information<sup>6</sup> in Criminal Case No. L-8342 reads, in part:

That on or about January 15, 2008 in the afternoon at Brgy. Laois, Labrador, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused in conspiracy with each other, with intent to kill, did then and there, wil[l]fully, unlawfully and feloniously accost, maul and hack with bolo and samurai Felomina dela Cruz who suffered hacking wounds and several lacerations on the different parts of her body, thus, the accused performed all the acts of execution which would produce homicide as a consequence but which, nevertheless, did not produce it by reason of the timely medical intervention applied on him that prevented his (sic) death, to the prejudice and damage of the said Felomina dela Cruz.

CONTRARY to Article 249 in relation to Art. 6 of the Revised Penal Code.

In Criminal Case No. L-8340, an Amended Information<sup>7</sup> was filed when the victim Freddie dela Cruz died:

That on or about January 15, 2008 in the afternoon at Brgy. Laois, Labrador, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused in conspiracy with each other, with intent to kill, did then and there, willfully, unlawfully and feloniously accost, maul and hack with bolo and samurai Freddie dela Cruz who suffered hacking wounds on the different parts of his body, which caused his death, to the damage and prejudice of the heirs of Freddie dela Cruz.

CONTRARY to Article 249 in relation to Art. 6 of the Revised Penal Code.

Of the five accused, Pedro Quintos, Narciso Buni and petitioner were arrested. Rolly and Lando evaded arrest and remain at large. Petitioner, Pedro and Narciso all pled not guilty to the charges brought against them.

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<sup>5</sup> Records, Vol. 2, p. 1.

<sup>6</sup> Id., Vol. 3, p. 1.

<sup>7</sup> Id., Vol. 1, p. 49.

The prosecution presented five witnesses, namely: Eduardo Oyando, Felomina dela Cruz, Robert dela Cruz, Police Officer Bernardo Cerezo, and Dr. Saniata V. Fernandez.

The defense presented two witnesses, namely, petitioner and Pedro Quintos. Narciso Buni jumped bail before he could testify. Petitioner's sister was also scheduled to testify, but since her testimony would only be corroborative, the prosecution admitted her testimony.<sup>8</sup>

### *Version of the Prosecution*

The prosecution established that at about 3:30 p.m. of 15 January 2008, Freddie dela Cruz, Robert dela Cruz, Felomina dela Cruz, and Eduardo Oyando were walking along the barangay road of Laois, Labrador, Pangasinan. They were on their way to the town proper when they were accosted by Pedro Quintos, Rolly Quintos, Lando Quintos, Narciso Buni and petitioner. Pedro was wielding a samurai, Lando, Narciso and petitioner were carrying bolos, and Rolly was holding a big stone. Robert, Freddie, Felomina, all surnamed dela Cruz, and Eduardo Oyando ran back towards their house, but the five attackers caught up with them.

Pedro struck Robert dela Cruz with the samurai, but the latter parried the attack with his left hand. Robert dela Cruz attempted to gain control of the samurai, but Rolly hit him in the face, near the jaw, with the stone Rolly was carrying. Robert dela Cruz lost his hold of the samurai and fell to the ground.

Lando struck Freddie dela Cruz at the back of his head, which caused the latter to fall face up. Petitioner joined Lando in hacking Freddie dela Cruz, who, while defending himself with his hands, sustained injuries on his right hand and lost a few fingers on his left. Rolly then crushed Freddie dela Cruz's chest with the same stone he used to hit Robert dela Cruz in the face.

Pedro advanced towards Felomina dela Cruz as the latter moved towards Robert dela Cruz. Pedro pulled Felomina dela Cruz's hair, slashed her nape with the samurai, and then kicked her to the ground.

Eduardo Oyando was forced to stand aside and was prevented from helping the dela Cruzes because Narciso Buni was aiming a bolo at him. The attackers left when they were done, and only then was Eduardo Oyando able to approach the victims and call for help.

Robert, Freddie and Felomina, all surnamed dela Cruz, were brought to the hospital. They were treated for the injuries sustained from the attack.

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<sup>8</sup> Id., Vol. 1, p. 185.

After a few days, Freddie dela Cruz died from his injuries. Before he died, Freddie dela Cruz identified Pedro and Lando Quintos as his attackers.

### ***Version of the Defense***

The defense presented a different version of the events. In the afternoon of 15 January 2008, Robert, Freddie, Felomina, all surnamed dela Cruz, and Eduardo Oyando came to the Quintos' house looking for trouble. Pedro, who was in the front portion of the house, went out to try and pacify them. Robert dela Cruz punched Pedro first, hitting him in the face. Robert dela Cruz then went to Felomina dela Cruz and took a bolo wrapped in a towel that the latter was holding. Pedro and Robert dela Cruz grappled for the bolo. Felomina dela Cruz approached the two and tried to help Robert dela Cruz, and in the process got slashed with the bolo. The scuffle resulted in Robert dela Cruz falling to the ground and Pedro gaining control of the bolo.

Pedro then noticed that Freddie dela Cruz, who was holding a bolo, was fighting with Lando. Pedro hurried over and hacked Freddie dela Cruz to defend his brother Lando. According to Pedro, his senses dimmed and he did not remember how many times he hacked Freddie dela Cruz. His brothers pacified him, and Pedro went with them back to the house; while Robert, Freddie and Felomina, all surnamed dela Cruz, were brought to the hospital.

### **The Ruling of the Trial Court**

The trial court gave full faith and credit to the version of the prosecution. Petitioner was found guilty for the crime of homicide for the death of Freddie dela Cruz. However, the trial court held that the uncertainty on the nature of the wounds of Robert dela Cruz and Felomina dela Cruz warrants the appreciation of a lesser gravity of the crime from frustrated homicide to attempted homicide.<sup>9</sup>

The dispositive portion of the Joint Decision dated 20 October 2010 reads:

WHEREFORE, in the light of all the foregoing, the Court finds:

#### **IN CRIMINAL CASE NO. L-8340**

Accused PEDRO QUINTOS, POLDO QUINTOS and NARCISO BUNI GUILTY beyond reasonable doubt of the crime of HOMICIDE as defined in Article 249 of the Revised Penal Code. The prescribed penalty for Homicide is *reclusion temporal* which is from twelve (12) years and one (1) day to twenty years. Applying the Indeterminate Sentence Law,

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<sup>9</sup> *Rollo*, p. 88.

the minimum penalty should be taken from the penalty one (1) degree lower than the imposable penalty which is *Prision Mayor* in its full extent, the range of which is from six (6) years and one (1) day to twelve (12) years. Appreciating no mitigating circumstances in favor of the accused, the accused is accordingly sentenced from EIGHT (8) YEARS and ONE (1) DAY of *PRISION MAYOR*, as minimum, to FOURTEEN (14) YEARS, EIGHT (8) MONTHS and ONE (1) DAY of *RECLUSION TEMPORAL*, as maximum.

Accused are further ORDERED to pay the heirs of Freddie Dela Cruz, the amounts of (a) Php 75,000.00 as civil indemnity; (b) Php 75,000.00 as moral damages; (c) Php 57,286.00 as actual damages; (d) and Php 15,000.00 as attorney's fees.

IN CRIMINAL CASE NO. L-8341

Accused PEDRO QUINTOS, POLDO QUINTOS and NARCISO BUNI GUILTY beyond reasonable doubt of the crime of ATTEMPTED HOMICIDE and are meted with an indeterminate sentence of Two (2) months and One (1) day of *arresto mayor* as minimum to Two (2) years, Four (4) months and One (1) day of *prision correccional* as maximum.

Accused are furthered (sic) ordered to pay Robert dela Cruz actual damages in the amount of Php 1,650.00 and moral damages in the amount of Php 15,000.00.

IN CRIMINAL CASE NO. L-8342

Accused PEDRO QUINTOS, POLDO QUINTOS and NARCISO BUNI GUILTY beyond reasonable doubt of the crime of ATTEMPTED HOMICIDE and are meted with an indeterminate sentence of Two (2) months and One (1) day or *arresto mayor* as minimum to Two (2) years, Four (4) months and One (1) day of *prision correccional* as maximum.

Accused are furthered (sic) ordered to pay Felomina dela Cruz actual damages in the amount of Php 3,750.00 and moral damages in the amount of Php 15,000.00.

In all cases, considering that Pedro Quintos and Poldo Quintos have undergone preventive imprisonment, they shall be credited in the service of their sentences with the time they have undergone preventive imprisonment subject to the conditions provided for in Article 29 of the Revised Penal Code.

X X X X

SO ORDERED.<sup>10</sup>

Petitioner and Pedro Quintos appealed the decision to the Court of Appeals, alleging that the trial court gravely erred in convicting them despite the prosecution's failure to prove their guilt beyond reasonable doubt.

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<sup>10</sup> Id. at 90-91.

### **The Ruling of the Court of Appeals**

The Court of Appeals found the appeal bereft of merit, thus:

WHEREFORE, the instant appeal is DISMISSED and the assailed Joint Decision dated October 20, 2010 of the Regional Trial Court of Lingayen, Pangasinan, Branch 39, in Criminal Case Nos. L-8340, L-8341 and L-8342 is AFFIRMED *IN TOTO*.

SO ORDERED.<sup>11</sup>

Hence, this petition.

### **The Issues**

Petitioner faults the Court of Appeals for: (1) affirming the conviction, despite the prosecution's failure to prove petitioner's guilt beyond reasonable doubt; and (2) finding that conspiracy exists, in particular, that a finding of conspiracy should not be left to conjecture, in light of the alleged failure of the prosecution to present evidence that petitioner took part in inflicting injuries on the victims in furtherance of a common design to kill.<sup>12</sup>

### **The Court's Ruling**

The petition is unmeritorious.

### ***Review of Questions of Fact Improper***

The review on *certiorari* under Rule 45 of the Rules of Court is limited to questions of law. This Court does not weigh all over again the evidence already considered in the proceedings below.<sup>13</sup> The narrow ambit of review prescribed under this rule allows us to swiftly dispose of such appeals. This rule, of course, admits of exceptions applicable to those rare petitions whose peculiar factual milieu justifies relaxation of the Rules such as based on speculation or conjectures, or overlooked undisputed facts which, if duly considered, lead to a different conclusion.<sup>14</sup>

In the present case, petitioner finds fault in the decisions of the trial and appellate courts, alleging that had the said courts given weight to the defense evidence, conviction would not have been justified. This is clearly an invitation for the Court to review the probative value of the evidence presented in the proceedings below.

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<sup>11</sup> Id. at 47.

<sup>12</sup> Id. at 21.

<sup>13</sup> *Serra v. Mumar*, G.R. No. 193861, 14 March 2012, 668 SCRA 335.

<sup>14</sup> *Lopez v. People of the Philippines*, G.R. No. 199294, 31 July 2013, 703 SCRA 118, 126.

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts.<sup>15</sup> For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants.<sup>16</sup> Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.<sup>17</sup>

Petitioner attempts to justify the review of facts by alleging that the courts *a quo* indulged in conjectures and surmises. However, a careful reading of the decisions of the trial and appellate courts shows that such is not the case here. The discussion of the trial court deals extensively with evidence from both sides, weighing each accordingly. Similarly, the appellate court evaluated the evidence of the prosecution and the defense alike.

Uniform findings of fact of the trial and appellate courts deserve grave respect, and in the absence of any compelling reason to deviate therefrom, are final and conclusive upon this Court. We thus proceed with our review without disturbing the factual findings of the Court of Appeals.

### ***Sufficiency of Prosecution Evidence***

Petitioner avers that his conviction was not supported by proof of guilt beyond reasonable doubt. His argument revolves mainly on self-defense, defense of relatives and absence of conspiracy.

We are not persuaded. The records of this case show that the prosecution witnesses Eduardo Oyando, Robert dela Cruz and Felomina dela Cruz positively and consistently identified the accused and relayed the sequence of events. Their testimonies are corroborated by the evidence presented by the doctors who attended the hacking victims, as well as by the police officer who took the statement of Freddie dela Cruz before the latter died.

We must emphasize that the trial court found the prosecution witnesses credible. The assessment of the trial court on this point is generally binding on this Court, and none of the exceptions to this rule are obtaining here. Further, the trial court found that the prosecution witnesses did not have any motive to testify falsely against the accused.

Pedro Quintos admitted to hacking Robert dela Cruz and Freddie dela Cruz, and hitting Felomina dela Cruz, invoking self-defense. Because of Pedro's admissions, he and his co-conspirators assumed the burden to

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<sup>15</sup> *Republic of the Philippines v. Malabanan*, G.R. No. 169067, 6 October 2010, 632 SCRA 338, 345.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

establish such defense by credible, clear and convincing evidence; otherwise, the same admissions would lead to their conviction.<sup>18</sup>

We held in *People v. Nugas*:

x x x Self-defense cannot be justifiably appreciated when it is uncorroborated by independent and competent evidence or when it is extremely doubtful by itself. Indeed, the accused must discharge the burden of proof by relying on the strength of his own evidence, not on the weakness of the State's evidence, because the existence of self-defense is a separate issue from the existence of the crime, and establishing self-defense does not require or involve the negation of any of the elements of the offense itself.

To escape liability, the accused must show by sufficient, satisfactory and convincing evidence that: (a) the victim committed unlawful aggression amounting to an actual or imminent threat to the life and limb of the accused claiming self-defense; (b) there was reasonable necessity in the means employed to prevent or repel the unlawful aggression; and (c) there was lack of sufficient provocation on the part of the accused claiming self-defense or at least any provocation executed by the accused claiming self-defense was not the proximate and immediate cause of the victim's aggression.<sup>19</sup>

Both petitioner and Pedro also testified that Pedro hacked Freddie in defense of their brother Lando.<sup>20</sup> The defense of relatives argument likewise fails in light of the lack of unlawful aggression on the part of the victims. For the accused to be entitled to exoneration based on defense of relatives, complete or incomplete, it is essential that there be unlawful aggression on the part of the victim, for if there is no unlawful aggression, there would be nothing to prevent or repel.<sup>21</sup>

The discussion of the Court of Appeals on this point is well-taken:

We are hardly persuaded by accused-appellants' allegations that they were acting in self-defense because the victims were committing unlawful aggression. We found the following loopholes:

*First*, as Pedro claims in his testimony, the dela Cruzes were shouting for the brothers of Pedro to come out of the house. No actual sudden or imminent attack, however, was performed. It has been ruled that mere intimidating or threatening words, even if said aloud, do not constitute unlawful aggression. Thus, in *People vs. Cajurao*, the Supreme Court held that:

There can be no self-defense, complete or incomplete unless there is clear and convincing proof of unlawful aggression on the part of the victim. The unlawful

<sup>18</sup> *Belbis, Jr. v. People*, G.R. No. 181052, 14 November 2012, 685 SCRA 518, 533.

<sup>19</sup> G.R. No. 172606, 23 November 2011, 661 SCRA 159, 166-167.

<sup>20</sup> TSN, 10 November 2009, pp. 11-13; TSN, 30 June 2009, pp. 10-11.

<sup>21</sup> *People v. Aleta*, 603 Phil. 571, 581 (2009), citing *People v. Caabay*, 456 Phil. 792 (2003).



aggression, a constitutive element of self-defense, must be real or at least imminent and not merely imaginary. A belief that a person is about to be attacked is not sufficient. Even an intimidating or threatening attitude is by no means enough. Unlawful aggression presupposes an actual or imminent danger on the life or limb of a person. Mere shouting, an[d] intimidating or threatening attitude of the victim does not constitute unlawful aggression. Unlawful aggression refers to an attack that has actually broken out or materialized or at the very least is clearly imminent; it cannot consist in oral threats or merely a threatening stance or posture.

Furthermore, as Pedro testified, the dela Cruzes were shouting for his brothers to go out, but then, Pedro was the one who went out. If, indeed, the dela Cruzes had some anger or aggression at that time, it was definitely not directed at Pedro.

Then, as Pedro went down to pacify the dela Cruzes, Pedro and Robert dela Cruz engaged in a fist fight. Robert turned and ran towards his mother, Felomina to allegedly get a bolo which was in Felomina's possession and concealed under a towel. If this is true, Robert had already retreated and was trying to arm himself to level the supposed fight with Pedro. Thus, from Pedro's narration, it cannot be definitely said that the dela Cruzes went to the house of the accused-appellants with the determined intention to inflict serious harm on Pedro.

Second, Pedro claims that he was trying to defend his brother Lando Quintos who was lying on the ground and being attacked by the deceased Freddie dela Cruz. According to him, he hacked Freddie before the latter could stab Lando. Pedro would like to impress upon the court that Lando was also involved in the fight against the dela Cruzes. However, in the same testimony, Pedro said that it was he alone who was fighting Robert, Freddie and Felomina, and that his brothers, including Lando, were "just there, sir, pacifying."

Third, despite the alleged savagery that transpired, surprisingly, accused-appellants did not report the incident to the police. During cross-examination, Pedro admitted that:

Q: After you were threatened and you did not report of the alleged incident that happened on January 15 as what you are telling now?

A: No sir.

Q: In fact even after you were allegedly brought to the hospital and you were treated you did not even rel[a]y to the police or even to your barangay the alleged incident which you are now narrating, am I correct?

A: I was not able to report anymore because after I was treated to the hospital I was brought directly to the jail, sir.

It is doctrinal that, for evidence to be believed, it must not only proceed from the mouth of a credible witness, but it must be credible in itself such as the common experience and observation of mankind can approve as probable under the circumstances. We find it difficult to believe that accused-appellants, who vehemently claim to be the aggrieved parties, did not report the incident to the police. Pedro's alleged treatment or confinement in the hospital did not prevent them from doing so. Pedro had at least three brothers: Poldo, Rolly and Lando; not to mention his mother and sister, who could have easily gone to the police to report the alleged attack upon them by the dela Cruzes. This omission, therefore, casts doubt on the veracity of the account of the accused-appellants.

Lastly, the nature of the wounds inflicted on the deceased and the other victims negate[s] the accused-appellants' claim of self-defense. According to the medical certificate of Freddie dela Cruz, he suffered cardio-respiratory arrest, septicemia and multiple hacking wounds. Then, in the death certificate, it was further stated that Freddie dela Cruz suffered "amputation of left and right hand." Meanwhile, with respect to Robert dela Cruz, the attending physician, Dr. Saniata V. Fernandez, testified that the victim suffered lacerated wounds on the forehead, lower lip and left hand. As for Felomina dela Cruz, she also suffered almost similar lacerated wounds.

It has been ruled that the presence of a large number of wounds on the part of the victim, their nature and location disprove self-defense and instead indicate a determined effort to kill the victim[s]. In the case at bar, as already explained, the wounds on Freddie, Robert and Felomina, all surnamed dela Cruz, negate accused-appellant's claim of self-defense.

We have contrasted the claim of self-defense to the evidence presented by the prosecution and this Court believes that the version of the latter is more credible and consistent with the truth. As a matter of fact, by simply admitting that they attacked Freddie dela Cruz and the two other victims, the case against the accused-appellants had become irrefutable.  
x x x.<sup>22</sup>

### *Existence of Conspiracy*

Petitioner alleges that the prosecution did not present evidence of his participation in the attacks on Robert dela Cruz and Felomina dela Cruz. He also argues that his mere presence during the said attacks does not by itself show concurrence of wills and unity of purpose.

Petitioner's presence during the commission of the crime was well-established as he himself testified to that fact. Assuming that he was merely present during the attack, inaction does not exculpate him. To exempt himself from criminal liability, a conspirator must have performed an overt act to dissociate or detach himself from the conspiracy to commit the felony and prevent the commission thereof.<sup>23</sup>

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<sup>22</sup> *Rollo*, pp. 42-45.

<sup>23</sup> *People v. De Leon*, 608 Phil. 701, 721 (2009).

Indeed, mere presence does not signify conspiracy. However, neither does it indicate the lack thereof. Conspiracy can be inferred from and established by the acts of the accused themselves when said acts point to a joint purpose and design, concerted action and community of interest.<sup>24</sup> In fact, the prosecution established that petitioner was actively involved in the attack on Freddie dela Cruz.

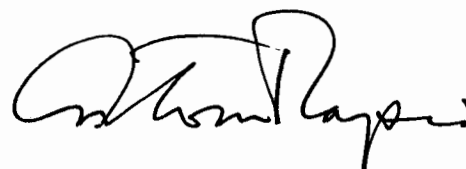
In *People v. De Leon*,<sup>25</sup> we held:

x x x To be a conspirator, one need not participate in every detail of the execution; he need not even take part in every act or need not even know the exact part to be performed by the others in the execution of the conspiracy. Each conspirator may be assigned separate and different tasks which may appear unrelated to one another but, in fact, constitute a whole collective effort to achieve their common criminal objective. Once conspiracy is shown, the act of one is the act of all the conspirators. The precise extent or mo[r]ality of participation of each of them becomes secondary, since all the conspirators are principals.

The acts of petitioner before, during and after the attacks on Robert dela Cruz and Felomina dela Cruz disclose his agreement with the joint purpose and design in the commission of the felony. The facts, found by the trial and appellate courts, establish that petitioner, together with his brothers and Narciso Buni, all of them armed, accosted the dela Cruzes, and gave chase even as the latter were retreating towards their house. During the attacks, each conspirator had a different task. After the attacks, all the accused left the felled dela Cruzes for dead, clearly showing their united purpose in the felonies committed. The act of one is the act of all. With the conspiracy proved, the conviction of petitioner was in order.

**WHEREFORE**, we **DENY** the petition, and **AFFIRM** the Decision of the Court of Appeals dated 31 July 2012 and the Resolution dated 11 January 2013 in CA-G.R. CR No. 33776.

**SO ORDERED.**




**ANTONIO T. CARPIO**  
Acting Chief Justice


<sup>24</sup> *People v. Durana*, 333 Phil. 148, 156 (1996).


<sup>25</sup> *Supra* note 23, at 720.

**WE CONCUR:**

  
**ARTURO D. BRION**  
Associate Justice


  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

  
**MARVIC MARIO VICTOR F. LEONEN**  
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.

  
**ANTONIO T. CARPIO**  
Acting Chief Justice