



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

REPUBLIC OF THE PHILIPPINES,
represented by the NATIONAL
POWER CORPORATION,

Petitioner,

- versus -

HEIRS OF SATURNINO Q.
BORBON, AND COURT OF
APPEALS,

Respondents.

G.R. No. 165354

Present:

SERENO, C.J.,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

JAN 12 2015

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DECISION

BERSAMIN, J.:

The expropriator who has taken possession of the property subject of expropriation is obliged to pay reasonable compensation to the landowner for the period of such possession although the proceedings had been discontinued on the ground that the public purpose for the expropriation had meanwhile ceased.

Antecedents

The National Power Corporation (NAPOCOR) is a government-owned and -controlled corporation vested with authority under Republic Act No. 6395, as amended, to undertake the development of hydro-electric generation of power, production of electricity from any and all sources, construction, operation and maintenance of power plants, auxiliary plants, dams, reservoirs, pipes, main transmission lines, power stations and substations, and other works for the purpose of developing hydraulic power from any river, lake, creek, spring and waterfalls in the Philippines and to supply such power to the inhabitants thereof.¹

¹ Rollo, pp. 67-68.

In February 1993, NAPOCOR entered a property located in Barangay San Isidro, Batangas City in order to construct and maintain transmission lines for the 230 KV Mahabang Parang-Pinamucan Power Transmission Project.² Respondents heirs of Saturnino Q. Borbon owned the property, with a total area of 14,257 square meters, which was registered under Transfer Certificate of Title No. T-9696 of the Registry of Deeds of Batangas.³

On May 26, 1995, NAPOCOR filed a complaint for expropriation in the Regional Trial Court in Batangas City (RTC),⁴ seeking the acquisition of an easement of right of way over a portion of the property involving an area of only 6,326 square meters, more or less,⁵ alleging that it had negotiated with the respondents for the acquisition of the easement but they had failed to reach any agreement; and that, nonetheless, it was willing to deposit the amount of ₱9,790.00 representing the assessed value of the portion sought to be expropriated.⁶ It prayed for the issuance of a writ of possession upon deposit to enable it to enter and take possession and control of the affected portion of the property; to demolish all improvements existing thereon; and to commence construction of the transmission line project. It likewise prayed for the appointment of three commissioners to determine the just compensation to be paid.⁷

In their answer with motion to dismiss,⁸ the respondents staunchly maintained that NAPOCOR had not negotiated with them before entering the property and that the entry was done without their consent in the process, destroying some fruit trees without payment, and installing five transmission line posts and five woodpoles for its project;⁹ that the area being expropriated only covered the portion directly affected by the transmission lines; that the remaining portion of the property was also affected because the transmission line passed through the center of the land, thereby dividing the land into three lots; that the presence of the high tension transmission line had rendered the entire property inutile for any future use and capabilities;¹⁰ that, nonetheless, they tendered no objection to NAPOCOR's entry provided it would pay just compensation not only for the portion sought to be expropriated but for the entire property whose potential was greatly diminished, if not totally lost, due to the project;¹¹ and that their property was classified as industrial land. Thus, they sought the dismissal of the complaint, the payment of just compensation of ₱1,000.00/square meter,

² Id. at 68.

³ Id.

⁴ Id. at 66-71.

⁵ Id. at 69.

⁶ Id.

⁷ Id. at 70.

⁸ Id. at 73-76.

⁹ Id. at 73.

¹⁰ Id. at 74.

¹¹ Id. at 75.

and attorney's fees;¹² and to be allowed to nominate their representative to the panel of commissioners to be appointed by the trial court.¹³

In the pre-trial conference conducted on December 20, 1995, the parties stipulated on: (1) the location of the property; (2) the number of the heirs of the late Saturnino Q. Borbon; (3) the names of the persons upon whom title to the property was issued; and (4) the ownership and possession of the property.¹⁴ In its order of that date, the RTC directed the parties to submit the names of their nominees to sit in the panel of commissioners within 10 days from the date of the pre-trial.¹⁵

The RTC constituted the panel of three commissioners. Two commissioners submitted a joint report on April 8, 1999,¹⁶ in which they found that the property was classified as industrial land located within the Industrial 2 Zone;¹⁷ that although the property used to be classified as agricultural (*i.e.*, horticultural and pasture land), it was reclassified to industrial land for appraisal or taxation purposes on June 30, 1994; and that the reclassification was made on the basis of a certification issued by the Zoning Administrator pursuant to Section 3.10 (d) of the Amended Zoning Ordinance (1989) of the City of Batangas.¹⁸ The two commissioners appraised the value at ₱550.00/square meter.¹⁹ However, the third commissioner filed a separate report dated March 16, 1999,²⁰ whereby he recommended the payment of "an easement fee of at least ten percent (10%) of the assessed value indicated in the tax declaration²¹ plus cost of damages in the course of the construction, improvements affected and tower occupancy fee."²²

The parties then submitted their respective objections to the reports. On their part, the respondents maintained that NAPOCOR should compensate them for the entire property at the rate of ₱550.00/square meter because the property was already classified as industrial land at the time NAPOCOR entered it.²³ In contrast, NAPOCOR objected to the joint report, insisting that the property was classified as agricultural land at the time of its taking in March 1993; and clarifying that it was only seeking an easement of right of way over a portion of the property, not the entire area thereof, so that

¹² Id.

¹³ Id.

¹⁴ Records, p. 62.

¹⁵ Id. 62.

¹⁶ *Rollo*, pp. 82-83.

¹⁷ Id. (Industrial 2 Zone was described in the Joint Report as "a lot with a depth of eight hundred meters (800 m.) along the San Isidro-Libjo boundary bounded on the North by Barangay Libjo; on the East by an Agricultural Zone; on the South by Barangay Tabangao Ambulong; and on the West by Barangay Libjo.")

¹⁸ Id. (the Amended Zoning Ordinance was approved by the Housing and Land Use Regulatory Board on February 15, 1993).

¹⁹ Id.

²⁰ Id. at 77-81.

²¹ Id. at 81 (Tax Declaration No. 81-812).

²² Id. at 80.

²³ Id. at 12.

it should pay only 10% of the assessed value of the portion thus occupied.²⁴

In the judgment dated November 27, 2000,²⁵ the RTC adopted the recommendation contained in the joint report, and ruled thusly:

The price to be paid for an expropriated land is its value at the time of taking, which is the date when the plaintiff actually entered the property or the date of the filing of the complaint for expropriation. In this case, there is no evidence as to when the plaintiff actually entered the property in question, so the reference point should be the date of filing of the complaint, which is May 5, 1995.

On this date, the property in question was already classified as industrial. So, the Joint Report (Exhibit "1") is credible on this point. The two Commissioners who submitted the Joint Report are government officials who were not shown to be biased. So, that their report should be given more weight than the minority report submitted by a private lawyer representing the plaintiff. In view of these, the Court adopts the Joint Report and rejects the minority report. The former fixed the just compensation at ₱550.00 per square meter for the whole lot of 14,257 square meters.²⁶

Accordingly, the RTC ordered NAPOCOR to pay the respondents: (1) just compensation for the whole area of 14,257 square meters at the rate of ₱550.00/square meter; (2) legal rate of interest from May 5, 1995 until full payment; and (3) the costs of suit.²⁷

NAPOCOR appealed (CA-G.R. No. 72069).

On April 29, 2004,²⁸ the CA promulgated its decision, viz:

WHEREFORE, premises considered, the Decision dated November 27, 2000 of Branch I of the Regional Trial Court of Batangas City, is hereby AFFIRMED with the MODIFICATION that plaintiff-appellant shall pay only for the occupied 6,326 square meters of the subject real property at the rate of ₱550.00 per square meter and to pay legal interest therefrom until fully paid.

SO ORDERED.²⁹

Hence, this appeal by NAPOCOR.

²⁴ Id.

²⁵ CA *rollo*, pp. 34-39; penned by Presiding Judge Conrado C. Genilo, Jr.

²⁶ Id. at 38-39.

²⁷ Id. at 39.

²⁸ *Rollo*, pp. 10-18; penned by Associate Justice Edgardo F. Sundiam (retired/deceased), with the concurrence of Associate Justice Andres B. Reyes, Jr. (later Presiding Justice) and Associate Justice Danilo B. Pine (retired).

²⁹ Id. at 18.

Issue

On December 3, 2012, during the pendency of the appeal, NAPOCOR filed a Motion to Defer Proceedings stating that negotiations between the parties were going on with a view to the amicable settlement of the case.³⁰

On January 3, 2014, NAPOCOR filed a Manifestation and Motion to Discontinue Expropriation Proceedings,³¹ informing that the parties failed to reach an amicable agreement; that the property sought to be expropriated was no longer necessary for public purpose because of the intervening retirement of the transmission lines installed on the respondents' property;³² that because the public purpose for which such property would be used thereby ceased to exist, the proceedings for expropriation should no longer continue, and the State was now duty-bound to return the property to its owners; and that the dismissal or discontinuance of the expropriation proceedings was in accordance with Section 4, Rule 67 of the *Rules of Court*. Hence, NAPOCOR prayed that the proceedings be discontinued "under such terms as the court deems just and equitable,"³³ and that the compensation to be awarded the respondents be reduced by the equivalent of the benefit they received from the land during the time of its occupation, for which purpose the case could be remanded to the trial court for the determination of reasonable compensation to be paid to them.³⁴

In light of its Manifestation and Motion to Discontinue Expropriation Proceedings, NAPOCOR contends that the expropriation has become without basis for lack of public purpose as a result of the retirement of the transmission lines; that if expropriation still proceeds, the Government will be unduly burdened by payment of just compensation for property it no longer requires; and that there is legal basis in dismissing the proceedings, citing *Metropolitan Water District v. De los Angeles*³⁵ where the Court granted petitioner's prayer for the quashal of expropriation proceedings and the eventual dismissal of the proceedings on the ground that the land sought to be expropriated was no longer "indispensably necessary" in the maintenance and operation of petitioner's waterworks system.

The issue to be considered and resolved is whether or not the expropriation proceedings should be discontinued or dismissed pending appeal.

³⁰ Id. at 107-108.

³¹ Id. at 118-124.

³² Id. at 118-119.

³³ Id. at 123.

³⁴ Id. at 123-124.

³⁵ 55 Phil. 776 (1931).

Ruling of the Court

The dismissal of the proceedings for expropriation at the instance of NAPOCOR is proper, but, conformably with Section 4,³⁶ Rule 67 of the *Rules of Court*, the dismissal or discontinuance of the proceedings must be upon such terms as the court deems just and equitable.

Before anything more, we remind the parties about the nature of the power of eminent domain.

The right of eminent domain is “the ultimate right of the sovereign power to appropriate, not only the public but the private property of all citizens within the territorial sovereignty, to public purpose.”³⁷ But the exercise of such right is not unlimited, for two mandatory requirements should underlie the Government’s exercise of the power of eminent domain, namely: (1) that it is for a particular public purpose; and (2) that just compensation be paid to the property owner.³⁸ These requirements partake the nature of implied conditions that should be complied with to enable the condemnor to keep the property expropriated.³⁹

Public use, in common acceptance, means “use by the public.” However, the concept has expanded to include utility, advantage or productivity for the benefit of the public.⁴⁰ In *Asia's Emerging Dragon Corporation v. Department of Transportation and Communications*,⁴¹ Justice Corona, in his dissenting opinion said that:

To be valid, the taking must be for public use. The meaning of the term “public use” has evolved over time in response to changing public needs and exigencies. Public use which was traditionally understood as strictly limited to actual “use by the public” has already been abandoned. “Public use” has now been held to be synonymous with “public interest,” “public benefit,” and “public convenience.”

³⁶ Section 4. *Order of expropriation*. — If the objections to and the defenses against the right of the plaintiff to expropriate the property are overruled, or when no party appears to defend as required by this Rule, the court may issue an order of expropriation declaring that the plaintiff has a lawful right to take the property sought to be expropriated, for the public use or purpose described in the complaint, upon the payment of just compensation to be determined as of the date of the taking of the property or the filing of the complaint, whichever came first.

A final order sustaining the right to expropriate the property may be appealed by any party aggrieved thereby. Such appeal, however, shall not prevent the court from determining the just compensation to be paid.

After the rendition of such an order, the plaintiff shall not be permitted to dismiss or discontinue the proceeding except on such terms as the court deems just and equitable. (4a) (Emphasis supplied)

³⁷ Bernas, *Constitutional Rights and Social Demands: Notes and Cases*, Part II, 2010 Ed., p. 589.

³⁸ *Mactan-Cebu International Airport Authority v. Lozada, Sr.*, G.R. No. 176625, February 25, 2010, 613 SCRA 618.

³⁹ *Id.* at 630.

⁴⁰ *Supra* note 35, at 616.

⁴¹ G.R. No. 169914, April 18, 2008, 552 SCRA 59, 175.

It is essential that the element of public use of the property be maintained throughout the proceedings for expropriation. The effects of abandoning the public purpose were explained in *Mactan-Cebu International Airport Authority v. Lozada, Sr.*,⁴² to wit:

More particularly, with respect to the element of public use, the expropriator should commit to use the property pursuant to the purpose stated in the petition for expropriation filed, failing which, it should file another petition for the new purpose. If not, it is then incumbent upon the expropriator to return the said property to its private owner, if the latter desires to reacquire the same. Otherwise, the judgment of expropriation suffers an intrinsic flaw, as it would lack one indispensable element for the proper exercise of the power of eminent domain, namely, the particular public purpose for which the property will be devoted. Accordingly, the private property owner would be denied due process of law, and the judgment would violate the property owner's right to justice, fairness and equity.⁴³

A review reveals that *Metropolitan Water District v. De los Angeles*⁴⁴ is an appropriate precedent herein. There, the Metropolitan Water District passed a board resolution requesting the Attorney-General to file a petition in the Court of First Instance of the Province of Rizal praying that it be permitted to discontinue the condemnation proceedings it had initiated for the expropriation of a parcel of land in Montalban, Rizal to be used in the construction of the Angat Waterworks System. It claimed that the land was no longer indispensably necessary in the maintenance and operation of its waterworks system, and that the expropriation complaint should then be dismissed. The Court, expounding on the power of the State to exercise the right of eminent domain, then pronounced:

There is no question raised concerning the right of the plaintiff here to acquire the land under the power of eminent domain. That power was expressly granted it by its charter. The power of eminent domain is a right reserved to the people or Government to take property for *public use*. It is the right of the state, through its regular organization, to reassert either temporarily or permanently its dominion over any portion of the soil of the state on account of public necessity and for the *public good*. The right of eminent domain is the right which the Government or the people retains over the estates of individuals to resume them for *public use*. It is the right of the people, or the sovereign, to dispose, in case of public necessity and for the public safety, of all the wealth contained in the state.⁴⁵

Indeed, public use is the fundamental basis for the action for expropriation; hence, NAPOCOR's motion to discontinue the proceedings is warranted and should be granted. The Court has observed in *Metropolitan*

⁴² Supra note 38.

⁴³ Id. at 630.

⁴⁴ Supra note 35.

⁴⁵ Id. at 781-782.

Water District v. De los Angeles:

It is not denied that the purpose of the plaintiff was to acquire the land in question for *public use*. The fundamental basis then of all actions brought for the expropriation of lands, under the power of eminent domain, is *public use*. **That being true, the very moment that it appears at any stage of the proceedings that the expropriation is not for a *public use*, the action must necessarily fail and should be dismissed, for the reason that the action cannot be maintained at all except when the expropriation is for some public use. That must be true even during the pendency of the appeal or at any other stage of the proceedings.** If, for example, during the trial in the lower court, it should be made to appear to the satisfaction of the court that the expropriation is not for some *public use*, it would be the duty and the obligation of the trial court to dismiss the action. And even during the pendency of the appeal, if it should be made to appear to the satisfaction of the appellate court that the expropriation is not for public use, then it would become the duty and the obligation of the appellate court to dismiss it.

In the present case the petitioner admits that the expropriation of the land in question is no longer necessary for *public use*. Had that admission been made in the trial court the case should have been dismissed there. It now appearing positively, by resolution of the plaintiff, that the expropriation is not necessary for *public use*, the action should be dismissed even without a motion on the part of the plaintiff. The moment it appears in whatever stage of the proceedings that the expropriation is *not for a public use* the complaint should be dismissed and all the parties thereto should be relieved from further annoyance or litigation.⁴⁶ (underscoring and emphasis supplied)

It is notable that the dismissal of the expropriation proceedings in *Metropolitan Water District v. De los Angeles* was made subject to several conditions in order to address the dispossession of the defendants of their land, and the inconvenience, annoyance and damages suffered by the defendants on account of the proceedings. Accordingly, the Court remanded the case to the trial court for the issuance of a writ of possession ordering Metropolitan Water District to immediately return possession of the land to the defendants, and for the determination of damages in favor of the defendants, the claims for which must be presented within 30 days from the return of the record to the court of origin and notice thereof.⁴⁷

Here, NAPOCOR seeks to discontinue the expropriation proceedings on the ground that the transmission lines constructed on the respondents' property had already been retired. Considering that the Court has consistently upheld the primordial importance of public use in expropriation proceedings, NAPOCOR's reliance on *Metropolitan Water District v. De los Angeles* was apt and correct. Verily, the retirement of the transmission lines necessarily stripped the expropriation proceedings of the element of public

⁴⁶ Id. at 782-783.

⁴⁷ Id. at 783.

use. To continue with the expropriation proceedings despite the definite cessation of the public purpose of the project would result in the rendition of an invalid judgment in favor of the expropriator due to the absence of the essential element of public use.

Unlike in *Metropolitan Water District v. De los Angeles* where the request to discontinue the expropriation proceedings was made upon the authority appearing in the board resolution issued on July 14, 1930,⁴⁸ counsel for NAPOCOR has not presented herein any document to show that NAPOCOR had decided, as a corporate body, to discontinue the expropriation proceedings. Nonetheless, the Court points to the Memorandum dated December 13, 2012⁴⁹ and the Certificate of Inspection/Accomplishment dated February 5, 2005⁵⁰ attached to NAPOCOR's motion attesting to the retirement of the transmission lines. Also, *Metropolitan Water District v. De los Angeles* emphasized that it became the duty and the obligation of the court, regardless of the stage of the proceedings, to dismiss the action "if it should be made to appear to the satisfaction of the court that the expropriation is not for some public use."⁵¹ Despite the lack of the board resolution, therefore, the Court now considers the documents attached to NAPOCOR's Manifestation and Motion to Discontinue Expropriation Proceedings to be sufficient to establish that the expropriation sought is no longer for some public purpose.

Accordingly, the Court grants the motion to discontinue the proceedings subject to the conditions to be shortly mentioned hereunder, and requires the return of the property to the respondents.

Having said that, we must point out that NAPOCOR entered the property without the owners' consent and without paying just compensation to the respondents. Neither did it deposit any amount as required by law prior to its entry. The Constitution is explicit in obliging the Government and its entities to pay just compensation before depriving any person of his or her property for public use.⁵² Considering that in the process of installing transmission lines, NAPOCOR destroyed some fruit trees and plants without payment, and the installation of the transmission lines went through the middle of the land as to divide the property into three lots, thereby effectively rendering the entire property inutile for any future use, it would be unfair for NAPOCOR not to be made liable to the respondents for the disturbance of their property rights from the time of entry until the time of restoration of the possession of the property. There should be no question about the taking. In several rulings, notably *National Power Corporation v.*

⁴⁸ Id.

⁴⁹ *Rollo*, p. 126.

⁵⁰ Id. at 127.

⁵¹ *Supra* note 35, at 782.

⁵² 1987 Constitution, Article III, Section 9.

Zabala,⁵³ *Republic v. Libunao*,⁵⁴ *National Power Corporation v. Tuazon*,⁵⁵ and *National Power Corporation v. Saldares*,⁵⁶ this Court has already declared that “since the high-tension electric current passing through the transmission lines will perpetually deprive the property owners of the normal use of their land, it is only just and proper to require Napocor to recompense them for the full market value of their property.”

There is a sufficient showing that NAPOCOR entered into and took possession of the respondents’ property as early as in March 1993 without the benefit of first filing a petition for eminent domain. For all intents and purposes, therefore, March 1993 is the reckoning point of NAPOCOR’s taking of the property, instead of May 5, 1995, the time NAPOCOR filed the petition for expropriation. The reckoning conforms to the pronouncement in *Ansaldo v. Tantuico, Jr.*,⁵⁷ to wit:

Normally, of course, where the institution of an expropriation action precedes the taking of the property subject thereof, the just compensation is fixed as of the time of the filing of the complaint. This is so provided by the Rules of Court, the assumption of possession by the expropriator ordinarily being conditioned on its deposits with the National or Provincial Treasurer of the value of the property as provisionally ascertained by the court having jurisdiction of the proceedings.

There are instances, however, where the expropriating agency takes over the property prior to the expropriation suit, as in this case although, to repeat, the case at bar is quite extraordinary in that possession was taken by the expropriator more than 40 years prior to suit. In these instances, this Court has ruled that the just compensation shall be determined as of the time of *taking*, not as of the time of filing of the action of eminent domain.

In the context of the State’s inherent power of eminent domain, there is a “taking” when the owner is actually deprived or dispossessed of his property; when there is a practical destruction or a material impairment of the value of his property or when he is deprived of the ordinary use thereof. There is a “taking” in this sense when the expropriator enters private property not only for a momentary period but for a more permanent duration, for the purpose of devoting the property to a public use in such a manner as to oust the owner and deprive him of all beneficial enjoyment thereof. For ownership, after all, “is nothing without the inherent rights of possession, control and enjoyment. Where the owner is deprived of the ordinary and beneficial use of his property or of its value by its being diverted to public use, there is taking within the Constitutional sense.” x x x.⁵⁸

⁵³ G.R. No. 173520, January 30, 2013, 689 SCRA 554, 563.

⁵⁴ G.R. No. 166553, July 30, 2009, 594 SCRA 363, 378.

⁵⁵ G.R. No. 193023, June 29, 2011, 653 SCRA 84, 95.

⁵⁶ G.R. No. 189127, April 25, 2012, 671 SCRA 266, 277-278.

⁵⁷ G.R. No. L-50147, August 3, 1990, 188 SCRA 300.

⁵⁸ *Id.* at 304.

In view of the discontinuance of the proceedings and the eventual return of the property to the respondents, there is no need to pay “just compensation” to them because their property would not be taken by NAPOCOR. Instead of full market value of the property, therefore, NAPOCOR should compensate the respondents for the disturbance of their property rights from the time of entry in March 1993 until the time of restoration of the possession by paying to them actual or other compensatory damages. This conforms with the following pronouncement in *Mactan-Cebu International Airport Authority v. Lozada, Sr.*:⁵⁹

In light of these premises, we now expressly hold that the taking of private property, consequent to the Government’s exercise of its power of eminent domain, is always subject to the condition that the property be devoted to the specific public purpose for which it was taken. Corollarily, if this particular purpose or intent is not initiated or not at all pursued, and is peremptorily abandoned, then the former owners, if they so desire, may seek the reversion of the property, subject to the return of the amount of just compensation received. In such a case, the exercise of the power of eminent domain has become improper for lack of the required factual justification.⁶⁰

This should mean that the compensation must be based on what they actually lost as a result and by reason of their dispossession of the property and of its use, including the value of the fruit trees, plants and crops destroyed by NAPOCOR’s construction of the transmission lines.

Considering that the dismissal of the expropriation proceedings is a development occurring during the appeal, the Court now treats the dismissal of the expropriation proceedings as producing the effect of converting the case into an action for damages. For that purpose, the Court remands the case to the court of origin for further proceedings, with instruction to the court of origin to enable the parties to fully litigate the action for damages by giving them the opportunity to re-define the factual and legal issues by the submission of the proper pleadings on the extent of the taking, the value of the compensation to be paid to the respondents by NAPOCOR, and other relevant matters as they deem fit. Trial shall be limited to matters the evidence upon which had not been heretofore heard or adduced. The assessment and payment of the correct amount of filing fees due from the respondents shall be made in the judgment, and such amount shall constitute a first lien on the recovery. Subject to these conditions, the court of origin shall treat the case as if originally filed as an action for damages.

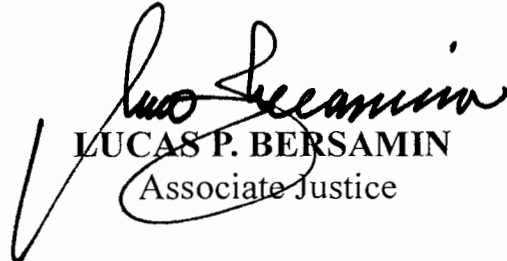
WHEREFORE, the Court **DISMISSES** the expropriation proceedings due to the intervening cessation of the need for public use; **REMANDS** the records to the Regional Trial Court, Branch 1, in Batangas

⁵⁹ Supra note 38.

⁶⁰ Id. at 630-631.


City as the court of origin for further proceedings to be conducted in accordance with the foregoing instructions; and **ORDERS** said trial court to try and decide the issues with dispatch.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:




MARIA LOURDES P. A. SERENO
Chief Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice




JOSE PORTUGAL PEREZ
Associate Justice



ESTELA M. PERLAS-BERNABE
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