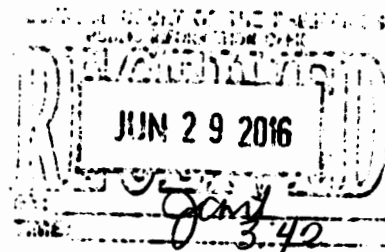




Republic of the Philippines
Supreme Court
Baguio City



FIRST DIVISION

CONSULAR AREA RESIDENTS
ASSOCIATION, INC.,
represented by its President
BENJAMIN V. ZABAT, ROMEO
JUGADO, JR., and NANCY
QUINO,

Petitioner,

-versus-

ARNEL PACIANO D.
CASANOVA, ENGR. TOMAS Y.
MACROHON, LOCAL
HOUSING BOARD OF TAGUIG
CITY, and THE CITY
GOVERNMENT OF TAGUIG,

Respondents.

G.R. No. 202618

Present:

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

Promulgated:

APR 12 2016

X-----X

DECISION

PERLAS-BERNABE, J.:

Before the Court is a petition¹ denominated as one for “Prohibition with plea for the issuance of a Temporary Restraining Order and Injunction” filed by petitioner Consular Area Residents Association, Inc., an association composed of residents of the Diplomatic and Consular Area of Fort Bonifacio, Taguig City, represented by its President Benjamin V. Zabat, Romeo Jugado, Jr., and Nancy Quino (petitioner), against respondents Arnel Paciano D. Casanova (Casanova), President and Chief Executive Officer of the Bases Conversion and Development Authority (BCDA), Engr. Tomas Macrohon² (Engr. Macrohon), as well as the Local Housing Board of Taguig

¹ Rollo, pp. 3-15.

² Engr. Macrohon appears to be an officer of the BCDA, although his actual position/designation at the time the acts complained of is not ascertainable from the records.

City, and the City Government of Taguig, seeking that the BCDA be enjoined from demolishing what it claims as the remaining structures in the Joint US Military Army Group (JUSMAG) Area in Fort Bonifacio, Taguig City.

The Facts

In 1992, Congress enacted Republic Act No. (RA) 7227,³ otherwise known as the Bases Conversion and Development Act of 1992, which, *inter alia*, created the BCDA in order to “accelerate the sound and balanced conversion into alternative productive uses of the Clark and Subic military reservations and their extensions (*i.e.*, John Hay Station, Wallace Air Station, O’Donnell Transmitter Station, San Miguel Naval Communications Station, and Capas Relay Station)” and “to raise funds by the sale of portions of Metro Manila military camps.”⁴ For this purpose, the BCDA was authorized to own, hold, and administer portions of the Metro Manila military camps that may be transferred to it by the President.⁵ In this relation, Executive Order (EO) No. 40, Series of 1992⁶ was issued, identifying Fort Bonifacio as one of the military camps earmarked for development and disposition to raise funds for BCDA projects.⁷

Located in Fort Bonifacio are the JUSMAG and Diplomatic and Consular Areas subject of this case.⁸ The JUSMAG Area is a 34.5-hectare area located along Lawton Avenue where military officers, both in the active and retired services, and their respective families, had occupied housing units and facilities originally constructed by the Armed Forces of the Philippines (AFP).⁹ Presently, it is being developed by Megaworld Corporation as the McKinley West.¹⁰ On the other hand, the Diplomatic and Consular Area was declared as alienable and disposable land by virtue of Proclamation No. 1725,¹¹ signed on February 10, 2009. Its administrative jurisdiction, supervision, and control were transferred to the BCDA, which is likewise responsible for maintaining the usefulness of the area.¹²

³ Entitled “AN ACT ACCELERATING THE CONVERSION OF MILITARY RESERVATIONS INTO OTHER PRODUCTIVE USES, CREATING THE BASES CONVERSION AND DEVELOPMENT AUTHORITY FOR THE PURPOSE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES,” approved on March 13, 1992.

⁴ See *id.*

⁵ *Republic of the Philippines v. Southside Homeowners Association, Inc.*, 534 Phil. 8, 14 (2006).

⁶ Entitled “IMPLEMENTING THE PROVISIONS OF REPUBLIC ACT NO. 7227 AUTHORIZING THE BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA) TO RAISE FUNDS THROUGH THE SALE OF METRO MANILA MILITARY CAMPS TRANSFERRED TO BCDA TO FORM PART OF ITS CAPITALIZATION AND TO BE USED FOR THE PURPOSES STATED IN SAID ACT,” dated December 8, 1992.

⁷ *Samahan ng Masang Pilipino sa Makati, Inc. v. Bases Conversion Development Authority*, 542 Phil. 86, 105 (2007).

⁸ *Rollo*, p. 23.

⁹ See *id.* at 21. See also *Republic of the Philippines v. Southside Homeowners Association, Inc.*, *supra* note 5, at 14.

¹⁰ See http://www.bdda.gov.ph/investments_and_projects/show/44 (last accessed March 21, 2016); See also http://www.bdda.gov.ph/investments_and_projects/show/50 (last accessed March 21, 2016).

¹¹ Entitled “DECLARING CERTAIN PARCELS OF LAND AS ALIENABLE AND DISPOSABLE IDENTIFIED AS THE DIPLOMATIC AND CONSULAR AREA SITUATED IN FORT BONIFACIO, TAGUIG, METRO MANILA, ISLAND OF LUZON AND TRANSFERRING TO THE BASES CONVERSION DEVELOPMENT AUTHORITY (BCDA) THE ADMINISTRATION THEREOF.”

¹² *Id.*

On July 18, 2012, the Local Housing Board of Taguig City issued a Certificate of Compliance on Demolition¹³ declaring that the BCDA had complied with the requirement of “Just and Humane Demolition and Eviction,” prescribed under Section 28 of RA 7279,¹⁴ otherwise known as the “Urban Development and Housing Act of 1992,” for the demolition of structures within the JUSMAG Area. Consequently, respondent Casanova, as President and Chief Executive Officer of the BCDA, sent a Letter¹⁵ dated July 20, 2012, informing petitioner and its members that they should, within a seven (7)-day period ending on July 27, 2012, coordinate with BCDA officials should they choose to either accept the relocation package being offered to them, or voluntarily dismantle their structures and peacefully vacate the property.

Petitioner filed the present case to enjoin the demolition of their structures which they claimed are within the Diplomatic and Consular Area, and not the JUSMAG Area. They averred that the BCDA itself declared in its own website that the Diplomatic and Consular Area is not its property,¹⁶ and that its members are occupying the Diplomatic and Consular Area with the consent of the Republic of the Philippines given at the time of their assignments in the military service,¹⁷ and hence, cannot be demolished, especially in the absence of a court order.¹⁸ Furthermore, petitioner posited that Casanova had no authority to act for and in behalf of the BCDA considering his “highly anomalous and irregular” appointment as President thereof.¹⁹

In their Comment,²⁰ respondents Casanova and Engr. Macrohon maintained that the clearing operations undertaken by the BCDA covered only the JUSMAG area, on which the structures possessed by petitioner’s members are located.²¹ They also argued that under Section 28 (b) of RA 7279, eviction or demolition is allowed when government infrastructure projects with available funding are about to be implemented, even in the absence of a court order.²² Moreover, they maintained that respondent Casanova acted with authority as President and Chief Executive Officer of the BCDA, having been duly appointed by the President of the Philippines,²³ and in any event, the instant case has already been rendered moot and academic because the act sought to be enjoined, *i.e.*, the demolition of the remaining structures in the JUSMAG Area, was already completed on September 21, 2012.²⁴

¹³ *Rollo*, p. 37

¹⁴ “AN ACT TO PROVIDE FOR A COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES,” approved on March 24, 1992.

¹⁵ *Rollo*, p. 20.

¹⁶ *Id.* at 8.

¹⁷ *Id.* at 13.

¹⁸ *Id.* at 10-12.

¹⁹ *Id.* at 9-10.

²⁰ *Id.* at 40-54.

²¹ *Id.* at 42-43.

²² *Id.* at 46-47.

²³ *Id.* at 44-45.

²⁴ *Id.* at 51-52.

Respondents Local Housing Board of Taguig City and the City Government of Taguig likewise filed their own Comment,²⁵ substantially adopting the contentions propounded by respondents Casanova and Engr. Macrohon. Separately, however, they contended that the instant petition should have been filed before the Regional Trial Court (RTC) exercising jurisdiction over the territorial area, instead of the Supreme Court.²⁶

The Issue Before the Court

The main issue in this case is whether or not the demolition should be enjoined.

The Court's Ruling

The petition lacks merit.

The Court first resolves the preliminary concerns raised.

For one, respondents Local Housing Board of Taguig City and the City Government of Taguig seek the outright dismissal of the petition on the ground that it should have been filed before the RTC, and not before the Supreme Court. As basis, they cite Section 4, Rule 65 of the Rules of Court, which provision applies to, among others, petitions for prohibition, *viz.*:

RULE 65

Certiorari, Prohibition and Mandamus

Section 4. When and where to file the petition. —

x x x x

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.

x x x x

While the instant petition is denominated as one for prohibition, a careful perusal of the same reveals that it is actually a petition for injunction as it ultimately seeks that a writ of injunction be issued to permanently stop

²⁵ Id. at 148-158

²⁶ Id. at 148-150.

“[r]espondents, or any other person acting under their orders or authority, from carrying out, or causing to carry out, the demolition of [p]etitioner’s properties.”²⁷ More significantly, respondents (with the exception of Casanova as will be herein discussed) are not asked to be prevented from exercising any judicial or ministerial function on account of any lack or excess of jurisdiction, or grave abuse of discretion, which allegation is key in an action for prohibition. Case law dictates that “[f]or a party to be entitled to a writ of prohibition, he must establish the following requisites: **(a) it must be directed against a tribunal, corporation, board or person exercising functions, judicial[, quasi-judicial] or ministerial; (b) the tribunal, corporation, board or person has acted without or in excess of its jurisdiction, or with grave abuse of discretion;** and (c) there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.”²⁸ In his opinion in the case of *Nuclear Free Philippine Coalition v. National Power Corporation*,²⁹ former Chief Justice Ramon Aquino discussed the basic distinction between an action for prohibition and one for injunction:

Prohibition is not the same as injunction. Lawyers often make the mistake of confusing prohibition with injunction. Basically, prohibition is a remedy to stop a tribunal from exercising a power beyond its jurisdiction. x x x.

Prohibition is an extraordinary prerogative writ of a preventive nature, its proper function being to prevent courts or other tribunals, officers, or persons from usurping or exercising a jurisdiction with which they are not vested.

It is a fundamental rule of procedural law that it is not the caption of the pleading that determines the nature of the complaint but rather its allegations.³⁰ Hence, considering the above-discussed allegations, the petition, albeit denominated as one for prohibition, is essentially an action for injunction, which means that Section 4, Rule 65 of the Rules of Court would not apply.

Instead, it is Section 21 of RA 7227, which solely authorizes the Supreme Court to issue injunctions to restrain or enjoin “[t]he implementation of the projects for the conversion into alternative productive uses of the military reservations,” that would govern:³¹

Section 21. *Injunction and Restraining Order.* – The implementation of the projects for the conversion into alternative productive uses of the military reservations are urgent and necessary and shall not be restrained or enjoined **except by an order issued by the Supreme Court of the Philippines.** (Emphasis supplied)

²⁷ Rollo, p. 14.

²⁸ *Montes v. CA*, 523 Phil. 98, 107 (2006), citing *Longino v. General*, 491 Phil. 600, 616 (2005).

²⁹ 225 Phil. 266, 276 (1986), citing 73 C.J.S. 10.

³⁰ *Anadon v. Herrera*, 553 Phil. 759, 765 (2007).

³¹ See *Samahan ng Masang Pilipino sa Makati, Inc. v. Bases Conversion Development Authority*, 542 Phil. 86, 91 (2007).

Notably, while the petition asks in the final item of its “PRAYER” that a “writ of prohibition be issued commanding respondents, especially Casanova, from usurping or exercising jurisdiction with which he has not been vested by law”,³² this relief, when read together with the pertinent allegations in the body of the petition,³³ is one which is directed against the title of respondent Casanova as President and Chief Executive Officer of the BCDA. Particularly, it is claimed that respondent Casanova’s appointment was “highly anomalous and irregular” as it was made contrary to Section 9³⁴ of RA 7227, which purportedly mandates that the Chairman of the BCDA shall also be its President.

The Court observes that the collateral attack on respondent Casanova’s title as President and Chief Executive Officer, which is a public office by nature,³⁵ is improper to resolve in this petition. The title to a public office may not be contested except directly, by *quo warranto* proceedings; and it cannot be assailed collaterally.³⁶ Also, it has already been settled that **prohibition does not lie to inquire into the validity of the appointment of a public officer**.³⁷ In fact, petitioner impliedly recognized the impropriety of raising this issue herein by stating that “until the final resolution regarding the purported authority of [respondent Casanova], he should be prohibited from acting for and on behalf of BCDA and from issuing notices of demolition.”³⁸ Thus, at all events, the foregoing characterization of this action as one for injunction, and the consequent conclusion that it was properly filed before the Court remain. That being said, the Court now proceeds to the main issue in this case.

As earlier mentioned, petitioner ultimately seeks the issuance of a writ of injunction to enjoin the demolition of the structures which they – as opposed to respondents’ version – claim to be located in the Diplomatic and Consular Area, and hence, outside of the JUSMAG Area.

³² *Rollo*, p. 14.

³³ *Id.* at 9-10.

³⁴ SECTION 9. *Board of Directors: Composition.* — The powers and functions of the Conversion Authority shall be exercised by a Board of Directors to be composed of nine (9) members, as follows:

(a) A full-time chairman who shall also be the president of the Conversion Authority; and

(b) Eight (8) other members from the private sector, two (2) of whom coming from the labor sector.

The chairman and members shall be appointed by the President with the consent of the Commission on Appointments. Of the initial members of the Board, three (3) including the chairman, a representative from the private sector and a representative from the labor sector shall be appointed for a term of six (6) years, three (3) for a term of four (4) years and the other three (3) for a term of two (2) years. In case of vacancy in the Board, the appointee shall serve the unexpired term of the predecessor.

³⁵ “[the] Bases Conversion Development Authority (BCDA) is a government owned and controlled corporation (GOCC) created under Republic Act No. 7227 or the Bases Conversion and Development Act of 1992,³ as amended by Republic Act No. 7917.” (*Bases Conversion Development Authority v. Provincial Agrarian Reform Officer of Pampanga*, G.R. Nos. 155322-29, June 27, 2012, 675 SCRA 7, 8). Hence, the position of BCDA President and Chief Executive is public in nature.

³⁶ *Topacio v. Associate Justice of the Sandiganbayan Gregory Santos Ong*, 595 Phil. 491, 503 (2008).

³⁷ See *id.*

³⁸ *Rollo*, p. 10.

Jurisprudence teaches that in order for a writ of injunction to issue, the petitioner should be able to establish: (a) a right *in esse* or a clear and unmistakable right to be protected; (b) a violation of that right; and (c) that there is an urgent and permanent act and urgent necessity for the writ to prevent serious damage. In the absence of a clear legal right, the writ must not issue. A restraining order or an injunction is a preservative remedy aimed at protecting substantial rights and interests, and it is not designed to protect contingent or future rights. Verily, the possibility of irreparable damage without proof of adequate existing rights is not a ground for injunction.³⁹

In this case, the Court finds that petitioner has failed to prove that the structures for which they seek protection against demolition fall within the Diplomatic and Consular Area. Its supposition is anchored on two (2) documents, namely: (a) a printed copy of BCDA's declaration in its website that the Diplomatic and Consular Area is a non-BCDA property;⁴⁰ and (b) a map of the South Bonifacio Properties showing the metes and bounds of the properties of the BCDA as well as the properties contiguous to them.⁴¹ However, none of these documents substantiate petitioner's claim: the website posting is a mere statement that the Diplomatic Consular Area is supposedly a non-BCDA property, whereas the map only depicts the metes and bounds of the BCDA's properties.

Plainly, none of them show whether or not the structures to be demolished are indeed within the Diplomatic and Consular Area as petitioner claims. On the other hand, records show that on the basis of Relocation Survey Plan Rel-00-001297⁴² approved by the Department of Environment and Natural Resources (DENR), the BCDA came up with a Structural Map of the JUSMAG Area,⁴³ conducted ground surveys, and tagged the location of informal settlers whose structures will be affected by the demolition.⁴⁴ In this relation, the Urban Poor Affairs Office of the City of Taguig assisted the BCDA in the conduct of house tagging and validation of the affected families in the JUSMAG Area as well as a joint inspection to verify the boundaries of the JUSMAG and Diplomatic and Consular Areas.⁴⁵ Relying on the *prima facie* credibility of these documents as opposed to petitioner's flimsy argumentation, the Court finds that respondents have correctly identified petitioner's structures as those belonging to the JUSMAG Area. Thus, since petitioner's purported right *in esse* is hinged on the premise that the structures do not fall within the JUSMAG but within the Diplomatic and Consular Area, the petition should already fail.

³⁹ *Samahan ng Masang Pilipino sa Makati, Inc. v. Bases Conversion Development Authority*. See *supra* note 7, at 97.

⁴⁰ *Rollo*, pp. 21-22.

⁴¹ *Id.* at 23.

⁴² *Id.* at 58-60.

⁴³ *Id.* at 61-64.

⁴⁴ *Id.* at 43.

⁴⁵ *Id.* at 154. See also *id.* at 119-128.

For another, petitioner argues against the legality of the intended demolition, insisting that there should be a court order authorizing the demolition pursuant to Article 536⁴⁶ of the Civil Code and Section 28 of RA 7279, and not a mere Certificate of Compliance on Demolition.⁴⁷ However, contrary to petitioner's argument, the Court has already settled, in the case of *Kalipunan ng Damay ang Mahihirap, Inc. v. Robredo*,⁴⁸ that **demolitions and evictions may be validly carried out even without a judicial order when, among others, government infrastructure projects with available funding are about to be implemented pursuant to Section 28 (b) of RA 7279**, which reads:

Sec. 28. *Eviction and Demolition.* — Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

(a) When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;

(b) When government infrastructure projects with available funding are about to be implemented; or

(c) When there is a court order for eviction and demolition.

x x x x

Records show that the demolition of the properties is the precursory step to the conversion of the JUSMAG area into a residential and mixed-use development⁴⁹ as provided under the terms of a Joint Venture Agreement dated April 13, 2010⁵⁰ between the BCDA and Megaworld Corporation. As such, it falls within the ambit of Section 28 (b) of RA 7279, which authorizes eviction or demolition without the need of a court order.

Likewise, there is no merit to petitioner's statement that there was non-compliance with the parameters of just and humane eviction or demolition under the same provision, namely:

Sec. 28. *Eviction and Demolition.* — x x x

x x x x

In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be mandatory:

⁴⁶ Art. 536. In no case may possession be acquired through force or intimidation as long as there is a possessor who objects thereto. He who believes that he has an action or a right to deprive another of the holding of a thing, must invoke the aid of the competent court, if the holder should refuse to deliver the thing.

⁴⁷ *Rollo*, pp. 10-12.

⁴⁸ G.R. No. 200903, July 22, 2014, 730 SCRA 322, 337.

⁴⁹ *Rollo*, p. 70.

⁵⁰ *Id.* at 70-113.

(1) Notice upon the effected persons or entities at least thirty (30) days prior to the date of eviction or demolition;

(2) Adequate consultations on the matter of settlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;

(3) Presence of local government officials or their representatives during eviction or demolition;

(4) Proper identification of all persons taking part in the demolition;

(5) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;

(6) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;

(7) Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures; and

(8) Adequate relocation, whether temporary or permanent: *Provided, however,* That in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within forty-five (45) days from service of notice of final judgment by the court, after which period the said order shall be executed: *Provided, further,* That should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.

The Department of the Interior and Local Government and the Housing and Urban Development Coordinating Council shall jointly promulgate the necessary rules and regulations to carry out the above provision.

Particularly, petitioner decries that the demolition is premature as the notice given to them was not issued thirty (30) days prior to the intended date of the same. However, records show that the demolition fully – if not, substantially – complied with all the parameters laid down under Section 28 (b) as above-quoted, including the thirty (30) day prior notice rule, considering the following unrefuted circumstances: (a) a Local Inter-Agency Committee consisting of members of the BCDA, local government of Taguig, the Housing and Urban Development Coordinating Council, the Presidential Commission for the Urban Poor, the People's Organization, the Commission on Human Rights, and various barangays of Fort Bonifacio was convened for the purpose of conducting meetings and consultations with the affected settlers;⁵¹ (b) after said meetings and consultations, the said

⁵¹ See *rollo*, pp. 114-123.

Committee came up with a financial compensation and relocation package which it offered to those affected by the demolition and eviction of the JUSMAG Area;⁵² and (c) affected settlers were given numerous 30-day notices of the impending demolition and eviction activities, with the warning that their failure to heed the same would constitute a waiver of their right to claim anything under the aforesaid financial compensation and relocation package.⁵³

In fact, it is in view of the above-enumerated accomplished acts that respondent Local Housing Board of Taguig City issued a Certificate of Compliance on Demolition dated July 18, 2012 certifying that the BCDA “has complied with the requirement of ‘Just and Humane Demolition and Eviction’ prescribed under Section 28, pre-relocation phase of [RA] 7279 or the Urban Development and Housing Act (UDHA) of 1992.” Hence, bereft of any clear and convincing evidence to the contrary, such certificate should be accorded the presumption of regularity in the performance of the official duties of respondent Local Housing Board of Taguig City. Case law states that “[t]he presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer’s act being lawful or unlawful, construction should be in favor of its lawfulness,”⁵⁴ as in this case.

As a final note, attention should be drawn to the manifestation of respondents that the demolition and eviction activities in the JUSMAG Area, on which petitioner’s claimed structures belong, had already been performed and completed on September 21, 2012.⁵⁵ Thus, since prayers for injunctive reliefs do not lie to restrain an act that is already *fait accompli*,⁵⁶ there is no other proper course of action but to dismiss the petition.

WHEREFORE, the petition is **DISMISSED** for lack of merit.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

⁵² Id. at 129.

⁵³ See id. See also id. at 49-51 and 155.

⁵⁴ *Bustillo v. People*, 634 Phil. 547, 556 (2010), citing *People v. De Guzman*, G.R. No. 106025, February 9, 1994, 229 SCRA 795, 799

⁵⁵ *Rollo*, pp. 51-52.

⁵⁶ See *Bernardez v. COMELEC*, 628 Phil. 720, 732 (2010), citing *Caneland Sugar Corporation v. Alon*, 559 Phil. 462, 471 (2007).

WE CONCUR:



MARIA LOURDES P. A. SERENO

Chief Justice

Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



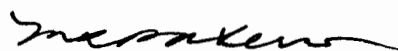
LUCAS P. BERSAMIN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
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