



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

EDUARDO LACSON y G.R. No. 243805
MANALO,
Petitioner, Present:

- versus -

PERLAS-BERNABE, J.,
 Chairperson,
 HERNANDO,
 INTING,
 DELOS SANTOS, and
 BALTAZAR-PADILLA,* JJ.

PEOPLE OF THE
PHILIPPINES,
Respondent.

Promulgated:

16 SEP 2020

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DECISION

DELOS SANTOS, J.:

The Case

This is a Petition for Review on *Certiorari*¹ assailing the Decision² dated 12 September 2018 and the Resolution³ dated 18 December 2018 of the Court of Appeals (CA) in CA-G.R. CR No. 40456, finding petitioner Eduardo Lacson y Manalo (Eduardo) guilty of the crime of Less Serious Physical Injuries under Article 265 of the Revised Penal Code (RPC).

* On leave.

¹ *Rollo*, pp. 13-33.

² Penned by Associate Justice Stephen C. Cruz, with Associate Justices Zenaida T. Galapate-Laguilles and Geraldine C. Fiel-Macaraig, concurring; *id.* at 38-49.

³ *Id.* at 51-52.

The Facts

The case stemmed from six (6) separate Amended Informations for Attempted Homicide filed on 11 May 2011 by the Office of the City Prosecutor, City of San Fernando, Pampanga with the Municipal Trial Court in Cities (MTCC) of the City of San Fernando, Pampanga, Branch 1, against Eduardo, together with his co-accused Hernani M. Lacson (Hernani), Elizer M. Lacson (Elizer), Deborah Samson-Lacson (Deborah), Adonis M. Lacson (Adonis), and Erwin M. Lacson (Erwin; collectively, Lacsons).

The Amended Informations,⁴ with the exception of the names of the victims, are similarly worded, which state:

Criminal Case No. 11-0287

That on or about the 5th day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Gary Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Gary Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Criminal Case No. 11-0288

That on or about the 5th day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Rudy Santos y Lumba, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Rudy Santos y Lumba, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Criminal Case No. 11-0289

That on or about the 5th day of May, 2011, in the City of San

⁴ Id. at 84-86.

Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Richard Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Richard Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Criminal Case No. 11-0290

That on or about the 5th day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Romeo Santos y Lumba, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Romeo Santos y Lumba, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Criminal Case No. 11-0291

That on or about the 5th day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Albert Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Albert Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Criminal Case No. 11-0292

That on or about the 5th day of May, 2011, in the City of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping each other, with intent to kill, did then

and there willfully, unlawfully and feloniously assault, attack, and use personal violence upon one Rommel Santos y Mallari, by then and there hitting the latter on different parts of his body, using steel pipe, inflicting physical injuries upon said Rommel Santos y Mallari, in an attempt to end the latter's life, thereby commencing the commission of the offen[s]e of homicide directly by overt acts, but did not perform all the acts of execution which would produce the crime of homicide by reason (sic) causes or acts other than the accused's own spontaneous desistance, that is, by the timely intervention of some well meaning citizens.

CONTRARY TO LAW.

Upon arraignment, the Lacsons all pleaded not guilty. Thereafter, trial on the merits ensued.⁵

The prosecution presented six witnesses: (1) Rommel M. Santos (Rommel); (2) Gary M. Santos (Gary); (3) Richard M. Santos (Richard); (4) Rowena L. Santos-Cunanan (Rowena); (5) Romeo L. Santos (Romeo); and (6) Dr. Duane P. Cordero (Dr. Cordero).⁶

The prosecution summarized their version of the facts as follows:

On 5 May 2011, at around 9:00 P.M., Gary, Arnold Santos (Arnold), Eliza Santos (Eliza), and Joyce Ann Santos (Joyce Ann) arrived in their house at Sitio Boulevard, Barangay San Agustin, City of San Fernando, Pampanga. The group told Romeo, Rommel, Richard, and Albert Santos (Albert; collectively, Santoses) that they were being chased and stoned by the Lacsons.⁷

Arnold then left but while he was running towards the Lacsons' house, the group followed and tried to pacify him, but they failed. Upon reaching the Lacsons' house, Arnold had a heated discussion with Hernani and Elizer. Moments later, Rudy Santos (Rudy), who resides at the back of the Lacsons' house, arrived.⁸

Deborah, Hernani's wife, brought out a steel pipe out of their house and told Hernani "*Oyni ing tubo pamalwan mu la!*" (Here is a steel pipe, hit them). Eduardo responded by hitting Arnold's head with a steel pipe. The Santoses wanted to help Arnold who fell on the ground but the Lacsons likewise attacked them using steel pipes. As a result, Rommel, Gary, Richard, and Romeo sustained injuries on their heads and different parts of their bodies.⁹

⁵ Id. at 176.

⁶ Id. at 90.

⁷ Id. at 39.

⁸ Id.

⁹ Id. at 40.

When the barangay patrol arrived, Richard, Rommel, Romeo, and Gary, together with Albert and Rudy, were brought to Jose B. Lingad Memorial General Hospital, where they were treated by Dr. Cordero, the resident physician on duty at the Department of Surgery.¹⁰

Later on, Arnold died. A separate criminal case for Attempted Homicide was filed against Eduardo.¹¹

Dr. Cordero cited mauling as the cause of the injuries and issued the Santos' respective Medical Certificates summarized as follows:¹²

Name	Injuries Suffered	Periods of Healing
Richard	Cerebral concussion with lacerated wound; eyebrow, right, lacerated wound; occipital area secondary to mauling	Barring complication, the injuries will require a period more than 30 days of healing
Rommel	Lacerated wound on parietal area; periorbital edema secondary to mauling; hemorrhage, left frontal, ethmoid and maxillary sinuses	Barring complication, the injuries will require a period of 2 weeks of healing
Romeo	Lacerated wound on temporal, auricular, and parietal areas, secondary to mauling; complete, displaced fracture, middle third of the left ulna, radiopaque foreign bodies, middle third of the right forearm	Barring complication, the injuries will require a period of 6-8 weeks of healing
Gary	Contusion hematoma on the parietal area, left; complete, non-displace fracture involving the distal third of the right radius; the right wrist joint space is narrowed; the left hand and left foot are unremarkable	Barring complication, the injuries will require a period of more than 30 days of healing

Prosecution evidence also showed that Rudy and Albert sustained injuries requiring a period of two (2) weeks of healing. However, while Rudy and Albert submitted their respective judicial affidavits, they were not presented to testify and affirm the same. Thus, the Lacsons were not given the opportunity to confront them.¹³

On the other hand, Adonis and Erwin were not arrested. Thus, the trial court did not acquire jurisdiction over their persons.¹⁴

¹⁰ Id.

¹¹ Id. at 41.

¹² Id. at 73.

¹³ Id. at 98-99.

¹⁴ Id. at 99.

After the presentation of the prosecution's testimonial evidence and the subsequent formal offer of its documentary evidence, the defense failed to present any witness. The MTCC declared the Lacsons' right to present evidence as waived. Thereafter, the case was deemed submitted for decision.¹⁵

In a Joint Decision¹⁶ dated 18 February 2016, the MTCC found the Lacsons guilty beyond reasonable doubt, not of the crime of Attempted Homicide as charged, but of Less Serious Physical Injuries under Article 265 of the RPC. The MTCC declared that intent to kill, an essential element of Attempted Homicide, was not clearly and convincingly proved by the prosecution. Absent such intent to kill, the offender would be liable for physical injuries only. The MTCC stated that the evidence showed that the alleged mauling started when Arnold, followed by Gary and the rest of the Santoses, went to accost Hernani and Elizer in front of the Lacsons' house. With the number of the Santoses and the Lacsons and their sudden engagement in the brawl, the MTCC held that the infliction of the injuries was indiscriminately done and not deliberately aimed at specific portions of the victims' bodies. Thus, the MTCC declared that the prosecution was able to prove conspiracy but failed to prove the element of intent to kill which downgraded the crime committed.¹⁷ The dispositive portion states:

WHEREFORE, judgment is hereby rendered as follows:

CRIMINAL CASE NO. 11-0287

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are hereby found guilty beyond reasonable doubt of the crime of Less Serious Physical Injuries defined and penalized under Article 265 of the Revised Penal Code and are sentenced to suffer the penalty of *arresto mayor* in its maximum period.

CRIMINAL CASE NO. 11-0288

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are **ACQUITTED** of the charge of Attempted Homicide due to insufficiency of evidence.

CRIMINAL CASE NO. 11-0289

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are hereby found guilty beyond reasonable doubt of the crime of Less Serious Physical Injuries defined and penalized under Article 265 of the Revised Penal Code and are sentenced to suffer the penalty of *arresto mayor* in its maximum period.

¹⁵ Id. at 96.

¹⁶ Penned by Presiding Judge Ma. Lourdes F. Tolentino; id. at 81-100.

¹⁷ Id. at 97-99.

CRIMINAL CASE NO. 11-0290

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are hereby found guilty beyond reasonable doubt of the crime of Less Serious Physical Injuries defined and penalized under Article 265 of the Revised Penal Code and are sentenced to suffer the penalty of *arresto mayor* in its maximum period.

CRIMINAL CASE NO. 11-0291

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are **ACQUITTED** of the charge of Attempted Homicide due to insufficiency of evidence.

CRIMINAL CASE NO. 11-0292

Accused Hernani Lacson y Manansala, Eduardo Lacson y Manalo, Elizer Lacson y Manansala and Deborah Samson-Lacson are hereby found guilty beyond reasonable doubt of the crime of Less Serious Physical Injuries defined and penalized under Article 265 of the Revised Penal Code and are sentenced to suffer the penalty of *arresto mayor* in its maximum period.

In addition, the accused are hereby ordered to jointly and severally pay the private complainants actual damages in the amount of Pesos Thirteen Thousand Three Hundred Sixty Three (PhP13,363.00) Philippine Currency for hospital expenses and Pesos Fifty Thousand (PhP50,000.00) Philippine Currency for legal expenses incurred.

SO ORDERED.¹⁸

Eduardo filed an Appeal,¹⁹ in Criminal Cases Nos. 11-0287, 11-0289, 11-0290, and 11-0292, with the Regional Trial Court (RTC) of the City of San Fernando, Pampanga, Branch 44, docketed as Criminal Case Nos. 22292 to 22295.

Ruling of the RTC

In a Joint Decision²⁰ dated 30 January 2017, the RTC affirmed *in toto* the Decision of the MTCC. The dispositive portion states:

WHEREFORE, premises considered, the Joint Decision of the MTCC, Br. I of City of San Fernando, Pampanga dated February 18, 2016, in Criminal Case Nos. 11-0287, 11-0289, 11-0290, and 11-0292, finding accused appellant Eduardo Lacson y Manalo guilty beyond reasonable doubt of the crimes of less serious physical injuries is **AFFIRMED *en toto***.

¹⁸ Id. at 44-45.

¹⁹ Id. at 101-102.

²⁰ Penned by Presiding Judge Esperanza S. Paglinawan-Rozario; id. at 71-76.

SO ORDERED.²¹

Eduardo filed a Motion for Reconsideration²² but was denied by the RTC in a Joint Order²³ dated 14 September 2017 for lack of merit.

Eduardo filed a Petition for Review²⁴ with the CA.

Ruling of the CA

In a Decision²⁵ dated 12 September 2018, the CA dismissed the petition and affirmed *in toto* the findings of the RTC. The dispositive portion states:

WHEREFORE, the instant petition is hereby **DISMISSED**. The appealed January 30, 2017 Joint Decision of the Regional Trial Court of San Fernando City, Pampanga, Branch 44, in Criminal Case Nos. M-22292-95, is hereby **AFFIRMED in toto**.

SO ORDERED.²⁶

Eduardo filed a Motion for Reconsideration²⁷ which was denied in a Resolution²⁸ dated 18 December 2018.

Hence, this petition.

The Issue

Whether or not the CA erred in finding Eduardo guilty of the crime of Less Serious Physical Injuries despite that (1) his participation in inflicting any injury to any of private complainants was never established, and (2) conspiracy was not proven.

The Court's Ruling

The petition lacks merit.

Eduardo contends that the brawl should be considered as a tumultuous affray under Article 252 of the RPC and that Article 265 of the RPC is

²¹ Id. at 76.

²² Id. at 115-117.

²³ Id. at 77-80.

²⁴ Id. at 53-70.

²⁵ Id. at 38-49.

²⁶ Id. at 48-49.

²⁷ Id. at 152-160.

²⁸ Id. at 51-52.

inapplicable. Eduardo avers that even if tumultuous affray is found to have occurred, he could not be held liable since in Article 252, the person who used violence must be identified, but no such evidence was adduced against him. Also, Eduardo argues that conspiracy in this case was not proven.

Article 252²⁹ of the RPC states:

ART. 252. *Physical injuries inflicted in a tumultuous affray.* – When in a tumultuous affray as referred to in the preceding article, only serious physical injuries are inflicted upon the participants thereof and the person responsible thereof cannot be identified, all those who appear to have used violence upon the person of the offended party shall suffer the penalty next lower in degree than that provided for the physical injuries so inflicted.

When the physical injuries inflicted are of a less serious nature and the person responsible therefor cannot be identified, all those who appear to have used any violence upon the person of the offended party shall be punished by *arresto mayor* from five to fifteen days.

In *Wacoy v. People*,³⁰ We held that a tumultuous affray takes place when a quarrel occurs between several persons and they engage in a confused and tumultuous affray, in the course of which some person is killed or wounded and the author thereof cannot be ascertained.³¹

In the present case, the dispute was between two distinct groups of individuals – the Santoses and the Lacsons. The records provide that the Santoses, namely Gary, Arnold, Eliza, and Joyce Ann were chased and stoned by some members of the Lacson family. Upon reaching their house, they told the rest of the Santos family, namely Romeo, Rommel, Richard, and Albert what happened. Arnold then ran ahead to the Lacsons' house and had a heated discussion with Hernani and Elizer. Eduardo, armed with a steel pipe given by Deborah, hit Arnold on the head and proceeded to hit the other members of the Santos family. The Lacsons, who by then had more steel pipes at their disposal, attacked the Santoses, who were not able to fight back and defend themselves. Clearly, this was a definite attack on the Santoses by the Lacsons, an identified group, and not a case of tumultuous affray where the assault occurred in a confused and disorganized manner, resulting in death or injuries of the ones involved, and the person responsible

²⁹ Read in conjunction with Article 251 of the RPC, which states:

ART. 251. *Death caused in a tumultuous affray.* - When, while several persons, not composing groups organized for the common purpose of assaulting and attacking each other reciprocally, quarrel and assault each other in a confused and tumultuous manner, and in the course of the affray someone is killed, and it cannot be ascertained who actually killed the deceased, but the person or persons who inflicted serious physical injuries can be identified, such person or persons shall be punished by *prision mayor*.

If it cannot be determined who inflicted the serious physical injuries on the deceased, the penalty of *prision correccional* in its medium and maximum periods shall be imposed upon all those who shall have used violence upon the person of the victim.

³⁰ 761 Phil. 570 (2015).

³¹ *Id.* at 578; citing *Sison v. People*, 320 Phil. 112, 134 (1995).

could not be determined. Here, Eduardo was sufficiently identified as the person who first hit Arnold on the head using a steel pipe then continued on to inflict injuries to the other members of the Santos family, with the help of the Lacsons.

Thus, We agree with the appellate and trial courts that Eduardo is guilty of the crime of Less Serious Physical Injuries under Article 265 of the RPC, which states:

ART. 265. *Less serious physical injuries.* – Any person who shall inflict upon another physical injuries not described in the preceding articles, but which shall incapacitate the offended party for labor for ten days or more, or shall require medical assistance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*.

The law is clear that to be held liable for the crime of Less Serious Physical Injuries, the offender must have inflicted physical injuries to the offended party, and that the inflicted injuries incapacitated the offended party for labor or would require him medical assistance for ten (10) days or more.

In this case, the prosecution established that the injuries suffered by the victims required varying periods of healing from two (2) weeks to eight (8) weeks. Dr. Cordero, the attending physician, testified and gave a detailed description of the injuries that they suffered and the accompanying amount of time they needed to rest and heal from such injuries.

In the similar case of *Mupas v. People*,³² where the Information charged petitioners with Frustrated Homicide, we ruled upon a finding of guilt for the lesser offense of Less Serious Physical Injuries. We held that when intent to kill is lacking but wounds were inflicted on the victim, the crime is not frustrated homicide but less serious physical injuries, considering that (1) the latter offense is necessarily included in the former, and since the essential ingredients of physical injuries constitute and form part of those constituting the offense of homicide; and (2) the attending physician's opinion that the wounds sustained by the victim would take two (2) weeks to heal. The penalty imposed was imprisonment of four (4) months and ten (10) days of *arresto mayor* in its maximum period. In some other cases³³ where we upheld Article 265 of the RPC, we imposed the penalty of imprisonment of two (2) months and one (1) day to four (4) months of *arresto mayor* in the medium period.

Here, since the Santosos suffered physical injuries incapacitating them for a longer time of two (2) weeks to eight (8) weeks, the duration of the

³² 568 Phil. 78 (2008).

³³ *Pentecostes, Jr. v. People*, 631 Phil. 500 (2010); *Siton v. Court of Appeals*, 281 Phil. 536 (1991).

penalty of *arresto mayor* is for the maximum period of six (6) months.

With regard to the allegation that conspiracy was not proven, We agree with the appellate and trial courts that conspiracy was adequately shown. Article 8 of the RPC states:

ART. 8. *Conspiracy and proposal to commit felony.* – x x x

A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.

Direct proof is not required to prove conspiracy. In a number of cases,³⁴ the Court ruled that conspiracy may be proved by circumstantial evidence. It may be established through the collective acts of the accused before, during and after the commission of a felony, all the accused aimed at the same object, one performing one part and the other performing another for the attainment of the same objective; and that their acts, though apparently independent, were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments.³⁵

Here, the Lacsons were convincingly presented to have acted in unison in attacking the Santoses with steel pipes. The conduct of the Lacsons, before, during, and after the commission of the crime, showed that they possessed a joint and concerted purpose to assault the Santoses after chasing, hurling a beer bottle at them, and witnessing the heated discussion between some of their family members and Arnold, which escalated to a full-on attack. The Santoses had no means of defense, lacking the strength in numbers of the Lacsons who possessed steel pipes as weapons which caused injuries to their heads and different parts of their bodies. Thus, the act of one becomes the act of all and the Lacsons must be held accountable for their actions.

In sum, We affirm the conviction of Eduardo for the crime of Less Serious Physical Injuries in Criminal Case Nos. 22292 to 22295 and he is sentenced to suffer the straight penalty of imprisonment of six (6) months of *arresto mayor* for each count, and ordered to pay the victims, jointly and severally with other co-accused, the amounts of ₱13,363.00 as actual damages for hospital expenses, and ₱50,000.00 as legal expenses. Also, to conform with prevailing jurisprudence,³⁶ We award moral damages in the amount of ₱5,000.00 for each count.

³⁴ *People v. Bohol*, 594 Phil. 219 (2008); *People v. Agudez*, 472 Phil. 761 (2004); *People v. Caballero*, 448 Phil. 514 (2003); *People v. Salario*, 121 Phil. 1257 (1965).

³⁵ *People v. Agudez*, *id.*

³⁶ See *Peralta v. People*, G.R. No. 246992, 14 August 2019.


WHEREFORE, the petition is **DENIED**. The Decision dated 12 September 2018 and the Resolution dated 18 December 2018 of the Court of Appeals in CA-G.R. CR No. 40456 are **AFFIRMED**. Petitioner Eduardo Lacson y Manalo is found **GUILTY** beyond reasonable doubt of four (4) counts of the crime of Less Serious Physical Injuries, defined and penalized under Article 265 of the Revised Penal Code, and he is sentenced to suffer the straight penalty of imprisonment of six (6) months of *arresto mayor* for each count, and ordered to pay the victims jointly and severally with his co-accused: (1) actual damages of ₱13,363.00 for hospital expenses; (2) legal expenses of ₱50,000.00; and (3) moral damages of ₱5,000.00 for each count, with legal interest at the rate of six percent (6%) interest per *annum*, from the date of finality of this Decision until full payment for each count.

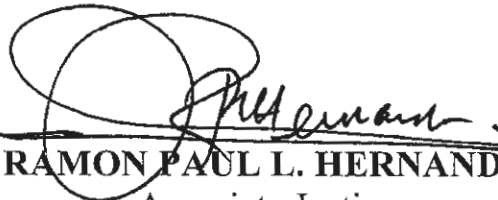
SO ORDERED.




EDGARDO L. DELOS SANTOS
Associate Justices

WE CONCUR:


ESTELA M. PERLAS-BERNABE
 Senior Associate Justice
 Chairperson

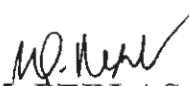

RAMON PAUL L. HERNANDO
 Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice

(On Leave)
PRISCILLA J. BALTAZAR-PADILLA
 Associate Justice

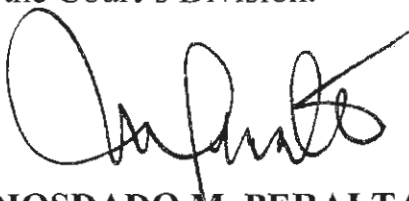
ATTESTATION

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


ESTELA M. PERLAS-BERNABE
 Senior Associate Justice
 Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, 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.


DIOSDADO M. PERALTA
 Chief Justice