



Republic of the Philippines
Supreme Court
Manila

EN BANC

**LUIS K. LOKIN, JR. and TERESITA
E. PLANAS,**

Petitioners,

Present:

- versus -

**COMMISSION ON ELECTIONS
(COMELEC), CITIZENS' BATTLE
AGAINST CORRUPTION PARTY
LIST represented by VIRGINIA S.
JOSE, SHERWIN N. TUGNA, and
CINCHONA CRUZ-GONZALES,**
Respondents.

CARPIO, J.,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,*
SERENO,
REYES, and
PERLAS-BERNABE, JJ.

Promulgated:

JUNE 26, 2012

X -----X

DECISION

SERENO, J.:

The present petition having been filed beyond the reglementary period, Rule 64 of the Rules of Court compels a dismissal on this basis alone. Despite petitioner's inexplicable disregard of basic concepts, this Court deems it appropriate to reiterate the specific procedure for the review of judgments made by the Commission on Elections (COMELEC) as laid

* On leave.

down in Rule 64, and how it is differentiated from the more general remedy afforded by Rule 65.

On 5 July 2010, the COMELEC First Division issued a Resolution¹ expunging the Certificate of Nomination which included herein petitioners as representatives of the party-list group known as Citizens' Battle Against Corruption (CIBAC). The COMELEC *en banc* affirmed the said Resolution, prompting Luis Lokin, Jr. and Teresita F. Planas to file the present Petition for Certiorari. Petitioners allege grave abuse of discretion on the part of the COMELEC in issuing both Resolutions, praying that they be recognized as the legitimate nominees of CIBAC party-list, and that petitioner Lokin, Jr. be proclaimed as the CIBAC party-list representative to the House of Representatives.

Respondent CIBAC party-list is a multi-sectoral party registered² under Republic Act No. (R.A.) 7941, otherwise known as the Party- List System Act. As stated in its constitution and bylaws, the platform of CIBAC is to fight graft and corruption and to promote ethical conduct in the country's public service.³ Under the leadership of the National Council, its highest policymaking and governing body, the party participated in the 2001, 2004, and 2007 elections.⁴ On 20 November 2009, two different entities, both purporting to represent CIBAC, submitted to the COMELEC a "Manifestation of Intent to Participate in the Party-List System of Representation in the May 10, 2010 Elections." The first Manifestation⁵ was signed by a certain Pia B. Derla, who claimed to be the party's acting secretary-general. At 1:30 p.m. of the same day, another Manifestation⁶ was submitted by herein respondents

¹ Penned by Commissioner Armando C. Velasco, concurred in by Presiding Commissioner Rene V. Sarmiento and Commissioner Gregorio T. Larrazabal in SPA No. 10-014 (DCN), *rollo*, pp. 66-75.

² Petition for Registration as Sectoral Organization Under the Party List System, attached as Annex A to the Comment, *rollo*, p. 397.

³ Annex A-1 of the Comment, *rollo*, p. 403.

⁴ Comment, p. 5, *rollo*, p. 356.

⁵ Annex L of the Petition, *rollo*, p. 153.

⁶ Annex B of the Comment, *rollo*, p. 432.

Cinchona Cruz-Gonzales and Virginia Jose as the party's vice-president and secretary-general, respectively.

On 15 January 2010, the COMELEC issued Resolution No. 8744⁷ giving due course to CIBAC's Manifestation, **"WITHOUT PREJUDICE ...TO the determination which of the two factions of the registered party-list/coalitions/sectoral organizations which filed two (2) manifestations of intent to participate is the official representative of said party-list/coalitions/sectoral organizations xxx."**⁸

On 19 January 2010, respondents, led by President and Chairperson Emmanuel Joel J. Villanueva, submitted the Certificate of Nomination⁹ of CIBAC to the COMELEC Law Department. The nomination was certified by Villanueva and Virginia S. Jose. On 26 March 2010, Pia Derla submitted a second Certificate of Nomination,¹⁰ which included petitioners Luis Lokin, Jr. and Teresita Planas as party-list nominees. Derla affixed to the certification her signature as "acting secretary-general" of CIBAC.

Claiming that the nomination of petitioners Lokin, Jr. and Planas was unauthorized, respondents filed with the COMELEC a "Petition to Expunge From The Records And/Or For Disqualification," seeking to nullify the Certificate filed by Derla. Respondents contended that Derla had misrepresented herself as "acting secretary-general," when she was not even a member of CIBAC; that the Certificate of Nomination and other documents she submitted were unauthorized by the party and therefore invalid; and that it was Villanueva who was duly authorized to file the Certificate of Nomination on its behalf.¹¹

⁷ *In the Matter of the Manifestations of Intent to Participate Under the Party-List System of Representation in Connection with the May 10, 2010 Automated National and Local Elections*, COMELEC Resolution No. 8744, 15 January 2010. Available at http://comelec.files.wordpress.com/2010/01/com_res_8744.pdf (Visited 24 April 2012).

⁸ *Id.* at 25.

⁹ Attached as Annex C to the Comment, *rollo*, p. 437.

¹⁰ Attached as Annex M to the Petition, *rollo*, p. 155.

¹¹ "Petition to Expunge From The Records And/Or For Disqualification," filed on 31 March 2010, *rollo*, p. 164.

In the Resolution dated 5 July 2010, the COMELEC First Division granted the Petition, ordered the Certificate filed by Derla to be expunged from the records, and declared respondents' faction as the true nominees of CIBAC.¹² Upon Motion for Reconsideration separately filed by the adverse parties, the COMELEC *en banc* affirmed the Division's findings. In a *per curiam* Resolution dated 31 August 2010,¹³ the Commission reiterated that Pia Derla was unable to prove her authority to file the said Certificate, whereas respondents presented overwhelming evidence that Villanueva deputized CIBAC Secretary General Virginia Jose to submit the Certificate of Nomination pursuant to CIBAC's Constitution and bylaws.

Petitioners now seek recourse with this Court in accordance with Rules 64 and 65 of the Rules of Court, raising these issues: I) Whether the authority of Secretary General Virginia Jose to file the party's Certificate of Nomination is an intra-corporate matter, exclusively cognizable by special commercial courts, and over which the COMELEC has no jurisdiction; and II) Whether the COMELEC erred in granting the Petition for Disqualification and recognizing respondents as the properly authorized nominees of CIBAC party-list.

As earlier stated, **this Court denies the petition for being filed outside the requisite period.** The review by this Court of judgments and final orders of the COMELEC is governed specifically by Rule 64 of the Rules of Court, which states:

Sec. 1. Scope. This rule shall govern the review of judgments and final orders or resolutions of the Commission on Elections and the Commission on Audit.

Sec. 2. Mode of review. A judgment or final order or resolution of the Commission on Elections and the Commission on Audit may be brought by the aggrieved party to the Supreme Court on certiorari under Rule 65, except as hereinafter provided.

¹² *Rollo*, p. 74.

¹³ *Per Curiam* Resolution, *rollo*, pp. 76-84.

The exception referred to in Section 2 of this Rule refers precisely to the immediately succeeding provision, Section 3 thereof,¹⁴ which provides for the allowable period within which to file petitions for certiorari from judgments of both the COMELEC and the Commission on Audit. Thus, while Rule 64 refers to the same remedy of certiorari as the general rule in Rule 65, they cannot be equated, as they provide for different reglementary periods.¹⁵ Rule 65 provides for a period of 60 days from notice of judgment sought to be assailed in the Supreme Court, while Section 3 expressly provides for only 30 days, *viz*:

SEC. 3. *Time to file petition.*—The petition shall be filed within thirty (30) days from notice of the judgment or final order or resolution sought to be reviewed. **The filing of a motion for new trial or reconsideration of said judgment or final order or resolution, if allowed under the procedural rules of the Commission concerned, shall interrupt the period herein fixed. If the motion is denied, the aggrieved party may file the petition within the remaining period,** but which shall not be less than five (5) days in any event, reckoned from notice of denial.

Petitioner received a copy of the first assailed Resolution on 12 July 2010. Upon the Motion for Reconsideration filed by petitioners on 15 July 2010, the COMELEC *en banc* issued the second assailed Resolution on 31 August 2010. This *per curiam* Resolution was received by petitioners on 1 September 2010.¹⁶ Thus, pursuant to Section 3 above, deducting the three days it took petitioners to file the Motion for Reconsideration, they had a remaining period of 27 days or until 28 September 2010 within which to file the Petition for Certiorari with this Court.

However, petitioners filed the present Petition only on 1 October 2010, clearly outside the required period. In *Pates v. Commission on Elections* and *Domingo v. Commission on Elections*,¹⁷ we have established that the fresh-period rule used in Rule 65 does not similarly apply to the

¹⁴ *Pates v. Commission on Elections*, G.R. No. 184915, 30 June 2009, 591 SCRA 481.

¹⁵ *Id.* at 486.

¹⁶ *Rollo*, p. 9.

¹⁷ 372 Phil. 188 (1999).

timeliness of petitions under Rule 64. In *Pates*, this Court dismissed the Petition for Certiorari on the sole ground that it was belatedly filed, reasoning thus:

x x x. While it is true that a litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to ensure an orderly and speedy administration of justice. There have been some instances wherein this Court allowed a relaxation in the application of the rules, but this flexibility was "never intended to forge a bastion for erring litigants to violate the rules with impunity."

x x x

x x x

x x x

Under this unique nature of the exceptions, a party asking for the suspension of the Rules of Court comes to us with the heavy burden of proving that he deserves to be accorded exceptional treatment. Every plea for a liberal construction of the Rules must at least be accompanied by an explanation of why the party-litigant failed to comply with the rules and by a justification for the requested liberal construction.

x x x

x x x

x x x

x x x. Section 3, Article IX-C of the Constitution expressly requires that the COMELEC's rules of procedure should expedite the disposition of election cases. This Court labors under the same command, as our proceedings are in fact the constitutional extension of cases that start with the COMELEC.

Based on these considerations, we do not find convenience and uniformity to be reasons sufficiently compelling to modify the required period for the filing of petitions for *certiorari* under Rule 64. **While the petitioner is correct in his historical data about the Court's treatment of the periods for the filing of the different modes of review, he misses out on the reason why the period under Section 3, Rule 64 has been retained. The reason, as made clear above, is constitutionally-based and is no less than the importance our Constitution accords to the prompt determination of election results.**¹⁸ x x x. (Emphasis supplied, footnotes omitted.)

In this case, petitioners do not even attempt to explain why the Petition was filed out of time. Clearly, they are aware of the applicable period for filing, as they themselves invoke the remedy under Rule 64 in conjunction with Rule 65. Hence, there is no acceptable reason for their

¹⁸ Supra note 14 at 487-489.

failure to comply with the proper procedure. But even if this Court were to apply liberality and take cognizance of the late Petition, the arguments therein are flawed. ***The COMELEC has jurisdiction over cases pertaining to party leadership and the nomination of party-list representatives.***

Petitioners contend that the COMELEC never should have taken cognizance of respondents' Petition to Expunge and/or for Disqualification. They have reached this conclusion by characterizing the present matter as an intra-corporate dispute and, thus, cognizable only by special commercial courts, particularly the designated commercial court in this case, the Regional Trial Court in Pasig City.¹⁹ Pia Derla purportedly filed the Certificate of Nomination pursuant to the authority granted by the Board of Trustees of the "CIBAC Foundation, Inc.," the non-stock entity that is registered with the Securities and Exchange Commission (SEC).²⁰

Thus, petitioners insist that the group that participated in the party-list system in the 2004 and 2007 elections was the SEC-registered entity, and not the National Council, which had allegedly become defunct since 2003. That was the year when CIBAC Foundation, Inc. was established and registered with the SEC.²¹ On the other hand, respondents counter that the foundation was established solely for the purpose of acting as CIBAC's legal and financial arm, as provided by the party's Constitution and bylaws. It was never intended to substitute for, or oust CIBAC, the party-list itself.²²

Even as petitioners insisted on the purely intra-corporate nature of the conflict between "CIBAC Foundation" and the CIBAC Sectoral Party, they submitted their Certificate of Nomination and Manifestation of Intent to participate in the party-list elections. Precisely, petitioners were seeking the COMELEC's approval of their eligibility to participate in the upcoming party-list elections. In effect, they invoke its authority under the Party-List

¹⁹ Petition, *rollo*, p. 51.

²⁰ Id. at 18.

²¹ Id. at 19.

²² Comment, *rollo*, p. 356.

System Act.²³ Contrary to their stance that the present dispute stemmed from an intra-corporate matter, their submissions even recognize the COMELEC's constitutional power to enforce and administer all laws relative to the conduct of an election, plebiscite, initiative, referendum, and recall.²⁴ More specifically, as one of its constitutional functions, the COMELEC is also tasked to "register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government."²⁵

In any case, the COMELEC's jurisdiction to settle the struggle for leadership within the party is well established. This singular power to rule upon questions of party identity and leadership is exercised by the COMELEC as an incident to its enforcement powers. In *Laban ng Demokratikong Pilipino v. Commission on Elections*,²⁶ the Court held:

x x x. Corollary to the right of a political party "to identify the people who constitute the association and to select a standard bearer who best represents the party's ideologies and preference" is the right to exclude persons in its association and to not lend its name and prestige to those which it deems undeserving to represent its ideals. A certificate of candidacy makes known to the COMELEC that the person therein mentioned has been nominated by a duly authorized political group empowered to act and that it reflects accurately the sentiment of the nominating body. A candidate's political party affiliation is also printed followed by his or her name in the certified list of candidates. **A candidate misrepresenting himself or herself to be a party's candidate, therefore, not only misappropriates the party's name and prestige but foists a deception upon the electorate, who may unwittingly cast its ballot for him or her on the mistaken belief that he or she stands for the party's principles. To prevent this occurrence, the COMELEC has the power and the duty to step in and enforce the law not only to protect the party but, more importantly, the electorate, in line with the Commission's broad constitutional mandate to ensure orderly elections.**²⁷ (Emphasis supplied.)

Similar to the present case, *Laban* delved into the issue of leadership for the purpose of determining which officer or member was the duly

²³ Republic Act No. 7941, An Act Providing For The Election of Party-List Representatives Through The Party-List System, And Appropriating Funds Therefor, enacted on 3 March 1995.

²⁴ 1987 Constitution, Art. IX-C, Sec. 2, par. 2.

²⁵ Id. at par. 5.

²⁶ 468 Phil. 70 (2004).

²⁷ Id. at 84.

authorized representative tasked with filing the Certificate of Nomination, pursuant to its Constitution and bylaws, to wit:

The only issue in this case, as defined by the COMELEC itself, is who as between the Party Chairman and the Secretary General has the authority to sign certificates of candidacy of the official candidates of the party. Indeed, the petitioners' *Manifestation* and *Petition* before the COMELEC merely asked the Commission to recognize only those certificates of candidacy signed by petitioner Sen. Angara or his authorized representative, and no other.²⁸

In the 2010 case *Atienza v. Commission on Elections*,²⁹ it was expressly settled that the COMELEC possessed the authority to resolve intra-party disputes as a necessary tributary of its constitutionally mandated power to enforce election laws and register political parties. The Court therein cited *Kalaw v. Commission on Elections* and *Palmares v. Commission on Elections*, which uniformly upheld the COMELEC's jurisdiction over intra-party disputes:

The COMELEC's jurisdiction over intra-party leadership disputes has already been settled by the Court. The Court ruled in *Kalaw v. Commission on Elections* that the COMELEC's powers and functions under Section 2, Article IX-C of the Constitution, "include the ascertainment of the identity of the political party and its legitimate officers responsible for its acts." The Court also declared in another case that the COMELEC's power to register political parties necessarily involved the determination of the persons who must act on its behalf. Thus, the COMELEC may resolve an intra-party leadership dispute, in a proper case brought before it, as an incident of its power to register political parties.³⁰

Furthermore, matters regarding the nomination of party-list representatives, as well as their individual qualifications, are outlined in the Party-List System Law. Sections 8 and 9 thereof state:

Sec. 8. *Nomination of Party-List Representatives.* Each registered party, organization or coalition shall submit to the COMELEC not later than forty-five (45) days before the election a list of names, not less than five (5), from which party-list representatives shall be chosen in case it obtains the required number of votes.

²⁸ Id. at 84-85.

²⁹ G.R. No. 188920, 16 February 2010, 612 SCRA 761.

³⁰ Id. at 778-779.

A person may be nominated in one (1) list only. Only persons who have given their consent in writing may be named in the list. The list shall not include any candidate for any elective office or a person who has lost his bid for an elective office in the immediately preceding election. No change of names or alteration of the order of nominees shall be allowed after the same shall have been submitted to the COMELEC except in cases where the nominee dies, or withdraws in writing his nomination, becomes incapacitated in which case the name of the substitute nominee shall be placed last in the list. Incumbent sectoral representatives in the House of Representatives who are nominated in the party-list system shall not be considered resigned.

Sec. 9. Qualifications of Party-List Nominees. No person shall be nominated as party-list representative unless he is a natural-born citizen of the Philippines, a registered voter, a resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election, able to read and write, a bona fide member of the party or organization which he seeks to represent for at least ninety (90) days preceding the day of the election, and is at least twenty-five (25) years of age on the day of the election.

By virtue of the aforesaid mandate of the Party-List Law vesting the COMELEC with jurisdiction over the nomination of party-list representatives and prescribing the qualifications of each nominee, the COMELEC promulgated its “Rules on Disqualification Cases Against Nominees of Party-List Groups/ Organizations Participating in the 10 May 2010 Automated National and Local Elections.”³¹ Adopting the same qualifications of party-list nominees listed above, Section 6 of these Rules also required that:

The party-list group and the nominees must submit documentary evidence in consonance with the Constitution, R.A. 7941 and other laws to duly prove that the nominees truly belong to the marginalized and underrepresented sector/s, the sectoral party, organization, political party or coalition they seek to represent, which may include but not limited to the following:

a. Track record of the party-list group/organization showing active participation of the nominee/s in the undertakings of the party-list group/organization for the advancement of the marginalized and underrepresented sector/s, the sectoral party, organization, political party or coalition they seek to represent;

b. Proofs that the nominee/s truly adheres to the advocacies of the party-list group/organizations (prior declarations, speeches, written

³¹ Promulgated on 25 March 2010.

articles, and such other positive actions on the part of the nominee/s showing his/her adherence to the advocacies of the party-list group/organizations);

c. Certification that the nominee/s is/are a bona fide member of the party-list group/ organization for at least ninety (90) days prior to the election; and

d. In case of a party-list group/organization seeking representation of the marginalized and underrepresented sector/s, proof that the nominee/s is not only an advocate of the party-list/organization but is/are also a bona fide member/s of said marginalized and underrepresented sector.

The Law Department shall require party-list group and nominees to submit the foregoing documentary evidence if not complied with prior to the effectivity of this resolution not later than three (3) days from the last day of filing of the list of nominees.

Contrary to petitioners' stance, no grave abuse of discretion is attributable to the COMELEC First Division and the COMELEC *en banc*. The tribunal correctly found that Pia Derla's alleged authority as "acting secretary-general" was an unsubstantiated allegation devoid of any supporting evidence. Petitioners did not submit any documentary evidence that Derla was a member of CIBAC, let alone the representative authorized by the party to submit its Certificate of Nomination.³² The COMELEC ruled:

A careful perusal of the records readily shows that Pia B. Derla, who has signed and submitted, as the purported Acting Secretary General of CIBAC, the Certificates of Nomination of Respondents, has no authority to do so. Despite Respondents' repeated claim that Ms. Derla is a member and officer of CIBAC, they have not presented any proof in support of the same. We are at a loss as to the manner by which Ms. Derla has assumed the post, and We see nothing but Respondents' claims and writings/certifications by Ms. Derla herself that point to that alleged fact. Surely, We cannot rely on these submissions, as they are the very definition of self-serving declarations.

On the other hand...We cannot help but be convinced that it was Emmanuel Joel J. Villanueva, as the Party President and Chairman, who had been given the sole authority, at least for the 10 May 2010 Elections, to submit the list of nominees for the Party. The records would show that, in accordance with the Party's Constitution and by-laws, its National Council, the highest policymaking and governing body of the Party, met on 12 November 2009 and there being a quorum, then proceeded to elect its new set of officers, which included Mr. Villanueva as both Party

³² Resolution dated 5 July 2010, issued by the COMELEC First Division, *rollo*, p. 69.

President and Party Chairman, and Virginia S. Jose as Party Secretary General. During the same meeting, the Party's New Electoral Congress, which as per the CIBAC's Constitution and By-Laws, was also composed of the National Council Members and had the task of choosing the nominees for the Party in the Party-List Elections, unanimously ruled to delegate to the Party President such latter function. This set of facts, which had not been belied by concrete contrary evidence, weighed heavily against Respondents and favorably for Petitioner.³³

Pia Derla, who is not even a member of CIBAC, is thus a virtual stranger to the party-list, and clearly not qualified to attest to petitioners as CIBAC nominees, or certify their nomination to the COMELEC. Petitioners cannot use their registration with the SEC as a substitute for the evidentiary requirement to show that the nominees, including Derla, are bona fide members of the party. Petitioners Planas and Lokin, Jr. have not even presented evidence proving the affiliation of the so-called Board of Trustees to the CIBAC Sectoral Party that is registered with COMELEC.

Petitioners cannot draw authority from the Board of Trustees of the SEC-registered entity, because the Constitution of CIBAC expressly mandates that it is the National Council, as the governing body of CIBAC, that has the power to formulate the policies, plans, and programs of the Party, and to issue decisions and resolutions binding on party members and officers.³⁴ Contrary to petitioners' allegations, the National Council of CIBAC has not become defunct, and has certainly not been replaced by the Board of Trustees of the SEC-registered entity. The COMELEC carefully perused the documents of the organization and outlined the process followed by the National Council before it complied with its task of choosing the party's nominees. This was based on the "Minutes of Meeting of CIBAC Party-List National Council" held on 12 November 2009, which respondents attached to their Memorandum.³⁵

³³ Id. at 70.

³⁴ Constitution and By-Laws of the CIBAC, Article VIII on the National Council, *rollo*, p. 411.

³⁵ *Rollo*, p. 72.

For its part, the COMELEC *en banc* also enumerated the documentary evidence that further bolstered respondents' claim that it is Chairman Villanueva and Secretary General Virginia Jose who were duly authorized to submit the Certificate of Nomination to the COMELEC.³⁶ These include:


- a. The Joint Affidavit of Resolutions of the CIBAC National Council and the National Electoral Congress of CIBAC dated 12 November 2009;
- b. Certificate of Deputization and Delegation of Authority issued to CIBAC Secretary-General Virginia S. Jose by the CIBAC President;
- c. Constitution and By-Laws of CIBAC as annexed to its Petition for Registration as Sectoral Organization Under the Party-List System filed by CIBAC on 13 November 2000; and
- d. Manifestation dated 8 January 2010 by CIBAC's Secretary General Virginia S. Jose providing the official list of officers of CIBAC.³⁷

WHEREFORE, finding no grave abuse of discretion on the part of the COMELEC in issuing the assailed Resolutions, the instant Petition is **DISMISSED**. This Court **AFFIRMS** the judgment of the COMELEC expunging from its records the Certificate of Nomination filed on 26 March 2010 by Pia B. Derla. The nominees, as listed in the Certificate of Nomination filed on 19 January 2010 by Emmanuel Joel J. Villanueva, President and Chairman of Citizens' Battle Against Corruption (CIBAC) Party List, are recognized as the legitimate nominees of the said party.

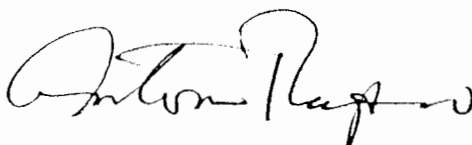
³⁶ Id. at 79.

³⁷ COMELEC Records, Vol. 4, pp. 40-99, 153-159, 363-422, as cited in the Resolution of the COMELEC *en banc*.

SO ORDERED.


MARIA LOURDES P. A. SERENO
Associate Justice

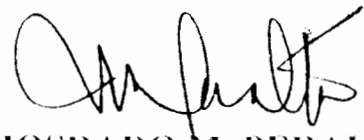
WE CONCUR:


ANTONIO T. CARPIO
Senior Associate Justice

No part due to relationship to a party
PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO- DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


(On leave)
JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

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.


ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296
The Judiciary Act of 1948, as amended)