



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILS.
MARIA LOURDES P. A. SERENO
CHIEF JUSTICE

RECEIVED
OCT 05 2012
BY: _____
TIME: _____

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 185282

Present:

CARPIO, J.,
Chairperson,
LEONARDO-DE CASTRO,*
BRION,
PEREZ, and
PERLAS-BERNABE, JJ.

-versus-

BENJAMIN BRAVO y ESTABILLO,
Accused-Appellant.

Promulgated:
SEP 24 2012

X -----X

DECISION

PEREZ, J.:

Before us is an appeal from the Decision¹ dated 27 May 2008 of the Court of Appeals, which affirmed the judgment of the Regional Trial Court² (RTC) of Bauang, La Union, Branch 33, finding appellant Benjamin Bravo y Estabillo guilty of arson.

On 17 August 1989, an Information was filed against appellant charging him with Arson with Double Murder, committed as follows:

* Per Special Order No. 1308 dated 21 September 2012.

¹ Penned by then Associate Justice Lucas P. Bersamin (now Supreme Court Associate Justice) with Associate Justices Conrado M. Vasquez, Jr. and Pampio A. Abarintos, concurring. *Rollo*, pp. 4-23.

² Presided by Judge Rose Mary R. Molina Alim. *CA rollo*, pp. 23-30.

That on or about 9:30 P.M. of August 10, 1989, at Brgy[.] Magungunay, Municipality of Naguilian, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused motivated by anger, hatred and other evil motive and with intent to destruct (sic) life and property, did then and there wilfully, unlawfully and feloniously set on fire the house of MAURO CAMACHO, which causes (sic) said house to be razed to the ground and during the occasion thereof, one Mrs. Shirley Camacho and her four month old son Jerickson Camacho was trapped during the fire which causes (sic) their instantaneous death, and also the house of Dominador Camacho was also gutted down by the fire which comes (sic) from the house of Mauro Camacho, with a total losses of damages (sic) amounted to FOUR HUNDRED THOUSAND PESOS (₱400,000.00) Philippine Currency, to the damage and prejudice of the offended parties.³

Mauro Camacho (Mauro) was a resident of *Barangay* Magungunay, Naguilian, La Union. He lived in a two-storey house with his three (3) children: Merlita, Mauro, Jr. and Fidel; daughter-in-law Shirley, and grandson Jerickson. Mauro's bedroom occupied the southwest portion of the second floor; Merlita's room was on the north beside the stairs; Shirley and Jerickson on the northwest corner, and Mauro, Jr. slept on the *sala*, directly opposite Merlita's room.⁴ The ground floor of the house contained a pile of tobaccos, lumber, container of *palay*, and water pump.⁵

On 10 August 1989 at around 9:30 p.m., Mauro, now deceased, was lying in bed inside his bedroom on the second floor of the house when he heard gunshots.⁶ He then heard appellant calling for him to come down.⁷ When Mauro did not heed appellant's call, the latter went up the stairs, pointed a gun at Mauro, and demanded that he bring out the *akusan*, apparently an object used in witchcraft. Appellant was accusing Mauro of putting a curse on the latter's father, who at that instance, was sick.⁸ Mauro remained tight lipped prompting appellant to turn around. On his way down

³ Records, p. 1.

⁴ Per Sketch drawn by Mauro during the bail hearing on 15 March 1990. Id. at 293.

⁵ Id. at 294.

⁶ TSN, 15 March 1990, pp. 3-5.

⁷ Id. at 14.

⁸ Id. at 15-19.

the stairs, appellant supposedly uttered: “I will burn you all. All of you will die.” About fifteen (15) seconds thereafter, Mauro saw a big fire on the second floor coming from the northwest, in particular, the room of Shirley and Jerickson. While the fire was spreading, Mauro, together with his children Merlita and Mauro, Jr. were able to jump out of the window in the south.⁹

Fidel Camacho (Fidel), the husband of Merlita, was attending a wake of his brother-in-law at the adjacent barrio located one kilometer away from *Barangay* Magungunay, Naguilian, La Union when he heard gunshots at around 8:30 p.m. Fidel immediately ran home and saw the house burning. He was met by his father, Mauro, who informed him that his wife and son perished in the fire.¹⁰

Alejandro Marzan (Alejandro), Mauro’s brother, was also attending the same wake when he heard gunshots. When he went out of the house, he already saw the fire razing in the north. While running towards the direction of the fire, Alejandro saw appellant who was holding a gun and running towards him. Instead of heading towards appellant, Alejandro changed his path and passed through a ricefield. Alejandro reasoned that he intentionally avoided appellant because not only was the latter carrying a gun, but that he had knowledge that appellant was accusing Mauro and his family of practicing witchcraft.¹¹ When Alejandro reached the house of Mauro, he saw it was already razed to the ground while the house of Dominador Camacho was still burning. He asked Mauro about the fire and the latter

⁹ Id. at 22-25.

¹⁰ TSN, 15 March 1995, pp. 6-15.

¹¹ TSN, 22 March 1990, pp. 31-41.

pointed to appellant as the one who came to the house pointing a gun at him and threatening to burn them.¹²

Fidel presented a list of the burnt personal belongings amounting to ₱27,000.00;¹³ a receipt covering the burial expenses for his wife and child amounting to ₱10,800.00;¹⁴ a tax declaration of the burnt house;¹⁵ and photographs of the house razed by the fire and the charred remains.¹⁶

In his defense, appellant denied burning the house and interposed *alibi*. He narrated that on 10 August 1989, he was at *Barangay* Magleva, San Fabian to accompany his father for treatment by a faith healer. He spent the night with his father, mother, and cousin at the convent. He arrived at Naguilian only on the following day at around 12:00 p.m. The police came to appellant's house at 1:00 p.m. to arrest him. On the way to the municipal hall, they passed by the burnt house and he helped in carrying the remains of the burnt victims.¹⁷

Appellant's father, Agripino, and cousin Carolino Estabillo, corroborated his statement.¹⁸ *Barangay* Captain Wilfredo Gundran testified as to appellant's good moral character. He knew appellant since birth and attested that appellant is a law abiding citizen, of good moral character and a reliable person in the *barangay*.¹⁹ Jimmy Sabado, the school principal at Magungunay Elementary School stated that appellant was the President of the school's Parents Teachers Association and that he has not observed any

¹² Id. at 46-48.

¹³ Records, p. 289.

¹⁴ Id. at 290.

¹⁵ Id. at 296.

¹⁶ Id. at 297-298.

¹⁷ TSN, 5 December 1995, pp. 4-22.

¹⁸ TSN, 24 April 1996, pp. 3-9 and TSN, 20 March 2001, pp. 4-12.

¹⁹ TSN, 3 July 1996, pp. 3-5.

wrongful action on the part of appellant in the eight (8) years that he knew him.²⁰

After trial, appellant was found guilty by the trial court of arson in a Decision dated 16 July 2002, the dispositive portion of which reads:

WHEREFORE, the prosecution having established the guilt of the accused with moral certainty for the crime of ARSON punishable under Section 5, P.D. No. 1613, the Court hereby sentences the accused BENJAMIN BRAVO Y ESTABILLO, to suffer the penalty of Reclusion Perpetua; to indemnify the offended party Fidel Camacho the following amounts:

- a) Php20,000.00 as nominal damages;
- b) Php100,000.00 as death indemnity;
- c) Php100,000.00 as moral damages.

To Mauro Camacho, the amount of Php50,000.00 as nominal damages; to Dominador Camacho, the amount of Php30,000.00 likewise as nominal damages, and to pay the costs.

In the service of his sentence, the accused shall be credited with his preventive imprisonment under the terms and conditions prescribed under Art. 29 of the Revised Penal Code, as amended.²¹

The trial court relied on circumstantial evidence to convict appellant of arson.

The appellate court affirmed the factual findings of the trial court and agreed that the circumstantial evidence proved beyond reasonable doubt that appellant had set the houses on fire. In addition, the appellate court awarded exemplary damages of ₱50,000.00 to Fidel for the death of his wife and child. The dispositive portion of the Decision reads:

WHEREFORE, the DECISION DATED JULY 16, 2002 is AFFIRMED subject to the MODIFICATION that in addition to the

²⁰ Id. at 8-11.

²¹ CA *rollo*, pp. 29-30.

monetary damages decreed the accused is ordered to pay exemplary damages of ₱50,000.00 to Fidel Camacho, the surviving heir of Shirley Camacho and Jerickson Camacho.²²

On 19 January 2009, this Court required the parties to simultaneously submit their respective supplemental briefs. Appellant and the Office of the Solicitor General (OSG) both filed their manifestations stating that they would no longer file any supplemental briefs and instead adopt their respective briefs before us.²³

Appellant for his defense capitalizes on *alibi* as supposedly supported by numerous witnesses. He dismisses the prosecution's evidence as merely circumstantial and not enough to convict him of the crime imputed. Citing *People v. Ochate*,²⁴ appellant parroted the guidelines in the appreciation of circumstantial evidence without however offering any explanation as to how these guidelines were disregarded.

On the other hand, the OSG enumerated the chain of events which established the elements of the crime of arson and lead to the identification of appellant as the arsonist. The OSG also assails appellant's *alibi* as weak and corroborated by partial witnesses.

In the prosecution for arson, proof of the crime charged is complete where the evidence establishes: (1) the *corpus delicti*, that is, a fire because of criminal agency; and (2) the identity of the defendant as the one responsible for the crime. In arson, the *corpus delicti* rule is satisfied by proof of the bare fact of the fire and of it having been intentionally caused.

²² *Rollo*, pp. 22-23.

²³ *Id.* at 33-34 and 37-38.

²⁴ 434 Phil. 575 (2002).

Even the uncorroborated testimony of a single eyewitness, if credible, is enough to prove the *corpus delicti* and to warrant conviction.²⁵

The occurrence of the fire was established by the burnt house,²⁶ the charred bodies of the two fire victims²⁷ and testimonies of prosecution witnesses. As to the identity of the arsonist, no direct evidence was presented. However, direct evidence is not the sole means of establishing guilt beyond reasonable doubt. Section 4 of Rule 133 of the Rules of Court provides:

Section 4. *Circumstantial evidence, when sufficient.*—
Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

The reason for this rule was highlighted in *People v. Gallarde*²⁸ and reiterated in *People v. Gil*,²⁹ thus:

There may, however, be instances where, although a witness may not have actually seen the very act of commission of a crime, he may still be able to positively identify a suspect or accused as the perpetrator of a crime as for instance when the latter is the person or one of the persons last seen with the victim immediately before and right after the commission of the crime. This is the second type of positive identification, which forms part of circumstantial evidence, which, when taken together with other pieces of evidence constituting an unbroken chain, leads to the only fair and reasonable conclusion, which is that the accused is the author of the crime to the exclusion of all others. If the actual eyewitness are the only ones allowed to possibly positively identify a suspect or accused to the exclusion of others, then nobody can ever be convicted unless there is

²⁵ *People v. Murcia*, G.R. No. 182460, 9 March 2010, 614 SCRA 741, 749 citing *People v. De Leon*, G.R. No. 180762, 4 March 2009, 580 SCRA 617, 627; *Gonzales, Jr. v. People*, G.R. No. 159950, 12 February 2007, 515 SCRA 480, 486-487; *People v. Oliva*, 395 Phil. 265, 274-275 (2000).

²⁶ Records, p. 297.

²⁷ Id. at 298.

²⁸ 382 Phil. 718, 736-737 (2000).

²⁹ G.R. No. 172468, 15 October 2008, 569 SCRA 142, 151.

an eyewitness, because it is basic and elementary that there can be no conviction until and unless an accused is positively identified. Such a proposition is absolutely absurd, because it is settled that direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt. If resort to circumstantial evidence would not be allowed to prove identity of the accused on the absence of direct evidence, then felons would go free and the community would be denied proper protection.

In order to justify a conviction upon circumstantial evidence, the combination of circumstances must be such as to leave no reasonable doubt in the mind as to the criminal responsibility of the accused.³⁰

We fully agree with the Court of Appeals that the following circumstances form an unbroken chain that point to no other than that appellant is the arsonist, to wit:

First: Prior to the burning incident, the Bravo family, including the accused, had denounced Mauro Camacho and his wife of engaging in witchcraft. The Bravos blamed the witchcraft to be the cause of the illness of the father of the accused.

Thus:

Q: Namely, who are these members of the family of Bravos who are blaming Mauro Camacho and his wife as witches?

x x x [x]

A: That one sir (the person pointed to by the witness standing up and when asked by the Interpreter, said person gave her name as Lourdes Bravo); that one also, sir (the witness pointing to the man who also stood up and when asked by the Interpreter, he gave his name as Agrifino [sic] Bravo); that one, sir, (the witness pointing to the accused Benjamin Bravo who also stood up); and that one sir (the witness pointing to another woman who stood up and when asked by the Interpreter, she gave her name as Leticia Bravo).

Second: A week after the rumors had spread that Mauro Camacho, Sr. and his wife had subjected the father of the accused to their witchcraft, their house got burned downed.

³⁰

People v. Murcia, supra note 25 at 750.

Thus:

Q: How many days before August 10, 1989 that you were informed that you were - that the father of Ben Bravo was blaming you as the one who employed witchcraft on him?

A: Less than one (1) week, sir.

Third: The accused was present at the scene of the crime at about 9:30 pm on August 10, 1989, daring Mauro Camacho, Sr. to go down from his house. The accused himself even went up the house of the Camachos and pointed his long firearm at Mauro[,] Sr.

Thus:

Q: On August 10, 1989 at around 9:30 O'clock [sic] in the evening, where were you?

A: I was in our house, sir.

x x x [x]

Q: On that particular date[,] time and place, what were you doing in your house at *Barangay* Magungunay, Naguilian, La Union?

A: I was already lying down about to sleep, sir.

Q: And while you were lying down what happened if any?

A: There was a shot that we heard, sir.

x x x [x]

Q: Now, after hearing those gun reports north of your house, what happened if any?

A: I was asked to go down, sir.

Q: Who was telling you to go down?

A: It was Ben, sir (witness pointing to the accused) I heard the voice of Ben asking me to go down.

Q: Ben?

A: Bravo, sir.

Q: Who is this Ben Bravo? The accused in this case?

A: Yes, sir.

Q: What was Ben Bravo uttering while he was on the ground?

A: Come down, sir.

Q: How many times did he utter those words, come down?

A: I did not count it anymore because I was then afraid, sir.

Q: You claimed that you know the voice of Ben Bravo the accused here. Why? How many years have you known him before August 10, 1989?

A: When he was still a small boy I have known him already because their place is not far from ours, sir.

Q: How many occasions did you talk to him entirely your life (sic)?

A: It could not be counted anymore, sir.

x x x [x]

Q: Now, what happened after you heard the accused uttering those words?

A: When I did not go down he went upstairs, sir.

x x x [x]

Q: Where did he proceed?

A: He proceeded to the place where I was pointing a gun at me (*sic*), sir.

Q: Where did he enter?

A: He went up thru stairs, sir.

x x x [x]

Q: You said he was pointing a gun at you. How long was the gun he was pointing at you?

A: Like this, sir. (witness demonstrating by spreading his hands indicating a length of 36 inches)

Q: What happened when he was near you?

A: He said, you bring out your *akusan*, sir.

Q: By the way, Mr. witness, will you tell us what is this *akusan* referred to if you know?

A: Something that is used in witchcraft, sir.

Q: And what did you answer if any, if you answer?

A: I did not say anything because I do not know what he was telling, sir?

Q: How many times did he utter those words?

A: I did not count anymore how many times did he utter those words asking me to bring out the *akusan*, sir.

Q: How far were you that time?

A: Around two (2) meters, sir.

x x x [x]

Q: How would you able to recognize the accused Ben Bravo at that time?

A: I was looking at him, sir.

Q: What else aside from that?

A: I could clearly see him because it was bright in our house because the light is on and I was sidewise facing him, sir.

Q: You mean, at that time your face was facing him?

A: He was in front of me, sir.

x x x [x]

Q: When he was uttering those words telling you to bring out that *akusan* which is something used for witchcraft, what did you do?

A: I did not say anything, sir.

Q: Then what happened when you remain silent?

A: When I was not moving and say nothing, he turned around and went down, sir.

Q: How many seconds did Ben Bravo stay in the place where you were lying down at that time?

A: More than one (1) minute then he turned, sir.

x x x [x]

Fourth: The accused was heard uttering while going down the stairs of the house the Camachos: *Matay kayo aminen, po-urak daytoy balay yo* (all of you will die. I will burn your house). Fifteen seconds

later, Mauro Camacho, Sr. heard gunshots and then saw a big fire in the room occupied by Shirley Camacho and her son.

Thus:

Q: And what happened when Ben Bravo proceeded to the door of your house?

A: When he went down already, he uttered: “I will burn you all. All of you will die,” sir.

Q: What happened afterwards?

A: After fifteen (15) seconds, there was a big fire going inside, sir.

Q: Where was this fire coming from?

A: North, sir, where Shirley and Jerickson’s room.

Q: By the way, will you tell us what kind of flooring does the room of Shirley and Jerickson constructed of?

A: It is made of wood but some of it I changed it with bamboo because they are already old, sir.

x x x [x]

Q: Was the fire inside or outside the room of Shirley and Jerickson?

A: The fire is also in the *sala* and in the room of Shirley, sir.

x x x [x]

Q: How about Shirley and Jerickson?

A: I did not hear about Shirley and Jerickson because the fire was already big. I did not hear of their move but the fire is already big, sir.

Q: Mr. witness, what were under your house which is the first floor at that time?

A: Under the room of Shirley and Jerickson are pile of tabaccos, sir.

Q: How about under the *sala*?

A: Lumber to be used for my children, water pump and “*garong*” container for *palay*, sir.

x x x [x]

Q: Then Ben Bravo descended from the stairs, is it not?

- A: When he was going down he uttered that he is going to burn us all, sir.
- Q: And then after he has said that, immediately your house went on fire, is it not?
- A: After seconds fire broke up, sir.
- Q: How many seconds?
- A: Fifteen (15) seconds, sir.
- Q: Mr. witness when Ben Bravo descended there was nothing else that you heard except his statement, "I will burn your house," is it not?
- A: Then I heard successive gun reports, sir.
- Q: How many gun reports?
- A: I could not count, however, there were about 6 to 7 cartridges recovered by the police, sir.

x x x [x]

And fifth. *Barangay* councilman Alejandro Marzan, while at a wake in *Barangay* Ambaracao Sur, Naguilian, La Union at about 9:30 pm of August 10, 1989, heard gunshots that prompted him to go outside. He then saw a fire to the north about a kilometer away from where he was. He rushed towards the place of the fire. Midway, he encountered Benjamin Bravo running from the opposite direction and carrying a long firearm.

Thus:

- Q: About 9:30 o'clock in the evening of August 10, 1989 where were you Mr. witness?
- A: I was at the wake sir.
- Q: Where was that wake?
- A: In the house of Pedring Obena, sir.
- Q: In what *barangay* is that house of Pedring Obena situated, Mr. witness?
- A: In *Barangay* Ambaracao Sur, Naguilian, La Union, sir.
- Q: And while you were there in the house of Pedring Obena attending a wake, what happened if any Mr. witness?

A: While we were in the wake, sir, I already heard a gun report and when we went out, I already saw the fire.

Q: And where is that fire in relation to the place where you were then?

A: I saw the fire in the north, sir.

Q: How far is it in relation to the place where you were attending that wake?

A: Maybe from here up to the second bridge on the south, of the municipal building, your honor, because it is going upward.

INTERPRETER: The witness indicating a distance of about one (1) kilometer.

x x x [x]

Q: And when you observed that the fire was a little bit northeast of the fire, Mr. witness, what did you do?

A: I ran towards the place, sir.

Q: And while you were proceeding to that particular place where there was a fire, what happened on your way?

A: I met Benjamin Bravo sir (the witness pointing to the accused whom he pointed to a while ago).

Q: How far from the place where you came from to the place where you met the accused Benjamin Bravo, Mr. Witness?

A: Maybe from here up to the northern end of the northern bridge, sir (the witness pointing somewhere to the south of the municipal building).

INTERPRETER: The witness indicating a distance of six hundred (600) to six hundred fifty (650) meters, that is from the courtroom to the northern end of the northern bridge or first bridge from the municipal building.

x x x [x]

Q: What did you observe on Benjamin Bravo when you met him Mr. witness?

A: He was running also, sir.

Q: What else aside from the fact that he was running did you observe on Benjamin Bravo, Mr. witness?

A: I observed him to be carrying a gun proceeding towards the north, sir.

Q: And anyway, what direction were you proceeding at that time, Mr. witness?

A: I was proceeding towards the south, sir, proceeding to the place where the fire was.

x x x [x]

Q: In what kind of path were [you] running at that time Mr. witness proceeding to the place of the fire?

A: An earthen dike, sir.

Q: It was nighttime and how come that you were able to recognize Benjamin Bravo as the one you met holding a gun at that time?

A: Because of the brightness of the moon, sir, there was moonlight at that time.

Q: When you passed at each other how far were you?

A: I could have met with him and we could have bumped with each other on the way, sir, however, I went to the field – to the ricefield and so we had a distance of one (1) arm's length away.

Q: So originally you were using the earthen dike while running towards the place?

A: Yes, sir.

Q: And when you met him he was also using the earthen dike?

A: Yes, sir.

Q: And so that you will not collide or bump with each other you went down on the ricefield about that length, is that correct Mr. witness?

A: Yes, sir.

x x x [x]

Q: Why did you go down the ricefield[,] Mr. witness?

A: Because he was running fast sir and he was holding a gun.

Q: How long was that gun he was holding then?

A: Like this, sir (the witness demonstrating).

INTERPRETER: The witness indicating a length of one (1) meter and seventeen (17) centimetres.³¹

Alibi is inherently weak and unreliable in the face of positive and credible testimonies of prosecution witnesses. It becomes less plausible, especially when it is corroborated by relatives and friends who may not be impartial witnesses.³²

Physical impossibility is essential in the defense of *alibi*. Physical impossibility refers to distance and the facility of access between the *situs criminis* and the location of the accused when the crime was committed. He must demonstrate that he was so far away and could not have been physically present at the scene of the crime and its immediate vicinity when the crime was committed.³³

The Court of Appeals clearly stated in its Decision that appellant failed to prove the physical impossibility of his presence at the crime scene which negated his *alibi*, thus:

Quite noticeable, too, is that the evidence on the *alibi* did not demonstrate the physical impossibility for the accused to be at the scene of the crime when the crime was committed at 9:30 pm of August 10, 1989. For, even assuming that the accused had gone to San Fabian earlier that day of the crime, his being in San Fabian did not preclude his going back to Naguilian, La Union after the treatment of the father had been completed by 5:00 pm in order for him to be in the place where the crime was committed at the time of the commission of the crime. In this regard, the RTC took judicial notice that it would take only about 2 hours more or less to negotiate the distance from Naguilian, La Union to San Fabian, Pangasinan. For *alibi* to prosper, it is not enough that the accused was somewhere else when the crime was committed, but it must likewise be demonstrated that he was so far away that he could not have been

³¹ *Rollo*, pp. 10-19.

³² *People v. Albalate, Jr.*, G.R. No. 174480, 18 December 2009, 608 SCRA 535, 548-549 citing *People v. Manalili*, G.R. No. 184598, 23 June 2009, 590 SCRA 695, 711.

³³ *People v. Jacinto*, G.R. No. 182239, 16 March 2011, 645 SCRA 590, 614 citing *People v. Trayco*, G.R. No. 171313, 14 August 2009, 596 SCRA 233, 253.

physically present at the place of the crime or its immediate vicinity at the time of its commission. That showing was not made by the accused.³⁴

Under Section 5 of Presidential Decree No. 1613, the penalty of *reclusion perpetua* to death is imposed when death results. In the light of the passage of Republic Act No. 9346 prohibiting the imposition of the death penalty, the penalty should be *reclusion perpetua*.³⁵

We likewise affirm the award of damages.

WHEREFORE, the appealed decision finding appellant **BENJAMIN BRAVO y ESTABILLO** guilty beyond reasonable doubt of the crime of arson and sentencing him to *reclusion perpetua* is hereby **AFFIRMED in toto**.

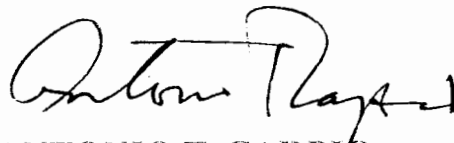
SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

³⁴ *Rollo*, pp. 19-20.

³⁵ *People v. Baluntong*, G.R. No. 182061, 15 March 2010, 615 SCRA 455, 463.

WE CONCUR:



ANTONIO T. CARPIO


Associate Justice
Chairperson



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice



ESTELA M. PERLAS-BERNABE
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.



ANTONIO T. CARPIO

Associate Justice
Chairperson

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.



MARIA LOURDES P. A. SERENO
Chief Justice