



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

NELSON VALLENO y
LUCITO,

G.R. No. 192050

Petitioner,

Present:

-versus-

CARPIO, J.,
Chairperson,
BRION,
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

JAN 09 2013 *HW Cabalag*

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DECISION

PEREZ, J.:

Subject of this petition for review is the Decision¹ of the Court of Appeals in CA-G.R. CR-II.C. No. 03433, dated 29 October 2009, affirming the Judgment² of the Regional Trial Court of Naga City (RTC), in Criminal Case No. 2004-0308. The trial court found petitioner Nelson Valleno y Lucito³ guilty of violation of Section 11 of Article II, Republic Act No. 9165

¹ Penned by Associate Justice Vicente S.E. Veloso with Associate Justices Andres B. Reyes, Jr. and Marlene Gonzales-Sison, concurring. *Rollo*, pp. 35-50.
² Presided by Judge Jaime E. Contreras. *Id.* at 53-60.
³ For uniformity purposes, the accused Nelson Valleno y Lucito shall be referred to as petitioner, considering that the appeal was filed in the form of a petition for review.

and sentenced him to suffer the penalty of life imprisonment and to pay a fine of Four Hundred Thousand Pesos (₱400,000.00)

The Information charged petitioner of illegal possession of *shabu*. It reads:

That on or about the 12th day of March, 2004, in Barangay San Antonio, Milaor, Camarines Sur, and within the jurisdiction of this Honorable Court, the said accused, without any authority of law, did then and there, wilfully, unlawfully, and feloniously possess, control and have in custody nine (9) transparent plastic sachets, containing Methamphetamine Hydrochloride, locally known as “SHABU”, a prohibited drug, weighing no less than 34.7011 grams, with an estimated cost or market value of ₱69,402.20, to the great damage and prejudice of the Republic of the Philippines.⁴

Upon arraignment, petitioner pleaded not guilty. Trial ensued.

Five police officers, two *barangay* officials and one forensic chemist testified for the prosecution.

P/Insp. Perfecto De Lima (P/Insp. De Lima) was the group director of the 504th Provincial Mobile Group located at Camarines Sur Police Provincial Office in Naga City. He ordered PO3 Jaime Villano (PO3 Villano) to conduct a surveillance in connection with the illegal drug trade of petitioner. PO3 Villano was tasked to conduct a test-buy operation. The specimen he obtained from petitioner was submitted to the Philippine National Police (PNP) Crime Laboratory, which, in turn, was tested positive for the presence of *shabu*. Subsequently, P/Insp. De Lima ordered SPO4

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Records, p. 37.

Romulo Fabiano (SPO4 Fabiano) to apply for a search warrant. Branch 24 of the RTC of Naga City issued Search Warrant No. 2004-006.⁵

In the early morning of 12 March 2004, P/Insp. De Lima organized two (2) teams to enforce the search warrant. SPO4 Feliciano was in charge of the security team, which was tasked to secure the area to be searched, while the search team composed of PO3 Villano, PO3 Emilio Edrano (PO3 Edrano) and PO2 Sergio Valenzuela (PO2 Valenzuela), were designated to search the target house in LRV Village, *Barangay* San Antonio, Milaor, Camarines Sur.⁶

At around 4:30 a.m., the group left the police station and proceeded to petitioner's house. They arrived at 5:00 a.m. P/Insp. De Lima instructed PO3 Villano to coordinate with the *barangay* officials.⁷ At 6:00 a.m. and upon arrival of the two (2) *barangay* officials, SPO4 Fabiano knocked on the door of petitioner's house. Petitioner opened the door located at the back of the house. PO3 Villano, who was armed with the search warrant, informed petitioner that his group would conduct a search inside the house.⁸

Before entering petitioner's house, P/Insp. De Lima instructed the search team to raise their hands and shirts to show that they have nothing in their possession. P/Insp. De Lima explained that his purpose was to prevent any speculation that they intend to plant evidence.⁹

The search team, together with the *barangay* officials, went inside the house, while P/Insp. De Lima, petitioner and his wife were waiting just

⁵ TSN, 27 June 2005, pp. 4-6.

⁶ TSN, 15 August 2006, pp. 7-8.

⁷ Id. at 8.

⁸ TSN, 27 June 2005, p. 10.

⁹ TSN, 15 August 2006, p. 13.

outside the house. PO3 Edrano and PO2 Valenzuela started searching a cabinet located in the kitchen. PO3 Edrano stood up on a chair to look at the top portion of the cabinet while PO2 Valenzuela was searching the bottom part. PO3 Edrano saw a black Natel bag with a red stripe on it on top of the cabinet. He passed it to PO2 Valenzuela, who handed the bag over to PO3 Villano. PO3 Villano unzipped the bag and uncovered 3 different sizes of white plastic bags containing white granules. The bag also contained a weighing scale and a bamboo stick. Thereafter, he closed the bag and brought it outside to P/Insp. De Lima.¹⁰

PO3 Villano put his markings “JV” on the plastic sachets, the weighing scale and bamboo stick in the presence of the *barangay* officials. He likewise prepared the Inventory Receipt, which was signed by the *barangay* officials. Petitioner, however, refused to sign the Inventory Receipt.¹¹

After the search, petitioner was handcuffed and brought to the police station. PO3 Villano turned over the seized items to a certain PO3 Molina.¹² While in the police station, PO3 Villano prepared the return of the search warrant. He then brought the Return of the Search Warrant, accompanied by the seized items, to the RTC of Naga City. The court ordered him to bring them to the PNP Crime Laboratory for examination.¹³

Reynaldo Brito, a *barangay tanod*, testified that the police officers found one plastic sachet containing *shabu* underneath the bed of petitioner.¹⁴ Wilfredo Brito, another *barangay tanod*, corroborated the statements of the

¹⁰ TSN, 27 April 2006, pp. 10-12; TSN, 26 June 2006, pp. 11-16; TSN, 27 June 2005, pp. 13-15.

¹¹ TSN, 27 June 2005, p. 19, 25; TSN, 26 June 2006, pp. 17-18.

¹² TSN, 27 April 2006, p. 22

¹³ TSN, 27 June 2005, p. 26.

¹⁴ TSN, 1 April 2005, p. 8.

police officers that a black bag was taken from the top of the cabinet and that the black bag contained the seized items.¹⁵

Josephine Macura Clemen (Clemen), a forensic chemist, was presented as an expert witness. She related that after taking a representative sample from the nine (9) plastic sachets seized from petitioner, they were tested positive for the presence of *Methamphetamine Hydrochloride* or *shabu*.¹⁶ Her findings were reflected in Chemistry Report No. D-052-04.¹⁷

Petitioner interposed denial. He countered that around 6:00 a.m. of 12 March 2004, he heard a knock at the bedroom door.¹⁸ He opened the door and the policemen introduced themselves, showed him the search warrant and asked him to come out of the house while they searched it. After a while, the police officers emerged from the house and told him that they have found a *tawas*-like substance.¹⁹ He refused to sign the inventory receipt because he did not understand the contents of the document. He was then brought to the police station.²⁰

On 13 June 2008, the trial court rendered judgment finding petitioner guilty beyond reasonable doubt for illegal possession of *shabu*. The dispositive portion reads:

WHEREFORE, judgment is hereby rendered finding the accused guilty beyond reasonable doubt for illegal possession of methamphetamine Hydrochloride or *shabu*, a dangerous drug, defined and penalized under Sec. 11(1)(1), Art. II of R.A. 9165, otherwise known as The Comprehensive Drugs Act of 2002, and hereby sentences him to suffer the

¹⁵ TSN, 29 January 2007, pp. 6-7.

¹⁶ TSN, 9 November 2004, p. 10.

¹⁷ Records, p. 5.

¹⁸ TSN, 1 October 2007, p. 12.

¹⁹ Id. at 6.

²⁰ Id. at 7-8.

penalty of life imprisonment and a fine of Four Hundred Thousand pesos (P400,000.00).

The bail bond posted for the provisional liberty of the accused is hereby CANCELLED.²¹

In convicting petitioner, the trial court lent credence to the straightforward testimonies of the police officers over the mere denial of the accused. The trial court ruled that the chain of custody over the illegal drugs seized was properly established.

On appeal, the Court of Appeals affirmed petitioner's conviction on 29 October 2009 and denied petitioner's motion for reconsideration on 13 April 2010. Petitioner now seeks relief before this Court *via* a petition for review. On 11 August 2010, this Court treated the petition as a notice of appeal and required the parties to file their respective supplemental briefs, if they so desire, within thirty days from notice.²² The Office of the Solicitor General manifested that it would no longer file a supplemental brief.²³ Petitioner filed his supplemental brief and harped on the inconsistencies of the testimonies of prosecution witnesses.

In his petition for review, petitioner ascribes upon the Court of Appeals the following errors:

(A)

THE COURT OF APPEALS ERRED IN NOT FINDING THAT THE PROSECUTION WAS NOT ABLE TO DISCHARGE ITS BURDEN OF PROVING BY PROOF BEYOND REASONABLE DOUBT THAT PETITIONER HAS COMMITTED THE CRIME OF VIOLATION OF SECTION 11, ARTICLE II OF REPUBLIC ACT NO. 9165.

²¹ *Rollo*, p. 60.

²² *Id.* at 146.

²³ *Id.* at 149-151.

(B)

THE COURT OF APPEALS ERRED IN INTERPRETING THAT THE REQUIREMENTS PROVIDED FOR UNDER SECTION 21 OF REPUBLIC ACT NO. 9165 ARE NOT MANDATORY AND THAT NON-COMPLIANCE THEREOF IS NOT FATAL TO THE CAUSE OF THE PROSECUTION.

(C)

THE HONORABLE COURT OF APPEALS ERRED IN NOT FINDING THAT THE ALLEGED PROHIBITED DRUGS SUBJECT OF THE CASE WERE A PRODUCT OF AN IRREGULAR SEARCH AND SEIZURE.²⁴

The primordial issue here, as in any criminal case, is whether the guilt of the accused has been established beyond reasonable doubt.

It is hornbook doctrine that the factual findings of the appellate court affirming those of the trial court are binding on this Court unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness or palpable error.²⁵ After an exhaustive review of the records of this case, we see no sufficient reason for resort to the exception to the rule.

In order for prosecution for illegal possession of a dangerous drug to prosper, there must be proof that (1) the accused was in possession of an item or an object identified to be a prohibited or regulated drug, (2) such possession is not authorized by law, and (3) the accused was freely and consciously aware of being in possession of the drug.²⁶

²⁴ Id. at 18-19.

²⁵ *Asiatico v. People*, G.R. No. 195005, 12 September 2011, 657 SCRA 443, 450; *People v. Castro*, G.R. No. 194836, 15 June 2011, 652 SCRA 393, 407 citing *Fuentes v. Court of Appeals*, G.R. No. 109849, 26 February 1997, 268 SCRA 703, 708-709; *People v. Belo*, G.R. No. 187075, 5 July 2010, 623 SCRA 527, 535-536.

²⁶ *Fajardo v. People*, G.R. No. 185460, 25 July 2012; *People v. Sabadlab*, G.R. No. 186392, 18 January 2012; *David v. People*, G.R. No. 181861, 17 October 2011, 659 SCRA 150, 157.

All these elements were duly established by the prosecution. During the search, PO3 Edrano found a bag on top of a cabinet inside the house of petitioner. He handed the same to PO3 Villano, who in turn opened it, and found nine (9) plastic sachets of *shabu*, thus:

Q Where did you start searching the house?

A We started at the cabinet.

Q Where is that cabinet located?

A Inside his house in front of the dining table.

Q While you were starting to search the cabinet, do you know where your companions were at that time?

A Yes sir.

Q Where were they?

A The house of the accused was just a small house, so we were just back to back with each other.

Q While you were searching the cabinet, at what particular part of the cabinet did you start?

A I started at the lower portion of the cabinet.

Q What did you find at the lower portion of the cabinet?

ATTY. GENERAL:

Leading, it is presumed that something was found.

COURT:

Reform.

PROS. ABONAL:

Q What happened when you started to look at the lower portion of the cabinet?

A I saw different kitchen utensils.

Q After searching the lower portion of the cabinet, what happened next?

- A I took a chair which I could use in order to see the top portion of the cabinet.
- Q What happened after you took a chair?
- A I stood at the chair and I saw a natel bag colored black with red stripe on it.
- Q After finding that black bag, what happened next?
- A I gave the bag to PO3 Villano.
- Q When you handed over the bag to Villano, where were you at that time?
- A I was still standing by the chair and looking for other things.
- Q After giving the bag to Villano, what happened?
- A I went down from the chair and told our team leader to check the bag.
- Q Did your team leader accede to your request?
- A Yes sir.
- Q What happened after checking the bag?
- A In front of the 2 barangay officials, our team leader opened the bag and we saw different sizes of plastic bag containing white granules. Our team leader told us that those things are what we are looking for, then he closed the bag.²⁷

PO3 Villano confirmed receiving the bag and finding white plastic sachets inside:

PROS. TADEO:

- Q Why, according to you, you proceeded to search the premises of the accused. Now, what happened to your search?
- A We were able to recover inside his house the nine (9) pieces transparent plastic sachets containing shabu and several pieces of "PP Bags: which we believed they used in repacking of the shabu, and a weighing scale. And others I [cannot] recall, sir.

²⁷ TSN, 27 April 2006, pp. 10-12.

Q Now, we will go to the specifics. You said that there was actually nine (9) pieces sachets of shabu recovered from the place, who actually recovered these items?

A PO2 (sic) Edrano and PO1 Valenzuela, sir.

PROS. TADEO:

Q How about you?

A I was only informed that they recovered shabu inside the black bag, sir.

Q When you were informed that these items, these shabu were recovered by Edrano and Valenzuela?

A Yes, sir.

Q What was your distance from them?

A More or less one (1) arm length, sir.

Q By the way, tell us, how were you able to, because according to you, you heard, in what manner this information reached you during the conduct of the search?

A I heard from them that they saw plastic sachets containing shabu, sir.

Q Meaning to say, they uttered words?

A Yes, sir. They uttered words.

Q When you heard them uttered that words, what exactly the words?

A In Bicol dialect they said: "Yaon digdi an shabu sa bag." (The shabu is in the bag.)

Q Upon hearing this matter, what was your reaction?

A I was surprised, sir. But I already expected that we will be able to recover shabu because that is the subject of our search warrant, sir.

PROS. TADEO:

Q According to you, you heard somebody uttered the words, "here is the shabu inside the bag?"

A Yes, sir.

Q When for the first time did you see the bag?

A It was placed on top of the cabinet and it was placed on the table, sir.

Q Who was responsible for the placing of this item from the cabinet down to the table?

A PO2 (sic) Edrano and PO1 Valenzuela, including the two (2) barangay officials, sir.

Q So, if that bag will be shown to you, will you be able to identify it?

A Yes, sir.

x x x x

Q Did you see any bag that was recovered?

A Yes, your honor.

Q And were you able to find out what were the contents of that bag?

A Yes, your honor, when it was scrutinized in my presence, I saw the other plastic sachets containing the shabu itself.

x x x x

PROS. TADEO:

Q When the contents were put out from this bag, were you present?

A Yes, sir.

Q And what were those contents?

A The nine (9) pieces of transparent plastic sachets containing shabu.²⁸

Although the *shabu* was not found by the searching team on petitioner's person, it was found inside a bag which was hidden on top of a cabinet in the house of petitioner. Thus, petitioner is deemed in possession thereof. Petitioner was not lawfully authorized to possess the same. It can also be inferred that petitioner was privy to the existence of the *shabu*. Mere possession of a regulated drug *per se* constitutes *prima facie*

²⁸ TSN, 27 June 2005, pp. 12-16.

evidence of knowledge or *animus possidendi* sufficient to convict an accused absent a satisfactory explanation of such possession – the *onus probandi* is shifted to the accused, to explain the absence of knowledge or *animus possidendi*. With the burden of evidence shifted to the petitioner, it was his duty to explain his innocence about the regulated drug seized from his possession.²⁹ This, petitioner failed to do.

The petitioner's proposition that the prosecution failed to prove his guilt beyond reasonable doubt is anchored on his claim that the prosecution failed to prove and establish the chain of custody of the subject prohibited drugs allegedly seized from his house.

The dangerous drug itself constitutes the very *corpus delicti* of the offense and in sustaining a conviction under Republic Act No. 9165, the identity and integrity of the *corpus delicti* must definitely be shown to have been preserved. In other words, the evidence must definitely show that the illegal drug presented in court is the same illegal drug actually recovered from the accused.³⁰

Section 21 of Republic Act No. 9165 provides the procedure to be followed in the seizure and custody of prohibited drugs, to wit:

Section 21. *Custody and Disposition of Confiscated, Seized, and/or Surrendered Dangerous Drugs, Plant Sources of Dangerous Drugs, Controlled Precursors and Essential Chemicals, Instruments/Paraphernalia and/or Laboratory Equipment.* – The PDEA shall take charge and have custody of all dangerous drugs, plant sources of dangerous drugs, controlled precursors and essential chemicals, as well as instruments/paraphernalia and/or laboratory equipment so confiscated, seized and/or surrendered, for proper disposition in the following manner:

²⁹ *People v. Noque*, G.R. No. 175319, 15 January 2010, 610 SCRA 195, 206 citing *People v. Tee*, 443 Phil. 521, 551 (2003).

³⁰ *People v. Alcuizar*, G.R. No. 189980, 6 April 2011, 647 SCRA 431, 437.

(1) The apprehending team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof;

x x x x

The provisions of Article II, Section 21(a) of the Implementing Rules and Regulations (IRR) of Republic Act No. 9165 provide:

x x x x

(a) The apprehending officer/team having initial custody and control of the drugs shall, immediately after seizure and confiscation, physically inventory and photograph the same in the presence of the accused or the person/s from whom such items were confiscated and/or seized, or his/her representative or counsel, a representative from the media and the Department of Justice (DOJ), and any elected public official who shall be required to sign the copies of the inventory and be given a copy thereof: Provided, that the physical inventory and photograph shall be conducted at the place where the search warrant is served; or at the nearest police station or at the nearest office of the apprehending officer/team, whichever is practicable, in case of warrantless seizures; Provided, further, that non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items[.]

Petitioner highlights the following acts of non-compliance with the aforementioned rule: 1) there was failure to present the alleged photographs of the seized substance in court; 2) there were no representatives from the media and the Department of Justice (DOJ) during the conduct of the inventory of the seized items; 3) there was a major contradiction from among prosecution witnesses on who actually brought the seized items to the PNP Crime Laboratory; and 4) the manner of conducting the physical inventory of the alleged drugs taken from petitioner's house appeared to be irregular as the seized items were allowed to be handled by persons not authorized to do so.

The Implementing Rules of Republic Act No. 9165 offer some flexibility when a proviso added that “non-compliance with these requirements under justifiable grounds, as long as the integrity and the evidentiary value of the seized items are properly preserved by the apprehending officer/team, shall not render void and invalid such seizures of and custody over said items.”³¹

In *People v. Concepcion*,³² this Court ruled that the failure to submit in evidence the required physical inventory of the seized drugs and the photograph, as well as the absence of a member of media or the DOJ, pursuant to Section 21, Article II of Republic Act No. 9165 is not fatal and will not render an accused’s arrest illegal or the items seized/confiscated from him inadmissible.

What is of utmost importance is the preservation of the integrity and the evidentiary value of the seized items, as the same would be utilized in the determination of the guilt or innocence of the accused.³³

In the instant case, the chain of custody of the seized illegal drugs was not broken. The prosecution established that PO3 Edrano recovered the white plastic sachets, later on confirmed positive for traces of *shabu*. PO3 Edrano handed them over to PO3 Villano, who made markings on the seized items and prepared an inventory of the same while inside petitioner’s house. It was also shown that PO3 Villano brought the seized illegal drugs to the police station where he himself prepared the inventory. While he presented the same to a certain PO3 Molina, it was still PO3

³¹ *People v. Almodiel*, G.R. No. 200951, 5 September 2012.

³² G.R. No. 178876, 27 June 2008, 556 SCRA 421.

³³ *People v. Lazaro, Jr.*, G.R. No. 186418, 16 October 2009, 604 SCRA 250, 274-275.

Villano and SPO4 Fabiano who first brought the seized illegal drugs to the court, who in turn ordered him to bring it to the PNP Crime Laboratory. In the letter request addressed to the forensic chemist, it was PO3 Villano who signed as the requesting party. Clearly therefore, the recovery and handling of the seized illegal drugs were more than satisfactorily established in this case.

This Court notes the inconsistencies in the testimonies of prosecution witnesses, particularly that of *barangay tanod* Reynaldo Brito and PO3 Molina, relating to the place where one of the plastic sachets was found and to the person who brought the illegal drugs to the crime laboratory, respectively. We however brush aside these inconsistencies as inconsequential. Indeed, one can hardly expect their testimonies to be in perfect agreement. As held in the past, it is perhaps too much to hope that different eyewitnesses shall give, at all times, testimonies that are in all fours with the realities on the ground. Minor discrepancies in their testimonies are, in fact, to be expected; they neither vitiate the essential integrity of the evidence in its material entirety nor reflect adversely on the credibility of witnesses. For a successful appeal, the inconsistencies brought up should pertain to that crucial moment when the accused was caught selling *shabu*, not to peripheral matters. Testimonies of witnesses need only corroborate each other on important and relevant details concerning the principal occurrence.³⁴

The inconsistent testimony of Reynaldo Brito deserves little weight in light of the consonant testimonies of all the police officers who testified in court. It is well-settled that the testimonies of the police

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People v. Sobangee, G.R. No. 186120, 31 January 2011, 641 SCRA 164, 172-173.

officers in dangerous drugs cases carry with it the presumption of regularity in the performance of official functions. Absent any clear showing that the arresting officers had ill-motive to falsely testify against the petitioner, their testimonies must be respected and the presumption of regularity in the performance of their duties must be upheld. Petitioner himself testified that he never had any personal encounter with the police prior to his arrest, thus negating any ill-motive on the part of the police officers.³⁵

Finally, there was nothing irregular in the conduct of search of petitioner's house. There were variations in the witnesses' testimonies as to whether petitioner was inside the house during the search. One witness testified that petitioner was coming in and out of the house during the search while the other witnesses claimed that petitioner was waiting just outside the house. Assuming that petitioner was indeed outside the house, it does not taint the regularity of the search. Section 8, Rule 126 of the Rules of Court allows the absence of the lawful occupant provided that two witnesses are present.

Section 8. *Search of house, room, or premises to be made in presence of two witnesses.* — No search of a house, room, or any other premises shall be made except in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality.

The presence of the two *barangay* officials was not disputed by petitioner. As elucidated by the appellate court:

As correctly found by the trial court, accused-appellant and his wife were not prevented from entering their house to observe the search conducted therein. This is bolstered by the testimonies of police officers. Thus, PO3 Villano testified on cross-examination that the wife of the

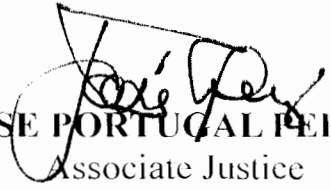
³⁵

People v. Duque, G.R. No. 184606, 5 September 2012.

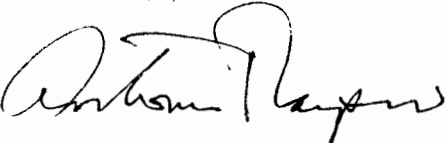
accused was inside, watching x x x. Likewise, P/C Insp. Perfecto de Lima, Jr. testified that the accused-appellant and his wife went in and out of their house while the team was conducting a search inside said house; that Valleno and his wife stood outside and sometimes, came in while the search was being conducted; and that before the search the Valleno spouses were requested not to go inside the house but during the search they kept going in and out of said house. In addition, the search was conducted in the presence of two witnesses of sufficient age and discretion residing in the same locality, in the persons of Brgy. Kgd. Reynaldo Brito and Chief Tanod Wilfredo Brito. Resultantly, the seized items cannot, therefore, be considered as "fruits of the poisonous tree."³⁶

WHEREFORE, the petition is **DENIED**. The assailed 29 October 2009 Decision and the 13 April 2010 Resolution of the Court of Appeals in CA-G.R. CR-II.C. No. 03433 are hereby **AFFIRMED**.

SO ORDERED.



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
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