Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

HEIRS OF MARCELO SOTTO, REPRESENTED BY: LOLIBETH SOTTO NOBLE, DANILO C. SOTTO, CRISTINA C. SOTTO, EMMANUEL C. SOTTO and FILEMON C. SOTTO; and SALVACION BARCELONA, AS HEIR OF DECEASED MIGUEL BARCELONA, Petitioners,	**G.R. No. 159691**
	Present:
	SERENO, *C.J.*, LEONARDO-DE CASTRO, BERSAMIN, VILLARAMA, JR., and *MENDOZA, *JJ.*
-versus-	
	Promulgated:
MATILDE S. PALICTE, Respondent.	JUN 13 2013

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D E C I S I O N

BERSAMIN, *J.*:

We start this decision by expressing our alarm that this case is the fifth suit to reach the Court dividing the several heirs of the late Don Filemon Y. Sotto (Filemon) respecting four real properties that had belonged to Filemon's estate (Estate of Sotto).

The first case (*Matilde S. Palicte v. Hon. Jose O. Ramolete, et al.*, No. L-55076, September 21, 1987, 154 SCRA 132) held that herein respondent Matilde S. Palicte (Matilde), one of four declared heirs of Filemon, had validly redeemed the four properties pursuant to the assailed deed of redemption, and was entitled to have the title over the four properties transferred to her name, subject to the right of the three other declared heirs to join her in the redemption of the four properties within a period of six months.

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* Vice Associate Justice Bienvenido L. Reyes, who penned the decision under review, pursuant to the raffle of May 8, 2013.

The second was the civil case filed by Pascuala against Matilde (Civil Case No. CEB-19338) to annul the former's waiver of rights, and to restore her as a co-redemptioner of Matilde with respect to the four properties (G.R. No. 131722, February 4, 1998).

The third was an incident in Civil Case No. R-10027 (that is, the suit brought by the heirs of Carmen Rallos against the Estate of Sotto) wherein the heirs of Miguel belatedly filed in November 1998 a motion for reconsideration praying that the order issued on October 5, 1989 be set aside, and that they be still included as Matilde's co-redemptioners. After the trial court denied their motion for reconsideration for its lack of merit, the heirs of Miguel elevated the denial to the CA on *certiorari* and prohibition, but the CA dismissed their petition and upheld the order issued on October 5, 1989. Thence, the heirs of Miguel came to the Court on *certiorari* (G.R. No. 154585), but the Court dismissed their petition for being filed out of time and for lack of merit on September 23, 2002.

The fourth was *The Estate of Don Filemon Y. Sotto, represented by its duly designated Administrator, Sixto Sotto Pahang, Jr. v. Matilde S. Palicte, et al*. (G.R. No. 158642, September 22, 2008, 566 SCRA 142), whereby the Court expressly affirmed the ruling rendered by the probate court in Cebu City in Special Proceedings No. 2706-R entitled *Intestate Estate of the Deceased Don Filemon Sotto* denying the administrator's motion to require Matilde to turn over the four real properties to the Estate of Sotto.

The fifth is this case. It seems that the disposition by the Court of the previous cases did not yet satisfy herein petitioners despite their being the successors-in-interest of two of the declared heirs of Filemon who had been parties in the previous cases either directly or in privity. They now pray that the Court undo the decision promulgated on November 29, 2002, whereby the Court of Appeals (CA) declared their action for the partition of the four properties as already barred by the judgments previously rendered, and the resolution promulgated on August 5, 2003 denying their motion for reconsideration.

The principal concern here is whether this action for partition should still prosper notwithstanding the earlier rulings favoring Matilde's exclusive right over the four properties.

Antecedents

Filemon had four children, namely: Marcelo Sotto (Marcelo), Pascuala Sotto-Pahang (Pascuala), Miguel Barcelona (Miguel), and Matilde.

Marcelo was the administrator of the Estate of Sotto. Marcelo and Miguel were the predecessors-in-interest of petitioners.

In June 1967, Pilar Teves (Pilar) and other heirs of Carmen Rallos (Carmen), the deceased wife of Filemon, filed in the Court of First Instance (CFI) of Cebu City a complaint against the Estate of Sotto (Civil Case No. R-10027) seeking to recover certain properties that Filemon had inherited from Carmen, and damages. The CFI rendered judgment awarding to Pilar and other heirs of Carmen damages of ₱233,963.65, among other reliefs. To satisfy the monetary part of the judgment, levy on execution was effected against six parcels of land and two residential houses belonging to the Estate of Sotto. The levied assets were sold at a public auction. Later on, Matilde redeemed four of the parcels of land in her own name (*i.e.*, Lots No. 1049, No. 1051, No. 1052 and No. 2179-C), while her sister Pascuala redeemed one of the two houses because her family was residing there. On July 9, 1980, the Deputy Provincial Sheriff of Cebu executed a deed of redemption in favor of Matilde, which the Clerk of Court approved.

On July 24, 1980, Matilde filed in Civil Case No. R-10027 a motion to transfer to her name the title to the four properties. However, the CFI denied her motion, and instead declared the deed of redemption issued in her favor null and void, holding that Matilde, although declared in Special Proceedings No. 2706-R as one of the heirs of Filemon, did not qualify as a successor-in-interest with the right to redeem the four properties. Matilde directly appealed the adverse ruling to the Court via petition for review, and on September 21, 1987, the Court, reversing the CFI's ruling, granted Matilde's petition for review but allowed her co-heirs the opportunity to join Matilde as co-redemptioners for a period of six months before the probate court (*i.e.*, RTC of Cebu City, Branch 16) would grant her motion to transfer the title to her name.[1]

The other heirs of Filemon failed to exercise their option granted in the decision of September 21, 1987 to join Matilde as co-redemptioners within the six-month period. Accordingly, on October 5, 1989, the trial court issued an order in Civil Case No. R-10027 approving Matilde's motion to transfer the title of the four lots to her name, and directing the Register of Deeds of Cebu to register the deed of redemption and issue new certificates of title covering the four properties in Matilde's name.

It appears that Pascuala, who executed a document on November 25, 1992 expressly waiving her rights in the four properties covered by the deed of redemption, changed her mind and decided to file on September 23, 1996 in the RTC in Cebu City a complaint to seek the nullification of her waiver of rights, and to have herself be declared as a co-redemptioner of the four

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[1] *Matilde S. Palicte v. Hon. Jose O. Ramolete, et al.*, No. L-55076, September 21, 1987, 154 SCRA 132.

properties (Civil Case No. CEB-19338). However, the RTC dismissed Civil Case No. CEB-19338 on the ground of its being barred by laches. Pascuala then assailed the dismissal of Civil Case No. CEB-19338 in the CA through a petition for *certiorari* (C.A.-G.R. SP No. 44660), which the CA dismissed on November 21, 1997. Undeterred, Pascuala appealed the dismissal of her petition for *certiorari* (G.R. No. 131722), but the Court denied due course to her petition on February 4, 1998 because of her failure to pay the docket fees and because of her certification against forum shopping having been signed only by her counsel.

In November 1998, the heirs of Miguel filed a motion for reconsideration in Civil Case No. R-10027 of the RTC of Cebu City, Branch 16, praying that the order issued on October 5, 1989 be set aside, and that they be included as Matilde's co-redemptioners. After the RTC denied the motion for reconsideration for its lack of merit on April 25, 2000, they assailed the denial by petition for *certiorari* and prohibition (C.A.-G.R. SP No. 60225). The CA dismissed the petition for *certiorari* and prohibition on January 10, 2002. Thereafter, they elevated the matter to the Court *via* petition for *certiorari* (G.R. No. 154585), which the Court dismissed on September 23, 2002 for being filed out of time and for lack of merit.

On September 10, 1999, the heirs of Marcelo, specifically: Lolibeth Sotto Noble, Danilo C. Sotto, Cristina C. Sotto, Emmanuel C. Sotto, Filemon C. Sotto, and Marcela C. Sotto; and the heirs of Miguel, namely: Alberto, Arturo and Salvacion, all surnamed Barcelona (herein petitioners), instituted the present action for partition against Matilde in the RTC of Cebu City, Branch 20 (Civil Case No. CEB-24293).[2] Alleging in their complaint that despite the redemption of the four properties having been made in the sole name of Matilde, the four properties still rightfully belonged to the Estate of Sotto for having furnished the funds used to redeem the properties, they prayed that the RTC declare the four properties as the assets of the Estate of Sotto, and that the RTC direct their partition among the heirs of Filemon.

It is notable at this juncture that the heirs of Pascuala did not join the action for partition whether as plaintiffs or defendants.[3]

Instead of filing her answer, Matilde moved to dismiss the complaint,[4] stating that: (*a*) petitioners had no cause of action for partition because they held no interest in the four properties; (*b*) the claim was already barred by prior judgment, estoppel and laches; (*c*) the court had no jurisdiction over the action; and (*d*) a similar case entitled *Pahang v. Palicte* (Civil Case No.

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2 *Rollo*, pp. 63-74.

3 Id. at 43-45; see also *The Estate of Don Filemon Y. Sotto v. Palicte*, G.R. No. 158642, September 22, 2008, 566 SCRA 142, 144-146.

4 *Rollo*, pp. 75-85.

19338) had been dismissed with finality by Branch 8 of the RTC in Cebu City.

On November 15, 1999, the RTC granted Matilde's motion to dismiss and dismissed the complaint,[5] holding that Civil Case No. CEB-24293 was already barred by prior judgment considering that the decision in G.R. No. 55076, the order dated October 5, 1989 of the RTC in Civil Case No. R-10027, and the decision in G.R. No. 131722 had all become final, and that the cases had involved the same parties, the same subject matter, the same causes of action, and the same factual and legal issues. The RTC observed that it was bereft of jurisdiction to annul the rulings of co-equal courts that had recognized Matilde's exclusive ownership of the four properties.

Following the denial by the RTC of their motion for reconsideration,[6] petitioners appealed the dismissal of Civil Case No. CEB-24293 to the CA, which promulgated its judgment on November 29, 2002 affirming the dismissal.[7] After the CA denied petitioners' motion for reconsideration,[8] they brought this present appeal to the Court.

In the meantime, the Estate of Sotto, through the administrator, moved in the probate court (Special Proceedings No. 2706-R) to require Matilde to account for and turn over the four properties that allegedly belonged to the estate, presenting documentary evidence showing that Matilde had effected the redemption of the four properties with the funds of the estate in accordance with the express authorization of Marcelo.[9] The probate court granted the motion, but subsequently reversed itself upon Matilde's motion for reconsideration. Hence, the Estate of Sotto appealed (G.R. No. 158642), but the Court promulgated its decision on September 22, 2008 adversely against the Estate of Sotto.[10]

Issue

Petitioners insist that this action for partition was not barred by the prior judgment promulgated on September 21, 1987 in No. L-55076, because they were not hereby questioning Matilde's right to redeem the four properties but were instead raising issues that had not been passed upon in No. L-55076, or in any of the other cases mentioned by the CA; that the issues being raised here were, namely: (*a*) whether or not the redemption of

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5 Id. at 97-103.
6 Id. at 124.
7 Id. at 42-55; penned by Associate Justice Bienvenido L. Reyes (now a Member of this Court) and concurred in by Associate Justice Romeo A. Brawner (later Presiding Justice but already retired, now deceased) and Associate Justice Danilo B. Pine (retired).
8 Id. at 57-58.
9 Id. at 27.
10 *The Estate of Don Filemon Y. Sotto v. Palicte*, G.R. No. 158642, September 22, 2008, 566 SCRA 142.

the four properties by Matilde was in accordance with the agreement between her and Marcelo; and (*b*) whether or not the funds used to redeem the four properties belonged to the Estate of Sotto;[11] that there could be no bar by *res judicata* because there was no identity of parties and causes of action between this action and the previous cases; that the captions of the decided cases referred to by the CA showed that the parties there were different from the parties here; and that it had not been shown that this action and the other cases were based on the same causes of action.[12]

The sole decisive question is whether or not the present action for partition was already barred by prior judgment.

Ruling

The appeal lacks merit.

Petitioners argue here that the four properties be declared as part of the Estate of Sotto to be partitioned among the heirs of Filemon because the funds expended by Matilde for the redemption of the properties came from the Estate of Sotto.

Their argument was similar to that made in *The Estate of Don Filemon Y. Sotto v. Palicte*,[13] the fourth case to reach the Court, where the Court explicitly ruled as follows:

> All these judgments and order upholding Matilde's exclusive ownership of the subject properties became final and executory except the action for partition which is still pending in this Court. The judgments were on the merits and rendered by courts having jurisdiction over the subject matter and the parties.
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> There is substantial identity of parties considering that the present case and the previous cases involve the heirs of Filemon. There is identity of parties not only when the parties in the case are the same, but also between those in privity with them, such as between their successors-in-interest. Absolute identity of parties is not required, and where a shared identity of interest is shown by the identity of relief sought by one person in a prior case and the second person in a subsequent case, such was deemed sufficient.
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> There is identity of causes of action since the issues raised in all the cases essentially involve the claim of ownership over the subject properties. Even if the forms or natures of the actions are different, there is still identity of causes of action when the same facts or evidence support

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11 *Rollo*, pp. 33-35.
12 Id. at p. 37.
13 Supra note 10, at 152-153 .

> and establish the causes of action in the case at bar and in the previous cases.
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> Hence, the probate court was correct in setting aside the motion to require Matilde to turn over the subject properties to the estate considering that Matilde's title and ownership over the subject properties have already been upheld in previous final decisions and order. This Court will not countenance the estate's ploy to countermand the previous decisions sustaining Matilde's right over the subject properties. A party cannot evade the application of the principle of *res judicata* by the mere expediency of varying the form of action or the relief sought, or adopting a different method of presenting the issue, or by pleading justifiable circumstances.
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> WHEREFORE, we DENY the petition. We AFFIRM the Orders dated 20 December 2002 and 2 June 2003 issued by the Regional Trial Court of Cebu City, Branch 16, in SP. PROC. No. 2706-R. Costs against petitioner.
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> SO ORDERED.

For this the fifth case to reach us, we still rule that *res judicata* was applicable to bar petitioners' action for partition of the four properties.

Res judicata exists when as between the action sought to be dismissed and the other action these elements are present, namely; (1) the former judgment must be final; (2) the former judgment must have been rendered by a court having jurisdiction of the subject matter and the parties; (3) the former judgment must be a judgment on the merits; and (4) there must be between the first and subsequent actions (*i*) identity of parties or at least such as representing the same interest in both actions; (*ii*) identity of subject matter, or of the rights asserted and relief prayed for, the relief being founded on the same facts; and, (*iii*) identity of causes of action in both actions such that any judgment that may be rendered in the other action will, regardless of which party is successful, amount to *res judicata* in the action under consideration.[14]

The first three elements were present. The decision of the Court in G.R. No. 55076 (the first case), the decision of the Court in G.R. No. 131722 (the second case), the order dated October 5, 1989 of the RTC in Civil Case No. R-10027 as upheld by the Court in G.R. No. 154585 (the third case), and the decision in G.R. No. 158642 (the fourth case) – all of which dealt with Matilde's right to the four properties – had upheld Matilde's right to the four

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[14] *Chu v. Cunanan*, G.R. No. 156185, September 12, 2011, 657 SCRA 379, 391; *Custodio v. Corrado*, G.R. No. 146082, July 30 2004, 435 SCRA 500, 508; *Progressive Development Corporation, Inc. v. Court of Appeals*, G.R. No. 123555, January 22, 1999, 301 SCRA 637, 648-649; *De Knecht v. Court of Appeals*, G.R. No. 108015, May 20, 1998, 290 SCRA 223; *Carlet v. Court of Appeals*, G.R. No. 114275, July 7, 1997, 275 SCRA 97, 106; *Suarez v. Court of Appeals*, G.R. No. 83251, January 23, 1991, 193 SCRA 183, 187; *Filipinas Investment and Finance Corporation v. Intermediate Appellate Court*, G.R. Nos. 66059-60, December 4, 1989, 179 SCRA 728, 736.

properties and had all become final. Such rulings were rendered in the exercise of the respective courts' jurisdiction over the subject matter, and were adjudications on the merits of the cases.

What remains to be determined is whether Civil Case No. CEB-24293 and the previous cases involved the same parties, the same subject matter, the same causes of action, and the same factual and legal issues.

We find that, indeed, Civil Case No. CEB-24293 was no different from the previous cases as far as parties, subject matter, causes of action and issues were concerned. In other words, Civil Case No. CEB-24293 was an undisguised relitigation of the same settled matter concerning Matilde's ownership of the four properties.

First of all, petitioners, as plaintiffs in Civil Case No. CEB-24293, were suing in their capacities as the successors-in-interest of Marcelo and Miguel. Even in such capacities, petitioners' identity with the parties in the previous cases firmly remained. In G.R. No. L-55076 (the first case), in which Matilde was the petitioner while her brother Marcelo, the administrator of the Estate of Sotto, was one of the respondents, the Court affirmed Matilde's redemption of the four properties notwithstanding that it gave the other heirs of Filemon the opportunity to join as co-redemptioners within a period of six months. When the other heirs did not ultimately join as Matilde's co-redemptioners within the period allowed by the Court, the trial court in Civil Case No. R-10027 rightly directed the Register of Deeds to issue new certificates of title covering the properties in Matilde's name. In Civil Case No. CEB-19338 (the second case), the action Pascuala brought against Matilde for the nullification of Pascuala's waiver of rights involving the four properties, the trial court dismissed the complaint upon finding Pascuala barred by laches from asserting her right as Matilde's co-redemptioner. The CA and, later on, the Court itself (G.R. No. 131722) affirmed the dismissal by the trial court. In Civil Case No. R-10027, the trial court denied the motion of the heirs of Miguel (who are petitioners herein) to include them as co-redemptioners of the properties on the ground of laches and *res judicata*. Again, the CA and, later on, the Court itself (G.R. No. 154585) affirmed the denial. In G.R. No. 158642 (the fourth case), the Court upheld the ruling of the probate court in Special Proceedings No. 2706-R denying the administrator's motion to require Matilde to turn over the four real properties to the Estate of Sotto.

In all the five cases (Civil Case No. CEB-24293 included), an identity of parties existed because the parties were the same, or there was privity among them, or some of the parties were successors-in-interest litigating for the same thing and under the same title and in the same capacity.[15] An

[15] *Taganas v. Emuslan*, G.R. No. 146980, September 2, 2003, 410 SCRA 237, 242.

absolute identity of the parties was not necessary, because a shared identity of interest sufficed for *res judicata* to apply.[16] Moreover, mere substantial identity of parties, or even community of interests between parties in the prior and subsequent cases, even if the latter were not impleaded in the first case, would be sufficient.[17] As such, the fact that a previous case was filed in the name of the Estate of Sotto only was of no consequence.

Secondly, the subject matter of all the actions (Civil Case No. CEB-24293 included), was the same, *that is*, Matilde's right to the four properties. On the one hand, Matilde insisted that she had the exclusive right to them, while, on the other hand, the other declared heirs of Filemon, like petitioners' predecessors-in-interest, maintained that the properties belonged to the Estate of Sotto.

And, lastly, a judgment rendered in the other cases, regardless of which party was successful, would amount to *res judicata* in relation to Civil Case No. CEB-24293.

Under the doctrine of *res judicata*, a final judgment or decree on the merits rendered by a court of competent jurisdiction is conclusive about the rights of the parties or their privies in all later suits and on all points and matters determined in the previous suit. The foundation principle upon which the doctrine rests is that the parties ought not to be permitted to litigate the same issue more than once; that when a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, it should be conclusive upon the parties and those in privity with them in law or estate.[18]

Section 47 (*b*) Rule 39 of the *Rules of Court* institutionalizes the doctrine of *res judicata* in the concept of bar by prior judgment, *viz*:

> Section 47. *Effect of judgments and final orders.*—The effect of a judgment or final order rendered by a court of the Philippines, having jurisdiction to pronounce the judgment or final order, may be as follows:
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> x x x x
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> (*b*) In other cases, the judgment or final order is, with respect to the matter directly adjudged or as to any other matter that could have been raised in relation thereto, conclusive between the parties and their successors in interest by title subsequent to the commencement of the action or special proceeding, litigating for the same thing and under the same title and in the same capacity; and
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> x x x x

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16 *Cruz v. Court of Appeals*, G.R. No. 135101, May 31, 2000, 332 SCRA 747, 753.
17 *Dapar v. Biascan*, G.R. No. 141880, September 27, 2004, 439 SCRA 179, 199.
18 *Chu v. Cunanan*, G.R. No. 156185, September 12, 2011, 657 SCRA 379, 391.

The doctrine of *res judicata* is an old axiom of law, dictated by wisdom and sanctified by age, and founded on the broad principle that it is to the interest of the public that there should be an end to litigation by the same parties over a subject once fully and fairly adjudicated. It has been appropriately said that the doctrine is a rule pervading every well-regulated system of jurisprudence, and is put upon two grounds embodied in various maxims of the common law: one, public policy and necessity, which makes it to the interest of the State that there should be an end to litigation –*interest reipublicae ut sit finis litium*; the other, the hardship on the individual that he should be vexed twice for one and the same cause – *nemo debet bis vexari pro una et eadem causa.* A contrary doctrine would subject the public peace and quiet to the will and neglect of individuals and prefer the gratification of the litigious disposition on the part of suitors to the preservation of the public tranquillity and happiness.[19] The doctrine is to be applied with rigidity because:

> x x x the maintenance of public order, the repose of society, and the quiet of families require that what has been definitely determined by competent tribunals shall be accepted as irrefragable legal truth. So deeply is this principle implanted in xxx jurisprudence that commentators upon it have said, the *res judicata* renders white that which is black and straight that which is crooked. *Facit excurvo rectum, ex albo nigrum.* No other evidence can afford strength to the presumption of truth it creates, and no argument can detract from its legal efficacy.[20]

What we have seen here is a clear demonstration of unmitigated forum shopping on the part of petitioners and their counsel. It should not be enough for us to just express our alarm at petitioners' disregard of the doctrine of *res judicata*. We do not justly conclude this decision unless we perform one last unpleasant task, which is to demand from petitioners' counsel, Atty. Makilito B. Mahinay, an explanation of his role in this pernicious attempt to relitigate the already settled issue regarding Matilde's exclusive right in the four properties. He was not unaware of the other cases in which the issue had been definitely settled considering that his clients were the heirs themselves of Marcelo and Miguel. Moreover, he had represented the Estate of Sotto in G.R. No. 158642 (*The Estate of Don Filemon Y. Sotto v. Palicte*).

Under the circumstances, Atty. Mahinay appears to have engaged in the prejudicial practice of forum shopping as much as any of his clients had been. If he was guilty, the Court would not tolerate it, and would sanction him. In this regard, forum shopping, according to *Ao-as v. Court of Appeals*,[21] may be committed as follows:

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[19] *Allied Banking Corporation v. Court of Appeals*, G.R. No. 108089, January 10, 1994, 229 SCRA 252, 257-258.

[20] *Jeter v. Hewitt,* 63 U.S. (22 How.) 352 (1859).

[21] G.R. No. 128464, June 20, 2006, 491 SCRA 339, 354-355.

> As the present jurisprudence now stands, forum shopping can be committed in three ways: (1) filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (*litis pendentia*); (2) filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (*res judicata*); and (3) filing multiple cases based on the same cause of action but with different prayers (splitting of causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*). If the forum shopping is not considered willful and deliberate, the *subsequent cases* shall be dismissed *without prejudice* on one of the two grounds mentioned above. However, if the forum shopping is willful and deliberate, *both* (or *all*, if there are more than two) actions shall be dismissed *with prejudice*.

WHEREFORE, the Court **DENIES** the petition for review; **AFFIRMS** the decision promulgated on November 29, 2002; and **ORDERS** petitioners to pay the costs of suit.

The Court **DIRECTS** Atty. Makilito B. Mahinay to show cause in writing within ten days from notice why he should not be sanctioned as a member of the Integrated Bar of the Philippines for committing a clear violation of the rule prohibiting forum-shopping by aiding his clients in asserting the same claims at least twice.

SO ORDERED.

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARIA LOURDES P. A. SERENO
Chief Justice