



Republic of the Philippines  
**Supreme Court**

Manila

**EN BANC**

**PHILIPPINE AMUSEMENT and  
GAMING CORPORATION (PAGCOR),**  
Petitioner,

**G.R. No. 191877**

- versus -

**ARIEL R. MARQUEZ,**  
Respondent.

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**IRENEO M. VERDILLO,**  
Petitioner,

**G.R. No. 192287**

Present:

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

-versus -

**PHILIPPINE AMUSEMENT and  
GAMING CORPORATION  
(PAGCOR),**  
Respondent.

Promulgated:

June 18, 2013

X-----X

\* No Part.

## DECISION

### VILLARAMA, JR., J.:

Before the Court are two consolidated petitions for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended.

The petition in G.R. No. 191877 seeks to reverse the October 9, 2009 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 106196, which set aside Resolution Nos. 08-0702<sup>2</sup> and 08-1858<sup>3</sup> of the Civil Service Commission (CSC) dismissing respondent Ariel R. Marquez from service for serious dishonesty, violation of office rules and regulations, and conduct prejudicial to the best interest of the service.

The petition in G.R. No. 192287 meanwhile, questions the July 21, 2009 CA Decision<sup>4</sup> in CA-G.R. SP No. 106961, which affirmed CSC Resolution Nos. 08-0931<sup>5</sup> and 08-2231, dismissing petitioner Ireneo M. Verdillo from service for serious dishonesty, violation of office rules and regulations, and conduct prejudicial to the best interest of the service.

The antecedent facts of the case are as follows:

Ariel R. Marquez and Ireneo M. Verdillo were both employed as dealers in the game of Craps at the Philippine Amusement and Gaming Corporation (PAGCOR) at the Casino Filipino Heritage. The game of Craps is initiated when a player, called a “shooter,” rolls a pair of dice that should pass a demarcation line set across the table. As a rule, at least one of the two dice must come in contact with the rubber wall at the end of the table. When these conditions are met, the dealer known as a stickman<sup>6</sup> considers the throw a “good dice” and the pay-off dealer pays the winner. Otherwise, the throw is invalidated, and the stickman must announce “no dice.” The conditions are imposed to prevent manipulation of the results of the throw.

On November 26, 2006, Marquez and Verdillo alternately manned Craps Table No. 30, together with Joselito Magahis and Virgilio Ruanto. At around 2:46 a.m., Mr. Johnny Cheng<sup>7</sup> began playing at Craps Table No. 30 with Verdillo as stickman and Marquez as the pay-off dealer. While doing her rounds, Acting Pit Supervisor Eulalia Yang noticed that on several

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<sup>1</sup> *Rollo* (G.R. 191877), pp. 58-77. Penned by Associate Justice Rebecca De Guia-Salvador with Associate Justices Apolinario D. Bruselas, Jr. and Mario V. Lopez concurring.

<sup>2</sup> *Id.* at 144-155.

<sup>3</sup> *Id.* at 157-161.

<sup>4</sup> *Rollo* (G.R. 192287), pp. 38-59. Penned by Associate Justice Mariano C. Del Castillo (now a member of this Court) with Associate Justices Monina Arevalo-Zenarosa and Priscilla J. Baltazar-Padilla concurring.

<sup>5</sup> *CA rollo* (CA-G.R. SP No. 106961), pp. 65-78.

<sup>6</sup> Said dealer is called a stickman because among others he holds a stick up to signify that the game has started and that the shooter may throw the dice.

<sup>7</sup> Also referred to as Mr. Johnny Ching.

occasions Verdillo made a “good dice” call even though not one of the dice from the player’s throw hit the table’s rubber wall. Alarmed by what she saw, Yang reported the matter to the Casino Management. Thereafter, Mr. Ariston Tangalin, the Acting Casino Shift Manager, requested to review the Closed Circuit Television (CCTV) footage of the incident. After watching the footage, the members of the Casino Management and the investigators from the Corporate Investigation Unit were convinced that several void throws were declared as “good dice” in Table No. 30 while the same was being manned by Marquez and Verdillo. Senior Branch Surveillance Officer Wilbur U. Isabelo also submitted a report to the Surveillance Unit, stating that

Based on video footage, there were [eight (8)] occasions when the dices did not [touch] the rubber wall. Dealer Stickman Verdillo should have declared the games void or no dice but instead declared the games as good dice after which, Dealer Pay-off paid the bets of the customer, a certain Mr. Johnny Ching. It was noted that whenever A/PS Eulalia Yang, Dealers Joselito Magahis and Virgilio Ruanto were monitoring the transactions on said table, Mr. Ching would throw the dices normally which touched the rubber wall. It was also observed that Mr. Ching was positioned near the Stickman.

Hereunder is the chronological fraudulent transactions which transpired from 0246H – 0314H November 27, 2006 at table #30 (Craps):

- 0246H : Customer Mr. Johnny Ching started playing at table #30.
- 0258:05H : Game was no dice. Customer’s placed bet of P2,000 on point 5 was paid with P3,000.
- 0258:41H : Game was no dice. Customer’s placed bet of P1,000 on point 6 was paid with P1,100.
- 0259:23H : Game was no dice. Customer’s placed bet of P4,000 on point 5 was paid with P5,000.
- 0259:36H : Game was no dice. Customer’s placed bet of P2,000 on point 6 was paid with P2,200.
- 0302:57H : Game was no dice. Customer’s placed bet of P4,000 on point 6 was paid with P4,400.
- 0303:23H : Game was no dice. Customer’s placed bet of P1,000 on point 8 was paid with P1,100.
- 0303:39H : Game was no dice. Customer’s placed bet of P2,000 on point 9 was paid with P2,500.
- 0305:18H : Game was no dice. Customer’s placed bet of P4,000 on point 9 was paid with P5,000.
- 0314H : Customer Mr. Ching stopped playing.<sup>8</sup>

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<sup>8</sup> *Rollo* (G.R. No. 191877), pp. 169-170.

On November 28, 2006, after conducting a fact-finding investigation, the Internal Security Investigation Section found that a *prima facie* case exists against Marquez and Verdillo. Hence, they were administratively charged with conspiring with Cheng in defrauding PAGCOR of an undetermined amount of money<sup>9</sup> and were required to submit a written explanation. In his *Sinumpaang Salaysay*,<sup>10</sup> Marquez admitted that he was aware of several erroneous calls made by Verdillo on the dice throws, but he still paid out winnings to Cheng. Meanwhile, Verdillo also submitted a written explanation, denying the accusations against him. On December 13, 2006, they were invited by the Branch Management Panel (BMP) to a hearing to explain their side of the controversy.<sup>11</sup>

Later, the BMP rendered its decision finding both Marquez and Verdillo liable for fraudulent transactions and recommended their dismissal from service, as follows:

Though it was only in November 26, 2006 that the anomaly was discovered, the information and revelations pronounced by PM Senatin<sup>12</sup> since August 2005 and the proof from the footages, are strong evidence to prove that there is something going on with craps.

It was observed and viewed in the CCTV footages that whenever there are other customers watching his play, Mr. Cheng throws the dice with force passing through the center of the table in such a way that it produces a sound to be heard loudly when it touches the rubber wall. However, when both Marquez and Verdillo are around, the dice is thrown at the side of the table barely touching its rubber walling.

Dealer Pay-off may overrule the decision of the stickman. However, during the game on eight (8) occasions, Dealer Marquez did not become observant considering that Dealer Verdillo is not good in craps nor did not insist on calling his attention for the bad calls.

Foregoing considered, the Panel resolved **to dismiss Dealers Ireneo Verdillo and Ariel Marquez for the offense of “FRAUDULENT TRANSACTIONS AT CRAPS TO THE DISADVANTAGE OF THE HOUSE.”**<sup>13</sup> (Emphasis and underscoring in the original.)

The BMP's recommendation was adopted by the Adjudication Committee and its findings were then forwarded to PAGCOR's Board of Directors for final approval. Senior Managing Head of the Human Resource and Development Department, Visitacion F. Mendoza, later sent a Memorandum to Marquez and Verdillo informing them that the Board had

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<sup>9</sup> Id. at 180.

<sup>10</sup> Id. at 171-179.

<sup>11</sup> Id. at 182; CA *rollo* (CA-G.R. SP No. 106961), p. 145.

<sup>12</sup> Pit Manager Luis Senatin testified during the investigation that based on the records Mr. Cheng had won straight for five months from October 2005 to February 2006 and then again for five months straight from April 2006 to August 2006, which was statistically improbable. During those times he was winning, dealers Verdillo, Marquez and Felix Cajayon were on the table. Also, Mr. Cheng usually plays when he is on break and usually has already won by the time he gets back. [*Rollo* (G.R. No. 191877), p. 187.]

<sup>13</sup> *Rollo* (G.R. No. 191877), pp. 189-190.

approved the Adjudication Committee's recommendation to dismiss them from the service due to "Dishonesty, Grave violation of company rules and regulations, Conduct prejudicial to the best interest of the company, and Loss of trust and confidence" for conspiring with a co-dealer and a customer in defrauding the house on numerous occasions on November 27, 2006.<sup>14</sup>

Marquez and Verdillo filed their motions for reconsideration, but both were denied by PAGCOR for lack of merit.<sup>15</sup>

Aggrieved, they appealed their dismissal from the service to the CSC.

In Resolution No. 08-0702, the CSC dismissed Marquez's appeal for lack of merit. The decretal portion of the Resolution reads:

**WHEREFORE**, the appeal of Ariel R. Marquez is hereby **DISMISSED** for lack of merit. The decision of the PAGCOR Board of Directors dated February 1, 2007, finding respondent-appellant guilty of the administrative offenses of Dishonesty, Grave Violation of Company Rules and Regulations, Conduct Prejudicial to the Best Interest of the Company, Loss of Trust and Confidence and Conspiring with a co-Dealer and a Customer in Defrauding the House and imposing upon him the penalty of dismissal from the service and the decision of the same Board denying his Motion for Reconsideration is hereby **MODIFIED**. Accordingly, this Commission finds that respondent-appellant is guilty of the administrative offenses of Serious Dishonesty, Violation of Office Rules and Regulations and Conduct Prejudicial to the Best Interest of the Service and imposes the penalty of dismissal from the service with all its accessory penalties of forfeiture of retirement benefits, perpetual disqualification from re-employment in government service, bar from taking civil service examinations in the future and cancellation of civil service eligibilities.<sup>16</sup>

Likewise, in Resolution No. 08-0931, the appeal of Verdillo was dismissed as follows:

**WHEREFORE**, the appeal of Ireneo M. Verdillo, Dealer, Philippine Amusement and Gaming Corporation (PAGCOR), Manila is hereby **DISMISSED** for lack of merit. The decision of the PAGCOR Board of Directors dated February 1, 2007, finding respondent-Appellant guilty of the administrative offenses of Dishonesty, Grave Violation of Company Rules and Regulations, Conduct Prejudicial to the Best Interest of the Company, Loss of Trust and Confidence and Conspiring with a co-Dealer and a Customer in Defrauding the House and imposing upon him the penalty of dismissal from the service and the decision of the same Board denying his Motion for Reconsideration is hereby **MODIFIED**. Accordingly, this Commission finds that respondent-Appellant is guilty of the administrative offenses of Serious Dishonesty, Violation of Office Rules and Regulations and Conduct Prejudicial to the Best Interest of the Service and imposes the penalty of dismissal from the service with all its accessory penalties of forfeiture of retirement benefits, perpetual

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<sup>14</sup> Id. at 191; *CA rollo* (CA-G.R. SP No. 106961), p. 146.

<sup>15</sup> Id. at 200; *rollo* (G.R. 192287), p. 73.

<sup>16</sup> Id. at 155.

disqualification from reemployment in government service and cancellation of all eligibilities.<sup>17</sup>

The CSC held that it has reasonable ground to believe that Marquez and Verdillo were involved in a conspiracy to manipulate the game of Craps on November 27, 2006. It found that the statements made by Marquez and Verdillo, the CCTV footage, the investigation report, and the statements of the employees, all belie their innocence. The CSC further pointed out that it was incumbent upon Marquez to make sure that Verdillo's calls were in order, and it was Verdillo's duty to verify that his declarations on the dice throws were accurate. Hence, it concluded that together with Cheng, they were one in their goal to manipulate the game of Craps to the detriment of PAGCOR. The CSC denied their motions for reconsideration.

Not satisfied, Marquez filed a petition for review with the CA arguing that he was not accorded his right to due process and that there was no substantial evidence to support a finding of his guilt in the administrative charge.

In CA-G.R. SP No. 106196, the CA rendered a decision in his favor, to wit:

**WHEREFORE**, premises considered, the assailed resolutions dated February 1, 2007 and May 12, 2007 are **REVERSED** and **SET ASIDE**. In lieu thereof, another is entered ordering respondent to reinstate petitioner to his former position and to pay his backwages and benefits from March 28, 2007 onwards.

**SO ORDERED.**<sup>18</sup>

The CA held that there is no administrative charge of conspiracy under the Uniform Rules of Administrative Cases in the Civil Service. It found Marquez's *Sinumpaang Salaysay* credible and ruled that there was no dishonesty on his part, much less a conspiracy with Verdillo and Cheng to defraud PAGCOR. The CA observed that the fact that as stated in his sworn statement, Marquez called Verdillo's attention to his erroneous call only on the second time that Verdillo made an erroneous call, cannot be interpreted that he was dishonest or engaged in a conspiracy. Rather, it shows that he was negligent in the performance of his duties.

Meanwhile, Verdillo filed with the CA a separate petition for review which was docketed as CA-G.R. SP No. 106961. He argued that PAGCOR's Decision was not supported by the evidence on record. He also averred that he was denied due process of law.

The CA, however, denied Verdillo's petition, as follows:

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<sup>17</sup> CA *rollo* (CA-G.R. SP No. 106961), p. 78.

<sup>18</sup> *Rollo* (G.R. No. 191877), pp. 76-77.

WHEREFORE, the petition is hereby DENIED and the assailed Civil Service Commission Resolution Nos. 080931 and 082231 are AFFIRMED.

SO ORDERED.<sup>19</sup>

In that case, the CA found that Verdillo did not judiciously perform all the acts expected of him as a dealer-stickman and all acts necessary to protect PAGCOR's interest. The CA found that there exists substantial evidence to support the conclusion that Verdillo is guilty of the offense of violation of office rules and regulations and conduct prejudicial to the best interest of the service. The CA also concluded that the circumstances present in the case supply more than reasonable grounds to believe that Verdillo conspired with Marquez and Cheng to defraud PAGCOR.

Unsatisfied, PAGCOR filed before this Court a petition for review on certiorari, docketed as G.R. No. 191877, arguing that the CA erred in finding that the notice of charges against Marquez was not in accordance with the Uniform Rules on Administrative Cases. It contends that the designation of the offense in an administrative case is not controlling and one may be found guilty of another offense if it is based on the same facts subject of the original designation. Furthermore, PAGCOR asserts that the CA erred in simply brushing aside the evidence considered by the CSC, stressing that the factual findings of administrative bodies are controlling on the reviewing authority.

On the other hand, Marquez maintains that there was no substantial evidence to support the findings of the CSC. He insists that conspiracy must be proved as sufficiently as the crime itself through clear and convincing evidence. In this case, there was no unity of purpose in the execution of the fraudulent acts since he called Verdillo's attention whenever he made bad calls. Marquez claims that the charges against him are based mainly on suspicions and are not supported by facts.

For his part, Verdillo also filed before this Court a petition for review on certiorari docketed as G.R. No. 192287. He argues that PAGCOR failed to present substantial evidence to justify his dismissal from service. He contends that his sworn statement cannot be considered as substantial evidence to support the offense of violation of office rules and regulations and conduct prejudicial to the best interest of the service as there was no admission on his part that he violated house rules. Finally, he stresses that the existence of conspiracy was not established. Thus, he prays for his reinstatement to his former position without loss of seniority rights and other benefits as well as back wages.

Essentially, the issue in this case is whether Marquez and Verdillo are guilty of dishonesty, violation of office rules and regulations and conduct

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<sup>19</sup> *Rollo* (G.R. No. 192287), pp. 58-59.

prejudicial to the best interest of the service to justify their dismissal from service.

It is worthy to state that in petitions for review on certiorari under Rule 45 of the 1997 Revised Rules of Civil Procedure, as amended, only questions of law may be raised. It is not our function to analyze or weigh all over again evidence already considered in the proceedings below, our jurisdiction being limited to reviewing only errors of law that may have been committed by the lower court. The resolution of factual issues is the function of the lower courts, whose findings on these matters are received with respect. A question of law which we may pass upon must not involve an examination of the probative value of the evidence presented by the litigants.<sup>20</sup>

This rule, however, is not ironclad. We have consistently recognized several exceptional circumstances where we disregarded the aforesaid tenet and proceeded to review the findings of facts of the lower court such as when the findings of fact are conflicting or when the CA manifestly overlooked certain relevant and undisputed facts which, if properly considered, would justify a different conclusion.<sup>21</sup> Considering the conflict in the factual findings of the CSC and of the CA, we rule on the factual issues as an exception to the general rule.

Marquez was administratively charged for conspiring with Verdillo and Cheng to defraud PAGCOR in CA-G.R. SP No. 106196. The CA observed that there was a disparity between the offense charged and the offenses for which Marquez was found guilty -- dishonesty, grave violation of company rules and regulations, conduct prejudicial to the best interest of the company and loss of trust and confidence. The CA concluded that PAGCOR failed to comply with the requirement of administrative due process since Marquez was not duly apprised of the proper charges which led to his dismissal.

We do not agree.

Section 16, Rule II of the Uniform Rules on Administrative Cases in the Civil Service provides as follows:

Section 16. **Formal Charge.** – After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his answer whether or

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<sup>20</sup> *University of San Agustin Employees' Union-FFW v. CA*, 520 Phil. 400, 409 (2006).

<sup>21</sup> See *The Insular Life Assurance Company, Ltd. v. Court of Appeals*, G.R. No. 126850, April 28, 2004, 428 SCRA 79, 86.

not he elects a formal investigation of the charge(s), and a notice that he is entitled to be assisted by a counsel of his choice.

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In *Dadubo v. Civil Service Commission*,<sup>22</sup> the Court pronounced that the charge against the respondent in an administrative case need not be drafted with the precision of an information in a criminal prosecution. It is sufficient that he is apprised of the substance of the charge against him; what is controlling is the allegation of the acts complained of, not the designation of the offense. It must be stressed that what the law requires is to simply inform the civil servant of the nature and cause of accusation against him in a clear and concise manner for the purpose of giving him the right to confront the allegations against him.

In the present case, the CSC found that a formal charge was issued identifying the administrative offenses committed by Marquez. A Memorandum<sup>23</sup> dated November 28, 2006 was issued charging Marquez of conspiring with Verdillo and Cheng in defrauding PAGCOR during void gaming transactions at Table No. 30 on several occasions. He was then required to explain in writing within 72 hours from receipt of the Memorandum. Records also show that he participated in the investigation by executing a *Sinumpaang Salaysay*. Thereafter, the BMP of Casino Filipino-Heritage conducted a formal investigation and invited him to attend the meeting on December 13, 2006 to explain his side. Clearly, Marquez was sufficiently informed of the basis of the charge against him and was able to defend himself. He was given every opportunity to present his side of the case.

The failure to designate the offense specifically and with precision is of no moment in this administrative case. The essence of due process in administrative proceedings is that a party be afforded a reasonable opportunity to be heard and to submit any evidence he may have in support of his defense. The law simply requires that the civil servant is informed of the nature and cause of accusation against him in a clear and concise manner to give the person a chance to answer the allegations intelligently. Evidently, PAGCOR substantially complied with the requirements of due process for administrative cases.

With regard to Verdillo's contention that he would be in a better position to defend himself if confronted with the CCTV footage, we find the same to be without merit. There is more than substantial evidence which proves that he indeed declared void transactions as valid on at least eight occasions. We note that the CCTV footage is not the only evidence against him. Acting Pit Supervisor Yang actually witnessed that several clearly void

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<sup>22</sup> G.R. No. 106498, June 28, 1993, 223 SCRA 747, 754.

<sup>23</sup> *Rollo* (G.R. No. 191877), p. 180.

transactions were declared by Verdillo as good and valid.<sup>24</sup> Even Verdillo's sworn statement reveals that he did not see the dice hit the rubber wall. In fact, he mentioned in his statement that he used his sense of hearing in determining whether or not the dice hit the rubber wall.

The CSC, as affirmed by the CA in CA-GR. SP No. 106961, found sufficient evidence to support a finding of dishonesty, grave violation of company rules and regulations, conduct prejudicial to the best interest of the company and loss of trust and confidence. The circumstances in this case all point to the conclusion that Verdillo conspired with Marquez and Cheng. Verdillo declared several dice throws of Cheng as "good dice" even if they were void. Marquez then paid Cheng his winnings in huge amounts. Whenever a customer or employee would pass the Craps table, Cheng would change his dice throws and would even comment "*may multo*" (there is a ghost) when Acting Pit Supervisor Yang would approach the craps table. These anomalous transactions were not only witnessed by Acting Pit Supervisor Yang, but were also confirmed by the CCTV footage.

Dishonesty is defined as the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty. It implies a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; and lack of fairness and straightforwardness.<sup>25</sup> Under the Civil Service Rules, dishonesty is a grave offense punishable by dismissal which carries the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits (except leave credits), and disqualification from reemployment in the government service.<sup>26</sup>

As regards Marquez, evidence shows that on eight occasions, Marquez paid customer Cheng despite the fact that the latter's throws were void. He admitted that he knew that on several occasions the throws made should have been declared void and that it was incumbent upon him to make sure that the calls were in order. This duty could not have escaped him as he had been a dealer for five years. Hence, it is our view that the conduct of Marquez amounts to serious dishonesty, and not merely negligence, since his dishonest act was committed not just a few times but repeatedly or eight times over a very short period of seven minutes, a statistical improbability.

Administrative proceedings are governed by the "substantial evidence rule." A finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed the acts stated in the complaint or formal charge. As defined, substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.<sup>27</sup> We find that

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<sup>24</sup> *Rollo* (G.R. No. 192287), p. 49.

<sup>25</sup> *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 543-544.

<sup>26</sup> *Civil Service Commission v. Dasco*, A.M. No. P-07-2335, September 22, 2008, 566 SCRA 114, 122.

<sup>27</sup> *Velasquez v. Hernandez*, G.R. Nos. 150732 & 151095, August 31, 2004, 437 SCRA 357, 369.

Marquez and Verdillo failed to present any cogent reason for the Court to deviate from the rule that factual findings of administrative agencies are generally held to be binding and final so long as they are supported by substantial evidence in the record of the case.

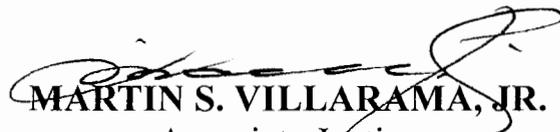
All told, we find that there was substantial evidence for the charges against Marquez and Verdillo, warranting their dismissal from service.

**WHEREFORE**, the petition in G.R. No. 191877 is **GRANTED**. The October 9, 2009 Decision of the Court of Appeals in CA-G.R. SP No. 106196 is hereby **REVERSED** and **SET ASIDE**. Consequently, Resolution Nos. 08-0702 and 08-1858 of the Civil Service Commission dismissing Ariel R. Marquez from service are **REINSTATED** and **UPHELD**.

The petition in G.R. No. 192287 is **DENIED**. The July 21, 2009 Decision of the Court of Appeals in CA-G.R. SP No. 106961, which affirmed Civil Service Commission Resolution Nos. 08-0931 and 08-2231 dismissing Ireneo M. Verdillo from service, is **AFFIRMED**.

With costs against the petitioner in G.R. No. 192287.

**SO ORDERED.**

  
MARTIN S. VILLARAMA, JR.  
Associate Justice

WE CONCUR:

  
MARIA LOURDES P. A. SERENO  
Chief Justice

  
ANTONIO T. CARPIO  
Associate Justice

  
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

(No Part)  
**MARIANO C. DEL CASTILLO**  
Associate Justice



**ROBERTO A. ABAD**  
Associate Justice



**JOSE PORTUGAL PEREZ**  
Associate Justice



**JOSE CATRAL MENDOZA**  
Associate Justice



**BIENVENIDO L. REYES**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the 1987 Constitution, it is hereby certified 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.



**MARIA LOURDES P. A. SERENO**  
Chief Justice