



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ALBERTO PAT-OG, SR.,
Petitioner,

G.R. No. 198755

Present:

VELASCO, JR., *J.*, Chairperson,
PERALTA,
ABAD,
MENDOZA, and
LEONEN, *JJ.*

- versus -

CIVIL SERVICE COMMISSION,
Respondent.

Promulgated:

JUN 05 2013

Aluopran

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DECISION

MENDOZA, J.:

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, which seeks to set aside the April 6, 2011 Decision¹ of the Court of Appeals (*CA*) in CA-G.R. SP No. 101700, affirming the April 11, 2007 Decision² of the Civil Service Commission (*CSC*), which ordered the dismissal of petitioner Alberto Pat-og, Sr. (*Pat-og*) from the service for grave misconduct.

The Facts

On September 13, 2003, Robert Bang-on (*Bang-on*), then a 14-year old second year high school student of the Antadao National High School in Sagada, Mountain Province, filed an affidavit-complaint against Pat-og, a third year high school teacher of the same school, before the Civil Service Commission-Cordillera Administrative Region (*CSC-CAR*).

¹ *Rollo*, pp. 35-47; Penned by Associate Justice Jane Aurora C. Lantion, and concurred in by Associate Justice Japar B. Dimaampao and Associate Justice Ramon R. Garcia.

² *Id.* at 97-100.

Bang-on alleged that on the morning of August 26, 2003, he attended his class at the basketball court of the school, where Pat-og and his third year students were also holding a separate class; that he and some of his classmates joined Pat-og's third year students who were practicing basketball shots; that Pat-og later instructed them to form two lines; that thinking that three lines were to be formed, he stayed in between the two lines; that Pat-og then held his right arm and punched his stomach without warning for failing to follow instructions; and that as a result, he suffered stomach pain for several days and was confined in a hospital from September 10-12, 2003, as evidenced by a medico-legal certificate, which stated that he sustained a contusion hematoma in the hypogastric area.

Regarding the same incident, Bang-on filed a criminal case against Pat-og for the crime of Less Serious Physical Injury with the Regional Trial Court (RTC) of Bontoc, Mountain Province.

Taking cognizance of the administrative case, the CSC-CAR directed Pat-og to file his counter-affidavit. He denied the charges hurled against him and claimed that when he was conducting his Music, Arts, Physical Education and Health (MAPEH) class, composed of third year students, he instructed the girls to play volleyball and the boys to play basketball; that he later directed the boys to form two lines; that after the boys failed to follow his repeated instructions, he scolded them in a loud voice and wrested the ball from them; that while approaching them, he noticed that there were male students who were not members of his class who had joined the shooting practice; that one of those male students was Bang-on, who was supposed to be having his own MAPEH class under another teacher; that he then glared at them, continued scolding them and dismissed the class for their failure to follow instructions; and that he offered the sworn statement of other students to prove that he did not box Bang-on.

On June 1, 2004, the CSC-CAR found the existence of a *prima facie* case for misconduct and formally charged Pat-og.

While the proceedings of the administrative case were ongoing, the RTC rendered its judgment in the criminal case and found Pat-og guilty of the offense of slight physical injury. He was meted the penalty of imprisonment from eleven (11) to twenty (20) days. Following his application for probation, the decision became final and executory and judgment was entered.

Meanwhile, in the administrative case, a pre-hearing conference was conducted after repeated postponement by Pat-og. With the approval of the CSC-CAR, the prosecution submitted its position paper in lieu of a formal presentation of evidence and formally offered its evidence, which included

the decision in the criminal case. It offered the affidavits of Raymund Atuban, a classmate of Bang-on; and James Domanog, a third year high school student, who both witnessed Pat-og hit Bang-on in the stomach.

For his defense, Pat-og offered the testimonies of his witnesses - Emiliano Dontongan (*Dontongan*), a teacher in another school, who alleged that he was a member of the Municipal Council for the Protection of Children, and that, in such capacity, he investigated the incident and came to the conclusion that it did not happen at all; and Ernest Kimmot, who testified that he was in the basketball court at the time but did not see such incident. Pat-og also presented the affidavits of thirteen other witnesses to prove that he did not punch Bang-on.

Ruling of the CSC-CAR

In its Decision,³ dated September 19, 2006, the CSC-CAR found Pat-og guilty and disposed as follows:

WHEREFORE, all premises told, respondent Alberto Pat-og, Sr., Teacher Antadao National High School, is hereby found guilty of Simple Misconduct.

Under the Uniform Rules on Administrative Cases in the Civil Service, the imposable penalty on the first offense of Simple Misconduct is suspension of one (1) month and one (1) day to six (6) months.

Due to seriousness of the resulting injury to the fragile body of the minor victim, the CSC-CAR hereby imposed upon respondent the maximum penalty attached to the offense which is six months suspension without pay.

The CSC-CAR gave greater weight to the version posited by the prosecution, finding that a blow was indeed inflicted by Pat-og on Bang-on. It found that Pat-og had a motive for doing so - his students' failure to follow his repeated instructions which angered him. Nevertheless, the CSC-CAR ruled that a motive was not necessary to establish guilt if the perpetrator of the offense was positively identified. The positive identification of Pat-og was duly proven by the corroborative testimonies of the prosecution witnesses, who were found to be credible and disinterested. The testimony of defense witness, Dontongan, was not given credence considering that the students he interviewed for his investigation claimed that Pat-og was not even angry at the time of the incident, contrary to the latter's own admission.

The CSC-CAR held that the actions of Pat-og clearly transgressed the proper norms of conduct required of a public official, and the gravity of the

³ Id. at 79-91.

offense was further magnified by the seriousness of the injury of Bang-on which required a healing period of more than ten (10) days. It pointed out that, being his teacher, Pat-og's substitute parental authority did not give him license to physically chastise a misbehaving student. The CSC-CAR added that the fact that Pat-og applied for probation in the criminal case, instead of filing an appeal, further convinced it of his guilt.

The CSC-CAR believed that the act committed by Pat-og was sufficient to find him guilty of Grave Misconduct. It, however, found the corresponding penalty of dismissal from the service too harsh under the circumstances. Thus, it adjudged petitioner guilty of Simple Misconduct and imposed the maximum penalty of suspension for six (6) months.

On December 11, 2006, the motion for reconsideration filed by Pat-og was denied for lack of merit.⁴

The Ruling of the CSC

In its Resolution,⁵ dated April 11, 2007, the CSC dismissed Pat-og's appeal and affirmed with modification the decision of the CSC-CAR as follows:

WHEREFORE, foregoing premises considered, the instant appeal is hereby DISMISSED. The decision of the CSC-CAR is affirmed with the modification that Alberto Pat-og, Sr., is adjudged guilty of grave misconduct, for which he is meted out the penalty of dismissal from the service with all its accessory penalties of cancellation of eligibilities, perpetual disqualification from re-employment in the government service, and forfeiture of retirement benefits.⁶

After evaluating the records, the CSC sustained the CSC-CAR's conclusion that there existed substantial evidence to sustain the finding that Pat-og did punch Bang-on in the stomach. It gave greater weight to the positive statements of Bang-on and his witnesses over the bare denial of Pat-og. It also highlighted the fact that Pat-og failed to adduce evidence of any ill motive on the part of Bang-on in filing the administrative case against him. It likewise gave credence to the medico-legal certificate showing that Bang-on suffered a hematoma contusion in his hypogastric area.

The CSC ruled that the affidavits of Bang-on's witnesses were not bereft of evidentiary value even if Pat-og was not afforded a chance to cross-examine the witnesses of Bang-on. It is of no moment because the cross-

⁴ Id. at 97-100.

⁵ Id. at 111-119.

⁶ Id. at 119.

examination of witnesses is not an indispensable requirement of administrative due process.

The CSC noted that Pat-og did not question but, instead, fully acquiesced in his conviction in the criminal case for slight physical injury, which was based on the same set of facts and circumstances, and involved the same parties and issues. It, thus, considered his prior criminal conviction as evidence against him in the administrative case.

Finding that his act of punching his student displayed a flagrant and wanton disregard of the dignity of a person, reminiscent of corporal punishment that had since been outlawed for being harsh, unjust, and cruel, the CSC upgraded Pat-og's offense from Simple Misconduct to Grave Misconduct and ordered his dismissal from the service.

Pat-og filed a motion for reconsideration, questioning for the first time the jurisdiction of CSC over the case. He contended that administrative charges against a public school teacher should have been initially heard by a committee to be constituted pursuant to the Magna Carta for Public School Teachers.

On November 5, 2007, the CSC denied his motion for reconsideration.⁷ It ruled that Pat-og was estopped from challenging its jurisdiction considering that he actively participated in the administrative proceedings against him, raising the issue of jurisdiction only after his appeal was dismissed by the CSC.

Ruling of the Court of Appeals

In its assailed April 6, 2011 Decision,⁸ the CA affirmed the resolutions of the CSC. It agreed that Pat-og was estopped from questioning the jurisdiction of the CSC as the records clearly showed that he actively participated in the proceedings. It was of the view that Pat-og was not denied due process when he failed to cross-examine Bang-on and his witnesses because he was given the opportunity to be heard and present his evidence before the CSC-CAR and the CSC.

The CA also held that the CSC committed no error in taking into account the conviction of Pat-og in the criminal case. It stated that his conviction was not the sole basis of the CSC for his dismissal from the service because there was substantial evidence proving that Pat-og had indeed hit Bang-on.

⁷ Id. at 123-129.

⁸ Id. at 35-47.

In its assailed Resolution,⁹ dated September 13, 2011, the CA denied the motion for reconsideration filed by Pat-og.

Hence, the present petition with the following

Assignment of Errors

WHETHER OR NOT RESPONDENT COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT AFFIRMED THE SUPREME PENALTY OF DISMISSAL FROM SERVICE WITH FORFEITURE OF RETIREMENT BENEFITS AGAINST THE PETITIONER WITHOUT CONSIDERING PETITIONER'S LONG YEARS OF GOVERNMENT SERVICE?

WHETHER OR NOT RESPONDENT COURT OF APPEALS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT RULED THAT PETITIONER IS ESTOPPED FROM QUESTIONING THE JURISDICTION OF THE CIVIL SERVICE COMMISSION TO HEAR AND DECIDE THE ADMINISTRATIVE CASE AGAINST HIM?

WHETHER OR NOT RESPONDENT COURT OF APPEALS SERIOUSLY ERRED AND COMMITTED GRAVE ABUSE OF DISCRETION IN DISMISSING THE APPEAL DESPITE LACK OF SUBSTANTIAL EVIDENCE?

On Jurisdiction

Pat-og contends that Section 9 of Republic Act (R.A.) No. 4670, otherwise known as the Magna Carta for Public School Teachers, provides that administrative charges against a public school teacher shall be heard initially by a committee constituted under said section. As no committee was ever formed, the petitioner posits that he was denied due process and that the CSC did not have the jurisdiction to hear and decide his administrative case. He further argues that notwithstanding the fact that the issue of jurisdiction was raised for the first time on appeal, the rule remains that estoppel does not confer jurisdiction on a tribunal that has no jurisdiction over the cause of action or subject matter of the case.

The Court cannot sustain his position.

⁹ Id. at 49-50.

The petitioner's argument that the administrative case against him can only proceed under R.A. No. 4670 is misplaced.

In *Puse v. Santos-Puse*,¹⁰ it was held that the CSC, the Department of Education (*DepEd*) and the Board of Professional Teachers-Professional Regulatory Commission (*PRC*) have concurrent jurisdiction over administrative cases against public school teachers.

Under Article IX-B of the 1987 Constitution, the CSC is the body charged with the establishment and administration of a career civil service which embraces all branches and agencies of the government.¹¹ Executive Order (*E.O.*) No. 292 (the Administrative Code of 1987)¹² and Presidential Decree (*P.D.*) No. 807 (the Civil Service Decree of the Philippines)¹³ expressly provide that the CSC has the power to hear and decide administrative disciplinary cases instituted with it or brought to it on appeal. Thus, the CSC, as the central personnel agency of the government, has the inherent power to supervise and discipline all members of the civil service, including public school teachers.

¹⁰ G.R. No. 183678, March 15, 2010, 615 SCRA 500, 513.

¹¹ Section 2. (1) The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

x x x x

Section 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.

¹² Chapter 3, Title I(A), Book V:

Section 12. *Powers and Functions.* - The Commission shall have the following powers and functions: x x x

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. x x x

¹³ Section 9. *Powers and Functions of the Commission.* The Commission shall administer the Civil Service and shall have the following powers and functions:

x x x x

(j) Hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal;

x x x x

Section 37. *Disciplinary Jurisdiction.*

(a) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from Office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken. x x x

Indeed, under Section 9 of R.A. No. 4670, the jurisdiction over administrative cases of public school teachers is lodged with the investigating committee constituted therein.¹⁴ Also, under Section 23 of R.A. No. 7836 (the Philippine Teachers Professionalization Act of 1994), the Board of Professional Teachers is given the power, after due notice and hearing, to suspend or revoke the certificate of registration of a professional teacher for causes enumerated therein.¹⁵

Concurrent jurisdiction is that which is possessed over the same parties or subject matter at the same time by two or more separate tribunals. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter.¹⁶

Where concurrent jurisdiction exists in several tribunals, the body that first takes cognizance of the complaint shall exercise jurisdiction to the exclusion of the others. In this case, it was CSC which first acquired jurisdiction over the case because the complaint was filed before it. Thus, it had the authority to proceed and decide the case to the exclusion of the DepEd and the Board of Professional Teachers.¹⁷

¹⁴ Section. 9. *Administrative Charges.* Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teacher's organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: *Provided, however,* That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

¹⁵ Section. 23. *Revocation of the Certificate of Registration, Suspension from the Practice of the Teaching Profession, and Cancellation of Temporary or Special Permit.* — The Board shall have the power, after due notice and hearing, to suspend or revoke the certificate of registration of any registrant, to reprimand or to cancel the temporary/special permit of a holder thereof who is exempt from registration, for any of the following causes:

- (a) Conviction for any criminal offense by a court of competent jurisdiction;
- (b) Immoral, unprofessional or dishonorable conduct;
- (c) Declaration by a court of competent jurisdiction for being mentally unsound or insane;
- (d) Malpractice, gross incompetence, gross negligence or serious ignorance of the practice of the teaching profession;
- (e) The use of or perpetration of any fraud or deceit in obtaining a certificate of registration, professional license or special/temporary permit;
- (f) Chronic inebriety or habitual use of drugs;
- (g) Violation of any of the provisions of this Act, the rules and regulations and other policies of the Board and the Commission, and the code of ethical and professional standards for professional teachers; and
- (h) Unjustified or willful failure to attend seminars, workshops, conferences and the like or the continuing education program prescribed by the Board and the Commission.

The decision of the Board to revoke or suspend a certificate may be appealed to the regional trial court of the place where the Board holds office within fifteen (15) days from receipt of the said decision or of the denial of the motion for reconsideration filed in due time.

¹⁶ *Puse v. Santos-Puse*, supra note 10, at 513.

¹⁷ *Id.* at 516.

In *CSC v. Alfonso*,¹⁸ it was held that special laws, such as R.A. No. 4670, do not divest the CSC of its inherent power to supervise and discipline all members of the civil service, including public school teachers. Pat-og, as a public school teacher, is first and foremost, a civil servant accountable to the people and answerable to the CSC for complaints lodged against him as a public servant. To hold that R.A. No. 4670 divests the CSC of its power to discipline public school teachers would negate the very purpose for which the CSC was established and would impliedly amend the Constitution itself.

To further drive home the point, it was ruled in *CSC v. Macud*¹⁹ that R.A. No. 4670, in imposing a separate set of procedural requirements in connection with administrative proceedings against public school teachers, should be construed to refer *only* to the specific procedure to be followed in administrative investigations *conducted by the DepEd*. By no means, then, did R.A. No. 4670 confer an exclusive disciplinary authority over public school teachers on the DepEd.

At any rate, granting that the CSC was without jurisdiction, the petitioner is indeed estopped from raising the issue. Although the rule states that a jurisdictional question may be raised at any time, such rule admits of the exception where, as in this case, estoppel has supervened.²⁰ Here, instead of opposing the CSC's exercise of jurisdiction, the petitioner invoked the same by actively participating in the proceedings before the CSC-CAR and by even filing his appeal before the CSC itself; only raising the issue of jurisdiction later in his motion for reconsideration after the CSC denied his appeal. This Court has time and again frowned upon the undesirable practice of a party submitting his case for decision and then accepting the judgment only if favorable, but attacking it for lack of jurisdiction when adverse.²¹

On Administrative Due Process

On due process, Pat-og asserts that the affidavits of the complainant and his witnesses are of questionable veracity having been subscribed in Bontoc, which is nearly 30 kilometers from the residences of the parties. Furthermore, he claimed that considering that the said affiants never testified, he was never afforded the opportunity to cross-examine them. Therefore, their affidavits were mere hearsay and insufficient to prove his guilt.

The petitioner does not persuade.

The essence of due process is simply to be heard, or as applied to administrative proceedings, a fair and reasonable opportunity to explain

¹⁸ G.R. No. 179452, June 11, 2009, 589 SCRA 88, 97.

¹⁹ G.R. No. 177531, September 10, 2009, 599 SCRA 52,65; citing *Ombudsman v. Masing*, 566 Phil. 253, 274 (2008).

²⁰ *CSC v. Macud*, G.R. No. 177531, September 10, 2009, 599 SCRA 52,66.

²¹ *Rubio v. Munar*. 561 Phil. 1, 9 (2007).

one's side, or an opportunity to seek a reconsideration of the action or ruling complained of.²² Administrative due process cannot be fully equated with due process in its strict judicial sense. In administrative proceedings, a formal or trial-type hearing is not always necessary²³ and technical rules of procedure are not strictly applied. Hence, the right to cross-examine is not an indispensable aspect of administrative due process.²⁴ The petitioner cannot, therefore, argue that the affidavit of Bang-on and his witnesses are hearsay and insufficient to prove his guilt.

At any rate, having actively participated in the proceedings before the CSC-CAR, the CSC, and the CA, the petitioner was apparently afforded every opportunity to explain his side and seek reconsideration of the ruling against him.

As to the issue of the veracity of the affidavits, such is a question of fact which cannot now be raised before the Court under Rule 45 of the Rules of Court. The CSC-CAR, the CSC and the CA did not, therefore, err in giving credence to the affidavits of the complainants and his witnesses, and in consequently ruling that there was substantial evidence to support the finding of misconduct on the part of the petitioner.

On the Penalty

Assuming that he did box Bang-on, Pat-og argues that there is no substantial evidence to prove that he did so with a clear intent to violate the law or in flagrant disregard of the established rule, as required for a finding of grave misconduct. He insists that he was not motivated by bad faith or ill will because he acted in the belief that, as a teacher, he was exercising authority over Bang-on *in loco parentis*, and was, accordingly, within his rights to discipline his student. Citing his 33 years in the government service without any adverse record against him and the fact that he is at the edge of retirement, being already 62 years old, the petitioner prays that, in the name of substantial and compassionate justice, the CSC-CAR's finding of simple misconduct and the concomitant penalty of suspension should be upheld, instead of dismissal.

The Court agrees in part.

Misconduct means intentional wrongdoing or deliberate violation of a rule of law or standard of behaviour. To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In grave misconduct, as

²² *Ombudsman v. Reyes*, G.R. No. 170512, October 5, 2011, 658 SCRA 626, 640; citing *Ledesma v. Court of Appeals*, G.R. No. 166780, December 27, 2007, 541 SCRA 444, 452.

²³ *Imperial v. GSIS*, G.R. No. 191224, October 4, 2011, 658 SCRA 497, 505.

²⁴ *Velez v. De Vera*, 528 Phil. 763, 802 (2006).

distinguished from simple misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of an established rule must be manifest.²⁵

Teachers are duly licensed professionals who must not only be competent in the practice of their noble profession, but must also possess dignity and a reputation with high moral values. They *must strictly adhere to*, observe, and practice the set of ethical and moral principles, standards, and values laid down in the Code of Ethics of Professional Teachers, which apply to all teachers in schools in the Philippines, whether public or private, as provided in the preamble of the said Code.²⁶ Section 8 of Article VIII of the same Code expressly provides that “**a teacher shall not inflict corporal punishment on offending learners.**”

Clearly then, petitioner cannot argue that in punching Bang-on, he was exercising his right as a teacher *in loco parentis* to discipline his student. It is beyond cavil that the petitioner, as a public school teacher, deliberately violated his Code of Ethics. Such violation is a flagrant disregard for the established rule contained in the said Code tantamount to grave misconduct.

Under Section 52(A)(2) of Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, the penalty for grave misconduct is dismissal from the service, which carries with it the cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification from reemployment in the government service.²⁷ This penalty must, however, be tempered with compassion as there was sufficient provocation on the part of Bang-on. Considering further the mitigating circumstances that the petitioner has been in the government service for 33 years, that this is his first offense and that he is at the cusp of retirement, the Court finds the penalty of suspension for six months as appropriate under the circumstances.

WHEREFORE, the Court **PARTIALLY GRANTS** the petition and **MODIFIES** the April 6, 2011 Decision of the Court of Appeals in CA-G.R. SP No. 101700. Accordingly, Alberto Pat-og, Sr. is found **GUILTY** of Grave Misconduct, but the penalty is reduced from dismissal from the service to **SUSPENSION** for **SIX MONTHS**.

SO ORDERED.


JOSE CATRAL MENDOZA
Associate Justice

²⁵ *Ombudsman v. Reyes*, G.R. No.170512, supra note 22, at 637; citing *Salazar v. Barriaga*, A.M. No. P-05-2016, 550 Phil. 44, 48-49 (2007).

²⁶ Preamble, CODE OF ETHICS OF PROFESSIONAL TEACHERS.

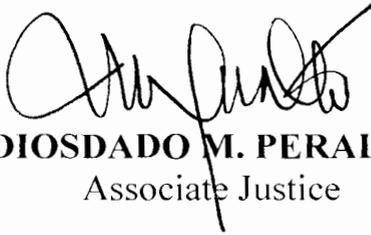
²⁷ Section 58(a), Rule IV, UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE.

WE CONCUR:



PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



ROBERTO A. ABAD
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
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.



PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson, Third Division

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