Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PARAÑAQUE KINGS ENTERPRISES, INC., Petitioner,	**G.R. No. 194638**
	Present:
- versus -	CARPIO, *J.*, Chairperson, BRION, DEL CASTILLO, PEREZ, and PERLAS-BERNABE, *JJ.*
CATALINA L. SANTOS, represented by her Attorney-in-Fact, LUZ B. PROTACIO, and DAVID R. RAYMUNDO, Respondents.	
	Promulgated: JUL 02 2014

x----------x

DECISION

PERLAS-BERNABE, *J.*:

Assailed in this petition for review on *certiorari*[1] are the Decision[2] dated September 22, 2010 and the Resolution[3] dated November 23, 2010 of the Court of Appeals (CA) in CA-G.R. CV No. 92522, which affirmed the following Orders of the Regional Trial Court of Makati City, Branch 57 (RTC), rendered in Civil Case No. 91-786 for breach of contract with damages: (*a*) **First Order[4] dated July 7, 1998** denying petitioner Parañaque Kings Enterprises, Inc.'s (petitioner) motion to cancel pre-trial and ordering the parties "to go into pre-trial"; (*b*) **Second Order[5] dated July 7, 1998** declaring petitioner non-suited for refusing "to go into pre-trial despite the Order of the [c]ourt to do so," and dismissing the complaint; and (*c*) **Order dated September 21, 1998**[6] denying petitioner's motion for reconsideration

---

1 *Rollo*, pp. 12-79.
2 Id. at 82-95. Penned by Associate Justice Fernanda Lampas Peralta, with Associate Justices Priscilla J. Baltazar-Padilla and Danton Q. Bueser, concurring.
3 Id. at 97.
4 Id. at 98-99. Penned by Acting Presiding Judge Bonifacio Sanz Maceda.
5 Id. at 100.
6 Id. at 101-106.

of the First and Second Orders.[7]

The Facts

Respondent Catalina L. Santos (Santos) entered into a Contract of Lease[8] with Frederick O. Chua (Chua) over eight (8) parcels of land[9] located in Parañaque City (leased premises), specifically giving the latter the "**first option or priority to buy**" the same in case of sale.[10] Chua then caused the construction of a 6-door commercial complex[11] on the leased premises but, by reason of business reverses, he was constrained to assign[12] his rights thereon to Lee Ching Bing (Lee), who likewise assumed all obligations under the lease contract with Santos. Lee, in turn, executed a Deed of Assignment[13] over the leased premises, including all improvements thereon, in favor of petitioner.

On March 19, 1991, petitioner filed a Complaint[14] before the RTC (docketed as Civil Case No. 91-786) against Santos and respondent David A. Raymundo (Raymundo) to whom Santos allegedly sold the leased premises on September 21, 1988 for a consideration of ₱5,000,000.00,[15] without giving petitioner the opportunity to exercise its priority to buy the same. Petitioner claimed that, when it objected to the sale, Santos repurchased the subject properties for the same price,[16] and offered them to petitioner for ₱15,000,000.00. The latter made a counter-offer of ₱5,000,000.00 but, before replying thereto, Santos sold the subject properties again to Raymundo on May 15, 1989 for ₱9,000,000.00.[17] Petitioner argued that the sale was simulated and that there was collusion between Santos and Raymundo (respondents).

Respondents respectively moved[18] for the dismissal of the Complaint on the main ground that it stated no cause of action. Raymundo alleged that there were, in fact, previous offers made to petitioner that the latter simply ignored.[19] Santos, on the other hand, maintained that petitioner had already recognized and respected Raymundo's status as the new owner-lessor of the subject properties due to its payment of lease rentals to Raymundo, and, as such, is now estopped from challenging Raymundo's title.[20] In addition, Santos claimed that the deed of assignment executed in favor of petitioner

---

7 Id. at 82-83.
8 Id. at 150-153. Dated November 28, 1977.
9 Covered by Transfer Certificates of Title (TCT) Nos. S-19637, S-19638, S-19643, S-19644, S-19645, S-19646, S-19647, and S-19648 (subject properties). See id. at 123-149.
10 Id. at 152, paragraph 9.
11 Id. at 155.
12 Id. at 154-156. Agreement dated February 12, 1979.
13 Id. at 157-159. Dated April 6, 1979.
14 Id. at 188-191.
15 See Deed of Absolute Sale; id. at 160-163.
16 See Deed of Reconveyance; id. at 166-169.
17 *Rollo*, p. 19. See second Deed of Absolute Sale; id. at 175-178.
18 See Motion to Dismiss dated July 15, 1991 filed by Raymundo; id. at 192-198 and Motion to Dismiss filed by Santos on July 11, 1991; id. at 199-204.
19 Id. at 195-196.
20 Id. at 200-201.

did not include the "first option" clause provided in the lease contract.[21]

On September 2, 1991, the RTC dismissed[22] petitioner's Complaint on the ground that it "does not contain any valid cause of action."[23] Petitioner then filed a motion for reconsideration[24] which was, however, denied by the RTC in an Order[25] dated October 11, 1991.

Aggrieved, petitioner elevated the case on appeal before the CA (docketed as CA-G.R. CV No. 34987) which rendered a Decision[26] dated March 29, 1993 affirming the dismissal of the Complaint.

Eventually, the foregoing CA Decision was reversed[27] on petition for review before the Court (docketed as G.R. No. 111538) in a Decision dated February 26, 1997 (February 26, 1997 Decision), upon a finding that the Complaint "sufficiently alleges an actionable contractual breach"[28] on the part of respondents. The Court explained that the trial and appellate courts based their decision on the allegation that Santos had actually offered the subject properties for sale to petitioner prior to the final sale in favor of Raymundo, but that the offer was rejected. However, the Court held that in order to have full compliance with the contractual right granting petitioner the first option to purchase, the sale of the subject properties for the amount of ₱9,000,000.00, the price for which it was finally sold to Raymundo, should have likewise been first offered to petitioner.[29] Necessarily, the Court remanded the case to the trial court for further proceedings.

When respondents filed their Answer with Compulsory Counterclaims[30] (Answer), they claimed that the first offer of ₱5,000,000.00 was declined by petitioner "because it could not afford the price."[31] After Raymundo reconveyed the subject properties to Santos, the latter offered it again to petitioner at the price of ₱15,000,000.00, which it found to be "ridiculous," insisting that ₱5,000,000.00 is the "true and reasonable value" of the subject properties and that it is willing to buy the same only for said amount.[32] Nevertheless, the reduced price of ₱9,000,000.00 was allegedly[33] offered to petitioner, but the latter refused and maintained its stance on the value of the said properties.

---

21 Id. at 203-204.
22 Id. at 207-211. See Order penned by Judge Francisco X. Velez.
23 Id. at 211.
24 Id. at 212-213. Dated October 3, 1991.
25 Id. at 214.
26 Id. at 216-221. Penned by Associate Justice Emeterio C. Cui, with Associate Justices Jainal D. Rasul and Eduardo G. Montenegro, concurring.
27 See Decision in *Parañaque Kings Enterprises, Inc. v. CA*, 335 Phil. 1184 (1997).
28 Id. at 1196.
29 Id. at 1197.
30 *Rollo*, pp. 243-256. Dated February 17, 1998.
31 Id. at 247.
32 Id. at 249-250.
33 Id. at 251.

Protesting that certain allegations in the Answer tended to vary, contradict, and falsify the findings of the Court in the February 26, 1997 Decision, petitioner filed a Motion to Strike out from the Answer with Compulsory Counterclaims Certain Allegations or Matters[34] (Motion to Strike Out), arguing that respondents are bound by the following conclusive findings of the Court and, hence, may no longer detract therefrom:

> A careful examination of the complaint reveals that it sufficiently alleges an actionable contractual breach on the part of private respondents. Under paragraph 9 of the contract of lease between respondent Santos and petitioner, the latter was granted the "first option or priority" to purchase the leased properties in case Santos decided to sell. If Santos never decided to sell at all, there can never be a breach, much less an enforcement of such "right." But on September 21, 1988, Santos sold said properties to Respondent Raymundo without first offering these to petitioner. Santos indeed realized her error, since she repurchased the properties after petitioner complained. Thereafter, she offered to sell the properties to petitioner for P15 million, which petitioner, however, rejected because of the "ridiculous" price. But Santos again appeared to have violated the same provision of the lease contract when she finally resold the properties to respondent Raymundo for only P9 million without first offering them to petitioner *at such price*. Whether there was actual breach which entitled petitioner to damages and/or other just or equitable relief, is a question which can better be resolved after trial on the merits where each party can present evidence to prove their respective allegations and defenses.[35]

Petitioner wanted to strike out, in particular, the allegations in the Answer that the subject properties were offered to it first at ₱5,000,000.00, and subsequently at ₱9,000,000.00.[36]

However, petitioner's Motion to Strike Out was denied by the RTC in an Order[37] dated May 18, 1998, emphasizing the inapplicability of the principle of *res judicata* with respect to the afore-quoted February 26, 1997 Decision. As indicated in the dispositive portion of the said Decision, the trial court was to conduct "further proceedings" which meant that respondents could not be deprived of the right to submit their own case and to proffer evidence to rebut the allegations in the Complaint.[38]

Petitioner moved[39] for the reconsideration of the said Order, as well as the voluntary inhibition of the presiding judge for alleged acts of "undue deference for and haste in granting all the motions and wishes of [respondents] and his consistent denial of the motions of [petitioner]."[40]

---

34 Id. at 283-301. Dated April 14, 1998.
35 Id. at 285. See also *Parañaque Kings Enterprises, Inc. v. CA,* supra note 27, at 1196.
36 Id. at 298-299.
37 Id. at 313-315. Penned by Presiding Judge Bonifacio Sanz Maceda.
38 Id. at 315.
39 Id. at 317-329. Motion for the Voluntary Inhibition of His Honor the Presiding Judge and to Vacate and/ or Reconsider the Order of May 18, 1999 dated June 4, 1998.
40 Id. at 326.

The motion was, however, denied by the RTC, in an Order[41] dated June 11, 1998, and the case was set for pre-trial on July 7, 1998.

On July 2, 1998, petitioner filed a Motion to Cancel Pre-Trial,[42] claiming that it was preparing a petition for *certiorari* and prohibition which (*a*) **was to be filed with the CA before the scheduled pre-trial on July 7, 1998**, and (*b*) was intended to challenge the validity of the RTC's Orders dated May 18, 1998 and June 11, 1998 by raising alleged prejudicial questions that must be resolved first before the pre-trial and trial on the merits of the case could proceed.

Incidentally, the **petition for *certiorari* and prohibition**[43] (docketed as CA-G.R. SP No. 48214) that **was actually filed at 2:17[44] in the afternoon of July 7, 1998, (contrary to petitioner's assertion in its Motion to Cancel Pre-Trial that it was to be filed before the July 7, 1998 pre-trial)** was resolved by the CA in favor of petitioner in a Decision[45] dated December 6, 1999 (December 6, 1999 CA Decision), where it was determined that the Motion to Strike Out was denied prematurely. On the other hand, the CA declared the petition for voluntary inhibition moot and academic with the appointment of a regular judge for Branch 57. Thus, **the Motion to Strike Out was ordered to be resolved by the regular judge.** Subsequently, the petition for review on *certiorari*[46] filed by respondents before the Court (docketed as G.R. No. 143562) to question the December 6, 1999 CA Decision was dismissed by the Court in a Decision[47] dated October 23, 2006.

Meanwhile, on July 7, 1998, the day of the pre-trial sought to be cancelled, the RTC denied petitioner's Motion to Cancel Pre-Trial in its **First Order**[48] of even date. Accordingly, the RTC **directed the parties to proceed to pre-trial as scheduled.**

The trial court then required petitioner to start the pre-trial with the statement of its cause. However, counsel for petitioner, Atty. Nelson Santos, refused to do so saying he would just furnish the court the following day with a copy of the petition for *certiorari* and prohibition filed with the CA.[49] Consequently, upon motion of the opposing counsel, the RTC (*a*) **declared petitioner non-suited**, and (*b*) **dismissed the Complaint** in its **Second Order**[50] of the same day.

---

41 Id. at 330-333.
42 Id. at 334-335.
43 Id. at 457-490.
44 Id. at 457.
45 Id. at 491-502. Penned by Associate Justice Mariano M. Umali, with Associate Justices Quirino D. Abad Santos, Jr. and Romeo J. Callejo, Sr., concurring.
46 Id. at 513-526.
47 See *Santos v. Parañaque Kings Enterprises, Inc.*, 535 Phil. 776 (2006).
48 Id. at 98-99.
49 Id. at 100.
50 Id.

Again, petitioner filed a motion for reconsideration,[51] which was **denied** by the RTC in an **Order[52] dated September 21, 1998**, holding that the dismissal of the Complaint was due to **petitioner's defiance of the order to proceed with the pre-trial**. Section 3, Rule 17 of the Rules of Court authorizes the court to dismiss the complaint, upon motion or *motu propio*, for failure of the plaintiff to comply with any of its orders.

Petitioner then filed a Notice of Appeal[53] with the RTC from the First and Second Orders both dated July 7, 1998 and the Order dated September 21, 1998. The same was, however, **denied due course for being filed out of time** in an Order[54] dated November 27; 1998. The trial court held that the motion for reconsideration filed by petitioner on August 12, 1998 was *pro forma* and did not toll the running of the period to appeal. Petitioner had 15 days from July 29, 1998, the date of receipt of copies of the First and Second Orders both dated July 7, 1998, or until August 13, 1998, to perfect its appeal but it failed to do so. Petitioner filed its Notice of Appeal only on September 30, 1998, which was about 48 days late.[55]

Unperturbed, petitioner went up to the CA, for the third time, on a petition for *certiorari*, mandamus, and prohibition[56] (docketed as CA-G.R. SP No. 50570), insisting that its motion for reconsideration substantially complied with the rules and, thus, effectively tolled the reglementary period to appeal. Nearly a decade after, or on May 23, 2008, the appellate court **granted** the petition, **annulled** the questioned orders of the trial court, and directed the lower court to **give due course** to petitioner's appeal.[57] Upon motion for execution[58] of petitioner, the trial court issued an Order[59] dated November 11, 2008 elevating the entire records of the case to the CA. The appeal, which was the **fourth time petitioner was before the CA**, was docketed as CA-G.R. CV No. 92522.

On September 22, 2010, the appellate court rendered the assailed Decision[60] **affirming** the First and Second Orders both dated July 7, 1998, as well as the Order dated September 21, 1998. The same court further denied[61] petitioner's motion for reconsideration[62] of said Decision, hence, the instant petition.

---

51 Id. at 336-343. Dated August 12, 1998.
52 Id. at 101-106.
53 Id. at 346-347. Dated September 30, 1998.
54 Id. at 358-363.
55 Id. at 363.
56 Id. at 364-425. Dated January 25, 1999.
57 Id. at 427-438. See CA Decision penned by Associate Justice Edgardo P. Cruz, with Associate Justices Fernanda Lampas Peralta and Marlene G. Sison, concurring.
58 Id. at 439-441.
59 Id. at 456. Penned by Pairing Judge Reynaldo M. Laigo.
60 Id. at 82-95.
61 Id. at 97.
62 Id. at 107-122. Dated October 11, 2010.

The Issue Before the Court

The threshold issue for the Court's resolution is whether or not the CA correctly upheld (*a*) the RTC's denial of petitioner's Motion to Cancel Pre-Trial, and (*b*) the dismissal of the Complaint for failure of petitioner to proceed to pre-trial as directed by the trial court.

The Court's Ruling

At the outset, it should be emphasized that the trial court has the discretion on whether to grant or deny a motion to postpone and/or reschedule the pre-trial conference in accordance with the circumstances obtaining in the case. This must be so as it is the trial court which is able to witness firsthand the events as they unfold during the trial of a case. Postponements, while permissible, must not be countenanced except for clearly meritorious grounds and in light of the attendant circumstances.[63]

In this case, the RTC was able to explain to the satisfaction of the Court that the postponement of the pre-trial scheduled on July 7, 1998 was not warranted under the circumstances detailed below, *viz.*:

> As far as the Court could gather, the sought postponement of the pre-trial on July 7 was **dilatory**, if movant was not trifling with this court, **because at the pre-trial scheduled on March 26, 1998 it was plaintiff-movant through counsel, Justice Emilio Gangcayco, who asked for time and was given 10 days to file motion for contempt and to strike out averments in defendants answer**. Thus, **pre-trial was reset to May 21, 1998**.
>
> But **on May 21, 1998 the pre-trial was again reset to June 11, 1998 to enable movant's counsel, Atty. Nelson Santos, to prepare for pre-trial as he was not ready for pre-trial**.
>
> **The scheduled pre-trial on June 11, 1998 was blocked by plaintiff's Motion for Inhibition and to vacate and/or reconsider the order of May 18, 1998**. Both counsel submitted the matter for resolution and agreed that the pre-trial likewise be scheduled in that resolution, considering that Atty. Tomacruz (counsel for defendants) may oppose the postponement of the pre-trial of the June 11 pre-trial if no date is fixed therein. (Order dated June 11, 1998) The June 11 pre-trial was accordingly reset to July 7, 1998 as the court denied the motion for inhibition and reconsideration.[64] (Emphases and underscoring supplied)

The pattern to delay the pre-trial of the instant case is quite evident from the foregoing. Petitioner clearly trifled with the mandatory character of a pre-trial, which is a procedural device intended to clarify and limit the basic issues raised by the parties and to take the trial of cases out of the

---

63 *Alcaraz v. CA*, 529 Phil. 77, 82-83 (2006).

64 *Rollo*, pp. 103-104. Order dated September 21, 1998.

realm of surprise and maneuvering. More significantly, a pre-trial has been institutionalized as the answer to the clarion call for the speedy disposition of cases. Hailed as the most important procedural innovation in Anglo-Saxon justice in the nineteenth century, it paves the way for a less cluttered trial and resolution of the case.[65] It is, thus, mandatory for the trial court to conduct pre-trial in civil cases in order to realize the paramount objective of simplifying, abbreviating, and expediting trial.[66]

Far from showing bias or prejudice, the RTC judge was merely complying with his sworn duty to administer justice without delay. It should be recalled that the Complaint was filed by petitioner on March 19, 1991. Seven (7) years later, or in 1998, no pre-trial had been conducted as yet. Hence, the cancellation of the pre-trial on the ground of the **impending** filing of a petition for *certiorari* and prohibition, **as there was no proof at the time of the hearing that said petition was in fact filed**, was obviously a dilatory tactic designed for petitioner to control the proceedings of the court. The Court finds nothing improper, irregular or jaundiced with the trial court's course of action. As the latter aptly pointed out, **since petitioner presented no copy of the petition for *certiorari* and prohibition duly received by the appellate court, there was nothing with which it could evaluate the "merits and demerits of the proposed postponement."**[67] More importantly, even with the actual filing of the petition for *certiorari* at 2:17[68] in the afternoon of July 7, 1998, **no restraining order was issued by the CA enjoining the trial court from proceeding with the pre-trial.**[69] The appellate court correctly emphasized, in the assailed Decision dated September 22, 2010, that **the mere elevation of an interlocutory matter through a petition for *certiorari* does not by itself merit a suspension of the proceedings before the trial court, unless a temporary restraining order or a writ of preliminary injunction has been issued**.[70] This pronouncement is squarely consistent with Section 7, Rule 65 of the Rules of Court which was instructively applied in *Republic of the Phils. v. Sandiganbayan (First Div.)*[71] as follows:

> The mere elevation of an interlocutory matter to this Court through a petition for *Certiorari* under Rule 65 of the Rules of Court, like in the present case, does not by itself merit a suspension of the proceedings before a public respondent, unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent. Rule 65, Section 7 of the Rules of Court so provides:
>
> SEC. 7. Expediting proceedings; injunctive relief. — The court in which the petition [for *Certiorari*, Prohibition and *Mandamus*] is filed may issue orders

---

65 *See Anson Trade Center, Inc. v. Pacific Banking Corporation*, 600 Phil. 806, 814 (2009).
66 *Dr. Vera v. Rigor*, 556 Phil. 561, 562 (2007).
67 *Rollo*, pp. 98-99. First Order dated July 7, 1998.
68 Id. at 457.
69 Id. at 103. Order dated September 21, 1998.
70 Id. at 90.
71 525 Phil. 804 (2006).

> expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. *The petition shall not interrupt the course of the principal case* **unless** *a temporary restraining order or a writ of preliminary injunction has been issued, enjoining the public respondent from further proceeding in the case.*
>
> The burden is thus on the petitioner in a petition for *Certiorari*, Prohibition and *Mandamus* to show that there is a meritorious ground for the issuance of a temporary restraining order or writ of preliminary injunction for the purpose of suspending the proceedings before the public respondent. Essential for granting injunctive relief is the existence of an urgent necessity for the writ in order to prevent serious damage.[72] (Italics, emphasis and underscoring in the original)

Thus, in light of the foregoing, petitioner's refusal to proceed with the pre-trial could not be justified by the filing of the petition for *certiorari* and prohibition. Petitioner's assertion that the alleged "sham, contemptuous lies contained in respondents' Answer should be stricken off from the records"[73] first before the pre-trial could proceed is, at best, speculative as it was palpably anchored on the mere supposition that its petition would be granted.

It bears stressing that the rules of procedure do not exist for the convenience of the litigants. These rules are established to provide order to and enhance the efficiency of the judicial system. By trifling with the rules and the court processes, and openly defying the order of the trial court to proceed to pre-trial, petitioner only has itself to blame for the dismissal of its Complaint. The dismissal is a matter within the trial court's sound discretion, which, as authorized by Section 3, Rule 17 of the Rules of Court hereunder quoted, must stand absent any justifiable reason to the contrary, as in this case:

> SEC. 3. *Dismissal due to fault of plaintiff.* — If, for no justifiable cause, the plaintiff fails to appear on the date of the presentation of his evidence in chief on the complaint, or to prosecute his action for an unreasonable length of time, or **to comply with these Rules or any order of the court**, the **complaint may be dismissed upon motion of the defendant or upon the court's own motion**, without prejudice to the right of the defendant to prosecute his counterclaim in the same or in a separate action. **This dismissal shall have the effect of an adjudication upon the merits, unless otherwise declared by the court**. (Emphases supplied)

Verily, as the Court sees it, petitioner had the opportunity to present its case, yet chose to unduly forego the same. The appellate court in CA-G.R. CV No. 92522 pointed out the crucial fact that petitioner had already

---

72 Id. at 807-808.
73 *Rollo*, p. 41.

submitted its pre-trial brief and its counsel was armed with a special power of attorney for the pre-trial.[74] **There was nothing that could have stopped petitioner from proceeding to pre-trial when its motion for postponement was denied.** The trial court correctly opined that it would have been entirely different if petitioner simply objected to the proceeding and made of record its objection. But petitioner's refusal to even start with the statement of its cause is a "clear, firm and open defiance" of the directive of the court,[75] which justified the dismissal of its Complaint pursuant to Section 3, Rule 17 of the Rules of Court as above-cited.

The Court finally considers that this case was elevated to the CA for four (4) times, and this is the third time that the Court has to resolve issues between the parties, at the instance of petitioner. If this case has dragged on for more than two (2) decades, surely petitioner cannot wash its hands of any responsibility therefor. The expeditious disposition of cases is as much the duty of petitioner, being the plaintiff, as the court's. Indeed, respondents, as the defendants, cannot be wearingly denied of their right to the speedy disposition of the case filed against them. After more than two (2) decades, respondents certainly do not deserve the agony of going through the same issues all over again with petitioner, which could have been settled had the latter simply proceeded to pre-trial and had given the trial court the opportunity to evaluate the evidence, apply the law, and decree the proper judgment. At the end of the day, the unfortunate fault can fall on no one's hands but on petitioner's. Indeed, there is a price to pay when one trifles with the rules.

WHEREFORE, the petition is **DENIED**. The Decision dated September 22, 2010 and the Resolution dated November 23, 2010 of the Court of Appeals in CA-G.R. CV No. 92522 are hereby **AFFIRMED**.

SO ORDERED.

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

---

74 Id. at 93. CA Decision dated September 22, 2010.
75 Id. at 105-106.

ARTURO D. BRION
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE PORTUGAL PEREZ
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, Second 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