



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 208173

Present:

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

-versus-

OLIVER A. BUCLAO,
Accused-Appellant.

Promulgated:

June 11, 2014

X-----*[Signature]*-----X

DECISION

LEONEN, J.:

To protect one's daughter is one of the noblest roles of a father. A father who defies this role is afflicted with a dysfunctional character that borders on moral depravity. Even if this breach of trust deserves the highest penalties in our legal order, it will never compensate for the daughter's deepest scars and sorrows.

This resolves the appeal, through Section 13, paragraph (c), Rule 124 of the Rules of Court, as amended by A.M. No. 00-5-03-SC, of the decision of the Regional Trial Court, Branch 9, La Trinidad, Benguet in Criminal Case Nos. 06-CR-6298 and 06-CR-6299.¹ The trial court found the accused

* Villarama, Jr., J., designated as Acting Member per Special Order No. 1691 dated May 22, 2014 in view of the vacancy in the Third Division.

¹ Rollo, p. 2:

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Oliver Buclao guilty beyond reasonable doubt of two counts of rape. The Court of Appeals, upon intermediate review, affirmed with modification the trial court's decision, finding the accused guilty of two counts of qualified rape.²

We restate the facts as summarized by the Court of Appeals. Accused-appellant was charged with two counts of rape, as defined under Article 266-A, paragraph 1 (a) and (c) of the Revised Penal Code, as amended by Republic Act No. 8353 or the Anti-Rape Law of 1997, in relation to Republic Act No. 7610.³ The informations read:

In Criminal Case No. 06-CR-6298:

INFORMATION

The undersigned prosecutor accuses OLIVER A. BUCLAO of the crime of Rape, defined under Article 266-A, par. 1 (a & c), and penalized under Article 266-B, both of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as "The Anti-Rape Law of 19[9]7", in relation to Republic Act No. 7610, committed as follows:

That on or about the third week of September 2004, at Camanggaan, Virac, Municipality of Itogon, Province of Benguet, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the biological father of the complainant, did then and there willfully, unlawfully and feloniously, by means of force, threats, intimidation and grave abuse of authority, have carnal knowledge with her daughter AAA who is a minor, being fifteen (15) years old, against her will and consent, to her great damage, prejudice and mental anguish.

CONTRARY TO LAW.

In Criminal Case No. 06-CR-6299:

INFORMATION

The undersigned prosecutor accuses OLIVER A. BUCLAO of the crime of Rape, defined under Article 266-A, par. 1 (a & c), and penalized under Article 266-B, both of the Revised Penal Code, as amended by Republic Act No. 8353, otherwise known as "The Anti-Rape Law of 19[9]7", in relation to Republic Act No. 7610, committed as follows:

² CA-G.R. CR-HC No. 05240, Court of Appeals, Special Thirteenth Division per Associate Justice Isaias P. Dicedican with Associate Justice Manuel M. Barrios and Associate Justice Agnes Reyes-Carpio concurring.

³ See Rep. Act No. 7610 (1992), Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

That on or about the 3rd day of June 2003, at Camanggaan, Virac, Municipality of Itogon, Province of Benguet, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, who is the biological father of the complainant, did then and there willfully, unlawfully and feloniously, by means of force, threats, intimidation and grave abuse of authority, have carnal knowledge with her daughter [sic] AAA who is a minor, being fifteen (15) years old, against her will and consent, to her great damage, prejudice and mental anguish.

CONTRARY TO LAW.⁴

Accused-appellant entered a plea of not guilty, and the cases were tried jointly.⁵

During trial, private complainant AAA⁶ testified that she was cleaning their backyard at 11:00 a.m. on June 3, 2003.⁷ AAA's biological father, accused-appellant, called her to go inside their house.⁸ When AAA was inside, her father closed the door and pushed her onto the bed.⁹ AAA's father pulled her pants and panties down to her knees¹⁰ then he removed his pants and briefs.¹¹ Next, AAA's father moved on top of her, inserted his erect penis into her vagina, and started pumping or doing a push and pull or an up and down motion.¹² AAA felt pain during the act, but she could not fight back so she just cried while she was being sexually assaulted.¹³ Her father left after the incident.¹⁴ However, before he left, the accused-appellant threatened her that he would kill her if she told anyone about what happened.¹⁵

On the third week of September 2004, AAA was raped for the second time.¹⁶ AAA testified that at 12 in the afternoon, she was sleeping on her bed and was awakened when she felt somebody lying on top of her.¹⁷ AAA was shocked to see her father. He pulled down her pants and panties until

⁴ *Rollo*, pp. 3–4.

⁵ *Id.* at 4.

⁶ *See People v. Cabalquinto*, 533 Phil. 703, 709 (2006) [Per J. Tinga, En Banc], *citing* Rep. Act No. 9262 (2004), An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore, And For Other Purposes, sec. 44.

⁷ *Rollo*, p. 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 4–5.

¹⁴ *Id.* at 5.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

they were around her knees.¹⁸ Her father then removed his pants and briefs.¹⁹ AAA's father inserted his penis into her vagina and started doing the pumping motion.²⁰ She cried out in pain, but she could not fight off her father. Her father threatened to kill her if she told anyone about the incident.²¹ AAA was afraid so she kept the incident a secret.²² It was in 2006 when AAA told her maternal grandmother about the rape.²³ They reported the incident to the police in Binanga, Tuding, on April 4, 2006.²⁴

The prosecution also presented as witness Dr. Genalin B. Manipol.²⁵ The doctor testified that she examined AAA's genitalia and found no injuries.²⁶ However, the doctor clarified that lack of evident injuries in the genitalia does not negate the possibility of sexual abuse.²⁷

Accused-appellant denied raping his daughter twice.²⁸ He argued that the charges were false. He claimed that it was his daughter BBB who was with him at their house on June 3, 2003.²⁹ Similarly, accused-appellant alleged that on the third week of September 2004, it was his other children, BBB and CCC, who were with him at their house.³⁰

During trial, accused-appellant admitted that he was convicted for a previous case of child abuse.³¹ His daughter BBB and his sister Virginia Buclao Wacdagan testified for the defense and claimed there was no truth to AAA's stories.³²

On August 17, 2011 the trial court rendered a consolidated judgment finding accused-appellant guilty beyond reasonable doubt.³³ The dispositive portion of the decision states:

WHEREFORE, accused OLIVER BUCLAO is hereby found GUILTY BEYOND REASONABLE DOUBT of TWO COUNTS OF RAPE. He is sentenced to suffer the penalty of Reclusion Perpetua for each case.

Further, accused Oliver Buclao is ordered to pay the victim child

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id. at 5–6.

²⁸ Id. at 6.

²⁹ Id.

³⁰ Id.

³¹ Id.

³² Id. at 6–7.

³³ Id. at 7.

the amount of ₱75,000.00 as civil indemnity, ₱50,000.00 as moral damages, and another ₱30,000.00 as exemplary damages for each of the two counts of Rape.

Furnish copy of this Consolidated Judgment to the Office of the Provincial Prosecutor of Benguet, the complainant, the accused and her counsel.

SO ORDERED.³⁴

On review, the Court of Appeals affirmed with modification³⁵ the trial court's decision. It held that the prosecution proved beyond reasonable doubt the elements of rape under Article 266-A of the Revised Penal Code.³⁶ AAA was able to narrate in detail the antecedents and the surrounding circumstances of both rape incidents.³⁷ Accused-appellant's defense of denial and ill motives of AAA's grandmother in prodding AAA to file the case are insufficient to rebut the evidence and arguments presented by the prosecution.³⁸

The dispositive part of the Court of Appeals' decision provides:

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby **DENIED** and the August 17, 2011 Consolidated Judgment of the Regional Trial Court (Family Court for Benguet Province), Branch 9, in LA Trinidad, Benguet in Crim. Cases Nos. 06-CR-6298 and 06-CR-6299 is hereby **AFFIRMED with MODIFICATION**. Accused-appellant OLIVER BUCLAO is found **GUILTY** beyond reasonable doubt of two counts of the crime of **QUALIFIED RAPE**, and sentenced to *reclusion perpetua*, in lieu of death, without eligibility for parole, for each case. He is **ORDERED** to pay the victim AAA Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages and Thirty Thousand Pesos (₱30,000.00) as exemplary damages, for each of the two counts of rape.

SO ORDERED.³⁹ (Emphasis in the original)

On September 11, 2013, we issued a resolution which noted the records forwarded by the Court of Appeals, notified the parties that they may file their respective supplemental briefs if they so desire, and required the Chief Superintendent of the New Bilibid Prison to confirm the confinement of accused-appellant.⁴⁰

The following documents were then received by this court and noted

³⁴ Id.

³⁵ Id. at 14.

³⁶ Id. at 8.

³⁷ Id. at 8–11.

³⁸ Id. at 13.

³⁹ Id. at 14–15.

⁴⁰ Id. at 21.

in our resolution dated January 27, 2014: 1) letter dated October 31, 2013 of P/Supt. IV Venancio J. Tesoro, new Bilibid Prison, Muntinlupa City, confirming the confinement of accused-appellant since November 8, 2011; 2) the Public Attorney's Office's *Manifestation (in Lieu of Supplemental Brief)* dated November 7, 2013 which stated that the Public Attorney's Office would no longer file a supplemental brief as all the relevant matters to the defense of appellant had already been taken up in the appellant's brief previously filed before the Court of Appeals; and 3) the Office of the Solicitor General's *Manifestation (Re: Supplemental Brief)* dated November 8, 2013 which stated that the office was not filing a supplemental brief as the appellee's brief had sufficiently addressed the issues and arguments in the appellant's brief.⁴¹

In his brief, accused-appellant argued that physical evidence is the best evidence in a rape case.⁴² During trial, the prosecution's witness, Dr. Genalin Manipol, testified that her examination of private complainant resulted in a possibility that no penis entered private complainant's vagina.⁴³ Accordingly, all doubts as to the truth of AAA's allegations must be resolved in favor of accused-appellant and the presumption of innocence.⁴⁴

In addition, accused-appellant questioned the delay in AAA's reporting of the incident.⁴⁵ Accused-appellant also ascribed the filing of the charges against AAA's maternal grandmother.⁴⁶ According to accused-appellant, the animosity between him and his mother-in-law was the reason behind the rape charges.⁴⁷

The Office of the Solicitor General, for the people of the Philippines, argued in its brief that accused-appellant is guilty beyond reasonable doubt of the crime of rape under Article 266-A of the Revised Penal Code.⁴⁸ According to the appellee, AAA's positive identification of accused-appellant and her categorical testimony of the circumstances during the two rape incidents cannot be easily overcome by bare assertions of alibi and denial.⁴⁹

Moreover, absence of lacerations in the victim's genitals does not negate the commission of rape.⁵⁰ Rape is also not negated by the delay in the reporting of the incident, particularly when the delay was founded on the

⁴¹ Id. at 32–33.

⁴² CA records, p. 45.

⁴³ Id. at 46.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id. at 47.

⁴⁷ Id.

⁴⁸ Id. at 73.

⁴⁹ Id. at 77.

⁵⁰ Id. at 77–78.

threats by the accused-appellant to the victim's life.⁵¹

The sole issue in this case is whether the accused-appellant is guilty of two counts of rape beyond reasonable doubt.

We affirm the accused-appellant's conviction.

Article 266-A, paragraph (1) of the Revised Penal Code provides the elements of the crime of rape:

Article 266-A. Rape: When And How Committed. - Rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat, or intimidation;

b) When the offended party is deprived of reason or otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority; and

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. . . .⁵²

Rape is qualified when "the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim."⁵³ The elements of qualified rape are: "(1) sexual congress; (2) with a woman; (3) [done] by force and without consent; . . . (4) the victim is under eighteen years of age at the time of the rape; and (5) the offender is a parent (whether legitimate, illegitimate or adopted) of the victim."⁵⁴

In this case, both the trial court and Court of Appeals found that the prosecution proved beyond reasonable doubt all the elements of qualified rape. This court sees no reason to depart from the findings of the lower courts. As correctly observed by the Court of Appeals, AAA's recollection of the heinous acts of her father was vivid and straightforward. She was able to positively identify the accused-appellant as her sexual assailant. Her

⁵¹ Id. at 12–15.

⁵² REV. PEN. CODE (1930), art. 266-A, as amended by Rep. Act No. 8353 (1997).

⁵³ REV. PEN. CODE (1930), art. 266-B, as amended by Rep. Act No. 8353 (1997).

⁵⁴ *People v. Candellada*, G.R. No. 189293, July 10, 2013, 701 SCRA 19, 30 [Per J. Leonardo-De Castro, First Division].

testimony was given in a “categorical, straightforward, spontaneous and candid manner.”⁵⁵

We recently held that “[i]t is doctrinally settled that factual findings of the trial court, especially on the credibility of the rape victim, are accorded great weight and respect and will not be disturbed on appeal.”⁵⁶

As to accused-appellant’s argument that the absence of hymenal lacerations admits the possibility that there was never any sexual abuse, we find our disquisition in *People v. Araojo*⁵⁷ applicable:

The absence of external signs or physical injuries on the complainant’s body does not necessarily negate the commission of rape, hymenal laceration not being, to repeat, an element of the crime of rape. A healed or fresh laceration would of course be a compelling proof of defloration. [However,] the foremost consideration in the prosecution of rape is the victim’s testimony and not the findings of the medico-legal officer.⁵⁸

We also disagree with accused-appellant’s argument that private complainant AAA’s delay in reporting the alleged rape incidents, together with the prodding of AAA’s grandmother, signals the falsity of the rape allegations. In *People v. Delos Reyes*,⁵⁹ this court ruled that:

The failure to immediately report the dastardly acts to her family or to the authorities at the soonest possible time or her failure to immediately change her clothes is not enough reason to cast reasonable doubt on the guilt of [accused]. This Court has repeatedly held that delay in reporting rape incidents, in the face of threats of physical violence, cannot be taken against the victim. Further, it has been written that a rape victim’s actions are oftentimes overwhelmed by fear rather than by reason. It is this fear, springing from the initial rape, that the perpetrator hopes to build a climate of extreme psychological terror, which would, he hopes, numb his victim into silence and submissiveness.⁶⁰

⁵⁵ *Rollo*, p. 11.

⁵⁶ *People v. Gani*, G.R. No. 195523, June 5, 2013, 697 SCRA 530, 537 [Per J. Peralta, Third Division]; *See People v. Delos Reyes*, G.R. No. 177357, October 17, 2012, 684 SCRA 260, 275 [Per J. Mendoza, Third Division] wherein this court held that “[t]he rule is well-settled that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court’s observations and conclusions deserve great respect and are accorded finality, unless the records show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case.” *See also People v. Mirandilla, Jr.*, G.R. No. 186417, July 27, 2011, 654 SCRA 761, 771 [Per J. Perez, Second Division], *citing Soriano v. People*, 579 Phil. 83, 97 [Per J. Velasco, Jr., Second Division].

⁵⁷ 616 Phil. 275 (2009) [Per J. Velasco, Third Division].

⁵⁸ *Id.* at 288, *citing People v. Boromeo*, G.R. No. 150501, June 3, 2004, 430 SCRA 533, 542 [Per Curiam, En Banc] and *People v. Espino, Jr.*, 577 Phil. 546, 566 (2008) [Per J. Chico-Nazario, Third Division].

⁵⁹ G.R. No. 177357, October 17, 2012, 684 SCRA 260 [Per J. Mendoza, Third Division].

⁶⁰ *Id.* at 279–280.

To this court's mind, there can be no greater source of fear or intimidation than your own father — one who, generally, has exercised authority over your person since birth. Delay brought by fear for one's life cannot be deemed unreasonable. This court has recognized the moral ascendancy and influence the father has over his child.⁶¹ In cases of qualified rape, moral ascendancy or influence supplants the element of violence or intimidation.⁶² It is not only an element of the crime, but it is also a factor in evaluating whether the delay in reporting the incident was unreasonable.

Moreover, “[n]ot even the most ungrateful and resentful daughter would push her own father to the wall as the fall guy in any crime unless the accusation against him is true.”⁶³ Thus, accused-appellant's argument that AAA was forced by her grandmother to fabricate the charges fails to sway this court.

This court has held before that “mere denial, like alibi, is inherently a weak defense and constitutes self-serving negative evidence which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters.”⁶⁴ It is settled that the defense of alibi and denial cannot overcome the victim's positive and categorical testimony and identification of the accused-appellant.⁶⁵ Presence of other family members is not a valid defense in rape cases since rape may be carried out in the same room where the family members are staying.⁶⁶

With all the elements of qualified rape duly alleged and proven, the Court of Appeals was correct in modifying the trial court's decision. Under Article 266-B of the Revised Penal Code, the proper penalty to be imposed is death. However, with the effectivity of Republic Act No. 9346,⁶⁷ the imposition of death was prohibited, and the penalty of reclusion perpetua without eligibility for parole should be imposed instead.⁶⁸

The suspension of the death penalty in cases where the father rapes his daughter should not, however, be misinterpreted as reducing the heinous

⁶¹ *People v. Pioquinto*, 549 Phil. 479, 486–487 (2007) [Per J. Corona, En Banc].

⁶² *People v. Candellada*, G.R. No. 189293, July 10, 2013, 701 SCRA 19, 32 [Per J. Leonardo-De Castro, First Division].

⁶³ *People v. Venturina*, G.R. No. 183097, September 12, 2012, 680 SCRA 508, 516 [Per J. Del Castillo, Second Division].

⁶⁴ *People v. Alvero*, 386 Phil. 181, 200 (2000) [Per Curiam, En Banc]; see *People v. Piosang*, G.R. No. 200329, June 5, 2013, 697 SCRA 587, 596 [Per J. Leonardo-De Castro, First Division].

⁶⁵ See *People v. Laurino*, G.R. No. 199264, October 24, 2012, 684 SCRA 612, 620 [Per J. Reyes, First Division]; *People v. Tamano*, G.R. No. 188855, December 8, 2010, 637 SCRA 672, 689 [Per J. Perez, First Division].

⁶⁶ *People v. Rubio*, G.R. No. 195239, March 7, 2012, 667 SCRA 753, 766–767 [Per J. Velasco, Jr., Third Division].

⁶⁷ Rep. Act No. 9346 (2006), An Act Prohibiting the Imposition of Death Penalty in the Philippines.

⁶⁸ See Rep. Act No. 9346 (2006), sec. 2, par. a; see also *People v. Rubio*, G.R. No. 195239, March 7, 2012, 667 SCRA 753 [Per J. Velasco, Third Division].

nature of this crime. No matter how high the penalty, our legal system cannot assuage the deepest injuries caused by the abuse of trust committed by the father.

A father is supposed to be a daughter's role model of a man. He is there to protect and comfort her. With the mother, a father's love will be every daughter's assurance that however harsh the world turns out to be, he will be there for her. Fathers should inspire courage and trust within their daughters.

That a father abuses this trust to gratify his selfish carnal desires is a dastardly act. It defiles not only his daughter's person. It extinguishes all hope the daughter may have of the value of family. It skews her understanding of the honor that may be inherent in all men.

This court will never countenance such repugnant acts.

In rape cases, the award of civil indemnity is mandatory upon proof of the commission of rape, whereas moral damages are automatically awarded without the need to prove mental and physical suffering.⁶⁹ Exemplary damages are also imposed, as example for the public good and to protect minors from all forms of sexual abuse.⁷⁰

In *People v. Gambao*,⁷¹ we increased the amounts of indemnity and damages where the proper penalty for the crime committed by the accused is death but where it cannot be imposed because of the enactment of Republic Act No. 9346.⁷² We imposed as a minimum the amounts of One Hundred Thousand Pesos (₱100,000.00) as civil indemnity; One Hundred Thousand Pesos (₱100,000.00) as moral damages; and One Hundred Thousand Pesos (₱100,000.00) as exemplary damages.

In view of the depravity of the acts in this crime committed in this case — multiple rape of a minor by her father — we further increase the amounts awarded to private complainant, AAA. Hence, we modify the award of civil indemnity from Seventy-five Thousand Pesos (₱75,000.00) to One Hundred Fifty Thousand Pesos (₱150,000.00); moral damages from Fifty Thousand Pesos (₱50,000.00) to One Hundred Fifty Thousand Pesos (₱150,000.00); and exemplary damages from Thirty Thousand Pesos

⁶⁹ See *People v. Piosang*, G.R. No. 200329, June 5, 2013, 697 SCRA 587, 599 [Per J. Leonardo-De Castro, First Division]; *People v. Pamintuan*, G.R. No. 192239, June 5, 2013, 697 SCRA 470, 485 [Per J. Leonardo-De Castro, First Division].

⁷⁰ See *People v. Piosang*, G.R. No. 200329, June 5, 2013, 697 SCRA 587, 599 [Per J. Leonardo-De Castro, First Division]; *People v. Pamintuan*, G.R. No. 192239, June 5, 2013, 697 SCRA 470, 485 [Per J. Leonardo-De Castro, First Division].

⁷¹ *People v. Gambao*, G.R. No. 172707, October 1, 2013, 706 SCRA 508 [Per J. Perez, En Banc].

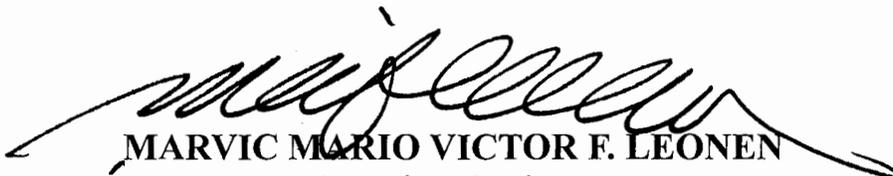
⁷² *Id.* at 533.

(₱30,000.00) to One Hundred Thousand Pesos (₱100,000.00).

In addition, interest at the rate of 6% per annum should be imposed on all damages awarded from the date of the finality of this judgment until fully paid.⁷³

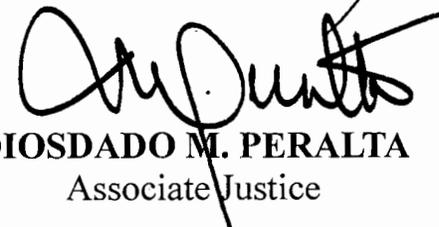
WHEREFORE, the Court of Appeals' decision dated November 8, 2012 finding the accused-appellant Oliver Buclao guilty beyond reasonable doubt of two counts of rape and sentencing him to reclusion perpetua, without eligibility for parole, for each count of rape, is **AFFIRMED** with **MODIFICATION**. The civil indemnity awarded is increased to ₱150,000.00, the moral damages to ₱150,000.00, and the exemplary damages to ₱100,000.00, for each of the two counts of rape. The award of damages shall earn interest at the rate of 6% per annum from the date of finality of the judgment until fully paid.

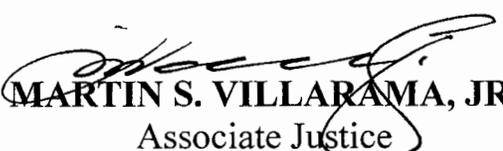
SO ORDERED.

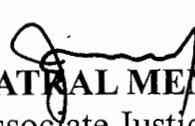

MARVIC MARIO VICTOR F. LEONEN
 Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson


DIOSDADO M. PERALTA
 Associate Justice


MARTIN S. VILLARAMA, JR.
 Associate Justice


JOSE CATRAL MENDOZA
 Associate Justice

⁷³ See *People v. Cruz*, G.R. No. 201728, July 17, 2013, 701 SCRA 548, 559–560 [Per J. Reyes, First Division], citing *People v. Cabungan*, G.R. No. 189355, January 23, 2013, 689 SCRA 236, 249 [Per J. Del Castillo, Second Division]; *People v. Gani*, G.R. No. 195523, June 5, 2013, 697 SCRA 530, 540 [Per J. Peralta, Third Division], citing *People v. Amistoso*, G.R. No. 201447, January 9, 2013, 688 SCRA 376, 395–396 [Per J. Leonardo-De Castro, First Division]; *People v. Arpon*, G.R. No. 183563, December 14, 2011, 662 SCRA 506, 540 [Per J. Leonardo-De Castro, First Division].

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