



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

JESUS B. VILLAMOR,  
*Petitioner,*

G.R. No. 204422

Present:

- versus-

CARPIO, *Chairperson,*  
 BRION,  
 DEL CASTILLO,  
 MENDOZA, *and*  
 LEONEN, *JJ.*

EMPLOYEES' COMPENSATION  
 COMMISSION [ECC] and  
 SOCIAL SECURITY SYSTEM,  
*Respondents.*

Promulgated:  
 21 NOV 2016

X-----X

DECISION

DEL CASTILLO, *J.:*

“Probability and not ultimate degree of certainty is the test of proof in compensation proceedings.”<sup>1</sup>

Before this Court are: (1) the Petition for Review on *Certiorari*<sup>2</sup> and (2) the Supplemental Petition<sup>3</sup> filed under Rule 45 of the Rules of Court assailing the October 31, 2012 Decision<sup>4</sup> of the Court of Appeals (CA), Manila, in CA G.R. SP No. 124496, which affirmed the denial of petitioner Jesus B. Villamor’s claim for Employees’ Compensation (EC) Temporary Total Disability (TTD) benefits under Presidential Decree (PD) No. 626,<sup>5</sup> as amended.

*Factual Antecedents*

In 1978, petitioner, with Social Security System (SSS) No. 03-4047063-3, was employed by Valle Verde Country Club, Inc. (VVCCI).<sup>6</sup>

<sup>1</sup> *Government Service Insurance System v. Cuanang*, 474 Phil. 727, 736 (2004).

<sup>2</sup> *Rollo*, pp. 8-30.

<sup>3</sup> *Id.* at 136-154.

<sup>4</sup> *Id.* at 32-40; penned by Associate Justice Amy C. Lazaro-Javier and concurred in by Associate Justices Mariflor P. Punzalan Castillo and Zenaida T. Galapate-Laguilles.

<sup>5</sup> Employees’ Compensation Act.

<sup>6</sup> *Rollo*, p. 33.

On November 3, 2006, he was brought to Our Lady of Lourdes Hospital, Manila, due to dizziness associated with numbness and weakness on his left arm and leg.<sup>7</sup> His Cranial Computed Tomography (CT) scan revealed that he had an “acute non-hemorrhage infarct on the right pons/basal ganglia.”<sup>8</sup>

After more than a week of confinement,<sup>9</sup> petitioner was discharged from the said hospital with diagnoses of Hypertension Stage 1; Cerebro-Vascular Disease (CVD) Acute, Non-Hemorrhagic Infarct Right Pons and Right Basal Ganglia; Dyslipidemia<sup>10</sup> (abnormal levels of lipids [cholesterol triglycerides, or both] carried by lipoproteins in the blood).<sup>11</sup>

### ***Ruling of the Social Security System***

On March 9, 2007, petitioner filed before respondent SSS, Pasig City Branch, claims for sickness benefits under the SSS law and the EC TTD benefits under the EC law for his CVD or stroke, Infarct Hypertension.<sup>12</sup> Respondent SSS Pasig Branch granted his claim for sickness benefits under the SSS law.<sup>13</sup> However, it denied his claim for EC TTD benefits on the ground that there is no causal relationship between his illness and his working conditions.<sup>14</sup>

On August 18, 2011, respondent SSS Pasig Branch endorsed petitioner’s records for further evaluation to respondent SSS-Medical Operations Department (SSS-MOD) but the latter denied the claim in a letter<sup>15</sup> dated August 26, 2011 for lack of a causal relationship between petitioner’s job as clerk and his illness.<sup>16</sup> Respondent SSS-MOD also noted that petitioner’s smoking history, alcoholic beverage drinking habit, and poor compliance with anti-hypertensive medication increased his risk of developing his illness.<sup>17</sup>

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> The Certification issued by Our Lady of Lourdes Hospital states that petitioner was confined at the said hospital from November 3 to 11, 2006 (Id. at 74). Likewise, the SSS Employees’ Notification Form B-300 states that petitioner was confined in the hospital on November 3 to 11, 2006 and at home on November 12, 2006 to February 23, 2007 (Id. at 72). However, in the statement of facts of the ECC Decision (Id. at 58), which was quoted by the CA in its Decision, the ECC erroneously stated that petitioner was discharged on November 3, 2006 or on the same day he was admitted (Id. at 33).

<sup>10</sup> This term includes hyperlipoproteinemia [hyperlipidemia], which refers to abnormally high levels of total cholesterol, low density lipoprotein [LDL] – the bad – cholesterol, or triglycerides, as well as an abnormally low level of high density lipoprotein [HDL] – the good – cholesterol (Id. at 33).

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id. at 66.

<sup>16</sup> Id. at 33-34.

<sup>17</sup> Id. at 34.

***Ruling of the Employees' Compensation Commission***

Petitioner appealed the denial of his claim to respondent Employees' Compensation Commission (ECC).<sup>18</sup>

On November 28, 2011, respondent ECC rendered a Decision<sup>19</sup> affirming the denial of petitioner's claim due to his failure to adduce substantial evidence that his stroke was work-related. Respondent ECC ruled that petitioner's illness was a "result of complications expected from a progressive disease, atherosclerosis, enhanced by major risk factors such as history of cigarette smoking and findings of dyslipidemia."<sup>20</sup>

Petitioner moved for reconsideration but respondent ECC denied the same as the filing of a motion for reconsideration is not allowed under Rule 5,<sup>21</sup> Section 11 of the Rules of Procedure for Filing and Disposition of Employees' Compensation Claims.<sup>22</sup>

***Ruling of the Court of Appeals***

Unfazed, petitioner elevated the matter to the CA via a Petition for Review<sup>23</sup> under Rule 43 of the Rules of Court.

On October 31, 2012, the CA rendered a Decision<sup>24</sup> affirming the denial of petitioner's claim for EC TTD benefits under PD No. 626, as amended. The CA quoted the findings of respondent ECC and ruled that in view of its expertise, its findings are binding on the CA.<sup>25</sup> The CA also said that petitioner's arguments are mere rehashes of the arguments he raised before respondent ECC and that he

<sup>18</sup> Id.

<sup>19</sup> Id. 58-62; penned by Hon. Lourdes M. Trasmonte, Chairman-Designate, Department of Labor and Employment; Hon. Judy Frances A. See, Member-Designate, SSS; Hon. Dionisio C. Ebdane, Jr., Member-Designate, Government Service Insurance System; Hon. Vladimir R. Tupaz, Member, Employees' Sector; Hon. Miguel B. Varela, Member, Employers' Sector; and Hon. Evelyn P. Florendo-Tablang, Member, ECC Secretariat. Hon. Alexander D. Padilla, Member-Designate, Philippine Health Insurance Corporation, Absent. Hon. Anicia Marasigan-De Lima, Member-Designate, Civil Service Commission, no signature.

<sup>20</sup> Id. at 59-60.

<sup>21</sup> Section 11. Form and Notice of Decision.

x x x x

No motion for reconsideration of the decision, resolution or order of the Commission shall be allowed.

x x x x

<sup>22</sup> *Rollo*, p. 63.

<sup>23</sup> Id. at 41-56.

<sup>24</sup> Id. at 32-40.

<sup>25</sup> Id. at 39.

failed to show that respondents ECC and SSS overlooked factual matters that would warrant the reversal of their findings.<sup>26</sup>

### Issue

Hence, petitioner filed the instant Petition and Supplemental Petition under Rule 45 of the Rules of Court contending that the CA erred in denying his claim for EC TTD.

### *Petitioner's Arguments*

Petitioner avers that his illnesses, stroke and essential hypertension, are both compensable diseases under ECC Resolution No. 432.<sup>27</sup> He claims that his illness, essential hypertension, is compensable without need of any proof of a causal relationship between his work and his illness because it is an occupational disease listed in Annex "A" of ECC Resolution No. 432.<sup>28</sup> His stroke is likewise compensable since he was able to prove by substantial evidence that it is work-related.<sup>29</sup> He insists that contrary to the findings of respondents SSS and ECC, he is not a mere clerk assigned in the front desk.<sup>30</sup> The truth is that he is the Sports Area In-Charge tasked to deal with the needs and complaints of the club members and their guests who wish to use the club's facilities.<sup>31</sup> He asserts that his work involves mental pressure and physical activity since he has to cater to the needs and complaints of different personalities of club members and their guest.<sup>32</sup> In addition, he is the President of the VVCCI Employees Union and, on behalf of the union, has filed several cases against VVCCI.<sup>33</sup> Due to his position in the union, he was subjected to all forms of harassment in the workplace, prompting him to file cases against VVCCI before the National Labor Relations Commission.<sup>34</sup> His work and his position in the labor union caused him to experience tremendous stress that affected his health, develop hypertension, and suffer a stroke.<sup>35</sup>

Petitioner also belies the findings of respondents SSS and ECC that he is a chronic smoker and drinker.<sup>36</sup> He admits that he was a smoker but insists that he

---

<sup>26</sup> Id.

<sup>27</sup> Id. at 138-140. (Note: ECC Resolution No. 432 dated July 20, 1977 incorporated additional list of illnesses into the official list of work-related diseases under PD No. 626, as amended.)

<sup>28</sup> Id. at 140-143.

<sup>29</sup> Id. at 143-148.

<sup>30</sup> Id. at 17.

<sup>31</sup> Id. at 17-18.

<sup>32</sup> Id. at 18-19.

<sup>33</sup> Id. at 23-24.

<sup>34</sup> Id.

<sup>35</sup> Id.

<sup>36</sup> Id. at 21-22 and 148-149.



stopped smoking in 1995.<sup>37</sup> He also admits drinking alcoholic beverages but only occasionally.<sup>38</sup> In any case, petitioner argues that the fact that he was a smoker and a drinker should not bar him from claiming compensation.<sup>39</sup>

### ***Respondents' Arguments***

Respondents SSS and ECC, in essence, contend that petitioner is not entitled to compensation as he failed to prove by substantial evidence that his illness is work-related.<sup>40</sup> They also contend that petitioner raised factual matters, which are not proper in a petition for review on certiorari,<sup>41</sup> and that petitioner's arguments are mere reiterations of his previous arguments.<sup>42</sup>

### **Our Ruling**

The Petition has merit.

As a rule, questions of facts may not be the subject of an appeal by certiorari under Rule 45 of the Rules of Court as the Supreme Court is not a trier of facts.<sup>43</sup> However, there are exceptions to this rule such as when the factual findings of the CA are not supported by the evidence on record and/or are based on misapprehension of facts.<sup>44</sup> Such is the situation in this case.

### ***Petitioner was not a mere clerk at the time he suffered a stroke.***

The denial of petitioner's claim is based on the factual finding of respondents SSS and ECC that he is a mere clerk of VVCCI, responsible for the issuance of vouchers and receipts to its member.<sup>45</sup> Based on this, respondents SSS and ECC ruled that in the absence of any substantial evidence showing the causal relationship between his stroke and the clerical nature of his work, petitioner is not entitled to his claim.<sup>46</sup> This factual finding, however, is not supported by the evidence on record.



---

<sup>37</sup> Id. at 22 and 148.

<sup>38</sup> Id.

<sup>39</sup> Id. at 22 and 148-149.

<sup>40</sup> Id. at 182-185 and 219-226.

<sup>41</sup> Id. at 218-219.

<sup>42</sup> Id. at 219.

<sup>43</sup> *Medina v. Commission on Audit*, 567 Phil. 649, 664 (2008).

<sup>44</sup> *Swagman Hotels and Travel, Inc. v. Court of Appeals*, 495 Phil. 161, 174 (2005).

<sup>45</sup> *Rollo*, p. 58.

<sup>46</sup> Id. at 61.

In 1978, VVCCI employed petitioner as a waiter.<sup>47</sup> It then transferred him to the Sports Department as Sports Dispatcher, and later, promoted him as Sports Area In-Charge.<sup>48</sup> His Identification Card<sup>49</sup> and SSS Employees' Notification Form B-300<sup>50</sup> both prove his claim that his position at the club is not a mere clerk, but is a Sports Area-In-Charge. In fact, his Job Description<sup>51</sup> proves that his work is not limited to issuing vouchers and receipts to club members, but includes the following duties and responsibilities:

Basic Function:

Follow all house rules regarding order, use of sports facilities and strictly enforce proper sports attire. Monitor area assigned (i.e. cleanliness, availability of courts for member use, equipment, events). Coordinates with Shift Leader.

Specific duties and responsibilities:

1. Recognizes and implements all house rules regarding order and use of sports facilities. Sees to it that proper attire is strictly followed.
2. Takes note of any changes in the status of accounts of the Club members, which are circulated by the Administration and Accounting Offices and makes the necessary adjustments as the situation dictates.
3. Keeps record of court playing time by members, dependents, and sponsored guests. Makes sure that all charges are properly receipted and signed by the member concerned.
4. Sees to it that non-members are properly sponsored and charged.
5. Ensures that proper guest rate is applied, charged, paid for, and turned-over to the Cashier at the end of the shift.
6. Refers any complaint received from members concerning the facilities/staff to the Sports Supervisor.
7. Makes the necessary arrangements during tournaments.
8. Coordinates with F&B captain waiter concerning any F&B services as arranged by the client.
9. Cleans and maintains all facilities/equipment in the assigned area.
10. Reports any repair needed in the sports facilities. 

---

<sup>47</sup> Id. at 12.

<sup>48</sup> Id.

<sup>49</sup> Id. at 86.

<sup>50</sup> Id. at 72.

<sup>51</sup> Id. at 85.

11. Turns on lights when members/sponsored guests are in the court area and switches off lights after use.

12. Ensures that clean drinking water and glasses are available at all times for use of members/guests.

13. Perform other works as assigned by the Sports Supervisor.

Based on the foregoing, it is clear that contrary to the findings of the respondents SSS and ECC, petitioner's job is not a mere clerk issuing vouchers or receipts. His duties and responsibilities as Sports Area In-Charge are obviously laborious and stressful since he is tasked to cater to the needs of all club members and their guests, and to coordinate with the other departments of the club regarding their needs. He also receives the complaints and requests of club members and their guests, and ensures that these complaints and requests are properly addressed. To do all these, he has to move around the club and deal with the club members and their guests. Obviously, he has to endure both physical and mental stress in order to perform his duties.

Aside from his position as Sports Area In-Charge, petitioner is also the President of the VVCCI Employees Union since 1984, except for the period 2000-2004.<sup>52</sup> As the president of the union, he was subjected to harassment and unfair labor tactics of the management of the club. In fact, when petitioner suffered a stroke, there were four pending cases filed by him, on behalf of the union and in his own personal capacity, to wit:

- a. Jesus B. Villamor v. Valle Verde Country Club, Inc. – NLRC-NCR Case No. 00-0504064-05;
- b. Jesus B. Villamor v. Valle Verde Country Club, Inc. – NLRC-NCR Case No. 00-05-04402-06;
- c. VVCCIEU and Jesus Villamor v. Valle Verde Country Club, Inc. – NLRC-NCR Case No. 10-05594-2001; and
- d. VVCCIEU v. Valle Verde Country Club, Inc. – CA-G.R. SP No. 53189.<sup>53</sup>

Taking into account the foregoing facts, the Court finds that the CA seriously erred in affirming the factual findings of the respondents SSS and ECC that petitioner is a mere clerk and that the nature of his work did not affect his health; these factual findings are not supported by the evidence on record and are based on misapprehension of facts.



---

<sup>52</sup> Id. at 12.

<sup>53</sup> Id. at 23-24.

Having discussed the true nature of petitioner's work, the Court shall now proceed to determine whether petitioner is entitled to his claim for EC TTD benefits under PD No. 626, as amended.

***Petitioner is entitled to his claim for EC TTD benefits under PD No. 626, as amended.***

The Amended Rules on Employees' Compensation provides that for an illness or disease to be compensable, "[it] must be a result of occupational disease listed under Annex 'A' of these Rules with the conditions set therein satisfied, otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions."<sup>54</sup> In the case of stroke and hypertension, both are compensable since they are listed as occupational diseases under Nos. 19<sup>55</sup> and 29,<sup>56</sup> respectively, of Annex "A" of the said rules.

In fact, in *Government Service Insurance System v. Baul*<sup>57</sup> where the claimant who was diagnosed with essential hypertension later suffered a stroke,

<sup>54</sup> Section 1 (b), Rule III, Amended Rules on Employees' Compensation.

<sup>55</sup> 19. CEREBRO-VASCULAR ACCIDENTS. Any of the following conditions:

- a. There must be proof that the acute stroke must have developed as a result of the stressful nature of work and pressures inherent in an occupation.
- b. The strain of work that brings about an acute stroke must be of sufficient severity and must be followed within 24 hours by the clinical signs of an acute onset of neurological deficit to constitute causal relationship.
- c. If a person who was apparently asymptomatic before being subjected to strain at work showed signs and symptoms of an acute onset of neurologic deficit during the performance of his work, and such symptoms and signs persisted, it is reasonable to claim a causal relationship.
- d. There was a history, which should be proven, of unusual and extraordinary mental strain or event, or trauma to or hyperextension of the neck. There must be a direct connection between the insult in the course of the employment and the worker's collapse.
- e. If the neck trauma or exertion then and there caused either a brain infarction or brain hemorrhage as documented by neuro-imaging studies, the injury may be considered as arising from work.
- f. If a person is a known hypertensive, it must be proven that his hypertension is controlled and that he was compliant with treatment.
- g. A history of substance abuse must be totally ruled out.

<sup>56</sup> 29. ESSENTIAL HYPERTENSION

Hypertension classified as primary or essential is considered compensable if it causes impairment of the function of body organs like the kidneys, eyes and brain, resulting in any kind of disability, subject to the submission of any of the following:

- a. Chest X-ray report
- b. Electrocardiograph (ECG) report
- c. Blood chemistry report
- d. Fundoscopy report,
- e. Ophthalmologic evaluation
- f. Computed tomography scan (C-T scan)
- g. Magnetic resonance imaging (MRI)
- h. Magnetic resonance angiography (MRA)
- i. Two dimensional echocardiography (2-D Echo)
- j. Kidney ultrasound
- k. BP monitoring report

<sup>57</sup> 529 Phil. 390 (2006).

the Court affirmed the claimant's entitlement to compensation as both essential hypertension and stroke are considered occupational diseases. The Court ruled that:

**Cerebro-vascular accident and essential hypertension are considered as occupational diseases under Nos. 19 and 29, respectively, of Annex 'A' of the Implementing Rules of P.D. No. 626, as amended. Thus, it is not necessary that there be proof of causal relation between the work and the illness which resulted in the respondent's disability.** The open-ended Table of Occupational Diseases requires no proof of causation. In general, a covered claimant suffering from an occupational disease is automatically paid benefits.

However, although cerebro-vascular accident and essential hypertension are listed occupational diseases, their compensability requires compliance with all the conditions set forth in the Rules. In short, both are qualified occupational diseases. For cerebro-vascular accident, the claimant must prove the following: (1) there must be a history, which should be proved, of trauma at work (to the head specifically) due to unusual and extraordinary physical or mental strain or event, or undue exposure to noxious gases in industry; (2) there must be a direct connection between the trauma or exertion in the course of the employment and the cerebro-vascular attack; and (3) the trauma or exertion then and there caused a brain hemorrhage. On the other hand, essential hypertension is compensable only if it causes impairment of function of body organs like kidneys, heart, eyes and brain, resulting in permanent disability, provided that, the following documents substantiate it: (a) chest X-ray report; (b) ECG report; (c) blood chemistry report; (d) funduscopy report; and (e) C-T scan.

**The degree of proof required to validate the concurrence of the above-mentioned conditions under P.D. No. 626 is merely substantial evidence, that is, such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. What the law requires is a reasonable work-connection and not direct causal relation.** It is enough that the hypothesis on which the workmen's claim is based is probable. As correctly pointed out by the CA, **probability, not the ultimate degree of certainty, is the test of proof in compensation proceedings.** For, in interpreting and carrying out the provisions of the Labor Code and its Implementing Rules and Regulations, the primordial and paramount consideration is the employee's welfare. To safeguard the worker's rights, any doubt as to the proper interpretation and application must be resolved in [his] favor. (Emphasis supplied)<sup>58</sup>

Taking the cue from the *Baul* case, the Court finds that petitioner is entitled to compensation for his illness. Just like in *Baul*, petitioner was diagnosed with hypertension and stroke, as evidenced by his medical reports: Cranial CT Scan,<sup>59</sup> Chest X-Ray Result,<sup>60</sup> Laboratory or Blood Chemistry Result,<sup>61</sup> and Electrocardiogram

<sup>58</sup> Id. at 395-396.

<sup>59</sup> *Rollo*, p. 75

<sup>60</sup> Id. at 79.

<sup>61</sup> Id. at 76.

Result.<sup>62</sup> He was also able to show that his work and position in the union caused him physical and mental strain as he had to deal with the demands of various types of people. Thus, there is a probability that his work and position in the union increased his risk of suffering a stroke, which affected his brain, caused cerebral infarctions, paralysis of the left side of his body, difficulty in speaking, and loss of muscular coordination.

Direct evidence showing that his work and position in the union caused his illness is not necessary. As we have consistently ruled, the test of proof in compensation proceedings is probability, and not the ultimate degree of certainty.<sup>63</sup> In fact, in claims for compensation, the strict rules of evidence need not be observed as the primordial and paramount consideration should be the employee's welfare.<sup>64</sup>

As to the findings of respondents SSS and ECC that petitioner is a chronic smoker and drinker, the Court finds that it should not bar petitioner's claim for compensation, whether or not such findings are true. In *Government Service Insurance System v. De Castro*,<sup>65</sup> the Court said that:

We find it strange that both the ECC and the GSIS singled out the presence of smoking and drinking as the factors that rendered De Castro's ailments, otherwise listed as occupational, to be non-compensable. To be sure, the causes of CAD and hypertension that the ECC listed and explained in its decision cannot be denied; smoking and drinking are undeniably among these causes. However, they are *not the sole causes* of CAD and hypertension and, at least, not under the circumstances of the present case. For this reason, we fear for the implication of the ECC ruling if it will prevail and be read as definitive on the effects of smoking and drinking on compensability issues, even on diseases that are listed as occupational in character. The ruling raises the possible reading that smoking and drinking, by themselves, are factors that can bar compensability.

We ask the question of whether these factors can be sole determinants of compensability as the ECC has apparently failed to consider other factors such as age and gender from among those that the ECC itself listed as major and minor causes of atherosclerosis and, ultimately, of CAD. While age and gender are characteristics inherent in the person (and thereby may be considered non-work related factors), they also do affect a worker's job performance and may in this sense, together with stresses of the job, significantly contribute to illnesses such as CAD and hypertension. To cite an example, some workplace activities are appropriate only for the young (such as the lifting of heavy objects although these may simply be office files), and when repeatedly undertaken by older workers, may lead to ailments and disability. Thus, age coupled with an age-affected work

---

<sup>62</sup> Id. at 77-78

<sup>63</sup> *Government Service Insurance System v. Cuanang*, supra note 1.

<sup>64</sup> *Government Service Insurance System v. Calumpiano*, G.R. No. 196102, November 26, 2014, 743 SCRA 92, 111.

<sup>65</sup> 610 Phil. 568 (2009).



activity may lead to compensability. From this perspective, none of the ECC's listed factors should be disregarded to the exclusion of others in determining compensability.

In any determination of compensability, the nature and characteristics of the job are as important as raw medical findings and a claimant's personal and social history. This is a basic legal reality in workers' compensation law. We are therefore surprised that the ECC and the GSIS simply brushed aside the disability certification that the military issued with respect to De Castro's disability, based mainly on their primacy as the agencies with expertise on workers' compensation and disability issues.

While ECC and GSIS are admittedly the government entities with jurisdiction over the administration of workers' disability compensation and can thus claim primacy in these areas, they cannot however claim infallibility, particularly when they use wrong or limited considerations in determining compensability.<sup>66</sup> (Emphasis in the original)

All told, the Court finds that under prevailing jurisprudence, the nature of petitioner's work and his medical results are substantial evidence to support his claim for EC TTD benefits under PD No. 626, as amended.

**WHEREFORE**, the Petition is hereby **GRANTED**. The assailed October 31, 2012 Decision of the Court of Appeals in CA G.R. SP No. 124496 is **REVERSED AND SET ASIDE**. The respondents Social Security System and Employees' Compensation Commission are hereby ordered to pay petitioner Jesus B. Villamor Employees' Compensation Temporary Total Disability benefits due him under Presidential Decree No. 626, as amended.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

---

<sup>66</sup> Id. at 581-582.

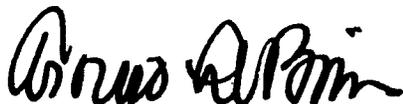
WE CONCUR:



**ANTONIO T. CARPIO**

*Associate Justice*

*Chairperson*



**ARTURO D. BRION**

*Associate Justice*



**JOSE CATRAL MENDOZA**

*Associate Justice*



**MARVIC M.V.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.



**ANTONIO T. CARPIO**

*Associate Justice*

*Chairperson*



## 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*



