



Republic of the Philippines  
Supreme Court  
Baguio City

SUPREME COURT OF THE PHILIPPINES  
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**FIRST DIVISION**

**SPOUSES ELVIRA ALCANTARA  
AND EDWIN ALCANTARA,**

**G.R. No. 200204**

Petitioners,

Present:

- versus -

**SPOUSES FLORANTE BELEN AND  
ZENAIDA ANANIAS, THE  
PROVINCIAL ENVIRONMENT  
AND NATURAL RESOURCES  
OFFICER, DEPARTMENT OF  
ENVIRONMENT AND NATURAL  
RESOURCES, STA. CRUZ,  
LAGUNA, and THE CITY  
ASSESSOR OF SAN PABLO CITY,**

SERENO, *CJ*, Chairperson,  
LEONARDO-DE CASTRO,  
DEL CASTILLO,  
PERLAS-BERNABE, and  
CAGUIOA, *JJ*.

Respondents.

Promulgated:

**APR 25 2017**

X ----- X

**DECISION**

**SERENO, *CJ*:**

Before this Court is a Rule 45 Petition<sup>1</sup> assailing the Court of Appeals (CA) Decision and Resolution,<sup>2</sup> which reversed the Decision<sup>3</sup> of the Regional Trial Court (RTC). The RTC granted the entreaty of petitioner spouses Elvira and Edwin Alcantara for the quieting of title and reconveyance of possession of Lot No. 16932 occupied by respondent spouses Florante Belen and Zenaida Ananias.

**FACTS OF THE CASE**

In 2005, Spouses Alcantara filed before the RTC a Complaint<sup>4</sup> against Spouses Belen for the quieting of title, reconveyance of possession, and

<sup>1</sup> *Rollo*, pp. 8-21; Petition for Review By Certiorari filed on 9 March 2012.

<sup>2</sup> *Id.* at 23-30, 32-33; the CA Decision dated 26 August 2011 and Resolution dated 12 January 2012 in CA-G.R. CV No. 94638 were penned by Associate Justice Juan Q. Enriquez, Jr., with Associate Justices Ramon M. Bato, Jr. and Florito S. Macalino concurring.

<sup>3</sup> *Records*, pp. 191-198; the Decision dated 9 February 2009 in Civil Case No. SP-6207 was penned by Presiding Judge Agripino G. Morga, RTC, San Pablo City, Branch 32.

<sup>4</sup> *Id.* at 3-8; Complaint filed on 22 June 2005.

accounting of harvest with damages. Petitioners argued that their neighbors, respondents herein, had extended the latter's possession up to the land titled to Spouses Alcantara, and usurped the harvests therefrom.

Spouses Alcantara claimed that they were the registered owners of Lot No. 16932 – a 3,887-square-meter parcel of land planted with trees and covered by Transfer Certificate of Title (TCT) No. T-36252.<sup>5</sup> Elvira Alcantara traced her ownership of the property to her inheritance from her mother, Asuncion Alimon. By virtue of an Affidavit of Self-Adjudication dated 24 March 1993,<sup>6</sup> Free Patent No. (IV-5)-3535 dated 28 August 1974 and Original Certificate of Title (OCT) No. P-512<sup>7</sup> issued on 17 January 1975 were cancelled, and, in lieu thereof, TCT No. T-36252 was issued in the name of Elvira Alcantara.

In addition to the certificate of title, Spouses Alcantara submitted as evidence the Tax Declarations of the property registered to them and their predecessors-in-interest, receipts<sup>8</sup> of their payments for real property taxes, and a Sketch/Special Plan<sup>9</sup> of Lot No. 16932 prepared by Geodetic Engineer Augusto C. Rivera.

On the strength of a sales agreement called *Kasulatan ng Bilihang Tuluyan ng Lupa*,<sup>10</sup> respondents countered Spouses Alcantara's claims over the property. Spouses Belen alleged that they bought the property from its prior owners. Even though respondents did not have any certificate of title over the property, they supported their claim of ownership with various Tax Declarations under the name of their predecessors-in-interest. Spouses Belen also submitted a Sketch/Special Plan<sup>11</sup> of Lot No. 16932 prepared by Geodetic Engineer Hector C. Santos.

Furthermore, Spouses Belen attacked the OCT of Asuncion Alimon. They claimed that fraud attended the issuance of a Free Patent to her, considering that the Belens had occupied the property ever since. According to respondents, they already protested her title still pending before the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR).<sup>12</sup>

In its Decision dated 9 February 2009, the RTC gave more weight to the certificate of title and Tax Declarations presented by petitioners, declaring them the absolute owners of Lot No. 16932. The trial court further dislodged the use of the Tax Declarations registered under the names of Spouses Belen and their predecessors-in-interest, because these documents

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<sup>5</sup> Id. at 9 (with back page).

<sup>6</sup> Records (Folder of Exhibits), p. 23.

<sup>7</sup> Id. at 22-23 (with back page).

<sup>8</sup> Id. at 24-30.

<sup>9</sup> Id. at 34.

<sup>10</sup> Id. at 40-41.

<sup>11</sup> Id. at 39.

<sup>12</sup> Id. at 36-38.

did not have the technical description of the land and its boundaries; and in contrast, the TCT of Spouses Alcantara defined the subject property by metes and bounds, with a technical description approved by the Land Management Bureau.

The RTC went on to conclude that respondents were claiming Lot No. 16931, a property different from Lot No. 16932, *viz.*<sup>13</sup>

There is clear evidence that what the plaintiffs are claiming based on their title is Lot No. 16932, and what the defendants are claiming to have bought from their predecessors-in-interest, is a different lot with different boundaries and technical descriptions to that of Lot No. 16932. The land covered by the plaintiff's title has an area of 3,887 square meters only and its boundaries consist of the following "NW-by Lot 16916; NE & SE-by Lot 16934; S- by Lot 16930; and SW- by Lot 16931." On the other hand, the lot bought by the defendants has 4,368 square meters with the following boundaries: "N-Paulino Velasco; E-by Felix Velasco; South-Cipriano Dayo and Crisanto Delos Reyes; and W-by Casiano Meraña." The difference is made more manifest by the survey plan (Exhibit "E"; Records, p. 213) prepared by Geodetic Engineer Augusto C. Rivera which is part of the Cadastral Lot survey for San Pablo City, showing that the defendants' property which they bought is **Lot No. 16931, not Lot 16932**, covered by the title of the plaintiffs. x x x

x x x x

The evidence of the defendants consisting of tax declarations (Exhibit "4"; Records, p. 278) show that what is tax declared in their names is **Lot No. 16931, not Lot No. 16932**.

x x x. The evidence also shows that while the lot purchased by the defendants from their predecessors-in-interest has been tax declared since 1948, Lot No. 16932 covered by plaintiff's title was only tax declared in 1983 in the name of the plaintiff's mother Asuncion Alimon. This simply goes to show that **if indeed what was purchased by the defendants is Lot No. 16932, the said lot should have been covered by the tax declarations issued to their predecessors-in-interest as early as 1948**. Yet it clearly appears that Lot 16932 was declared only in 1983. (Emphasis supplied)

Spouses Belen successfully appealed before the CA. The appellate court found that respondents had presented their claims of ownership over Lot No. 16932, and not Lot No. 16931.

The CA then declared that Asuncion Alimon was not a possessor or cultivator of the subject land, a fact that voided the Free Patent issued to her, as well as the resulting OCT and TCT. The appellate court additionally held that Elvira Alcantara was not a legal heir of Asuncion Alimon.

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<sup>13</sup> Records, pp. 196-197.



Since petitioners failed to show their legal entitlement to Lot No. 16932, the CA went on to declare respondents the owners of that property. Moreover, it ordered the cancellation of OCT No. P-512 and TCT No. T-36252.

Spouses Alcantara moved for reconsideration,<sup>14</sup> but to no avail. Before this Court, petitioners bewail the conclusions of the CA that respondents own Lot No. 16932 and that petitioners' title to the realty is void. Petitioners assert that the Tax Declarations and the *Kasulatan ng Bilihang Tuluyan ng Lupa* submitted by Spouses Belen pertain to Lot No. 16931. Spouses Alcantara further posit that the Free Patent granted to Asuncion Alimon can only be litigated in reversion proceedings. Moreover, they allege that respondents cannot properly assail, for the first time on appeal, the right of Elvira Alcantara to succeed Asuncion Alimon.

In their Comment,<sup>15</sup> respondents do not deny that Lot No. 16932 is different from Lot No. 16931.<sup>16</sup> They nevertheless assert ownership over Lot No. 16932, alleging that their exhibits – the Tax Declarations and the *Kasulatan ng Bilihang Tuluyan ng Lupa* – showed their superior right over the realty. They also maintain that the CA correctly cancelled the Free Patent of Asuncion Alimon and declared Elvira Alcantara a mere adoptee of Alimon.

#### ISSUE OF THE CASE

The nature of the action filed by petitioners below is for the quieting of title and the recovery of possession against the occupants of the property, Spouses Belen. To quiet title, Article 477 of the Civil Code requires that the claimants must have a legal or an equitable title to or interest in the real property that is the subject matter of the action.<sup>17</sup>

As for the recovery of possession, Spouses Alcantara pray for the possession and use of the subject lot and the right to harvest from it, which are the reliefs granted in an *accion reivindicatoria*.<sup>18</sup> In this judicial remedy, a party claims ownership over a parcel of land and seeks recovery of its full possession.<sup>19</sup>

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<sup>14</sup> *Rollo*, pp. 63-72; Motion for Reconsideration filed on 23 September 2011.

<sup>15</sup> *Id.* at 93-95; Comment on the Petition for Review filed on 22 June 2012.

<sup>16</sup> *Id.* at 93. Respondents specifically wrote in their Comment: "Whether or not Lot 16932 is different from Lot 16931 is obvious for a person can own a number of lots; x x x."

<sup>17</sup> *Heirs of Castillejos v. La Tondeña Incorporada*, G.R. No. 190158, 20 July 2016. "For the action to prosper, two requisites must concur, viz.: (1) the plaintiff or complainant must have a legal or an equitable title to or interest in the real property which is the subject matter of the action; and (2) the deed, claim, encumbrance or proceeding that is being alleged as a cloud on plaintiff's title must be shown to be in fact invalid or inoperative despite its *prima facie* appearance of validity or legal efficacy."

<sup>18</sup> *Capacete v. Baroro*, 453 Phil. 392 (2003).

<sup>19</sup> *Id.*



Therefore, in these proceedings, the Court is tasked to review whether the CA committed errors of law in concluding the legal issue of ownership in favor of respondents on the basis of their Tax Declarations and the *Kasulatan ng Bilihang Tuluyan ng Lupa* notwithstanding the TCT of Spouses Alcantara. In other words, we are presented with the question of whether a certificate of title may be sufficiently defeated by tax declarations and deeds of sale. Before us is thus a question of law as elucidated in *Gaerlan v. Republic*:<sup>20</sup>

The distinction between a “question of law” and a “question of fact” is settled. x x x. In *Republic v. Vega*, the Court held that when petitioner asks for a review of the decision made by a lower court based on the evidence presented, without delving into their probative value but simply on their sufficiency to support the legal conclusions made, then a question of law is raised.

In the present case, there seems to be no dispute as to the facts, and the question presented before us calls for a review of the CA's conclusion that the documents and evidence presented by petitioner are insufficient to support her application for registration of title. Hence, the petition is properly filed.

#### RULING OF THE COURT

The appellate court held that the *Kasulatan ng Bilihang Tuluyan ng Lupa* and the Tax Declaration submitted by respondents pertained to the lot in litigation and reasoned that the “description of the property as shown by the statement of the boundaries in the tax declaration bespeaks of the lot in litigation as described in the Deed of Sale submitted in evidence by the appellants.”<sup>21</sup> Based on these documents, the CA adjudged Spouses Belen the lawful owners of Lot No. 16932.

However, in the first place, these exhibits do not involve Lot No. 16932. As correctly assessed by the RTC, the parcel of land described in the *Kasulatan ng Bilihang Tuluyan ng Lupa* does not correspond to the description of Lot No. 16932 as contained in the realty's certificate of title claimed by petitioners. TCT No. T-36252 reads:<sup>22</sup>

Beginning at a point marked “1” of lot 16932, Cad-438-D, being N. 46-17 W., 5367.86 m. from BLLM No. 1, Cad-438-D, San Pablo City Cad.; thence N. 65-45 E., 63.74 m. to point 2 S. 20-56 E., 68.88 m. to point 3; S. 76-30 W. 28.67 m. to point 4; S. 76-47 W., 31.59 m. to point 5; N. 24-50 W., 57.36 m. to point 1; point of beginning. Containing an area of THREE THOUSAND EIGHT HUNDRED EIGHTY SEVEN (3,887) SQUARE METERS. x x x.

<sup>20</sup> 729 Phil. 418, 432 (2014).

<sup>21</sup> *Id.* at 29.

<sup>22</sup> Records (Folder of Exhibits), p. 2.

On the other hand, the *Kasulatan ng Bilihang Tuluyan ng Lupa* pertains to the following:<sup>23</sup>

Isang (1) lagay na lupang niyugan na natatayo sa Nayon ng San Marcos, Lungsod ng San Pablo. Ang kabalantay sa HILAGA – ay Paulino Velasco; sa SILANGAN – ay, Felix Velasco; sa TIMOG – ay Cipriano Dayo at Crisanto Meraña Reyes; at sa KANLURAN - ay Casiano Meraña; may lawak na 4,368 metros parisukat, humigit-kumulang, x x x ayon sa Boja Declaratoria Blg. 23949. x x x.

A cursory reading of the above excerpts clearly shows that the lot claimed by petitioners is not the property conveyed in the deed of sale presented by respondents. Aside from their difference in size, the two properties have distinctive boundaries. Therefore, on the face of the documents, the CA incorrectly ruled that these pertained to Lot No. 16932.

The ruling of the CA that respondents own Lot No. 16932 based on their Tax Declarations is likewise erroneous. Tracing the history of the Tax Declarations registered under the names of respondents to those of their predecessors-in-interest, we find that none of these refers to Lot No. 16932.

The oldest Tax Declaration exhibited by respondents is No. 3902<sup>24</sup> issued to Martin Belen in 1948. It covers a 4,368-square-meter lot with the same boundaries as those indicated in the *Kasulatan ng Bilihang Tuluyan ng Lupa*. This document was followed by the following Tax Declarations covering the same property and registered to respondents' predecessors-in-interest: (1) No. 12041;<sup>25</sup> (2) No. 34046;<sup>26</sup> (3) No. 20303;<sup>27</sup> (4) No. 51502;<sup>28</sup> (5) No. 23439<sup>29</sup> (which is the subject of the *Kasulatang Bilihang Tuluyan ng Lupa*); (6) No. 63-914;<sup>30</sup> (7) ARP No. 91-06422;<sup>31</sup> and (8) the present Tax Declaration, ARP No. 94-059-018.<sup>32</sup>

The last three Tax Declarations were already registered to Spouses Belen. Indicated on the dorsal portion of these documents are the following: the parcel of land, area, and boundaries covered by the Tax Declaration. Through all of these details, we read that the exhibits presented by respondents refer to Lot No. 16931, having an area of around 4,368 square meters<sup>33</sup> and delineated by metes and bounds different from those described in TCT No. T-36252. Hence, the RTC accurately ruled that the evidence of

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<sup>23</sup> Id. at 40.

<sup>24</sup> Id. at 49.

<sup>25</sup> Id. at 50.

<sup>26</sup> Id. at 51 (with back page).

<sup>27</sup> Id. at 46.

<sup>28</sup> Id. at 45 (with back page).

<sup>29</sup> Id. at 53.

<sup>30</sup> Id. at 55.

<sup>31</sup> Id. at 8 (with back page).

<sup>32</sup> Id. at 7 (with back page).

<sup>33</sup> The Tax Declarations indicate various sizes (in square meters) of the lot: 4,368, 4,428.56, and 4,428.

respondents “consisting of tax declarations x x x shows that what is tax declared in their names is Lot No. 16931, not Lot No. 16932.”<sup>34</sup>

Even assuming that the Tax Declarations of respondents pertain to the subject property, this Court finds that the CA incorrectly applied the law on land titles. The appellate court should not have set aside the RTC’s appreciation of the certificate of title registered to Spouses Alcantara just because Spouses Belen presented their Tax Declarations.

Based on established jurisprudence,<sup>35</sup> we rule that the certificate of title of petitioners is an absolute and indefeasible evidence of their ownership of the property. The irrelevant Tax Declarations of Spouses Belen cannot defeat TCT No. T-36252 of Spouses Alcantara, as it is binding and conclusive upon the whole world.<sup>36</sup> *Cureg v. Intermediate Appellate Court*<sup>37</sup> explains:

[A]s against an array of proofs consisting of tax declarations and/or tax receipts which are not conclusive evidence of ownership nor proof of the area covered therein, an original certificate of title indicates true and legal ownership by the registered owners over the disputed premises. Petitioners’ OCT No. P-19093 should be accorded greater weight as against the tax declarations x x x offered by private respondents in support of their claim x x x.

Aside from presenting a certificate of title to the claimed property, petitioners submit as evidence the Tax Declarations registered to them and to their predecessors-in-interest. The earliest Tax Declaration on record is No. 58760<sup>38</sup> registered to Asuncion Alimon in 1983. Subsequent to that issuance are the following Tax Declarations: (1) No. 59-992;<sup>39</sup> (2) ARP No. 91-48014;<sup>40</sup> (3) ARP No. 94-059-0019;<sup>41</sup> and (4) the present Tax Declaration, 99-059-00795.<sup>42</sup> The back pages of all these Tax Declarations exhibited by petitioners uniformly refer to Lot No. 16932, having an area of 3,887 square meters with boundaries as described in TCT No. T-36252.

These Tax Declarations,<sup>43</sup> together with the certificate of title<sup>44</sup> presented by petitioners, support their claims over Lot No. 16932. Therefore, the CA incorrectly disposed of the property in favor of respondents, considering the indefeasibility of the Torrens title submitted as evidence by

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<sup>34</sup> *Rollo*, p. 80.

<sup>35</sup> *Spouses Ocampo v. Heirs of Dionisio*, 744 Phil. 716 (2014); *Pioneer Insurance and Surety Corp. v. Heirs of Coronado*, 612 Phil. 573 (2009); *Vda. de Villanueva v. Court of Appeals*, 403 Phil. 721 (2001).

<sup>36</sup> *Castillo v. Escutin*, 600 Phil. 303-336 (2009); *Heirs of Vencilao, Sr. v. Court of Appeals*, 351 Phil. 815 (1998).

<sup>37</sup> 258 Phil. 104, 110 (1989), citing *Ferrer-Lopez v. Court of Appeals*, 234 Phil. 388 (1987).

<sup>38</sup> Records (Folder of Exhibits), p. 48 (with back page).

<sup>39</sup> *Id.* at 20 (with back page).

<sup>40</sup> *Id.* at 19 (with back page).

<sup>41</sup> *Id.* at 18 (with back page).

<sup>42</sup> *Id.* at 17 (with back page).

<sup>43</sup> *Valdez-Tallorin v. Heirs of Tarona*, 620 Phil. 268 (2009).

<sup>44</sup> *Spouses Pascual v. Spouses Coronel*, 554 Phil. 351 (2007).

petitioners. In *Pioneer Insurance and Surety Corp. v. Heirs of Coronado*,<sup>45</sup> we discussed the instant legal issue as follows:

Indubitably, a certificate of title serves as evidence of an indefeasible and incontrovertible title to the property in favor of the person whose name appears therein. The real purpose of the Torrens System of land registration is to quiet title to land and put stop forever to any question as to the legality of the title.

In the same assailed ruling, the CA went beyond the contents of the TCT and concluded that its issuance was a nullity. It went on to declare the Free Patent issued to Asuncion Alimon void and ruled that Elvira Alcantara was not a lawful heir of Asuncion Alimon.

In declaring the nullity of the Free Patent, the CA held thus:<sup>46</sup>

A Free Patent cannot be issued to Alimon because it cannot be issued to a person who is not a possessor or cultivator of the land or is not paying taxes that will justify segregation from the public land of the land applied for. Alimon intentionally applied for a Free Patent absent the foregoing requirements.

Noticeably, the CA failed to cite any specific exhibit on record showing that Asuncion Alimon did not possess the land when she applied for the patent. In effect, it jumped to conclusions without any sufficient basis for its premise. This form of adjudication is flawed, as no less than the Constitution mandates that a court decision must express clearly and distinctly the facts and the law on which it is based.<sup>47</sup>

Anent the legal status of Elvira Alcantara, the CA stated:<sup>48</sup>

On the other hand, appellee Elvira Alcantara is just a “Palake” of Alimon who had transferred the land to themselves. Appellee is not a legal heir of Alimon. Margarito Belarmino, who testified for the appellees, admitted in court during cross-examination that appellee Elvira Alcantara is just a “Palake” or adopted.

In *Bagayas v. Bagayas*,<sup>49</sup> this Court reiterated that courts must refrain from making a declaration of heirship in an ordinary civil action because “matters relating to the rights of filiation and heirship must be ventilated in a special proceeding instituted precisely for the purpose of determining such rights.”<sup>50</sup> Straightforwardly, the CA is precluded from determining the issue of filiation in a proceeding for the quieting of title and *accion reivindicatoria*.

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<sup>45</sup> 612 Phil. 573, 581 (2009).

<sup>46</sup> *Rollo*, p. 28.

<sup>47</sup> CONSTITUTION, Article VIII, Section 14.

<sup>48</sup> *Rollo*, p. 28.

<sup>49</sup> 718 Phil. 91 (2013).

<sup>50</sup> *Id.* at 103.

While there are exceptions to this rule, none obtains in this case.<sup>51</sup> There is no allegation on record that, as regards the parties, a special proceeding was instituted but was finally closed and terminated. In the proceedings before the RTC, none of the parties exhaustively presented evidence regarding the issue of filiation, save for the above-cited testimony of Margarito Belarmino. Neither did the trial court make any pronouncement as regards that issue. Given, therefore, the dearth of evidence and discussion on filiation *a quo*, the CA should not have adjudicated the status of Elvira Alcantara as a legitimate daughter or an adopted child in succeeding to the rights of Asuncion Alimon.

All told, we find that the CA committed an error of law in giving precedence to the Tax Declarations and irrelevant deed of sale of Spouses Belen over a Torrens title to Lot No. 16932 registered to Spouses Alcantara. The appellate court likewise erred in nullifying the title of petitioners over the realty, because it did not provide any basis for invalidating the Free Patent of Asuncion Alimon. Finally, we find fault on the part of the CA in improperly declaring Elvira Alcantara an adopted child outside the confines of a special proceeding.

**WHEREFORE**, the Petition for Review on Certiorari filed by Spouses Elvira Alcantara and Edwin Alcantara is **GRANTED**. The Court of Appeals Decision dated 26 August 2011 and Resolution dated 12 January 2012 in CA-G.R. CV No. 94638 are **REVERSED** and **SET ASIDE**. The Regional Trial Court Decision dated 9 February 2009 in Civil Case No. SP-6207 is hereby **REINSTATED**.

**SO ORDERED.**



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

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<sup>51</sup> *Heirs of Ypon v. Ricaforte*, 713 Phil. 570, 576-577 (2013). This Court ruled that:

By way of exception, the need to institute a separate special proceeding for the determination of heirship may be dispensed with for the sake of practicality, as when the parties in the civil case had voluntarily submitted the issue to the trial court and already presented their evidence regarding the issue of heirship, and the RTC had consequently rendered judgment thereon, or when a special proceeding had been instituted but had been finally closed and terminated, and hence, cannot be re-opened.

In this case, none of the foregoing exceptions, or those of similar nature, appear to exist. Hence, there lies the need to institute the proper special proceeding in order to determine the heirship of the parties involved, ultimately resulting to the dismissal of Civil Case No. T-2246.

WE CONCUR:

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

*Mariano C. Del Castillo*  
**MARIANO C. DEL CASTILLO**  
Associate Justice

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

*Alfredo Benjamin S. Caguioa*  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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*  
**MARIA LOURDES P. A. SERENO**  
Chief Justice