



Republic of the Philippines

Supreme Court

Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECEIVED
APR 03 2023
BY [Signature]
TIME 3:11

GIRLIE J. LINGAD,
Petitioner,

G.R. No. 224945

Present:

GESMUNDO, *Chief Justice*,
LEONEN,
CAGUIOA*,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN**,
ROSARIO*,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ*,
KHO, JR., and
SINGH, *JJ*.

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:
October 11, 2022

X-----*Antonino - Torres*-----X

DECISION

LEONEN, J.:

Money laundering is committed when the proceeds of an unlawful activity expressly listed under the Anti-Money Laundering Act are transacted, transferred, or moved, and are made to appear as though they originated from legitimate sources. The prosecution for the money laundering offense can

* On official leave.
** No part.

1

proceed independently of the prosecution of the related unlawful activity, but particular elements of that unlawful activity must still be proven beyond reasonable doubt.

This Court resolves a Petition for Review on Certiorari¹ seeking to reverse the Decision² and Resolution³ of the Court of Appeals, which affirmed the Regional Trial Court Decision⁴ convicting Girlie J. Lingad (Lingad) of money laundering as penalized under Section 4(a) of Republic Act No. 9160, or the Anti-Money Laundering Act.

Lingad was employed in the Olongapo City Branch of United Coconut Planters Bank (UCPB) from January 1, 1994 until April 19, 2004.⁵ Before she left UCPB, she was a marketing associate and branch marketing officer trainee.⁶ She handled the opening, terminating, and withdrawing of client accounts and placements.⁷ Her position gave her access to the bank's computer system, with User ID "oloma01" and Teller ID No. 2840.⁸

On April 19, 2004, Lingad went on absence without official leave. Later, UCPB requested the Anti-Money Laundering Council to conduct a fact-finding investigation on her transactions. The Council discovered that Lingad had processed four anomalous transactions and left for the United States on April 20, 2004 with her children. The anomalous transactions consisted of unauthorized withdrawals and preterminations of money market placements with the money transferred to accounts in the names of MV2 Telecoms and Lingad's brother.⁹

On October 5, 2006, an Information was filed against Lingad charging her with a violation of Section 4(a) of Republic Act No. 9160.¹⁰ It reads:

That on or about July, 2002 and subsequent thereto at Olongapo City and within the jurisdiction of this Honorable Court, the above-named accused, knowing that the amount of Eighty Three Million, Three Hundred Thirty-Five Thousand, Six Hundred Twenty Eight Pesos and Ninety Seven Centavos (Php83,335,628.97) involves or related to the proceeds of an unlawful activity that is the crime [sic] of qualified theft and violation of Section 33(a) of R.A. 8792 (Electronic Commerce Act of 2000[]), did then

¹ *Rollo*, pp. 11–38.

² *Id.* at 40–57. The December 11, 2015 Decision was penned by Associate Justice Ma. Luisa C. Quijano-Padilla and concurred in by Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan (now a member of this Court) of the Thirteenth Division, Court of Appeals, Manila.

³ *Id.* at 60–61. The June 2, 2016 Resolution was penned by Associate Justice Ma. Luisa C. Quijano-Padilla and concurred in by Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan (now a member of this Court) of the Thirteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 86–148. The August 8, 2013 Decision was penned by Judge Roline M. Ginez-Jabalde of the Regional Trial Court, Olongapo City, Branch 74.

⁵ *Id.* at 40, CA Decision.

⁶ *Id.*

⁷ *Id.* at 41.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 40.

and there willfully, unlawfully, knowingly and feloniously perform an act as a result of which the said accused committed the offense of money laundering referred to in Section 4(a) of Republic Act No. 9160, as amended, more particularly by means of pre-terminating various accounts of clients without the knowledge and consent of the latter and thereafter crediting the proceeds thereof to fictitious accounts or using the proceeds of pre-terminated accounts to fund maturing accounts earlier pre-terminated without clients' knowledge and consent on the following accounts:

(a) Account: Money Market Placement and PSD Account Nos. 1860-B & 1
Damage to Bank: Php10,405,873.24
Dates Committed: July 3, 2003 and April 23, 2003.

(b) Account: Money Market Placement and PSD Account Nos. 1835-D & 1860-A
Damage to Bank: Php12,438,781.89
Dates Committed: November 4, 2002 to April 10, 2003.

(c) Account: PSD Account No. 1835-E
Damage to Bank: Php11,254,972.00
Dates Committed: August 4-25, 2003

(d) Account: PSD Account No. 2268-B
Damage to Bank: Php4,863,377.67
Dates Committed: December 4-15, 2003

(e) Account: PSD Account No. 2280-A
Deposited to Savings Account No. 218-114488 and then to Account No. 2-130-001576-0 of MV2 Telecoms
Damage to Bank: Php2,000,000.00
Dates Committed: January 9, 2004

to the damage and prejudice of the United Coconut Planters Bank (UCPB) and the Government of the Philippines.

CONTRARY TO LAW.¹¹

Lingad was extradited from the United States.¹² When she was arraigned, she pleaded not guilty to the charge. Trial then ensued.¹³

According to the prosecution, the Anti-Money Laundering Council's investigation revealed that Lingad issued several manager's checks with no sufficient funds and processed unauthorized withdrawals or preterminations of money market and similar placements.¹⁴

The first anomalous transaction involved one of the money market placements of William Chieng (Chieng) in UCPB. Chieng had two money market placements totaling ₱22,948,112.44: one for around ₱10,200,000.00

¹¹ Id. at 41-42.

¹² Id. at 48-49.

¹³ Id. at 42.

¹⁴ Id. at 132, RTC Decision.

and the other for around ₱12,200,000.00.¹⁵ The ₱10,200,000.00 placement was preterminated on July 3, 2002, but Chieng denied withdrawing the money, and neither was there any signed payment slip for it.¹⁶ Chieng said that he was unaware of the pretermination because Lingad issued him official receipts showing that he still had placements in UCPB.¹⁷

On April 23, 2003, a manager's check worth ₱10,405,873.24 was issued in favor of Chieng.¹⁸ That same day, two Premium Savings deposit accounts of Vittsi G. Tanjuakio (Tanjuakio) were preterminated, with a total of ₱10,405,873.24 withdrawn, but Tanjuakio never signed any payment slip.¹⁹

The Anti-Money Laundering Council noted that Lingad processed all these transactions, as shown by her Teller and User IDs.²⁰ It also concluded that the amounts from Tanjuakio's accounts were used to fund the manager's check issued to Chieng.²¹

The second anomalous transaction involved Chieng's money market placement for ₱12,370,677.50, which was preterminated on November 4, 2002, again without any indorsement from Chieng. On the same day, the money was used to open a savings account in Chieng's name. Later, amounts from this account were transferred to other accounts on different dates, coursed through debit memos where no cash was involved. The debit memos showed transfers of ₱9,450,000.00 on November 7, 2002 and ₱133,000.00 on November 15, 2002.²² On April 9, 2003, Lingad preterminated another one of Tanjuakio's placements worth ₱12,438,350.00, also without any payment slip from Tanjuakio. On the same date, she opened a Premium Savings Deposit Account No. 1835 under Chieng's name.²³

The following day, Lingad processed a manager's check worth ₱12,438,350.00 in favor of Chieng as payment for his placement. Again, the Anti-Money Laundering Council concluded that Lingad used the amounts from Tanjuakio's accounts to fund Chieng's manager's check.²⁴

The third anomalous transaction involved Chieng's Premium Savings Deposit Account No. 1835 with the amount of ₱11,065,541.67.²⁵ Chieng made this placement on July 30, 2003, with a term of 30 days or until August 29, 2003.²⁶ However, 11 preterminations amounting to ₱11,070,000.00 were

¹⁵ Id. at 43, CA Decision.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id. at 44.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id. at 45.

made from this account between August 4 and 25, 2003, leaving a zero balance as of the last pretermination on August 25, 2003. Chieng said that he issued no payment slips and did not preterminate the placement, noting that Lingad had still issued him an acknowledgment receipt showing his placement was intact.²⁷ Chieng received his money placement worth ₱11,254,974.61 through a manager's check processed by Lingad.²⁸

The source of funding of the manager's check consisted of preterminations of other accounts not supported by payment slips amounting to ₱11,254,972.16, all processed by Lingad using her User ID and all done from 1:46 p.m. to 2:38 p.m. The total bank damage amounted to ₱22,328,022.40.²⁹

The fourth anomalous transaction involved Chieng's Premium Savings Deposit Account Nos. 2268-A and 2268-B, with the amounts of ₱6,519,884.12 and ₱5,000,000.00, respectively.³⁰ The investigation revealed six preterminations of these accounts from December 4, 2003 to January 8, 2004.³¹ No signed withdrawal slip was shown, and Chieng denied withdrawing these amounts, saying that his placements were still intact.³² Chieng later withdrew his placements of ₱5,134,947.62, and thus, a manager's check was issued in his favor.³³ However, a balance of ₱271,569.95 remained, which was found irregular.³⁴ The manager's check was presented to another bank for negotiation and was paid by UCPB. In this transaction, UCPB lost ₱4,863,377.67 in damages.³⁵

The audit investigation on Chieng's accounts further revealed that on April 17, 2004, a Saturday, Lingad went to the branch at 9:00 a.m. and signed out at 11:00 a.m.³⁶ Lingad's computer system was also found as not operational.³⁷ The prosecution also noted that Lingad and her children flew to the United States without requesting approval and processing her clearance. Chieng has made 30 to 40 placements in UCPB, and the unfunded manager's checks and credited accounts without contra-accounts amounted to ₱83,698,208.81.³⁸

In her defense, Lingad either denied processing the transactions in question or testified that she could not recall making them.³⁹ She discussed that all the bank transactions she processed were always supervised by bank

²⁷ Id.

²⁸ Id. at 96, RTC Decision. The amount of actual money payment was also written as ₱11,254,972.61.

²⁹ Id. at 45 and 97.

³⁰ Id. at 45.

³¹ Id.

³² Id.

³³ Id. at 45-46.

³⁴ Id. at 46.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id. at 146-147, RTC Decision.

officers,⁴⁰ who would verify and approve them to prevent unauthorized transactions.⁴¹ She also pointed out that she had very limited functions, access to the cash and record vaults, and authority for approving or signature verification.⁴² She also argued that even her signature in manager's checks would always need to be conformed to and co-signed by an authorized bank officer, except when none was present.⁴³

Lingad added that in December 2003, she informed her superiors that she was intending to migrate to the United States with her family. After 10 years in UCPB, she availed of her retirement plan and was expecting to receive a lump sum plus accumulated sick and vacation leaves. She said that she had no copy of her resignation letter, but all UCPB employees knew she was leaving. She last reported in UCPB on April 16, 2004. On her last day, her co-employees threw her a *despedida*. The next day, she went to the branch because her superior, Catherine Oh (Oh), had called her in to clarify her turnover sheet. When she arrived, Oh was not there, having only left a message telling her to wait. After waiting for long enough, Lingad left the bank and had lunch with a co-employee.⁴⁴

Lingad claimed that in all of UCPB's internal audits, there was not a single audit finding against her. She was never issued a memorandum of infraction, especially on money matters, and there was no proof that she caused UCPB prejudice and damage.⁴⁵

In an August 8, 2013 Decision,⁴⁶ the Regional Trial Court found Lingad guilty of violating Section 4(a) of the Anti-Money Laundering Act by committing qualified theft and transacting some of its proceeds to make them appear to have come from legitimate sources.⁴⁷

The trial court found overwhelming evidence that Lingad processed all the anomalous transactions. Aside from the prosecution's positive testimonies, the documents pertaining to the transactions bore her signature, initials, User ID, or Teller ID.⁴⁸ It found that Lingad's position allowed her access to the bank's computer operation system and cash and record vaults. The User and Teller IDs also worked as an identifier and personal key to the person who would be allowed access to the computer system through a password. This revealed the employee processing the bank transaction in the computer data and printout documents.⁴⁹

⁴⁰ Id. at 46–47, CA Decision.

⁴¹ Id. at 47.

⁴² Id. at 48–49.

⁴³ Id. at 47.

⁴⁴ Id. at 48.

⁴⁵ Id. at 48–49.

⁴⁶ Id. at 86–148, RTC Decision.

⁴⁷ Id. at 135–136.

⁴⁸ Id. at 147.

⁴⁹ Id. at 132.

The trial court also found that Lingad's denials were self-serving and her other allegations were unsubstantiated. On top of this, her unjustified flight to the United States without proper clearance or turnover of documents was deemed a strong indication of guilt, revealing that she was evading investigation.⁵⁰ The dispositive portion of the Decision reads:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the accused GIRLIE J. LINGAD, GUILTY beyond reasonable doubt of violation of Section 4(a) of R.A. 9160, otherwise known as the Anti-Money Laundering [Act], as amended by R.A. 9194 and is hereby sentenced to an indeterminate penalty of imprisonment of seven (7) years as minimum to thirteen (13) years as maximum; to pay fine of Thirty Four Million Ninety Nine Thousand and One Hundred Ninety Five Pesos and Eighty Five Centavos (Php34,099,195.85); suffer the corresponding subsidiary imprisonment in case of insolvency in the payment of fine; to suffer all the accessory penalties provided for by law and to pay the costs.

SO ORDERED.⁵¹ (Emphasis in the original)

In its December 11, 2015 Decision,⁵² the Court of Appeals affirmed the Regional Trial Court's Decision. It likewise denied Lingad's Motion for Reconsideration in a June 2, 2016 Resolution.⁵³

Thus, Lingad filed the Petition for Review on Certiorari before this Court.⁵⁴ She argues that the prosecution failed to prove that she is guilty of violating Section 4(a) of the Anti-Money Laundering Act.⁵⁵ She claims that she is not the culprit as she was not an officer and could not unilaterally approve any transaction.⁵⁶ All transactions she processed were reviewed by a superior,⁵⁷ she says, adding that her User and Teller IDs could have been used by another employee.⁵⁸

Petitioner adds that it was of no moment that she failed to substantiate her denial since she is not required to prove her innocence. She says that Chieng's testimony also shows that he could have made the withdrawals since he stated that he could not recall it.⁵⁹ She says that the prosecution failed to provide conclusive evidence that she opened the fictitious account under Chieng's name.⁶⁰ She posits that while denial is the weakest of all defenses,

⁵⁰ Id. at 148, RTC Decision.

⁵¹ Id.

⁵² Id. at 40-57.

⁵³ Id. at 60-61.

⁵⁴ Id. at 11-38, Petition.

⁵⁵ Id. at 24.

⁵⁶ Id. at 25.

⁵⁷ Id. at 27-28.

⁵⁸ Id. at 30.

⁵⁹ Id. at 30.

⁶⁰ Id. at 31.

it must be considered in light of all the evidence on record, especially if she is possibly being used as a scapegoat, considering the damage to the bank's reputation due to the anomalous transactions.⁶¹

Respondent People of the Philippines, through the Office of the Solicitor General, filed a Comment.⁶² Maintaining petitioner's conviction, it argues that all the elements of qualified theft and money laundering were proven when it was shown that petitioner had preterminated and withdrawn funds from the accounts of UCPB's clients without their knowledge.⁶³ Respondent notes that as a marketing associate, she had access and authority to effect transactions under clients' accounts; her claims on who actually did it are unfounded.⁶⁴

Respondent also argues that petitioner's other acts further establish her guilt: placing a sticky substance on the terminals of her office desktop and deleting relevant data to cover her tracks, going on absence without leave, flying abroad without settling her accountabilities, and being extradited from the United States.⁶⁵

In lieu of a reply, petitioner manifested that she would replead and adopt all the arguments in her Petition.⁶⁶

The issue for this Court's resolution is whether or not petitioner Girlie J. Lingad is guilty beyond reasonable doubt of violating Section 4(a) of the Anti-Money Laundering Act.

We affirm the conviction.

I

At the time petitioner was tried for the offense in 2006, money laundering pertained to the transacting of proceeds of an unlawful activity to make it appear to have originated from legitimate sources.

Section 4 of the Anti-Money Laundering Act, as amended by Republic Act No. 9194 in 2003,⁶⁷ reads:

⁶¹ Id. at 33.

⁶² Id. at 195–209.

⁶³ Id. at 204.

⁶⁴ Id. at 205.

⁶⁵ Id.

⁶⁶ Id. at 214.

⁶⁷ Note that ever since the Anti-Money Laundering Act was amended in 2003, Republic Act No. 10365 has further amended Section 4 of the law in 2013 to read:
Section 4. Money Laundering Offense. — Money laundering is committed by any person who, knowing that any monetary instrument or property represents, involves, or relates to the proceeds of any unlawful activity:

SECTION 4. *Money Laundering Offense.* — Money laundering is a crime whereby the proceeds of an unlawful activity as herein defined are transacted, thereby making them appear to have originated from legitimate sources. It is committed by the following:

- (a) *Any person knowing that any monetary instrument or property represents, involves, or relates to, the proceeds of any unlawful activity, transacts or attempts to transact said monetary instrument or property.*
- (b) Any person knowing that any monetary instrument or property involves the proceeds of any unlawful activity, performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraph (a) above.
- (c) Any person knowing that any monetary instrument or property is required under this Act to be disclosed and filed with the Anti-Money Laundering Council (AMLC), fails to do so.

Thus, under Republic Act No. 9194, the following were the elements of money laundering: (1) there is an unlawful activity—any act or omission, or a series or combination of acts or omissions, involving or directly related to offenses enumerated under Section 3 of the law; (2) the proceeds of the unlawful activity are transacted by the accused; (3) the accused knows that the proceeds involve or relate to the unlawful activity; and (4) the proceeds are made to appear to have originated from legitimate sources.

Under Section 3 of the Anti-Money Laundering Act,⁶⁸ qualified theft is one of the unlawful activities from which proceeds could be derived. Article 310 of the Revised Penal Code, in relation to Article 308, defines and punishes qualified theft:

ARTICLE 310. *Qualified theft.* — The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding articles, if committed by a domestic servant, or with grave abuse of confidence, or if the property stolen is motor vehicle, mail matter or large cattle or consists of coconuts taken from the premises of a plantation, fish taken from a fishpond or fishery, or if property is taken

-
- (a) transacts said monetary instrument or property;
 - (b) converts, transfers, disposes of, moves, acquires, possesses or uses said monetary instrument or property;
 - (c) conceals or disguises the true nature, source, location, disposition, movement or ownership of or rights with respect to said monetary instrument or property;
 - (d) attempts or conspires to commit money laundering offenses referred to in paragraphs (a), (b) or (c);
 - (e) aids, abets, assists in or counsels the commission of the money laundering offenses referred to in paragraphs (a), (b) or (c) above; and
 - (f) performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraphs (a), (b) or (c) above.
- Money laundering is also committed by any covered person who, knowing that a covered or suspicious transaction is required under this Act to be reported to the Anti-Money Laundering Council (AMLC), fails to do so.

⁶⁸ Republic Act No. 9160 (2002), as amended by Republic Act No. 9194 (2003), sec. 3(i)(8).

on the occasion of fire, earthquake, typhoon, volcanic eruption, or any other calamity, vehicular accident or civil disturbance.

Article 308 states:

ARTICLE 308. *Who are liable for theft.* — Theft is committed by any person who, with intent to gain but without violence against or intimidation of persons nor force upon things, shall take personal property of another without the latter's consent.

Theft is likewise committed by:

1. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner;
2. Any person who, after having maliciously damaged the property of another, shall remove or make use of the fruits or objects of the damage caused by him; and
3. Any person who shall enter an enclosed estate or a field where trespass is forbidden or which belongs to another and without the consent of its owner, shall hunt or fish upon the same or shall gather fruits, cereals, or other forest or farm products.

In *People v. Cahilig*,⁶⁹ this Court enumerated the elements of qualified theft committed with grave abuse of confidence:

1. Taking of personal property;
2. That the said property belongs to another;
3. That the said taking be done with intent to gain;
4. That it be done without the owner's consent;
5. That it be accomplished without the use of violence or intimidation against persons, nor of force upon things;
6. That it be done with grave abuse of confidence.⁷⁰

Here, in withdrawing money and preterminating accounts without authority, petitioner transacted proceeds from the crime of qualified theft. By taking advantage of her position, she took money from UCPB clients without their knowledge and consent. Petitioner held a position of trust and confidence, as she handled the opening, termination, and withdrawal of client accounts and placements, and also had access to the bank's computer system.⁷¹ She processed all these transactions using her User ID "oloma01" and Teller ID No. 2840. Intent to gain may be seen from the unauthorized fund transfers to other accounts and the use of a carefully planned scheme to commit the theft.

⁶⁹ 740 Phil. 200 (2014) [Per J. Carpio, Second Division].

⁷⁰ Id. at 209.

⁷¹ *Rollo*, p. 41, CA Decision. Time deposits, premium savings deposits, money market placements, current, and savings accounts.

Petitioner then committed money laundering when she transacted the proceeds of the qualified theft through manager's checks or transferred them to other money market placements to give the appearance that the money markets were still subsisting.

These factual findings were made by the Regional Trial Court and the Court of Appeals, which both found petitioner to have processed the anomalous transactions. In *Tigoy v. Court of Appeals*:⁷²

The Court accords high respect to the findings of facts of the trial court, its calibration of the collective testimonies of the witnesses, its assessment of the probative weight of the evidence of the parties as well as its conclusions especially when these are in agreement with those of the Court of Appeals, which is the case here. As a matter of fact, factual findings of the trial court, when adopted and confirmed by the Court of Appeals, are generally final and conclusive.⁷³ (Citations omitted)

Against such findings, petitioner's defense of denial and frame-up are self-serving and unsubstantiated. She offers no explanation for why she processed these transactions or how the transactions could not have been hers. She attempts to pass the blame to the bank officers, as they approved all the transactions that she processed. This finger-pointing is weak, unproven, and does not stand against the strong evidence against her. In *People v. Amania*:⁷⁴

[A]libi and denial . . . if not substantiated by clear and convincing evidence are negative and self-serving evidence undeserving of weight in law. Parenthetically, we have stressed time and again that these defenses are inherently weak and unreliable as they are easy to concoct and fabricate. In the case of alibi, it is elementary case law that the requirements of time and place be strictly complied with by the defense, meaning that the accused must not only show that he was somewhere else but that it was also physically impossible for him to have been at the scene of the crime at the time it was committed.⁷⁵ (Citations omitted)

Petitioner, therefore, failed to raise any reversible error committed by the Court of Appeals.

II

Money laundering generally involves a predicate offense. A predicate offense is a crime that is a component of another offense. In money laundering, the predicate offense is usually an unlawful activity that generates proceeds of money or property. In this case, for instance, the predicate offense was qualified theft.

⁷² 525 Phil. 613 (2006) [Per J. Azcuna, Second Division].

⁷³ Id. at 623.

⁷⁴ 318 Phil. 579 (1995) [Per J. Regalado, Second Division].

⁷⁵ Id. at 588.

However, the predicate offense in money laundering is distinct from the offense of money laundering, such that the two offenses may be prosecuted in separate criminal actions. This Court takes this occasion to clarify the distinction between the money laundering offense and the unlawful activity from which the proceeds come.

Republic Act No. 10365, which amended the Anti-Money Laundering Act in 2013, explicitly states that the prosecution of the money laundering offense shall proceed independently of any action relating to the unlawful activity:

SECTION 5. Section 6 (a) of [Republic Act No. 9160] *is hereby amended to read as follows:*

SEC. 6. *Prosecution of Money Laundering.* —

- (a) Any person may be charged with and convicted of both the offense of money laundering and the unlawful activity as herein defined.
- (b) The prosecution of any offense or violation under this *Act shall proceed independently of any proceeding relating to the unlawful activity.* (Emphasis supplied)

This is also stated in the latest Implementing Rules and Regulations of Republic Act No. 9160.⁷⁶ The elements of each offense are distinct. Thus, the “elements of the unlawful activity, including the identity of the perpetrators and the details of the commission of the unlawful activity, need not be established by proof beyond reasonable doubt in the case for [money laundering]”:

SECTION 4. *Prosecution of Money Laundering Cases.* —

4.1. *Independent Proceedings.*

The prosecutions of ML and the associated unlawful activity shall proceed independently. Any person may be charged with and convicted of both ML and the associated unlawful activity.

4.2. *Separate and Distinct Elements.*

The elements of ML are separate and distinct from the elements of the associated unlawful activity. The elements of the unlawful activity, including the identity of the perpetrators and the details of the commission of the unlawful activity, need not be established by proof beyond reasonable doubt in the case for ML.

4.3. *Knowledge.*

⁷⁶ Implementing Rules and Regulations of Republic Act No. 9160 (2018).

The element of knowledge may be established by direct or circumstantial evidence. The deliberate non-performance of the preventive measures under the AMLA, this IRR, AMLC issuances, and SA's guidelines by a covered person's responsible directors, officers and employees shall be considered in determining knowledge of the commission of ML offenses.

4.4. *Rules of Procedure.*

The Rules of Court shall govern all proceedings concerning the prosecution of ML. The prosecution of ML and other violations of the AMLA shall be handled by the Department of Justice, through its public prosecutors, the Office of the Ombudsman, through the Office of the Special Prosecutor, pursuant to the Rules on Criminal Procedure.

4.5. *No ML Case during Election Period.*

No case for ML may be filed against a candidate for an electoral office during an election period.

Generally, the elements of predicate crimes must be proven beyond reasonable doubt. This is consistent with Article III, Section 14 of the Constitution, which states:

SECTION 14. (1) *No person shall be held to answer for a criminal offense without due process of law.*

(2) *In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable. (Emphasis supplied)*

Thus, in all criminal actions, the prosecution must prove the accused's guilt beyond reasonable doubt.⁷⁷ Rule 133, Section 2 of the Revised Rules on Evidence states:

SECTION 2. *Proof beyond reasonable doubt.* — In a criminal case, the accused is entitled to an acquittal, unless his or her guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

However, *the unlawful activity involved and the money laundering itself may or may not involve the same perpetrators.* To recall, what is

⁷⁷ 824 Phil. 882 (2018) [Per J. Leonen, Third Division].

punished as an offense under the Anti-Money Laundering Act is the act of laundering the proceeds of an unlawful activity. As presently worded under Republic Act No. 10365:

SECTION 4. *Money Laundering Offense.* — Money laundering is committed by any person who, knowing that any monetary instrument or property represents, involves, or relates to the proceeds of any unlawful activity:

- (a) transacts said monetary instrument or property;
- (b) converts, transfers, disposes of, moves, acquires, possesses or uses said monetary instrument or property;
- (c) conceals or disguises the true nature, source, location, disposition, movement or ownership of or rights with respect to said monetary instrument or property;
- (d) attempts or conspires to commit money laundering offenses referred to in paragraphs (a), (b) or (c);
- (e) aids, abets, assists in or counsels the commission of the money laundering offenses referred to in paragraphs (a), (b) or (c) above; and
- (f) performs or fails to perform any act as a result of which he facilitates the offense of money laundering referred to in paragraphs (a), (b) or (c) above.

On the other hand, the unlawful activity refers to an act or omission, or a series or combination of such act or omission, involving or having direct relation to the following:

- (i) “Unlawful activity” refers to any act or omission or series or combination thereof involving or having relation to the following:
 - (1) Kidnapping for ransom under Article 267 of *Act No. 3815*, otherwise known as the *Revised Penal Code*, as amended;
 - (2) Sections 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of *Republic Act No. 9165*, otherwise known as the *Comprehensive Dangerous Drugs Act of 2002*;
 - (3) Section 3 paragraphs B, C, E, G, H and I of *Republic Act No. 3019*, as amended, otherwise known as the *Anti-Graft and Corrupt Practices Act*;
 - (4) Plunder under *Republic Act No. 7080*, as amended;
 - (5) Robbery and extortion under Articles 294, 295, 296, 299, 300, 301 and 302 of the *Revised Penal Code*, as amended;
 - (6) Jueteng and Masiao punished as *illegal gambling* under *Presidential Decree No. 1602*;

- (7) Piracy on the high seas under the *Revised Penal Code*, as amended and *Presidential Decree No. 532*;
- (8) Qualified theft under Article 310 of the *Revised Penal Code*, as amended;
- (9) Swindling under Article 315 and Other Forms of Swindling under Article 316 of the *Revised Penal Code*, as amended;
- (10) Smuggling under Republic Act Nos. 455 and 1937;
- (11) Violations of *Republic Act No. 8792*, otherwise known as the *Electronic Commerce Act of 2000*;
- (12) Hijacking and other violations under *Republic Act No. 6235*; destructive arson and murder, as defined under the *Revised Penal Code*, as amended;
- (13) Terrorism and conspiracy to commit terrorism as defined and penalized under Sections 3 and 4 of *Republic Act No. 9372*;
- (14) Financing of terrorism under Section 4 and offenses punishable under Sections 5, 6, 7 and 8 of *Republic Act No. 10168*, otherwise known as the *Terrorism Financing Prevention and Suppression Act of 2012*;
- (15) Bribery under Articles 210, 211 and 211-A of the *Revised Penal Code*, as amended, and Corruption of Public Officers under Article 212 of the *Revised Penal Code*, as amended;
- (16) Frauds and Illegal Exactions and Transactions under Articles 213, 214, 215 and 216 of the *Revised Penal Code*, as amended;
- (17) Malversation of Public Funds and Property under Articles 217 and 222 of the *Revised Penal Code*, as amended;
- (18) Forgeries and Counterfeiting under Articles 163, 166, 167, 168, 169 and 176 of the *Revised Penal Code*, as amended;
- (19) Violations of Sections 4 to 6 of *Republic Act No. 9208*, otherwise known as the *Anti-Trafficking in Persons Act of 2003*;
- (20) Violations of Sections 78 to 79 of Chapter IV, of *Presidential Decree No. 705*, otherwise known as the *Revised Forestry Code of the Philippines*, as amended;
- (21) Violations of Sections 86 to 106 of Chapter VI, of *Republic Act No. 8550*, otherwise known as the *Philippine Fisheries Code of 1998*;
- (22) Violations of Sections 101 to 107, and 110 of *Republic Act No. 7942*, otherwise known as the *Philippine Mining Act of 1995*;
- (23) Violations of Section 27(c), (e), (f), (g) and (i), of *Republic Act No. 9147*, otherwise known as the *Wildlife Resources Conservation and Protection Act*;
- (24) Violation of Section 7(b) of *Republic Act No. 9072*, otherwise known as the *National Caves and Cave Resources Management Protection Act*;
- (25) Violation of *Republic Act No. 6539*, otherwise known as the *Anti-Carnapping Act of 2002*, as amended;
- (26) Violations of Sections 1, 3 and 5 of *Presidential Decree No. 1866*, as amended, otherwise known as the decree *Codifying the*



Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives;

- (27) Violation of *Presidential Decree No. 1612*, otherwise known as the *Anti-Fencing Law*;
- (28) Violation of Section 6 of *Republic Act No. 8042*, otherwise known as the *Migrant Workers and Overseas Filipinos Act of 1995*, as amended by Republic Act No. 10022;
- (29) Violation of *Republic Act No. 8293*, otherwise known as the *Intellectual Property Code of the Philippines*;
- (30) Violation of Section 4 of *Republic Act No. 9995*, otherwise known as the *Anti-Photo and Video Voyeurism Act of 2009*;
- (31) Violation of Section 4 of *Republic Act No. 9775*, otherwise known as the *Anti-Child Pornography Act of 2009*;
- (32) Violations of Sections 5, 7, 8, 9, 10(c), (d) and (e), 11, 12 and 14 of *Republic Act No. 7610*, otherwise known as the *Special Protection of Children Against Abuse, Exploitation and Discrimination*;
- (33) Fraudulent practices and other violations under *Republic Act No. 8799*, otherwise known as the *Securities Regulation Code of 2000*; and
- (34) Felonies or offenses of a similar nature that are punishable under the penal laws of other countries.

These predicate or related crimes are offenses that involve proceeds—any amount or type of money or property—that can be laundered. Section 3(f) of the Anti-Money Laundering Act defines proceeds as “an amount derived or realized from an unlawful activity.” In turn, Section 4 of the law only provides that one commits money laundering when they transact the proceeds knowing that this came from an unlawful activity. It does not require that the money launderer should have committed the unlawful activity. It only states that the money launderer should have known that the proceeds came from an unlawful activity. The offense likewise does not require the identity of the persons who commit the unlawful activity; it only requires that the proceeds come from such activity.

A reading of the listed unlawful activities and the nature of money laundering reveals that *money laundering may involve a situation where the predicate unlawful activity is not necessarily committed by the money launderer. The unlawful activity may be a separate crime, possibly committed by a different person.*

For example, Person A commits kidnapping for ransom under Article 267 of the Revised Penal Code, an unlawful activity under the Anti-Money Laundering Act. Person A asks Person B for assistance in concealing the ransom money. Person B knows that it was ransom money, but agrees to keep it in a location unchecked by authorities. In this example, Person A is the only

person who may be charged with kidnapping, though Person A may still be charged with money laundering. Person B, however, may be charged with money laundering, but not kidnapping.

Thus, the action for money laundering may proceed independently of any proceeding involving the unlawful activity. A charge for money laundering may still be filed against Person B, and it need not depend on the outcome of the kidnapping charge against Person A. It is not necessary to first obtain a finding of guilt in the kidnapping case before the prosecution of Person B's money laundering offense.


Nonetheless, this Court highlights that an element of the money laundering offense is that the money or property involved constitutes proceeds from an unlawful activity. Necessarily, it *must still be proven beyond reasonable doubt* that the money or property forms proceeds from an unlawful activity.

Thus, while the criminal action for the unlawful activity may proceed independently of the money laundering charge, and the guilt of the person who committed the unlawful activity need not be determined first, it must still be proven that the money or property in the money laundering offense is proceeds from an unlawful activity. This entails proving beyond reasonable doubt particular elements of that unlawful activity.

In the example above, before Person B can be found guilty of money laundering, the prosecution must prove beyond reasonable doubt that the money forms proceeds from the kidnapping. The prosecution need not prove who committed the kidnapping, but it must still prove that the money was extorted for the release of the person deprived of liberty. It must be proven beyond reasonable doubt that the nature of the proceeds is from an unlawful activity. Otherwise, an element of the offense of money laundering is missing. The act cannot constitute money laundering.

In this case, it was first shown that the money involved is proceeds from qualified theft. The prosecution needed to show that the amounts were taken with intent to gain from third parties by grave abuse of confidence. The prosecution then proved that petitioner, knowing the nature of the amounts as proceeds from qualified theft, transacted it through manager's checks or transferred them to other money market placements to give the appearance that the money markets were still subsisting. Thus, petitioner was charged with and found guilty of money laundering.

The predicate offenses in money laundering differ from the predicate offenses of other crimes, such as plunder or terrorism.



In plunder,⁷⁸ the predicate offenses are necessary elements in the crime of plunder because they are perpetrated by the same persons committing plunder. The elements of plunder are:

(1) That the offender is a public officer who acts by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates, or other persons;

(2) That he amassed, accumulated or acquired ill-gotten wealth through a combination or series of the following overt or criminal acts:

a. through misappropriation, conversion, misuse, or malversation of public funds or raids on the public treasury;

b. by receiving, directly or indirectly, any commission, gift, share, percentage, kickback or any other form of pecuniary benefits from any person and/or entity in connection with any government contract or project or by reason of the office or position of the public officer;

c. by the illegal or fraudulent conveyance or disposition of assets belonging to the National Government or any of its subdivisions, agencies or instrumentalities of Government-owned or -controlled corporations or their subsidiaries;


d. by obtaining, receiving or accepting directly or indirectly any shares of stock, equity or any other form of interest or participation including the promise of future employment in any business enterprise or undertaking;

e. by establishing agricultural, industrial or commercial monopolies or other combinations and/or implementation of decrees and orders intended to benefit particular persons or special interests; or

f. by taking advantage of official position, authority, relationship, connection or influence to unjustly enrich himself or themselves at the expense and to the damage and prejudice of the Filipino people and the Republic of the Philippines; and,

⁷⁸ Republic Act No. 7080 (1991), sec. 2, as amended, states:

Section 2. *Definition of the Crime of Plunder; Penalties.* — Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1(d) hereof, in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be punished by *reclusion perpetua* to death. Any person who participated with the said public officer in the commission of an offense contributing to the crime of plunder shall likewise be punished for such offense. In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and all ill-gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof forfeited in favor of the State.



(3) That the aggregate amount or total value of the ill-gotten wealth amassed, accumulated or acquired is at least P50,000,000.00.⁷⁹ (Citation omitted)

The elements of plunder are clear. The plunderer must have “amassed, accumulated[,] or acquired ill-gotten wealth”⁸⁰ through a combination or series of the enumerated criminal acts. They need to have committed any of the listed predicate offenses to be found guilty of plunder. Thus, in plunder, all the elements of the predicate offense need to be proven beyond reasonable doubt. Unlike in money laundering, the prosecution of plunder does not proceed independently of the prosecution of the predicate offense.

As for terrorism, Section 4 of Republic Act No. 11479 or the Anti-Terrorism Act states:

SECTION 4. *Terrorism.* — Subject to Section 49 of this Act, terrorism is committed by any person who, within or outside the Philippines, regardless of the stage of execution:

- (a) Engages in acts intended to cause death or serious bodily injury to any person, or endangers a person’s life;
- (b) Engages in acts intended to cause extensive damage or destruction to a government or public facility, public place or private property;
- (c) Engages in acts intended to cause extensive interference with, damage or destruction to critical infrastructure;
- (d) Develops, manufactures, possesses, acquires, transports, supplies or uses weapons, explosives or of biological, nuclear, radiological or chemical weapons; and
- (e) Release of dangerous substances, or causing fire, floods or explosions[;]

when the purpose of such act, by its nature and context, is to intimidate the general public or a segment thereof, create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety, shall be guilty of committing terrorism and shall suffer the penalty of life imprisonment without the benefit of parole and the benefits of Republic Act No. 10592, otherwise known as “An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, as amended, otherwise known as the Revised Penal Code”. *Provided*, That, terrorism as defined in this section shall not include advocacy, protest, dissent, stoppage of work,

⁷⁹ *Republic v. Sandiganbayan (Special Second Division)*, G.R. Nos. 207340 & 207349, September 16, 2020, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66995>> [Per J. Leonen, Third Division].

⁸⁰ *Id.*

industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person's life, or to create a serious risk to public safety.

The predicate offenses involved in the commission of terrorism, such as murder,⁸¹ destructive arson,⁸² or crimes involving destruction,⁸³ have a purpose: "to intimidate the general public . . . , create an atmosphere or spread a message of fear, to provoke or influence by intimidation the government or any international organization, or seriously destabilize or destroy the

⁸¹ REV. PEN. CODE, art. 248 states:

Article 248. Murder. — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a street car or locomotive, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

⁸² REV. PEN. CODE, art. 320 states:

Article 320. Destructive Arson. — The penalty of *reclusion perpetua* to death shall be imposed upon any person who shall burn:

1. One (1) or more buildings or edifices, consequent to one single act of burning, or as a result of simultaneous burnings, committed on several or different occasions.
2. Any building of public or private ownership, devoted to the public in general or where people usually gather or congregate for a definite purpose such as, but not limited to, official governmental function or business, private transaction, commerce, trade, workshop, meetings and conferences, or merely incidental to a definite purpose such as but not limited to hotels, motels, transient dwellings, public conveyances or stops or terminals, regardless of whether the offender had knowledge that there are persons in said building or edifice at the time it is set on fire and regardless also of whether the building is actually inhabited or not.
3. Any train or locomotive, ship or vessel, airship or airplane, devoted to transportation or conveyance, or for public use, entertainment or leisure.
4. Any building, factory, warehouse installation and any appurtenances thereto, which are devoted to the service of public utilities.
5. Any building the burning of which is for the purpose of concealing or destroying evidence of another violation of law, or for the purpose of concealing bankruptcy or defrauding creditors or to collect from insurance.

Irrespective of the application of the above enumerated qualifying circumstances, the penalty of *reclusion perpetua* to death shall likewise be imposed when the arson is perpetrated or committed by two (2) or more persons or by a group of persons, regardless of whether their purpose is merely to burn or destroy the building or the burning merely constitutes an overt act in the commission or another violation of law.

The penalty of *reclusion perpetua* to death shall also be imposed upon any person who shall burn:

1. Any arsenal, shipyard, storehouse or military powder or fireworks factory, ordnance, storehouse, archives or general museum of the Government.
2. In an inhabited place, any storehouse or factory of inflammable or explosive materials.

If as a consequence of the commission of any of the acts penalized under this Article, death results, the mandatory penalty of death shall be imposed.

⁸³ REV. PEN. CODE, art. 324 states:

Article 324. *Crimes Involving Destruction*. — Any person who shall cause destruction by means of explosion, discharge of electric current, inundation, sinking or stranding of a vessel, intentional damaging of the engine of said vessel, taking up the rails from a railway track, maliciously changing railway signals for the safety of moving trains, destroying telegraph wires and telegraph posts, or those of any other system, and, in general, by using any other agency or means of destruction as effective as those above enumerated, shall be punished by *reclusion temporal* if the commission has endangered the safety of any person; otherwise, the penalty of *prision mayor* shall be imposed.

fundamental political, economic, or social structures of the country, or create a public emergency or seriously undermine public safety[.]”⁸⁴ However, like plunderers, terrorists commit the predicate offenses themselves. Thus, the prosecution of the smaller predicate offenses is not independent of the prosecution of the offense of terrorism. The predicate crimes are necessary elements to establish the crime of terrorism.

Again, this differs from the offense of money laundering, where the predicate offense, *i.e.*, the enumerated unlawful activities, may be committed by another person, and need not be committed by the money launderer.

In any case, here, petitioner is only being prosecuted for the offense of money laundering. While the lower courts found that petitioner also committed the separate predicate offense of qualified theft, petitioner shall only be convicted for the offense of money laundering.

Since petitioner is found guilty of the crime of money laundering under Section 4(a) of the Anti-Money Laundering Act, the Court of Appeals properly imposed the indeterminate penalty of imprisonment of seven (7) years as minimum to thirteen (13) years as maximum, along with a fine of ₱34,099,195.85, all the accessory penalties provided for by law, and payment of costs. Under the Implementing Rules governing at the time petitioner committed the crime:

RULE 14.1. Penalties for the Crime of Money Laundering. —

RULE 14.1.a. Penalties under Section 4 (a) of the AMLA. — The penalty of Imprisonment ranging from seven (7) to fourteen (14) years and a fine of not less than Three Million Philippine Pesos (Php3,000,000.00) but not more than twice the value of the monetary instrument or property involved in the offense, shall be imposed upon a person convicted under Section 4 (a) of the AMLA.

This Court, however, deletes the penalty of subsidiary imprisonment in case of insolvency imposed by the lower courts. This is not a penalty provided for under Republic Act No. 9160, as amended by Republic Act No. 9194, or its Implementing Rules and Regulations.

This Court notes that on July 9, 2019, the Bureau of Corrections wrote a letter informing this Court that petitioner has already served the maximum penalty of the sentence imposed on her and is now due for release.⁸⁵ On November 28, 2019, the Public Attorney’s Office manifested before this Court that petitioner was transferred from the Correctional Institution for Women to the Olongapo District Jail Female Dormitory in connection with

⁸⁴ Republic Act No. 11479 (2020), sec. 4.

⁸⁵ *Rollo*, p. 268.

other criminal cases still pending against her.⁸⁶

WHEREFORE, the Petition is **DENIED**. The December 11, 2015 Decision and June 2, 2016 Resolution of the Court of Appeals in CA-G.R. CR No. 36600 are **AFFIRMED**. Petitioner Girlie J. Lingad is found **GUILTY** beyond reasonable doubt of violating Section 4(a) of Republic Act No. 9160, or the Anti-Money Laundering Act, as amended by Republic Act No. 9194. She is correctly sentenced to serve an indeterminate penalty of imprisonment of seven (7) years as minimum to thirteen (13) years as maximum, to pay a fine of ₱34,099,195.85, to suffer all the accessory penalties provided for by law, and to pay the costs.

Nonetheless, since petitioner has fully served the maximum penalty of the sentence imposed on her, she is ordered immediately **RELEASED** from detention, unless she is confined for any other lawful cause.

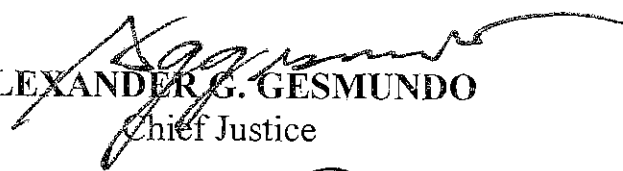
Let a copy of this Decision be furnished to the Superintendent of the Correctional Institution for Women for immediate implementation. The Superintendent is directed to report to this Court, within five days from receipt of this Decision, the action taken.

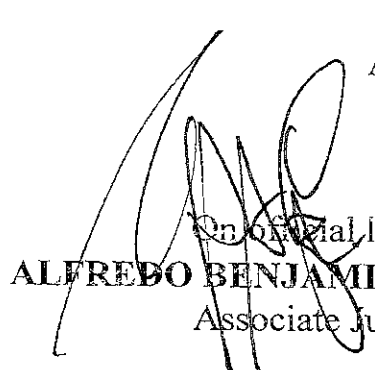
Let entry of judgment be issued immediately.

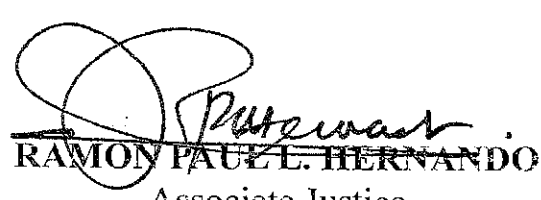
SO ORDERED.


MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


On official leave
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

⁸⁶ Id. at 282-286.

See Separate Opinions

[Signature]
AMY C. LAZARO-JAVIER
Associate Justice

[Signature]
HENRI JEAN PAUL B. INTING
Associate Justice

With Separate Opinion
[Signature]
RODIL V. ZALAMEDA
Associate Justice

[Signature]
MARIO V. LOPEZ
Associate Justice

No part
[Signature]
SAMUEL H. GAERLAN
Associate Justice

On official leave
[Signature]
RICARDO R. ROSARIO
Associate Justice

[Signature]
JHOSEPH V. LOPEZ
Associate Justice

[Signature]
JAPAR B. DIMAAMPAO
Associate Justice

On official leave
[Signature]
JOSE MIDAS P. MARQUEZ
Associate Justice

[Signature]
ANTONIO T. KHO, JR.
Associate Justice

[Signature]
MARIA FILOMENA D. SINGH
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.

[Signature]
ALEXANDER G. GESMUNDO
Chief Justice

CERTIFIED TRUE COPY

[Signature]
MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court