



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-appellee,

G.R. No. 257098

Present:

- versus -

CAGUIOA, J., *Chairperson*,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH,* JJ.

MARLON MALACAMAN,
Accused-appellant.

Promulgated:

JUL 07 2025

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DECISION

CAGUIOA, J.:

Before the Court is an appeal from the Decision¹ dated September 14, 2020 promulgated by the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 12523. The assailed Decision affirmed with modification the Decision² dated February 11, 2019 of Branch 92, Regional Trial Court (RTC) of Calamba City, Laguna, in Criminal Case No. 16530-2009-C (C), which found accused-appellant Marlon Malacaman (Malacaman) guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code.

Facts and Antecedent Proceedings

Malacaman was charged with Robbery with Homicide, committed as follows:

* On leave.

¹ *Rollo*, pp. 9–26. Penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Marie Christine Azcarraga-Jacob and Bonifacio S. Pascua, of the Special Eighth Division, Court of Appeals, Manila.

² *Id.* at 29–42. Penned by Acting Presiding Judge Wilhelmina B. Jorge-Wagan of Branch 92, Regional Trial Court, Calamba City, Laguna.

“That on or about April 22, 2009 in Calamba City, province of Laguna, Philippines, the said accused, conspiring and confederating together with two (2) others whose true names, real identities and present whereabouts are still unknown, and mutually helping with [sic] one another with intent to gain, armed with short firearms, and by means of force and violence, did then and there willfully, unlawfully and feloniously take, steal, and carry away cash money amounting to Two Million Two Hundred Ninety[-]Nine Thousand One Hundred Fifty[-]Two Pesos ([PHP] 2,299,152.00) belonging to the Philippine National Police (PNP) an agency of the Republic of the Philippines, without the latter’s knowledge and consent and against the will and consent of the agents/officers of the Republic of the Philippines, to the damage and prejudice of the Republic of the Philippines.

That on the occasion or by reason of said robbery and for the purpose of enabling them to take, steal or carry the above-mentioned cash amount of money, said accused, in furtherance and in pursuance of their conspiracy, did then and there, attack, assault and employ personal violence upon PSI LUDIVINA DE LUNA GINAULI and PO3 MICHAEL BARNUEVO with the use of short firearms with which they conveniently armed themselves, inflicting mortal wounds on different parts of their bodies, directly causing the death of PSI LUDIVINA DE LUNA GINAULI, and serious physical injuries on PO3 MICHAEL BARNUEVO.”³

When arraigned, Malacaman pleaded “not guilty” to the crime charged. Trial on the merits ensued.

Version of the Prosecution

The prosecution presented four witnesses: (i) Senior Police Officer 1 Michael Barnuevo (SPO1 Barnuevo), an eyewitness to the shooting and the victim who sustained four gunshot wounds including one to his head; (ii) Mr. Christopher Secillano⁴ (Secillano), another eyewitness who saw the encounter between the assailants and SPO1 Barnuevo and the deceased Police Senior Inspector Ludivina Ginauli (PSINSP Ginauli) and who corroborated SPO1 Barnuevo’s account thereof; (iii) Dr. Robert Joseph Almoro (Dr. Almoro) who testified on the nature of SPO1 Barnuevo’s wounds; and (iv) Dr. Roy Camarillo (Dr. Camarillo) who conducted the post-mortem examination of the deceased PSINSP Ginauli.⁵ Dr. Camarillo also prepared Medico-Legal Report No. M-0338-09, the Autopsy Report, and the anatomical sketches of PSINSP Ginauli.⁶

The version of the prosecution is as follows:

On April 22, 2009, SPO1 Barnuevo was on duty at the Finance Department of the Philippine National Police (PNP) Regional Office–MIMAROPA. At around 12:00 p.m., SPO1 Barnuevo’s superior officer,

³ Records, p. 1.

⁴ Also appears as “Christopher Ceciliano” in some parts of the *rollo*.

⁵ *Rollo*, p. 11, CA Decision.

⁶ *Id.* at 14.



PSINSP Ginauli, who was also the Disbursing Officer of their office, asked SPO1 Barnuevo to drive her to the bank in Barangay Parian, Calamba City. PSINSP Ginauli intended to encash checks and withdraw money for clothing allowances for training recruits in Lucena City. SPO1 Barnuevo then agreed to pick up PSINSP Ginauli at her residence at 2:00 p.m. that same day.⁷

Around 2:00 p.m., SPO1 Barnuevo drove his blue Nissan Sentra with plate number TKG 465 to PSINSP Ginauli's residence and picked her up. The two proceeded to the Land Bank of the Philippines branch at Parian, Calamba City and arrived at around 2:30 p.m. PSINSP Ginauli entered the bank. SPO1 Barnuevo then followed PSINSP Ginauli inside the bank after he parked his car.⁸

When SPO1 Barnuevo entered the bank, he noticed that PSINSP Ginauli was signing documents in front of the bank teller. After about an hour, the teller began placing money inside a yellow and red-striped plastic bag. When the teller handed the plastic bag to PSINSP Ginauli, SPO1 Barnuevo left the bank to get his car. Moments later, PSINSP Ginauli was escorted by one of the bank's security guards as she left the bank and entered SPO1 Barnuevo's car. PSINSP Ginauli sat in the passenger's seat with the yellow and red-striped plastic bag containing the cash placed on her lap.⁹

By 3:30 p.m., SPO1 Barnuevo and PSINSP Ginauli were traversing the highway in SPO1 Barnuevo's blue Nissan Sentra. PSINSP Ginauli received a text message but was unable to read the same since she did not have her reading glasses. PSINSP Ginauli had SPO1 Barnuevo read the message while the car was stopped in traffic. SPO1 Barnuevo read the message and told PSINSP Ginauli that a police officer was asking her if she had already withdrawn the money and if she was on her way back to Lucena.¹⁰

As SPO1 Barnuevo was handing PSINSP Ginauli's phone back to her, he heard the first of several gunshots. SPO1 Barnuevo's left arm was hit by the first shot, causing him to fall sideways in the car. SPO1 Barnuevo then saw two men, one on either side of their car, carrying small firearms. One of the assailants was shooting at SPO1 Barnuevo from the left side of the car while the other assailant was shooting from the right side of the car. SPO1 Barnuevo reached for his firearm but was not able to draw the same because of his position in the car. SPO1 Barnuevo sustained three more gunshot wounds including one to his head. He felt numbness all over his body. He then pretended to be dead while he waited for the gunmen to leave.¹¹

The gunmen took the yellow and red-striped plastic bag and then proceeded towards a motorcycle that was mounted by a third man. In their

⁷ *Id.* at 11.

⁸ *Id.* at 12.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*



haste, however, the motorcycle carrying the three men fell down, which caused the yellow and red-striped plastic bag that one of the men was holding to burst open. The money inside the bag scattered out into the street and was picked up by people in the area. The three men then escaped in the confusion.¹²

Meanwhile, bystanders rushed SPO1 Barnuevo to the Calamba Doctors' Hospital where he was confined for ten (10) days and incurred medical expenses of around PHP 200,000.00.¹³ Dr. Almoro attended to SPO1 Barnuevo's wounds and noted that the latter suffered four gunshot wounds including one on his head and one on his forearm. According to Dr. Almoro, SPO1 Barnuevo would have died if not for timely medical intervention.¹⁴ With respect to PSINSP Ginauli, Dr. Camarillo testified that she sustained five gunshot wounds including two fatal wounds—one in the head and one in the chest. According to the Certificate of Death, PSINSP Ginauli's cause of death was multiple gunshot wounds on the head, chest, and left forearm.¹⁵

Identification of Malacaman

While SPO1 Barnuevo was confined at Calamba Doctors' Hospital, he was shown several photographs of persons from the police precinct's rogues' gallery and identified Malacaman from among them. The other eyewitness, Secillano, also identified Malacaman based on his photograph at the precinct out of several other pictures of persons from the rogues' gallery.¹⁶ Thereafter, as part of their respective testimonies, SPO1 Barnuevo and Secillano identified Malacaman in open court.¹⁷

Version of the Defense

The defense presented Malacaman as its lone witness whose testimony was summarized by the CA as follows:

[Malacaman] interposed the twin defenses of denial and alibi. He testified that on April 22, 2009, he was at home with his mother, wife and daughter. He stayed at home for the entire day and nothing unusual happened. He was thus surprised a few months later, or sometime in August 2009, when policemen barged into his house and placed him under arrest for the crime of robbery with homicide. Despite protesting his innocence, he was brought to Camp Vicente Lim and, thereafter, to the Calamba Police Station. At the police station, he was asked to sign three (3) documents without giving him the opportunity to read the contents thereof. The policemen also asked him who were his companions during the robbery, but [Malacaman] maintained his innocence.¹⁸

¹² *Id.* at 13.

¹³ *Id.* at 12.

¹⁴ *Id.* at 13–14.

¹⁵ *Id.* at 14.

¹⁶ *Id.*

¹⁷ *See id.* at 23.

¹⁸ *Id.* at 14–15.



RTC Decision

In its Decision dated February 11, 2019, the RTC found Malacaman guilty beyond reasonable doubt of the crime of Robbery with Homicide under Article 294 of the Revised Penal Code. The dispositive portion of the RTC's Decision reads:

WHEREFORE, this court finds accused Marlon Malacaman **GUILTY** beyond reasonable doubt of robbery with homicide and, accordingly, sentences him to suffer the penalty of *reclusion perpetua*.

Marlon Malacaman is ordered to **PAY** the **heirs of Ludivina De Luna Ginauli** the following sums:

- a) Fifty Thousand Pesos ([PHP] 50,000.00), as death indemnity;
- b) Fifty Thousand Pesos ([PHP] 50,000.00), as moral damages;
- c) Fifty Thousand Pesos ([PHP] 50,000.00), as exemplary damages; and
- d) All of the foregoing sums shall earn interest at the rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

Marlon Malacaman is also ordered to **PAY** SPO1 Michael Barnuevo the following sums:

1. Seventy[-]Five Thousand Three Hundred Eighty[-]Two Pesos and Eighty[-]Three centavos ([PHP] 75,382.83), as actual damages;
2. Fifty Thousand Pesos ([PHP] 50,000.00), as exemplary damages; and
3. All of the foregoing sums shall likewise earn interest at the rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

SO ORDERED.¹⁹ (Emphasis in the original)

Malacaman appealed.

CA Decision

In its Decision dated September 14, 2020, the CA denied Malacaman's appeal for lack of merit and affirmed his conviction but modified the amount of damages. The dispositive portion of the CA Decision reads:

¹⁹ *Id.* at 42.



WHEREFORE, premises considered, the instant appeal is hereby **DENIED**. The Decision dated February 11, 2019 of the Regional Trial Court, Branch 92, Calamba City, Laguna in Criminal Case No. 16530-2009-C(C) is **AFFIRMED WITH MODIFICATION** in that accused-appellant Marlon Malacaman is ordered to pay the heirs of victim PSI Ludivina Ginauli the amount of Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as civil indemnity; Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as moral damages; Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as exemplary damages; and Fifty Thousand Pesos ([PHP] 50,000.00) as temperate damages. Accused-appellant is further ordered to pay private complainant SPO1 Michael Barnuevo the amount of Seventy[-]Five Thousand Three Hundred Eighty[-]Two Pesos and Eighty[-]Three Centavos ([PHP] 75,382.83) as actual damages; Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as civil indemnity; Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as moral damages; and Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as exemplary damages. All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Decision until full satisfaction.

SO ORDERED.²⁰ (Emphasis in the original)

Hence, the instant appeal.²¹

Issue

The only issue before the Court is whether Malacaman is guilty beyond reasonable doubt of Robbery with Homicide under Article 294 of the Revised Penal Code, as amended.

Ruling

In his appeal before the Court, Malacaman essentially asserts that the prosecution failed to prove his guilt beyond reasonable doubt because: (i) of his supposedly irregular and suggestive out-of-court identification and (ii) that the testimony of the prosecution's two eyewitnesses is not reliable or credible.²²

After a judicious review of the case, the Court acquits Malacaman based on reasonable doubt.

At its core, the issue raised by Malacaman pertains to his identification as the perpetrator of the crime. In this connection, the Court has declared that “[t]he greatest care should be taken in considering the identification of the accused, especially when this identification is made by a sole witness and the judgment in the case totally depends on the reliability of the identification.” This stems from the recognition that testimonial evidence, unlike other forensic evidence such as fingerprint and DNA testing which are real or object

²⁰ *Id.* at 25–26.

²¹ *Id.* at 3–5, Compliance and Notice of Appeal.

²² *See* CA rollo, pp. 47–55, Brief for the Accused-Appellant.

evidence, are subject to human errors which may be intentional or unintentional.”²³

Citing *People v. Nuñez*²⁴ and *People v. Teehankee, Jr.*,²⁵ the Court in *People v. Ansano*²⁶ (*Ansano*) held:

The frailty of human memory is a scientific fact. The danger of inordinate reliance on human memory in criminal proceedings, where conviction results in the possible deprivation of liberty, property, and even life, is equally established.

Human memory does not record events like a video recorder. In the first place, human memory is more selective than a video camera. The sensory environment contains a vast amount of information, but the memory process perceives and accurately records only a very small percentage of that information. Second, because the act of remembering is reconstructive, akin to putting puzzle pieces together, human memory can change in dramatic and unexpected ways because of the passage of time or subsequent events, such as exposure to “postevent” information like conversations with other witnesses or media reports. Third, memory can also be altered through the reconstruction process. Questioning a witness about what he or she perceived and requiring the witness to reconstruct the experience can cause the witness’ memory to change by unconsciously blending the actual fragments of memory of the event with information provided during the memory retrieval process.

Eyewitness identification, or what our jurisprudence commendably refers to as “positive identification,” is the bedrock of many pronouncements of guilt. — However, eyewitness identification is but a product of flawed human memory. In an expansive examination of 250 cases of wrongful convictions where convicts were subsequently exonerated by DNA testing, Professor Brandon Garrett (Professor Garrett) noted that as much as 190 or 76% of these wrongful convictions were occasioned by flawed eyewitness identifications. Another observer has more starkly characterized eyewitness identifications as “the leading cause of wrongful convictions.”

....

The bifurcated difficulty of misplaced reliance on eyewitness identification is borne not only by the intrinsic limitations of human memory as the basic apparatus on which the entire exercise of identification operates. It is as much the result of and is exacerbated by extrinsic factors such as environmental factors, flawed procedures, or the mere passage of time.

²³ *People v. Ansano*, 891 Phil. 360, 368 (2020) [Per J. Caguioa, First Division].

²⁴ 819 Phil. 406, 415–417 (2017) [Per J. Leonen, Third Division].

²⁵ 319 Phil. 128, 179 (1995) [Per J. Puno, Second Division].

²⁶ *Supra* note 23.



In another case, the Court acknowledged that:

Identification testimony has at least three components. First, witnessing a crime, whether as a victim or a bystander, involves perception of an event actually occurring. Second, the witness must memorize details of the event. Third, the witness must be able to recall and communicate accurately. Dangers of unreliability in eyewitness testimony arise at each of these three stages, for whenever people attempt to acquire, retain, and retrieve information accurately, they are limited by normal human fallibilities and suggestive influences.²⁷

The Court has thus adopted the *totality of circumstances test* to gauge the reliability of an accused's out-of-court identification. On this point, the Court further held in *Ansano*:

Out-of-court identification is conducted by the police in various ways. It is done thru show-ups where the suspect alone is brought face to face with the witness for identification. It is done thru mug shots where photographs are shown to the witness to identify the suspect. It is also done thru line-ups where a witness identifies the suspect from a group of persons lined up for the purpose. **Since corruption of out-of-court identification contaminates the integrity of in-court identification during the trial of the case, courts have fashioned out rules to assure its fairness and its compliance with the requirements of constitutional due process.** In resolving the admissibility of and relying on out-of-court identification of suspects, courts have adopted the **totality of circumstances test** where they consider the following factors, viz.: (1) the witness' opportunity to view the criminal at the time of the crime; (2) the witness' degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty demonstrated by the witness at the identification; (5) the length of time between the crime and the identification; and, (6) the suggestiveness of the identification procedure. . . .

Essentially, the problem with eyewitness testimony is that the human mind is not just limited in terms of perception, but that human memory is also highly susceptible to suggestion. Hence, the jurisprudence on the matter . . . dealt with the propriety of police procedures employed to arrive at the identification of the accused. The rule that was thereafter adopted was that "convictions based on eyewitness identification at trial following a pretrial identification by photograph will be set aside on that ground only if the photographic identification procedure was so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification." It was explained that "[s]uggestive confrontations are disapproved because they increase the likelihood of misidentification, and unnecessarily suggestive ones are condemned for the

²⁷ *Id.* at 368–370.



further reason that the increased chance of misidentification is gratuitous.”²⁸
(Emphasis in original; citations omitted)

Based on the foregoing, the *totality of circumstances test* has six fundamental criteria to gauge the reliability of an accused’s out-of-court identification, i.e., (1) the witness’s opportunity to view the criminal at the time of the crime; (2) the witness’s degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty demonstrated by the witness at the identification; (5) the length of time between the crime and the identification; and (6) the suggestiveness of the identification procedure. Based on the foregoing principles, the Court finds that there is reasonable doubt in Malacaman’s identification as one of the perpetrators of the crime.

In the case at bar, Malacaman’s identification as the perpetrator of the crime turns on the testimony of SPO1 Barnuevo who categorically stated that Malacaman was one of the two persons who shot him and PSINSP Ginauli. SPO1 Barnuevo’s account was then corroborated by Secillano’s own testimony.

The *first two* criteria under the *totality of circumstances test* pertain to the witness’s opportunity to view the criminal during the commission of the crime and the witness’s degree of attention at that time. Here, SPO1 Barnuevo and PSINSP Ginauli were suddenly ambushed by two armed men who opened fire into their car. The record shows that SPO1 Barnuevo was distracted at the time. His attention was directed to PSINSP Ginauli as he was handing the latter’s phone back to her. SPO1 Barnuevo then suffered four gunshot wounds, including one to his head.²⁹ To the Court’s mind, these circumstances fail to show that SPO1 Barnuevo had the opportunity to recognize the assailants.

The *third* criterion is the accuracy of any prior description given by the witness. Here, the record notably lacks any prior description given by either SPO1 Barnuevo or Secillano. Consequently, there was nothing that could have allowed the Court to ascertain how the two witnesses were able to recognize Malacaman as one of the perpetrators when they were presented with the PNP’s rogues’ gallery.

With respect to the *fourth* and *fifth* criteria, both SPO1 Barnuevo and Secillano apparently displayed a reasonable level of certainty when they identified Malacaman during the trial. Moreover, it does not appear that a substantial period had elapsed between the crime and when SPO1 Barnuevo and Secillano were shown photographs of suspects in the PNP’s rogues’ gallery.

²⁸ *Id.* at 370–371.

²⁹ *See rollo*, p. 12, CA Decision and p. 31, RTC Decision.



Finally, as regards the *sixth* criterion, there is a dearth of evidence on how Malacaman's photograph was included in the PNP's rogues' gallery. Worse still, the police officer who supposedly presented SPO1 Barnuevo and Secillano with the rogues' gallery failed to testify on how the presentation was conducted.³⁰ Further, Secillano testified that during Malacaman's out-of-court identification, he was told by the PNP officer that "the person depicted in the photograph [i.e., Malacaman] was [the PNP's] suspect in [the] crime."³¹ To the Court's mind, these circumstances point to an out-of-court examination that was unduly suggestive.

In *Balina v. People*,³² the Court declared that "reasonable doubt is defined as that doubt engendered by an investigation of the whole proof and an inability, after such investigation, to let the mind rest easy upon the certainty of guilt."³³ Accordingly, the following circumstances stand out against a judgment of conviction: (i) SPO1 Barnuevo's recognition of Malacaman's face despite the former suffering four gunshot wounds, including one to his head; (ii) the PNP officer telling Secillano during Malacaman's out-of-court identification that the latter was a suspect in the crime; and (iii) the utter lack of evidence on how Malacaman's photograph appeared in the PNP's rogues' gallery and how the rogues' gallery was presented to the witnesses to identify Malacaman.

In this connection and to quote the Court in *Tuason v. Court of Appeals*:³⁴

[I]n some cases the emotional balance of the eyewitness is disturbed by her experience that her powers of perception becomes distorted and her identification is frequently most untrustworthy. Into the identification, enter other motives, not necessarily stimulated originally by the accused personally — the desire to requite a crime, to find a scapegoat, or to support, consciously or unconsciously, an identification already made by another.³⁵
(Citation omitted)

Hence, taking all the foregoing circumstances together, there is reasonable doubt that Malacaman is the perpetrator of the crime charged. He must perforce be acquitted.

Final note

The proper identification of the accused is one of the pillars in any criminal prosecution. And like all elements of a crime, the accused's identity as the perpetrator of the crime is a fact that must be proven beyond a reasonable doubt. The instant case highlights the indispensable role of out-of-

³⁰ CA rollo, p. 54, Brief for the Accused-Appellant.

³¹ *Id.* at 53.

³² 893 Phil. 342 (2021) [Per J. Gaerlan, First Division].

³³ *Id.* at 346. (Citation omitted)

³⁴ 311 Phil. 813 (1995) [Per J. Puno, Second Division].

³⁵ *Id.* at 831.



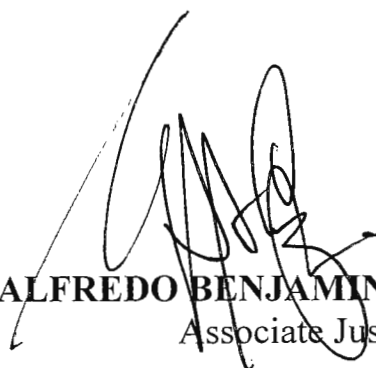
court identification in establishing the proper foundation for, and probative weight of, in-court identification. Regrettably, even while the events subject of the instant case happened over 15 years ago, formal guidelines on the out-of-court identification of a suspect in a police investigation have yet to be codified in the PNP Manual of Operational Procedures. The “rogues gallery,” for example, was only mentioned in passing in the glossary of terms in relation to the word, “mugshot.”³⁶ In this case, logic and prudence should not be sacrificed on the altar of expediency simply to address the deeply human need to attach a face to the villain—to produce a culprit of the crime. Indeed, the lapses by the prosecution and law enforcement officers here were largely avoidable. To name a few: descriptions of the suspect could have been solicited before the rogues’ gallery was presented; a witness could have testified on how the rogues’ gallery was compiled and presented to the victim and witnesses; the police could have refrained from identifying Malacaman as a suspect while they were presenting the rogues’ gallery to Secillano. Consequently, let this case serve as a call to law enforcement agencies and prosecutors for the formal codification of out-of-court identification procedures and their proper presentation in court.

ACCORDINGLY, the appeal is **GRANTED**. The Decision dated September 14, 2020 of the Court of Appeals in CA-G.R. CR-H.C. No. 12523 is hereby **REVERSED** and **SET ASIDE**. Accused-appellant MARLON MALACAMAN is **ACQUITTED** of Robbery with Homicide under Article 294 of the Revised Penal Code, as amended. He is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for another cause.

Let a copy of this Decision be furnished to the Director General of the Bureau of Corrections, Muntinlupa City for immediate implementation. The said Director General is ordered 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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

³⁶ Revised Philippine National Police Operational Procedures (2021), p. 188.

WE CONCUR:


HENRI JEAN PAUL B. INTING
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice

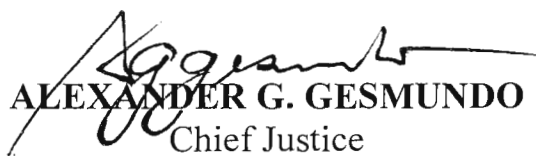
ATTESTATION

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.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice