Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SPO2 BADAWI P. BAKAL, Petitioner,	**G.R. No. 259277**
	Present:
- versus -	CAGUIOA, *J., Chairperson,* INTING, GAERLAN, DIMAAMPAO, and SINGH, *JJ.*
PEOPLE OF THE PHILIPPINES, Respondent.	Promulgated: FEB 05 2026

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DECISION

CAGUIOA, *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] (Petition) filed by Senior Police Officer 2 Badawi P. Bakal (SPO2 Bakal), seeking the reversal of the Decision[2] dated June 14, 2021 and the Resolution[3] dated February 21, 2022 of the Court of Appeals (CA) in CA-G.R. SP No. 165655. The assailed Decision and Resolution of the CA set aside the Omnibus Order[4] dated March 11, 2020 of Branch 221, Regional Trial Court, Quezon City (RTC), which acquitted SPO2 Bakal as accessory to 57 counts of murder in Criminal Case Nos. Q-09-162148 to 72, Q-09-162216 to 31, Q-10-162652 to 66, and Q-10-163766, and instead found him guilty beyond reasonable doubt of the offenses charged.

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1 *Rollo*, pp. 14–75.

2 *Id.* at 77–111. Penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Associate Justices Rafael Antonio M. Santos and Carlito B. Calpatura of the Special Sixth Division, Court of Appeals, Manila.

3 *Id.* at 113–114. Penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Associate Justices Rafael Antonio M. Santos and Carlito B. Calpatura of the Former Special Sixth Division, Court of Appeals, Manila.

4 *Id.* at 161–197. Penned by Presiding Judge Jocelyn A. Solis-Reyes.

Facts

Citing the narration of facts by the RTC in its Consolidated Partial Decision[5] dated December 19, 2019, the CA recounted the facts as follows:

> 20 July 2009
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> A meeting was held between the Ampatuans and Mangudadatus in the office premises of the Department of National Defense (DND) in Camp Aguinaldo, Quezon City where the two clans talked about Datu Esmael "Toto" Mangudadatu's desire to run for governorship in Maguindanao in the coming election. In the evening of the same day of the DND meeting, Datu Andal Ampatuan, Sr. (Datu Andal hereafter) and his sons Datu Andal "Unsay," Datu Zaldy, Datu Anwar and Datu Sajid Islam (all surnamed Ampatuan) gathered for a meeting at the Century Park Hotel in Manila. They were joined by other family members and relatives, political advisers and allies, police officers, private army commanders and their lawyers. During the said meeting, Datu Andal declared that Datu Toto Mangudadatu must be killed because of his determination to run against the Ampatuans for the gubernatorial election. Datu Zaldy and Datu Unsay gave their full support to their father's desire to kill a political rival especially from the Mangudadatu clan. Police Superintendent Bahnarin Kamaong (PSupt. Kamaong hereafter), a trusted man of Datu Zaldy, offered to take charge of the plan and that his men would take care of the operation. The next day, about 200 firearms were transported by the Ampatuans from Manila to Davao City. On 24 July 2009, Datu Unsay relayed to the Vice Mayor of Sultan Sabarongis, Maguindanao, Sukarno Badal (VM Badal hereafter) that they were going to implement the plan to kill Datu Toto.
>
> 16 November 2009
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> A subsequent meeting was held in Datu Andal's farm in Shariff Aguak, Maguindanao during which PSupt. Kamaong reiterated his desire to take charge of implementing the plan to kill Datu Toto and his supporters. None of the police officers present raised an objection to the meeting's agenda. The three possible locations where Datu Toto would file his Certificate of Candidacy (COC) and the persons to handle them were also discussed at the said meeting. Datu Anwar specified that aside from killing the Mangudadatus, they would bury the vehicles together with the bodies, to which Kagi Akmad Ampatuan suggested that they should use a backhoe to bury the bodies and the vehicles. Datu Zaldy expressed his full support to the plan and offered the use of his firearms for the operation.
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> For the next few days, the Ampatuans held further meetings at Datu Zaldy's and Datu Unsay's respective homes. In Datu Zaldy's house, among those present was PSupt. Kamaong. The meeting primarily focused on how to prevent Datu Toto from filing his COC. In Datu Unsay's mansion, they discussed about the setting up of checkpoints during the filing of the COC.

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[5] *Id.* at 198–955. Penned by Presiding Judge Jocelyn A. Solis-Reyes of Branch 221, Regional Trial Court, Quezon City.

As the meeting ended, Datu Unsay gave money to [Police Chief Inspector Sukarno] Dicay [(PCI Dicay)] who later installed a checkpoint with a police detachment in Sitio Malating to be manned by the 1508th Provincial Mobile Group (PMG). . . . Further, a checkpoint and detachment were set-up in Crossing Masalay by police officers and members of the Civilian Volunteer Organization (CVO) who wore military uniforms and carried firearms that were superior to those of the police officers'.

20-22 November 2009

In Malating, some police cars labeled "Police Parang" were parked along the national highway and several armed men who wore uniforms of the [CVO], police auxiliary unit and Civilian Armed Forces Geographical Unit (CAFGU) were ordered to wait for the convoy of the Mangudadatu party that was to come from Buluan. At Crossing Masalay, a witness heard some members of the CVO say that they would attack the convoy of Datu Toto and his supporters once they arrive. . . . Three other checkpoints were set up in Sitio Binibiran, Sitio Malating and Crossing Saniag.

On 21 November 2009, a meeting was held at Datu Unsay's house where the installation of additional checkpoints was discussed to make sure that the convoy of Datu Toto and his supporters would be intercepted before they reached Shariff Aguak. Each checkpoint was manned by police officers and members of the CVO.

On 22 November 2009, PSupt. Kamaong attended the meeting held in the farm of Datu Andal in Shariff Aguak. He instructed the police officers present thereat to take the firearms from the vehicles of Datu Andal.

The two other checkpoints that a witness saw, were established in front of the office of Datu Iya Sangki and along Ampatuan National Highway just across the Ampatuan Municipal Hall. Private respondent SPO2 Badawi Bakal (SPO2 Bakal hereafter) manned the latter checkpoint. Ten other police officers were seen at the said checkpoint which was also visible from the checkpoint in Crossing Masalay. SPO2 Bakal placed a roadblock at his checkpoint that closed the national highway.

At about 7:00 o'clock in the evening, Lieutenant Rolly Stefen Gempesao received a text message that several armed men would escort the Mangudadatus who will be on a convoy of vehicles to file Datu Toto's COC in Shariff Aguak the next day. Sergeant Jimmy Coronel (Sgt. Coronel) had earlier information that the Ampatuans would ambush the Mangudadatu's convoy while on its way to file Datu Toto's COC. Sgt. Coronel informed that the ambush and the exact place where it would take place was known throughout the province of Maguindanao.

23 November 2009

At about 5:00 o'clock in the morning, the Mangudadatu family, their friends and members of the media assembled at the house of Khadafeh Mangudadatu in Buluan, Maguindanao. They were to accompany Datu Toto's wife, Bai Genalin Mangudadatu, who was tasked

to file the COC of her husband with the Commission on Elections (COMELEC) office in Shariff Aguak.

. . . At about 9:00 o'clock in the morning, the convoy that consisted of unarmed passengers without any security escort aboard six vehicles . . . departed for Shariff Aguak.

At a checkpoint in Crossing Saniag, Datu Unsay gave instructions to the police officers and the commanders of his private army on how to block the convoy of the Mangudadatus with the use of the *Sangguko* (a big, camouflaged truck with a mounted, long-bar[r]elled, high-caliber armament). When Datu Unsay received a call from PCI Dicay *via* two-way radio that the convoy had passed Tacurong and the Isulan *rotunda*, he instructed his men to allow the Mangudadatus' convoy to proceed and then to position the *Sangguko* across the road to block the way whence the convoy came. Moments later, Datu Unsay was informed that the convoy was on its way to Crossing Saniag. He let the convoy pass through the intersection and ordered his men to maneuver two *Sanggukos* into a blocking position across Crossing Saniag. Datu Unsay then called PCI Dicay to set up a road block in Malating checkpoint because the convoy was already on its way there. Once the convoy was trapped in Malating checkpoint, Datu Unsay instructed PCI Dicay to look for the COC of Datu Toto as he and his men proceeded to the Malating checkpoint aboard fifty (50) vehicles, more or less.

PCI Dicay and Datu Kanor Ampatuan (Datu Kanor hereafter), accompanied by several police officers and armed men dressed in military uniforms, stopped the Mangudadatus' convoy and ordered the passengers to alight from their vehicles. . . . Once out of their vehicles, the passengers were ordered to lie on their bellies. . . . All the belongings of the passengers, including their cellular phones, and cameras of the media men were confiscated and placed in a vehicle.

Once Datu Unsay seized the COC from Datu Toto's wife, the passengers were told to return to their respective vehicles and they were led to a mountain site in Sitio Masalay. . . . The victims' vehicles were "sandwiched" by the vehicles of their captors' convoy while traversing a three-kilometer dirt road that led to a hilly portion of Sitio Masalay.

Once they reached the top of Mount Masalay, Datu Unsay stopped the convoy. In spite of their pleas and cries for mercy, the victims were dragged by groups and made to face Datu Unsay and his men who, without hesitation, fired at the helpless victims. The passengers who refused to step out of their vehicles were shot right then and there. Then, Datu Unsay ordered his men to do the "finishing" and they resumed shooting the victims in various parts of their bodies to ensure that they were all dead.

When Datu Unsay learned that soldiers from the Philippine Army were on their way to look for the Mangudadatus' convoy to lend succor, he contacted the operator of the backhoe, one Bong Andal, to proceed to where he was. Datu Unsay instructed him to quickly bury the bodies and vehicles of the victims. Datu Unsay fled the crime scene together with most of his men and proceeded to the Municipality of Datu Hoffer to hide.

> By noontime, Bong Andal managed to dig a pit deep enough to bury the bodies and the vehicles of the victims. Before Bong Andal could complete his task, however, the backhoe encountered a mechanical trouble. He was heard over the two-way radio asking for fuel for the backhoe so that he could finish burying the victims' bodies and vehicles, to prevent discovery of the evidence, so to speak.
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> Meanwhile, Datu Unsay and his men hid in the mountains of Datu Hoffer.
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> The CVOs fled the checkpoints in Crossing Saniag and Malating with their vehicles but the *Sanggukos* and the police officers remained in the area. Elements of the 64th Infantry Battalion that passed the Malating checkpoint observed that the police officers who manned it were in battle dress and carried long firearms. When the Army unit inquired from PCI Dicay about a reported abduction, the latter denied knowledge of any abduction in the area.
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> Meanwhile, in the vicinity of Crossing Masalay, Takpan Dilon and Esmael Canapia were arrested and brought to the officer-in-charge of the checkpoint, herein private respondent SPO2 Bakal.
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> . . . By 5:00 o'clock in the afternoon, news had broken about the incident and that Datu Unsay was the primary suspect.
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> Officers of the Scene of the Crime Operatives (SOCO) found two grave sites. . . . 57 bodies were recovered from the massacre site.
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> Esmael Canapia and Takpan Dilon were brought to the Crime Investigation and Detection Group (CIDG) Office in Cotabato City on 25 November 2009. While at the CIDG office, SPO2 Bakal warned Canapia and Dilon not to speak about what they had witnessed in Mount Masalay on 23 November 2009, otherwise, bad things would happen to them and their families. When Dilon uttered something about a backhoe, SPO2 Bakal punched him and threatened both men with his pistol.
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> . . . PSupt. Maguid and PCI Dicay were terminated as officer-in-charge of Maguindanao Police Provincial Office (PPO) and as Deputy Provincial Director, respectively, while private respondent SPO2 Bakal was relieved from Maguindanao PPO. Several personalities were arrested and placed under restrictive custody including Datu Unsay who was turned over to the Joint Task Force of the AFP and the PNP.[6]

Ruling of the RTC

The RTC, in its Consolidated Partial Decision, failed to make a categorical pronouncement of whether SPO2 Bakal is guilty beyond reasonable doubt of 57 counts of murder.[7] The dispositive portion of the RTC's decision reads:

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6 *Id.* at 79–88, CA Decision.

7 *Id.* at 89.

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows, viz:

In Criminal Case Nos. Q-09-162148 to 72; Q-09-162216 to 31; Q-10-162652 to 66 and Q-10-163766 (or 57 counts of Murder)

1. The prosecution having established the guilt beyond reasonable doubt of the following accused who are found to have acted as principal namely: DATU ANDAL "Unsay" AMPATUAN, JR., Datu Anwar Sajid "Datu Ulo" Ampatuan, Datu Anwar "Datu Ipi" Ampatuan, Jr., P/Insp. Saudi Mokamad, PO1 Jonathan Engid, Abedin Alamada a.k.a. Kumander Bedi, Talembo "Tammy" Masukat a.k.a. Talembo Kahar Abdulrakman, Theng P. Sali a.k.a. Abdullah Hamid Abdulkahar, Manny Ampatuan, Nasser Esmael a.k.a. Nasrudin Esmael, Datu Zaldy Ampatuan, P/CInsp. Sukarno Dicay, P/Supt. Abusama Mundas Maguid, P/Supt. Bahnarin Kamaong, Datu Anwar Ampatuan, Sr., Tato Tampogao, Mohades Ampatuan, Mohamad T. Datumanong a.k.a. Nicomedes Amad Tolentino, Misuari Ampatuan, Taya Bangkulat, Salik Bangkulat, Thong Guiamano a.k.a. Ibrahim Kamal Tatak, Sonny K. Pindi a.k.a. Joven Salazar Piang a.k.a. Bimbo Salazar Piang, Armando Ambalgan a.k.a. Jamil Bulatukan Kayansang/Bolatokan Omar (testified as Omar Bulatukan Kayansang), Kudza Masukat Uguia a.k.a. Datu Teng Ibrahim/Mustapha Ibrahim, Edres Kasan a.k.a. Edres Gogo Alip, (testified as Edris Gugo Kasan), Zacaria P. Akil a.k.a. Quago Akil and Samaon Andatuan, they are hereby **CONVICTED** and sentenced to suffer the penalty of imprisonment of ***Reclusion Perpetua without Parole pursuant to [Republic Act No.] 9346*;**

2. Likewise, the prosecution having established the guilt beyond reasonable doubt of the following accused who are found to have acted as **accessories,** namely: P/Insp. Michael Joy Macaraeg, PO3 Felix Eñate, PO3 Abibudin Abdulgani, PO3 Rasid Anton, PO2 Hamad Nana, PO2 Saudi Pasutan, PO2 Saudiar Ulah, PO1 Esprilieto Lejarso, PO1 Narkuok Mascud, PO1 Pia Kamidon, PO1 Esmael Guialal, PO1 Arnulfo Soriano, PO1 Herich Amaba (members[ ]of the 1508th PMG), P/SInsp. Abdulgapor Abad and Bong Andal, they are hereby **CONVICTED** and sentenced to suffer the indeterminate penalty of imprisonment of 6 years of Prision correccional as minimum to 10 years and 8 months of Prision Mayor as maximum;

3. On ground of reasonable doubt, the following accused are hereby **ACQUITTED,** namely: SPO1 Elizer Rendaje, SPO1 Alimola Guianaton, SPO1 Samad Maguindra, PO3 Ricky Balanueco, PO3 Gibrael Alano, PO2 Rexson Guiama, PO1 Amir Solaiman, PO1 Badjun Panegas, PO1 Pendatun Dima, PO1 Ebara Bebot, PO1 Tamano Hadi, PO1 Michael Macarongon (known as Labayan group), SPO1 Ali Solano, PO3 Felix Daquilos, PO2 Kendatu Rakim, PO1 Abdulraman Batarasa, PO1 Marjul Julkadi, PO1 Datu Jerry Utto, PO1 Mohammad Balading, PO1 Marsman Nilong, PO1 Ysmael Baraquir, PO1 Abdulmanan Saavedra and PO1 Jimmy Kadtong (known as Solano group), PO1 Sandy Sabang, Takpan Dilon, Edris Tekay Nanding a.k.a. Ibrahim Kakob, PO1 Warden Legawan, Jonathan Ampatuan, Jimmy Ampatuan, Rainer Ebus, Mohamad Sangki, Tho Amino, Norman Tatak, Malaguial Tanuri a.k.a. Johari Montok Malaguial, Alimudin Sanguyod a.k.a. Norodin Malang, Mama Habib, Sahid Guiamadel [a.k.a.] Arnel Abdullah, Datutulon Esmail, Kasim Lingkong a.k.a. Abdulkadir Saludin, Akad Macaton a.k.a. Mohamad Salazar Piang, Norhato Kamino a.k.a. Alfeche Banding, Nasser Malaguia

a.k.a. Ramon Dadulo, P/Insp. Bahnarin Kamaong and P/Supt. Abdulwahid Pedtucasan, PO1 Ahmad Camsa Badal, PO2 Tanny Dalgan, PO1 Anwar Masukat, Samsudin Daud, Maot Bangkulat a.k.a. Benjie Dagendengan, Denga Mentol a.k.a. Ronnie Ofong, Fahad Utto a.k.a. Richard Gofel, Datu Akmad "Tato" Ampatuan, and Datu Sajid Islam Ampatuan;

4. Likewise, accused PO1 Abdullah Baguadatu, PO1 Oscar Donato and PO1 Michael Madsig are **ACQUITTED** as the evidence of the prosecution has absolutely failed to prove their guilt;

Accordingly, the Jail Warden of Quezon City Jail – Annex is hereby ordered to immediately release the aforementioned accused unless they are being detained for some other lawful cause or causes;

5. All the principal accused are likewise ordered to pay the following heirs jointly and severally, viz:

. . . .

6. . . .

7. . . .

8. The cases filed against accused PO2 Hernanie Decipulo, Datu Andal Ampatuan, Sr., Moactar Daud, SPO1 Eduardo Ong, Nasser Talib a.k.a. Morales Sisay Amilol, Macton Bilungan and PO1 Bersedick Alfonso are hereby **DISMISSED**, pursuant to Article 89 par. 1 of the Revised Penal Code.

In Criminal Case No. GL-Q-12-178638

All the accused above-mentioned are hereby **ACQUITTED** on ground of reasonable doubt.

. . . .

SO ORDERED.[8] (Emphasis in the original)

SPO2 Bakal filed a Motion for Clarification before the RTC and prayed that there be a clear pronouncement of his acquittal.[9]

In an Omnibus Order dated March 11, 2020, the RTC clarified that it inadvertently named and acquitted Bahnarin Kamaong instead of SPO2 Bakal. Hence, the RTC exonerated SPO2 Bakal of the murder charges:

WHEREFORE, in view of the foregoing, the Very Urgent Motion for Immediate Release of Accused **Bahnarin Kamaong** from Detention or Incarceration is hereby DENIED for lack of merit.

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8 *Id.* at 944–955, RTC Consolidated Partial Decision.

9 *Id.* at 91–92, CA Decision.

Further, the Motions for Clarification filed by the [P]eople, SPO2 Badawi Bakal, and Lumangal Sabdullah are GRANTED.

Pursuant to the inherent powers of the courts to amend and/or correct under Section 5, Rule 135 of the Rules of Court, this court renders, ***nunc pro tunc***, the following clarifications/corrections on the dispositive portion of the Consolidated Partial Decision dated December 19, 2019, which should read as follows, thus:

> "**WHEREFORE**, in view of the foregoing, judgment is hereby rendered as follows, viz:
>
> *In Criminal Case Nos. Q-09-162148 to 72; Q-09-162216 to 31; Q-10-162652 to 66 and Q-10-163766 (or 57 counts of Murder)*
>
> . . . .
>
> 3. On ground of reasonable doubt, the following accused are hereby **ACQUITTED,** namely: SPO2 George S. Labayan, SPO1 Elizer Rendaje, SPO1 Alimola Guianaton, SPO1 Samad Maguindra, PO3 Ricky Balanueco, PO3 Gibrael Alano, PO2 Rexson Guiama, PO1 Amir Solaiman, PO1 Badjun Panegas, PO1 Pendatun Dima, PO1 Ebara Bebot, PO1 Tamano Hadi, PO1 Michael Macarongon, (known as Labayan group), SPO1 Ali Solano, PO3 Felix Daquilos, PO2 Kendatu Rakim, PO1 Abdulraman Batarasa, PO1 Marjul Julkadi, PO1 Datu Jerry Utto, PO1 Mohammad Balading, PO1 Marsman Nilong, PO1 Abdulbayan U. Mundas, PO1 Abdulmanan Saavedra, and PO1 Jimmy Kadtong (known as Solano group)[,] PO1 Sandy Sabang, Takpan Dilon, Edris Tekay Nanding a.k.a. Ibrahim Kakob, PO1 Warden Legawan, Jonathan Ampatuan, Jimmy Ampatuan, Rainer Ebus, Mohamad Sangki, Tho Amino, Norman Tatak, Malaguial Tanuri a.k.a. Johari Montok Malaguial, Alimudin Sanguyod a.k.a. Norodin Malang, Mama Habib, Sahid Guiamadel a.k.a. Arnel Abdullah, Datutulon Esmail, Kasim Lingkong a.k.a. Abdulkadir Saludin, Akad Macaton a.k.a. Mohamad Salazar Piang, Norhato Kamino a.k.a. Alfeche Banding, Nasser Malaguia a.k.a. Ramon Dadulo, **SPO2 Badawi Bakal**[,] . . . P/Supt. Abdulwahid Pedtucasan, PO1 Ahmad Camsa Badal, PO2 Tanny Dalgan, PO1 Anwar Masukat, Samsudin Daud, Maot Bangkulat, a.k.a. Benjie Dagendengan, Denga Mentol a.k.a. Ronnie Ofong, Fahad Utto a.k.a. Richard Gofel, Datu Akmad 'Tato' Ampatuan, and Datu Sajid Islam Ampatuan[."][10] (Emphasis in the original)

Respondent People of the Philippines, through the Office of the Solicitor General, filed a petition for *certiorari* under Rule 65 before the CA, ascribing grave abuse of discretion on the part of the RTC for acquitting

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[10] *Id.* at 182–184.

SPO2 Bakal. The People asserted that the totality of the circumstances of the case would lead to the conclusion that SPO2 Bakal is liable as an accessory because of his overt acts subsequent to the commission of the crime. These overt acts consisted of: (1) his outright denial of any knowledge about the reported abduction, which was inconsistent with his subsequent actions; (2) his installation of a road blockade across the national highway that afforded the perpetrators the convenience and facility to escape; and (3) his having threatened Esmael Canapia (Canapia) and Takpan Dilon (Dilon) that compelled them not to seasonably disclose what they had witnessed.[11]

Ruling of the CA

The CA granted the petition and set aside the Omnibus Order of the RTC insofar as it acquitted SPO2 Bakal. The dispositive portion of the CA's Decision reads:

> **WHEREFORE,** the petition is **GRANTED.** The *Omnibus Order* of 11 March 2020 is consequently **SET ASIDE** insofar as it acquitted SPO2 Badawi Bakal who is hereby found guilty beyond reasonable doubt as accessory in Criminal Cases Nos. Q-09-162148 to 72; Q-09-162216 to 31; Q-10-162652 to 66 and Q-10-163766. He is sentenced to suffer the indeterminate penalty of imprisonment of four (4) years and two (2) months of *prision correccional* as minimum to ten (10) years of *prision mayor* as maximum for each of the 57 counts of murder. He is likewise solidarily liable with his co-convicted accused of the same class for payment of civil indemnity and damages to the heirs of the 57 victims, in the sums determined by the respondent trial court.
>
> **IT IS SO ORDERED.**[12] (Emphasis in the original)

The CA found that the RTC grossly misapprehended the facts of the case and disregarded material and relevant evidence presented by the prosecution. According to the CA, although the established factual evidence included the event when Canapia and Dilon were brought to the CIDG offices in Cotabato City for investigation and their encounter with SPO2 Bakal therein, the RTC disregarded these and focused merely on the fact that the convoy of the Mangudadatus did not traverse the checkpoint manned by SPO2 Bakal.[13]

The CA held that on the day Canapia and Dilon were brought to the CIDG office in Cotabato City, SPO2 Bakal prevented Canapia, who was an eyewitness to the material and relevant circumstances of the case, from disclosing what he had seen. Based on the sworn declaration and testimony of Canapia, SPO2 Bakal knew of the commission of the crime. His acts of threatening Canapia and Dilon with a pistol and of punching the latter for having uttered something about a backhoe negated his claim that he had no

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11 *Id.* at 95, CA Decision.
12 *Id.* at 110.
13 *Id.* at 102–103.

knowledge of the commission of the crime. SPO2 Bakal thus prevented a witness from disclosing the events that he had witnessed, which could have easily helped in immediately identifying the principal perpetrators and other accused.[14]

The CA consequently held that the RTC's complete disregard of the positive and straightforward testimony of Canapia amounted to a mistrial and a violation of the People's right to due process. Thus, the RTC's Omnibus Order, with respect to the acquittal of SPO2 Bakal, is a void judgment that cannot be considered to have attained finality.[15]

Hence, the instant Petition, where SPO2 Bakal argues in the main that his right against double jeopardy was violated when the CA reversed his acquittal.[16] He maintains that the People's petition for *certiorari* before the CA was actually a futile attempt to compel the CA to review the merits of a judgment of acquittal based on supposed misapprehension of facts, which was, however, inexistent.[17] SPO2 Bakal asserts that there can be no sham trial or a mistrial when the prosecution was afforded every opportunity to present its case, and the RTC has considered the testimonies of Canapia and Dilon in acquitting him.[18]

The People filed its Comment[19] on October 26, 2022, countering that the CA correctly set aside the RTC's judgment of acquittal as falling under the recognized exceptions to the rule on double jeopardy and the finality-of-acquittal rule.[20] The People argues that it is undisputed that SPO2 Bakal had knowledge of the commission of the crime and attempted to conceal the perpetrators of the crime by preventing Canapia from revealing or testifying on what he had witnessed on the day of the massacre.[21] The People reasons further that it did not seek for a second attempt to try the facts when it filed its petition for certiorari before the CA; rather, the People merely argued therein that the RTC failed to render judgment in accordance with the evidence presented, which in turn, deprived it of its very power to dispense justice.[22]

The Court's Ruling

After a thorough review of the records, the Court reverses and sets aside the assailed Decision and Resolution of the CA. The setting aside of SPO2 Bakal's acquittal before the RTC by the CA, through a petition for

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14 *Id.* at 100–101.
15 *Id.* at 106–109.
16 *Id.* at 25 and 27, Petition for Review on *Certiorari*.
17 *Id.* at 35.
18 *Id.*
19 *Id.* at 1207–1225.
20 *Id.* at 1215.
21 *Id.* at 1217.
22 *Id.* at 1219.

certiorari under Rule 65 of the Rules of Court, has placed SPO2 Bakal in double jeopardy.

Preliminarily, the writ of *certiorari* is a remedy narrow in scope and inflexible in character. It cannot be issued to correct every error committed by a lower court,[23] and this should hold true especially in cases where the accused is acquitted.[24] It is, therefore, immaterial whether the RTC erred in its appreciation of the relevant law and the parties' respective evidence—as this would be, at most, merely an error of judgment that is not correctible by *certiorari*.[25] No amount of error of judgment, however flagrant, would rise to the level of error of jurisdiction correctible by *certiorari*.[26]

More importantly, SPO2 Bakal's right against double jeopardy already attached when the RTC, **after a full-blown trial and considering the evidence on record**, found reasonable doubt to convict SPO2 Bakal of the charges against him.

Section 21, Article III of the Constitution provides that "[n]o person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act."

In a recent case penned by Chief Justice Alexander G. Gesmundo, the Court *En Banc* once again weighed in on the right against double jeopardy and the significance of such right:

> As one of the pillars of our criminal justice system, the rule dictates that when a criminal charge against a person is terminated, either by acquittal, conviction, or any other manner without the consent of the accused, the said accused cannot again be charged with the same or an identical offense. The rule has the following avowed purposes: (1) to prevent the State from using its criminal processes to harass and wear out the accused by a multitude of cases with accumulated trials; (2) to preclude the State, following an acquittal, from successively retrying the defendant in the hope of securing a conviction; and (3) to prevent the State, following conviction, from retrying the defendant again in the hope of securing a greater penalty. It is to put to rest the effects of the first prosecution and assure the accused of freedom from the danger and anxiety of having to face another prosecution for the same offense. Without such protection, the accused would be subjected to unending malicious prosecution.[27]

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[23] *Sps. Delos Santos v. Metropolitan Bank and Trust Company,* 698 Phil. 1, 14 (2012) [Per J. Bersamin, First Division].

[24] *See* J. Caguioa, Concurring Opinion in *Rebuta v. People*, 944 Phil. 634, 665 (2023) [Per J. Inting, Third Division].

[25] *Id.* at 666.

[26] *See People v. Ang Cho Kio*, 95 Phil. 475 (1954) [Per J. Pablo, *En Banc*].

[27] *Galicia v. People*, G.R. No. 254972, August 28, 2025, pp. 13–14 [Per C.J. Gesmundo, *En Banc*]. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

To implement this constitutional right, Section 7, Rule 117 of the Revised Rules of Criminal Procedure provides in part:

> SEC. 7. *Former conviction or acquittal; double jeopardy.* — When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.

From the above, the requirements for double jeopardy to exist are as follows: (1) a valid Information sufficient in form and substance to sustain a conviction of the crime charged; (2) a court of competent jurisdiction; (3) the accused had been arraigned and had pleaded; and (4) the accused was convicted or acquitted or the case was dismissed without his express consent.[28]

All the foregoing requisites of double jeopardy are present in this case.

SPO2 Bakal was charged under 58 separate Informations with 58 counts of murder before the RTC, which had jurisdiction over the cases. SPO2 Bakal was arraigned and pleaded not guilty to all the charges.[29] During trial, both parties were able to present all their documentary and testimonial evidence.[30] On December 19, 2019, the RTC issued a Consolidated Partial Decision, where there was, however, no categorical statement about the presence of SPO2 Bakal's guilt or lack thereof. Upon SPO2 Bakal's Motion for Clarification, the RTC then issued an Omnibus Order on March 11, 2020, clarifying that he should be acquitted. The RTC explained that the reference in its decision to P/Insp. Bahnarin Kamaong in the list of the acquitted accused actually pertains to SPO2 Bakal. Thus:

> Based from the afore-quoted relevant facts, and the court's discussion embodied in the said Decision, it is crystal clear that the movant Bahnarin Kamaong was correctly included as one of those accused who were convicted of the crime of murder on [57] counts as appearing in its dispositive portion particularly on page 750 thereof.
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> While it may be true that the name Bahnarin Kamaong was likewise mentioned as one of those accused falling under the same

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28 *People v. Sandiganbayan (Fourth Division)*, 903 Phil. 631, 643 (2021) [Per J. Caguioa, First Division], *citing Chiok v. People*, 774 Phil. 230, 247–248 (2015) [Per J. Jardeleza, Third Division].

29 *Rollo*, pp. 17–18 and 34, Petition for Review on *Certiorari*.

30 *Id.* at 18.

category (sixth class of accused) as those police officers, among others, who were declared by the court as innocent of the crimes charged, it is admitted however, that the inclusion of his name was merely the result of inadvertence.

It bears stressing that the subject Decision is bereft of any discussion that would justify Kamaong's claim that he ought to be acquitted. His invocation of the equipoise rule obviously finds no application herein given that there is evidently no conflict of discussion as to his actual participation in these cases.

In fact, when the names of Pedtucasan and Kamaong were mentioned on the first paragraph of page 642 of said Decision, the court was actually referring to Pedtucasan and movant Badawi Bakal and not to Kamaong. Said paragraph which was also quoted by the latter in his motion provides:

> "Insofar as Pedtucasan and Kamaong are concerned, admittedly they were identified by prosecution witnesses. However, it cannot be denied that the only act that can be attributed to . . . the former was being present at the cafeteria or eatery in Labo [L]abo National Highway and nothing more on the aforesaid date. Same thing can be said of Kamaong. Nothing can be attributed to him except that he manned the checkpoint at Ampatuan Municipal Police Station. No overt act in pursuance of the plot to kill Datu Toto can be attributed to him."

The circumstances which will show that it was in fact Badawi Bakal and not Bahnarin Kamaong who the court was referring to when it made the afore-quoted discussion are the following relevant facts. Thus:

> "70. There were two other checkpoints seen by a witness on this date. One was in front of the office of Datu Iya Sangki, and another in Ampatuan National Highway. SPO2 Badawi Bakal manned the latter checkpoint. . . ."

> "71. . . . Later on, as the facts would show, the checkpoint of SPO2 Badawi Bakal established a roadblock to close the national highway. However, the convoy of the Mangudadatus did not pass by said checkpoint on November 23, 2009."

In view of the foregoing, it behooves this court to rectify the mistake it committed caused by inadvertence to reflect in the Decision its true finding and conclusion as to movant Badawi Bakal, and to acquit him and not Bahnarin Kamaong as appearing in its dispositive portion, the former being the one who should have been included under the sixth class of accused.

The [P]eople's claim that Bakal should not be absolved of the offense charged, offering justification in support thereof, cannot be given merit.[31]

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[31] *Id.* at 171–173, Omnibus Order.

Clearly, there was a valid termination of the first jeopardy in this case, and the CA's grant of the People's petition for *certiorari*, reversing SPO2 Bakal's acquittal and convicting him for 57 counts of murder is a constitutionally offensive second jeopardy as it pertains to the same offense as the first jeopardy.

To safeguard the constitutional proscription against double jeopardy, the Court has consistently adhered to the "finality-of-acquittal" rule,[32] which provides that "a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation,"[33] and thus, it cannot be "recalled thereafter for correction or amendment."[34] The rationale behind the "finality-of-acquittal" doctrine was elucidated by the Court in *People v. Hon. Velasco*,[35] in this wise:

> The fundamental philosophy highlighting the finality of an acquittal by the trial court cuts deep into "the humanity of the laws and in a ***jealous watchfulness over the rights of the citizen, when brought in unequal contest with the State.*** . . ." Thus Green expressed the concern that "(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is ***that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty.***"
>
> It is axiomatic that on the basis of humanity, fairness and justice, an acquitted defendant is entitled to the right of repose as a direct consequence of the finality of his acquittal. The philosophy underlying this rule establishing the absolute nature of acquittals is "part of the paramount importance criminal justice system attaches to the protection of the innocent against wrongful conviction." The interest in the finality-of-acquittal rule, confined exclusively to verdicts of not guilty, is easy to understand: it is a need for "repose," a desire to know the exact extent of one's liability. With this right of repose, the criminal justice system has built in a protection to insure that the innocent, even those whose innocence rests upon a jury's leniency, will not be found guilty in a subsequent proceeding.[36] (Emphasis supplied; citations omitted)

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32 *See* J. Caguioa, Concurring Opinion in *Rebuta v. People*, *supra* note 24, at 664, *citing People v. Hon. Velasco*, 394 Phil. 517, 554 (2000) [Per J. Bellosillo, *En Banc*].

33 *Id.*, *citing Chiok v. People*, *supra* note 28, at 248.

34 *See* C.J. Gesmundo, Concurring Opinion in *People v. Soliman*, 941 Phil. 438, 456 (2023) [Per J. Kho, Jr., *En Banc*], *citing People v. Alejandro*, 823 Phil. 684, 692 (2018) [Per J. Tijam, First Division], *citing further Villareal v. Aliga*, 724 Phil. 47, 62 (2014) [Per J. Peralta, Third Division], stating that "a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation;" *Cea v. Cinco*, 96 Phil. 131, 137 (1954) [Per C.J. Paras, *En Banc*], *citing further* Chief Justice Moran's Comments on the Rules of Court, 1952 ed., Vol. 2, p. 867.

35 *Supra* note 32.

36 *Id.* at 555–556.

To be sure, the "finality-of-acquittal" doctrine is not without exception. In a catena of cases,[37] it has been consistently clarified by the Court that the "finality-of-acquittal" doctrine does not apply when the prosecution—the sovereign people, as represented by the State—was denied due process, such as when it is denied the opportunity to present evidence or where trial is a sham or when there is mistrial. The reason for this is because when the prosecution is deprived of due process, it could thus be said that the judgment of acquittal is void, which thereby means that the first jeopardy had not been validly terminated. As the second element for the right to attach is not yet present, then there could be no violation of the right against double jeopardy when an appellate court "reverses" a judgment of acquittal which resulted from a denial of the prosecution's right to due process. **These cases explain that only through this narrow and limited exception would the remedy of *certiorari* be allowed without offending the constitutional right against double jeopardy. In other words, a Rule 65 petition assailing a judgment of acquittal violates the proscription against double jeopardy; except only when it is alleged and proved that the prosecution was denied due process.**[38]

The narrow and limited exception to the "finality-of-acquittal" doctrine mentioned above does not obtain in this case, as there was neither allegation nor proof that the People was denied due process of law. **On the contrary**, what is extant from the facts of this case is that the People was, in fact, given all the opportunity to present its evidence, to argue its case before the trial court, and to confront the witnesses of the defense.

In its Decision, however, the CA ruled that the RTC gravely abused its discretion in acquitting SPO2 Bakal when it allegedly ignored the fact that when SPO2 Bakal installed a road blockade at the national highway and concealed the abduction from higher authorities, he actively aided the perpetrators of the crime by ensuring that the authorities would not discover the incident in time to prevent the perpetrators' escape. The CA noted, as well, that through the threats SPO2 Bakal made against the prosecution witnesses Canapia and Dilon, he supposedly contrived with his co-accused so that material witnesses would not come forward, resulting in obstruction of justice and the delay of the prosecution of the crimes. These were the pieces of evidence that the RTC allegedly failed to appreciate.

These supposed misapprehension of facts and disregard of evidence pointed out by the CA, are not the grave abuse of discretion that would serve as an exception to the rule against double jeopardy. These fall far short of the strict and narrow standard set by law for review of acquittals in criminal cases. **What would be primary for the Court to determine is whether the**

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[37] *See* J. Caguioa, Concurring Opinion in *Rebuta v. People*, *supra* note 24, at 665, *citing Raya v. People*, 902 Phil. 141 (2021) [Per J. Caguioa, First Division]; *People v. Sandiganbayan (Fourth Division)*, *supra* note 28; and *Cogasi v. People*, 909 Phil. 660 (2021) [Per J. Carandang, Third Division].

[38] *Id.*

prosecution was denied due process. Absent any allegation and proof in this regard, the "finality-of-acquittal" rule must strictly be adhered to.[39]

Indeed, the requirement of due process is not satisfied by the mere opportunity to be heard, but also requires a meaningful evaluation of the evidence presented and a judgment anchored on the record as a whole.[40] It bears emphasis, however, that the absence of these requirements must be anchored on grave abuse of discretion that entails an error in jurisdiction and not a mere error in judgment, and which reduces the trial to a sham or renders it a mistrial. This is exactly what transpired in the seminal case of *Galman v Sandiganbayan*[41] (*Galman*), where the Court remanded the case to the trial court because the previous trial conducted was sheer mockery:

> More so does the rule against the invoking of double jeopardy hold in the cases at bar where as we have held, the sham trial was but a mock trial where the authoritarian president ordered respondents Sandiganbayan and Tanodbayan to rig the trial and closely monitored the entire proceedings to assure the predetermined final outcome of acquittal and total absolution as innocent of all the respondents-accused.
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> . . . .
>
> . . . **Manifestly, the prosecution and the sovereign people were denied due process of law with a partial court and biased Tanodbayan under the constant and pervasive monitoring and pressure exerted by the authoritarian President to assure the carrying out of his instructions.** A dictated, coerced and scripted verdict of acquittal such as that in the case at bar is a void judgment. In legal contemplation, it is no judgment at all. It neither binds nor bars anyone. Such a judgment is "a lawless thing which can be treated as an outlaw". It is a terrible and unspeakable affront to the society and the people.[42] (Emphasis supplied)

Galman thus shows a clear case of grave abuse of discretion as there was complete abdication on the part of the therein respondents Sandiganbayan and Tanodbayan to perform their duties in accordance with law. This is sorely lacking in this case. There is neither allegation nor proof that what transpired before the RTC was a "dictated, coerced and scripted verdict of acquittal." What was essentially harped on by the People and the CA, rather, is the alleged selectiveness of the RTC as to the pieces of evidence it appreciated, thereby disregarding and grossly misapprehending other supposedly undisputed and highly incriminating facts. Again, however, this does not pass the narrow and strict review of a Rule 65 petition.

In *People v. Ampatuan, Sr.*[43] (*Ampatuan*), the Court explained that gross misapprehension of facts is **not per se** an exception to the application

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39 *Id.* at 666.
40 J. Singh, Dissenting Opinion, p. 17.
41 228 Phil. 42 (1986) [Per C.J. Teehankee, *En Banc*].
42 *Id.* at 88–89.
43 G.R. No. 258710, January 27, 2025 [Per J. Rosario, First Division].

of the double jeopardy rule but a **circumstance** which may be used to establish the allegation of grave abuse of discretion.[44] Thus:

> The general rule **remains** that no grave abuse of discretion may be attributed to a court simply because of its alleged misapplication of facts and evidence, and erroneous conclusions based on said evidence. *Certiorari* will issue only to correct errors of jurisdiction, not errors in the findings and conclusions of the trial court. An **unfavorable evaluation of the evidence** will not be inquired into via *certiorari* unless it is shown that it was done in an arbitrary manner by reason of passion, prejudice, or personal enmity. Whimsicality, not accuracy, is the core of *certiorari* proceedings. Thus, for a misapprehension of facts to establish grave abuse of discretion, it must not only be patent and gross but exercised in a capricious, arbitrary, whimsical or despotic manner, for **the very essence of grave abuse of discretion lies not only in the error's gravity but in the caprice, arbitrariness or despotism in the exercise of discretion which gave rise to the error**.[45] (Emphasis supplied; citations omitted).

As in this case, the People in *Ampatuan* argued against the acquittal of the therein respondent on the ground that the RTC disregarded prosecution evidence. In denying the petition in *Ampatuan*, the Court reminded the People that under its scope of review of a petition for *certiorari* under Rule 65, which is even narrower than in a Rule 45 petition, the assailed ruling must be examined from the prism of whether it is attended with grave abuse of discretion and **not** whether the respondent court decided correctly on the merits. The respondent court must have misapprehended the facts not only in a patent and gross manner but also in a capricious or whimsical exercise of judgment.[46]

In this case, therefore, it should not have been enough that the People merely alleged that the RTC disregarded the prosecution evidence in acquitting SPO2 Bakal. It should not be enough, as well, for the Court to overturn his acquittal on the ground that the RTC ignored critical evidence. No matter how egregious the RTC may have been in disregarding the prosecution's evidence, this will only amount to an error in judgment and will not rise to the level of an error in jurisdiction, absent the element of caprice, whimsicality, arbitrariness, or despotism. To hold otherwise would dangerously throw open a Rule 65 review of acquittal for every assertion of gross misapprehension of facts. To allow this would frustrate the avowed purposes of the right against double jeopardy, foremost of which is to grant an accused the "repose" from the travails of trial.

In this light, the Court's pronouncement in *People v. Sandiganbayan (First Div.)*,[47] should remain relevant:

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44 *Id.* at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

45 *Id.*

46 *Id.* at 7.

47 524 Phil. 496 (2006) [Per J. Callejo, Sr., First Division].

When a defendant has been acquitted of an offense, the clause guarantees that the State shall not be permitted to make repeated attempts to convict him, thereby subjecting him to embarrassment, expense, and ordeal, and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.

Thus, it is one of the elemental principles of criminal law that the government cannot secure a new trial by means of an appeal even though an acquittal may appear to be erroneous. **That judgment of acquittal, *however erroneous*, bars further prosecution on any aspect of the count, and consequently, bars appellate review of the trial court's error.** Unless grave abuse of discretion amounting to lack of jurisdiction is shown, the errors committed by the trial court in the exercise of its jurisdiction, or even the legal soundness of such decision, errors of judgment, mistakes in its findings and conclusions, are not proper subjects of appeal under Rule 45 of the Rules of Court.

An acquittal represents the factfinder's conclusion that, under the controlling legal principles, the evidence does not establish that defendant can be convicted of the offense charged in the indictment. An acquittal is a resolution, correct or not, some or all of the factual elements of the crime charged. For a ruling to be considered a functional acquittal, it must speak of the factual innocence of the accused. However, the judgment does not necessarily establish the criminal defendant's lack of criminal culpability. **The acquittal may result from erroneous evidentiary rulings or erroneous interpretations governing legal principles introduced by the defense, yet the Double Jeopardy Clause bars an appeal.**

One other reason why further prosecution is barred to appeal an acquittal is that the government has already been afforded one complete opportunity to prove a case of the criminal defendant's culpability and, when it has failed for any reason to persuade the court not to enter a final judgment favorable to the accused, the constitutional policies underlying the ban against multiple trials become compelling. It matters not whether the final judgment constitutes a formal "acquittal." **What is critical is whether the accused obtained, after jeopardy attached, a favorable termination of the charges against him. If he did, no matter how erroneous the ruling, the policies embodied in the Double Jeopardy Clause require the conclusion that further proceedings devoted to the resolution of factual issues on the elements of the offense charged are barred.**

The public interest in the finality of criminal judgments is so strong that an acquitted defendant may not be retried even though the acquittal was based upon an egregiously erroneous foundation. If the innocence of the accused has been confirmed by a final judgment, the Constitution conclusively presumes that a second trial would be unfair. Because jeopardy attaches before the judgment becomes final, the constitutional protection also embraces the defendant's valued right to have his trial completed by a particular tribunal. Consequently, as a general rule, the prosecutor is entitled to one, and only one, opportunity to require an accused to stand trial. The reason is not that the first trial established the defendant's factual innocence, but rather that the second trial would present all the untoward consequences that the clause was designed to prevent. The government would be allowed to seek to persuade a second trier of the fact

> of the defendant's guilt, to strengthen any weaknesses in its first presentation, and to subject the defendant to the expense and anxiety of a second trial.[48] (Emphasis supplied; citations omitted)

In sum, regardless of whether this Court, or the CA, believes that SPO2 Bakal should have been convicted of the crime charged, the RTC's Consolidated Partial Decision and Omnibus Order acquitting him can no longer be revisited without putting him twice in jeopardy.[49]

In the conduct of trial, the People, through the prosecution, was able to present and formally offer evidence in support of its case, which the RTC had the opportunity to evaluate, weigh, and consider. And under pain of repetition, there is neither allegation nor proof that the prosecution was denied its day in court. In the same manner, the allegation of gross misapprehension of facts against the RTC does not sufficiently establish caprice or arbitrariness on its part. As such, there can be no grave abuse of discretion on the part of the RTC, which would warrant a reversal of the acquittal of SPO2 Bakal.

The circumstances in this case, by all means, do not demonstrate the sham trial sought to be avoided by the limited exception to the "finality-of-acquittal" rule.[50] Just because the People disagree with how the RTC weighed the prosecution's evidence does not mean that it was deprived of due process. No party to a litigation has a vested right in a favorable decision.[51]

ACCORDINGLY, the instant Petition for Review on *Certiorari* is hereby **GRANTED**. The Decision dated June 14, 2021 and the Resolution dated February 21, 2022 of the Court of Appeals in CA-G.R. SP No. 165655 are hereby **REVERSED** and **SET ASIDE**. The Omnibus Order dated March 11, 2020 of Branch 221, Regional Trial Court, Quezon City in Criminal Case Nos. Q-09-162148 to 72, Q-09-162216 to 31, Q-10-162652 to 66, and Q-10-163766 is **REINSTATED**. Accordingly, SPO2 Badawi P. Bakal is **ACQUITTED** as accessory to the 57 counts of the crime of murder as charged.

Let entry of judgment be issued immediately.

SO ORDERED.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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48 *Id.* at 520–522.
49 *See People v. Sandiganbayan (Fourth Division)*, *supra* note 28, at 642.
50 *See id.* at 646.
51 *See id.*

WE CONCUR:

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

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