

Republic of the Philippines

Supreme Court

Manila

SECOND DIVISION

GERALDINE GAW GUY and G.R. No. 167824
GRACE GUY CHEU,

Petitioners,

-versus-

ALVIN AGUSTIN T.
IGNACIO,

Respondent.

X - - - - -X

GERALDINE GAW GUY and
GRACE GUY CHEU,

Petitioners,

G.R. No. 168622

Present:

-versus-

**THE BOARD OF
COMMISSIONERS OF THE
BUREAU OF IMMIGRATION,
HON. MARICEL U. SALCEDO,
MAYNARDO MARINAS,
RICARDO CABOCHAN and
ELISEO EXCONDE,**

CARPIO, *J.*, *Chairperson*,
NACHURA,
PERALTA,
ABAD, and
MENDOZA, *JJ.*

Respondents.

Promulgated:

July 2, 2010

X-----X

DECISION

PERALTA, J.:

This is a petition for review on *certiorari*¹[1] under Rule 45 of the 1997 Rules of Civil Procedure seeking, among others, to annul and set aside the

¹[1] *Rollo*, (G.R. No. 167824), pp. 3-152; *rollo*, (G.R. No. 168622), pp. 3-138.

Decisions dated January 6, 2005²[2] and April 20, 2005³[3] and Resolutions dated March 10, 2005⁴[4] and June 29, 2005⁵[5] rendered by the Court of Appeals (CA), reversing and setting aside the Writ of Preliminary Injunction issued by the Regional Trial Court⁶[6] (RTC), Branch 37, Manila.

The antecedent facts follow.

The father of petitioners Geraldine Gaw Guy and Grace Guy Cheu became a naturalized⁷[7] Filipino citizen sometime in 1959. The said petitioners, being minors at that time, were also recognized⁸[8] as Filipino citizens.

Respondent Atty. Alvin Agustin T. Ignacio, filed a Complaint⁹[9] dated March 5, 2004 for blacklisting and deportation against petitioners Geraldine and

2[2] Penned by Associate Justice Magdangal M. de Leon, with Associate Justices Romeo A. Brawner and Mariano C. del Castillo (now a member of this Court), concurring; CA *rollo* (CA-G.R. SP No. 86432), pp. 254-261.

3[3] Penned by Associate Justice Mariano C. del Castillo, with Associate Justices Regalado E. Maambong and Magdangal M. de Leon, concurring; CA *rollo* (CA-G.R. SP No. 86298), pp. 391-397.

4[4] CA *rollo* (CA-G.R. SP No. 86432), pp. 350-351.

5[5] CA *rollo* (CA-G.R. SP No. 86298), p. 427.

6[6] Records, Vol. II, pp. 373-378.

7[7] *Id.* at 48-53.

8[8] *Id.* at 46-47.

9[9] *Id.* at 29-31.

Grace before the Bureau of Immigration (BI) on the basis that the latter two are Canadian citizens who are illegally working in the Philippines, petitioners having been issued Canadian passports.

Acting upon the Complaint, respondent Maricel U. Salcedo, Special Prosecutor, Special Task Force of the BI Commissioner, directed the petitioners, through the issuance of a *subpoenae*,¹⁰[10] to appear before her and to bring pertinent documents relative to their current immigration status, to which the petitioners objected by filing with the Special Task Force of the BI Commissioner a Comment/Opposition with Motion *Ad Cautelam* to Quash Re: Subpoena¹¹[11] dated 30 April 2004 (*Duces Tecum/Ad Testificandum*), which was eventually denied by respondent Salcedo in an Order¹²[12] dated May 14, 2004.

Respondent Board of Commissioners (BOC) filed a Charge Sheet¹³[13] dated June 1, 2004 for Violation of Sections 37 (a) 7, 45 (e) and 45-A of the Philippine Immigration Act of 1940, as amended, which reads as follows:

The undersigned Special Prosecutor charges GRACE GUY CHEU and GERALDINE GAW GUY, both Canadian citizens, for working without permit,

10[10] *Id.* at 34-35.

11[11] *Id.* at 36-44.

12[12] *Id.* at 45.

13[13] *Id.* at 67-68.

for fraudulently representing themselves as Philippine citizens in order to evade immigration laws and for failure to comply with the *subpoena duces tecum/ad testificandum*, in violation of the Philippine Immigration Act of 1940, as amended, committed as follows:

That respondents GRACE GUY CHEU and GERALDINE GAW GUY, knowingly, willfully and unlawfully engage in gainful activities in the Philippines without appropriate permit by working as the Vice-President for Finance & Treasurer and General Manager, respectively, of Northern Islands Company, Inc., with office address at No. 3 Mercury Avenue, Libis, Quezon City;

That both respondents, knowingly, willfully and fraudulently misrepresent themselves as Philippine citizens as reflected in the general Information Sheet of Northern Islands Company, Inc., for 2004, in order to evade any requirement of the Philippine Immigration Laws;

That both respondents, duly served with subpoenas duces tecum/ad testificandum, dated April 20, 2004, knowingly, willfully and unlawfully failed to comply with requirements thereof.

CONTRARY TO LAW.

As a remedy, petitioners filed a Petition for *Certiorari* with Damages and a Prayer for Issuance of a Temporary Restraining Order and Preliminary Injunction¹⁴[14] dated May 31, 2004 before the RTC of Manila, Branch 37.¹⁵[15]

14[14] Records, Vol. I, pp. 1-53.

15[15] Docketed as SCA No. 04-110179.

The trial court, after hearing petitioner's application for issuance of a temporary restraining order (TRO) and writ of preliminary injunction, issued an Order¹⁶[16] dated June 28, 2004, the dispositive portion of which reads:

WHEREFORE, premises considered, the application for temporary restraining order is hereby GRANTED. The respondents and all persons acting in their behalf and those under their instructions are directed to cease and desist from continuing with the deportation proceedings involving the petitioners. In the meantime set the case for hearing on preliminary injunction on July 5 and 6, 2004, both at 2:00 o'clock in the afternoon and the respondents are directed to show cause why writ of preliminary injunction should not issue.

SO ORDERED.

On July 5, 2004, public respondents filed their Answer¹⁷[17] and on July 13, 2004, filed a Supplement (To the Special and Affirmative Defenses/Opposition to the Issuance of a Writ of Preliminary Injunction).¹⁸[18] The parties were then directed to file their respective memoranda as to the application for issuance of a writ of preliminary injunction and public respondents' special and affirmative defenses. On July 16, 2004, public respondents as well as the petitioners,¹⁹[19]

16[16] *Supra* note 6.

17[17] Records, Vol. I, pp. 1-12.

18[18] Records, Vol. II, pp. 335-341.

19[19] *Id.* at 366-372

filed their respective Memoranda.²⁰[20] On the same day, respondent Atty. Ignacio filed his Answer²¹[21] to the petition.

In an Order²²[22] dated July 19, 2004, the trial court granted the application for preliminary injunction enjoining public respondents from further continuing with the deportation proceedings. The Order reads, in part:

In view of the foregoing, the Court finds that, indeed, there exists a pressing reason to issue a writ of preliminary injunction to protect the rights of the petitioners pending hearing of the main case on the merits and unless this Court issues a writ, grave irreparable injury would be caused against the petitioners.

WHEREFORE, premises considered, the application for the Writ of Preliminary Injunction is hereby GRANTED. The respondents and all persons acting on their behalf and those under their instructions are directed to cease and desist from continuing with the deportation proceedings involving the petitioners during the pendency of the instant case. The petitioners are directed to post a bond in the amount of P50,000.00 to answer for whatever damages that may be sustained by the respondent should the court finally resolve that the petitioners are not entitled thereto.

SO ORDERED.

As a consequence, public respondents, on September 10, 2004, filed a Petition for *Certiorari* with Prayer for Issuance of Temporary Restraining Order

20[20] *Id.* at 345-366.

21[21] *Id.* at 380-394.

22[22] *Id.* at 373-378.

and Writ of Preliminary Injunction²³[23] before the CA²⁴[24] and, on September 17, 2004, respondent Atty. Ignacio filed a Petition for *Certiorari*,²⁵[25] also with the CA.²⁶[26] Both petitions prayed for the nullification of the Orders dated June 28, 2004 and July 19, 2004 issued by the RTC in Civil Case No. 04-110179 and for the dismissal of the petition therein. Later on, petitioner Geraldine filed a Motion to Consolidate both petitions.

On January 6, 2005, the Ninth Division of the CA granted the petition filed by respondent Atty. Ignacio and annulled the writ of preliminary injunction issued by the trial court, the dispositive portion of the Decision²⁷[27] reads:

WHEREFORE, the instant petition is GRANTED and the Order of the Regional Trial Court, Branch 37, Manila, dated July 19, 2004, is hereby ANNULLED and SET ASIDE.

SO ORDERED.

23[23] *Supra* note 3.

24[24] Docketed as CA-G.R. SP No. 86298 and raffled off to the Eighth Division and entitled, *The Board of Commissioners of the Bureau of Immigration, Atty. Maricel I. Salcedo, Maynardo Marinas, Ricardo Cabochan and Eliseo Exconde v. The Regional Trial Court of Manila, Branch 37, and Geraldine Gaw Guy and Grace Guy Cheu.*

25[25] *Supra* note 2.

26[26] Docketed as CA-GR SP No. 86432 and raffled off to the Ninth Division and entitled, *Alvin Agustin T. Ignacio v. Hon, Vicente A. Hidalgo, Presiding Judge of the Regional Trial Court of Manila, Branch 37, Geraldine Gaw Guy and Grace Gaw Cheu.*

27[27] *Supra* note 2, at 261.

On January 21, 2005, petitioners filed a Motion for Reconsideration.²⁸[28]

On March 1, 2005, petitioners reiterated²⁹[29] their prayer for the consolidation of the petitions in the Eighth and Ninth Divisions. In its Resolution³⁰[30] dated March 10, 2005, the CA Ninth Division denied petitioners' Motion for Reconsideration.

Hence, petitioners filed before this Court a Petition for Review on *Certiorari*³¹[31] dated March 31, 2005 praying for the reversal of the Decision rendered by the CA's Ninth Division, which is now docketed as G.R. No. 167824.

Thereafter, the CA's Eighth Division rendered its own Decision³²[32] dated April 29, 2005 granting the petition therein and nullifying the Orders dated June 28 and July 19, 2004 in Civil Case No. 04-110179, the dispositive portion of which reads as follows:

WHEREFORE, finding the instant petition impressed with merit and in accordance with our decision in CA-G.R. SP No. 86432, the same is GIVEN DUE COURSE and is GRANTED. The assailed Orders of the respondent court dated 28 June and 19 July 2004 are hereby NULLIFIED and SET ASIDE.

28[28] CA rollo, pp. 309-320.

29[29] *Id.* at 332-337.

30[30] *Id.* at 350-351.

31[31] *Supra* note 1.

32[32] *Supra* note 3.

SO ORDERED.

Petitioners filed their Motion for Reconsideration³³[33] from the said Decision, which the CA denied in its Resolution³⁴[34] dated June 21, 2005.

Thus, petitioners filed before this Court a Petition for Review on *Certiorari*³⁵[35] dated July 12, 2005 seeking to reverse and set aside the said Decision and Resolution rendered by the Eighth Division of the CA and is now docketed as G.R. No. 168622. In its Resolution³⁶[36] dated August 10, 2005, the Court dismissed the said petition and said dismissal, despite petitioners' motion for reconsideration,³⁷[37] was affirmed in a Resolution³⁸[38] dated October 17, 2005. This Court, however, upon another motion for reconsideration³⁹[39] filed by the petitioners, reinstated the petition and ordered its consolidation with G.R. No. 167824.⁴⁰[40]

33[33] CA rollo, pp. 404-416.

34[34] *Id.* at 427.

35[35] *Supra* note 1.

36[36] Rollo (G.R. No. 168622), p. 139.

37[37] *Id.* at 140-144.

38[38] *Id.* at 161.

39[39] *Id.* at 162-166.

40[40] *Id.* at 169.

On September 7, 2007, a Manifestation⁴¹[41] was filed informing this Court that petitioner Grace Guy Cheu died intestate on August 12, 2007 in the United States of America.

Petitioners raised the following grounds in their Consolidated Memorandum⁴²[42] dated March 27, 2007:

I.

THE COURT OF APPEALS GRAVELY ABUSED ITS DISCRETION AND ERRED IN HOLDING THAT THE LOWER COURT HAS NO JURISDICTION OVER CIVIL CASE NO. 04-110179 AND ISSUE A WRIT OF PRELIMINARY INJUNCTION THEREIN CONSIDERING THAT THE INSTANT CASE IS AN EXCEPTION TO THE RULE ON PRIMARY JURISDICTION DOCTRINE AND WARRANTS PETITIONERS' IMMEDIATE RESORT TO JUDICIAL INTERVENTION.

A.

CONSIDERING THAT PROOF OF PETITIONERS' PHILIPPINE CITIZENSHIP IS SUBSTANTIAL, PETITIONERS ARE ALLOWED UNDER THIS HONORABLE COURT'S RULING IN BID V. DELA ROSA, SUPRA, TO SEEK INJUNCTIVE RELIEF FROM THE REGIONAL TRIAL COURT TO ENJOIN THE DEPORTATION PROCEEDINGS CONDUCTED AGAINST THEM.

B.

LIKEWISE, CONSIDERING THAT PETITIONERS STAND TO SUFFER GRAVE AND IRREPARABLE INJURIES SHOULD THE DEPORTATION PROCEEDINGS AGAINST THEM BE ALLOWED TO CONTINUE, PETITIONERS ARE ALLOWED UNDER THE LAW TO IMMEDIATELY SEEK JUDICIAL

41[41] *Id.* at 366-369.

42[42] *Id.* at 235-291.

RELIEF DESPITE THE PENDENCY OF THE
ADMINISTRATIVE PROCEEDINGS.

II.

FURTHER, IT IS RESPECTFULLY SUBMITTED THAT THE RULING OF THIS HONORABLE COURT IN *DWIKARNA V. DOMINGO*, 433 SCRA 748 (2004) DID NOT STRIP THE LOWER COURT OF ITS AUTHORITY TO ENTERTAIN THE PETITION IN CIVIL CASE NO. 04-110179 AND TO ISSUE A WRIT OF PRELIMINARY INJUNCTION IN THE AFORESAID CASE.

III.

EVEN IF THE RULING OF THIS HONORABLE COURT IN *DWIKARNA V. DOMINGO, SUPRA*, DID STRIP THE LOWER COURT OF ITS JURISDICTION IN *BID V. DELA ROSA, SUPRA*, TO ENJOIN DEPORTATION PROCEEDINGS, THE RULING CAN ONLY HAVE PROSPECTIVE EFFECT.

Basically, petitioners argue that the doctrine of primary jurisdiction, relied upon by the CA in its decision, does not apply in the present case because it falls under an exception. Citing *Board of Commissioners (CID) v. Dela Rosa*,⁴³[43] petitioners assert that immediate judicial intervention in deportation proceedings is allowed where the claim of citizenship is so substantial that there are reasonable grounds to believe that the claim is correct. In connection therewith, petitioners assail the applicability of *Dwikarna v. Domingo* in the present case, which the CA relied upon in ruling against the same petitioners.

After a careful study of the arguments presented by the parties, this Court finds the petition meritorious.

43[43] G.R. Nos. 95122-23 and G.R. Nos. 95612-13, May 31, 1991, 197 SCRA 853, 874-875.

Petitioners rely on *Board of Commissioners (CID) v. Dela Rosa*,⁴⁴[44] wherein this Court ruled that when the claim of citizenship is so substantial as to reasonably believe it to be true, a respondent in a deportation proceeding can seek judicial relief to enjoin respondent BOC from proceeding with the deportation case. In particular, petitioners cited the following portions in this Court's decision:

True, it is beyond cavil that the Bureau of Immigration has the exclusive authority and jurisdiction to try and hear cases against an alleged alien, and in the process, determine also their citizenship (*Lao vs. Court of Appeals*, 180 SCRA 756 [1089]. And a mere claim of citizenship cannot operate to divest the Board of Commissioners of its jurisdiction in deportation proceedings (*Miranda vs. Deportation Board*, 94 Phil. 531 [1951]).

However, the **rule enunciated in the above-cases admits of an exception, at least insofar as deportation proceedings are concerned.** Thus, what if the claim to citizenship of the alleged deportee is satisfactory? Should the deportation proceedings be allowed to continue or should the question of citizenship be ventilated in a judicial proceeding? In *Chua Hiong vs. Deportation Board* (96 Phil. 665 [1955]), this Court answered the question in the affirmative, and We quote:

When the evidence submitted by a respondent is conclusive of his citizenship, the right to immediate review should also be recognized and the courts should promptly enjoin the deportation proceedings. A citizen is entitled to live in peace, without molestation from any official or authority, and if he is disturbed by a deportation proceeding, he has the unquestionable right to resort to the courts for his protection, either by a writ of habeas corpus or of prohibition, on the legal ground that the Board lacks jurisdiction. If he is a citizen and evidence thereof is satisfactory, there is no sense nor justice in allowing the deportation proceedings to continue, granting him the remedy only after the Board has finished its investigation of his undesirability.

x x x And if the right (to peace) is precious and valuable at all, it must also be protected on time, to prevent undue harassment at the hands of ill-meaning or misinformed administrative officials. Of what use is this much boasted right

44[44] *Supra* note 43.

to peace and liberty if it can be availed of only after the Deportation Board has unjustly trampled upon it, besmirching the citizen's name before the bar of public opinion?

The doctrine of primary jurisdiction of petitioners Board of Commissioners over deportation proceedings is, therefore, not without exception (*Calayday vs. Vivo*, 33 SCRA 413 [1970]; *Vivo vs. Montesa*, 24 SCRA 155 [1967]). Judicial intervention, however, should be granted in cases where the claim of citizenship is so substantial that there are reasonable grounds to believe that the claim is correct. In other words, the remedy should be allowed only on sound discretion of a competent court in a proper proceeding (*Chua Hiong v. Deportation Board*, supra; *Co vs. Deportation Board*, 78 SCRA 107 [1977]). It appearing from the records that respondent's claim of citizenship is substantial, as We shall show later, judicial intervention should be allowed.⁴⁵[45]

The present case, as correctly pointed out by petitioners and wrongfully found by the CA, falls within the above-cited exception considering that proof of their Philippine citizenship had been adduced, such as, the identification numbers⁴⁶[46] issued by the Bureau of Immigration confirming their Philippine citizenship, they have duly exercised and enjoyed all the rights and privileges exclusively accorded to Filipino citizens, *i.e.*, their Philippine passports⁴⁷[47] issued by the Department of Foreign Affairs.

In *BOC v. Dela Rosa*, it is required that before judicial intervention is sought, the claim of citizenship of a respondent in a deportation proceeding must

45[45] *Id.* (Emphasis supplied.)

46[46] Marked as Annexes “D” and “E” in the Comment of petitioners Grace and Geraldine, respectively; CA *rollo*, 257, 313.

47[47] Copies marked as Annexes “C” and “F,” *id.*

be so substantial that there are reasonable grounds to believe that such claim is correct. In the said case, the proof adduced by the respondent therein was so substantial and conclusive as to his citizenship that it warranted a judicial intervention. In the present case, there is a substantial or conclusive evidence that petitioners are Filipino citizens. Without necessarily judging the case on its merits, as to whether petitioners had lost their Filipino citizenship by having a Canadian passport, the fact still remains, through the evidence adduced and undisputed by the respondents, that they are naturalized Filipinos, unless proven otherwise.

However, this Court cannot pass upon the issue of petitioners' citizenship as this was not raised as an issue. The issue in this petition is on the matter of jurisdiction, and as discussed above, the trial court has jurisdiction to pass upon the issue whether petitioners have abandoned their Filipino citizenship or have acquired dual citizenship within the confines of the law.

In this regard, it must be remembered though that this Court's ruling in *Dwikarna v. Domingo* did not abandon the doctrine laid down in *BOC v. Dela Rosa*. The exception remains. *Dwikarna* merely reiterated the doctrine of primary jurisdiction when this Court ruled that **if the petitioner is dissatisfied with the decision of the Board of Commissioners of the Bureau of Immigration, he can move for its reconsideration and if his motion is denied, then he can elevate his case by way of a petition for review before the Court of Appeals, pursuant to Section 1, Rule 43 of the Rules of Civil Procedure.** However, utmost caution must be exercised in availing of the exception laid down in *BOC v. Dela Rosa* in order to avoid trampling on the time-honored doctrine of primary jurisdiction. The court cannot or will not determine a controversy involving a question which is

within the jurisdiction of the administrative tribunal prior to resolving the same, where the question demands the exercise of sound administrative discretion requiring special knowledge, experience and services in determining technical and intricate matters of fact.⁴⁸[48] In cases where the doctrine of primary jurisdiction is clearly applicable, the court cannot arrogate unto itself the authority to resolve a controversy, the jurisdiction over which is initially lodged with an administrative body of special competence.⁴⁹[49]

Above all else, this Court still upholds the doctrine of primary jurisdiction. As enunciated in *Republic v. Lacap*:⁵⁰[50]

The general rule is that before a party may seek the intervention of the court, he should first avail of all the means afforded him by administrative processes.⁵¹[51] The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation.⁵²[52]

48[48] *Omicrin v. Court of Appeals*, G.R. No. 148004, January 22, 2007, 512 SCRA 70, 82, citing *Pambujan Sur United Mine Workers v. Samar Mining Co., Inc.*, 94 Phil. 932 (1954).

49[49] *Machete v. Court of Appeals*, G.R. No. 109093, November 20, 1995, 250 SCRA 176, 182.

50[50] G.R. No. 158253, March 2, 2007, 517 SCRA 255.

51[51] *Associate Communications and Wireless Services (ACWS), Ltd. v. Dumlao*, 440 Phil. 787, 801-802 (2002); *Zabat v. Court of Appeals*, 393 Phil. 195, 206 (2000).

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.⁵³ [53]

Nonetheless, the doctrine of exhaustion of administrative remedies and the corollary doctrine of primary jurisdiction, which are based on sound public policy and practical considerations, are not inflexible rules. There are many accepted exceptions, such as: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively small so as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice;⁵⁴[54] (f) where judicial intervention is urgent; (g) when its application may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) when the issue of non-exhaustion of administrative remedies has been rendered moot;⁵⁵[55] (j) when there is no other plain, speedy and adequate remedy; (k) when strong public interest is involved; and, (l) in *quo warranto* proceedings. x x x⁵⁶[56]

WHEREFORE, the petition is **GRANTED**. Consequently, the Decisions dated January 6, 2005 and April 20, 2005, and the Resolutions dated March 10, 2005 and June 29, 2005 of the Court of Appeals, nullifying and setting aside the Writ of Preliminary Injunction issued by the Regional Trial Court (RTC), Branch

52[52] *ACWS, Ltd. v. Dumlao, supra*, at 802.

53[53] *Paloma v. Mora*, G.R. No. 157783, September 23, 2005, 470 SCRA 711, 725; *Fabia v. Court of Appeals*, 437 Phil. 389, 403 (2002).

54[54] *Rocamora v. Regional Trial Court-Cebu (Branch VIII)*, No. L-65037, November 23, 1988, 167 SCRA 615, 623.

55[55] *Carale v. Abarintos*, 336 Phil. 126, 137 (1997).

56[56] *Castro v. Sec. Gloria*, 415 Phil. 645, 651-652 (2001).

37, Manila, are hereby **NULLIFIED** and **SET ASIDE**. The case is hereby remanded to the trial court for further proceedings, with dispatch.

SO ORDERED.

DIOSDADO M. PERALTA

Associate Justice

WE CONCUR:

ANTONIO T. CARPIO

Associate Justice

Chairperson

ANTONIO EDUARDO B. NACHURA

Associate Justice

ROBERTO A. ABAD

Associate Justice

JOSE CATRAL MENDOZA

Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ANTONIO T. CARPIO

Associate Justice

Second Division, Chairperson

CERTIFICATION

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

RENATO C. CORONA

Chief Justice
