REPUBLIC OF THE PHILIPPINES
Court of Tax Appeals
QUEZON CITY

SECOND DIVISION

MIZUHO CORPORATE BANK, LTD. MANILA BRANCH,
Petitioner,

- versus -

THE COMMISSIONER OF INTERNAL REVENUE,
Respondent.

C.T.A. CASE NO. 7082

Members:

CASTAÑEDA, JR., *Chairperson*
UY, *and*
PALANCA-ENRIQUEZ, *JJ.*

Promulgated:

JAN 0 8 2007

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DECISION

UY, *J.*:

The is a Petition for Review filed by petitioner seeking to set aside the respondent's Decision dated September 9, 2004, and consequently, to cancel the subject assessment for deficiency documentary stamp taxes in the aggregate amount of P8,261,433.57 issued against petitioner for the taxable year 1999.

THE FACTS

Culled from the records of the case and from the parties' Joint Stipulation of Facts and Issues[1] filed on March 30, 2005 and approved in the Resolution dated April 14, 2005,[2] these are the facts of the case.

Petitioner Mizuho Corporate Bank, Ltd. Manila Branch is a foreign banking corporation organized and existing under the laws of Japan. It is registered to do business in the Philippines under Amended SEC License No. AFO95-069 and with principal office address at 26/F Citibank Tower, Valero Street corner Villar Street, Salcedo Village, Makati City. On the other hand, respondent is the duly appointed Commissioner of Internal Revenue with office address at BIR Building, Diliman, Quezon City.

On April 9, 2002, petitioner (then known as The Fuji Bank, Ltd., Manila Branch) received a Formal Letter of Demand with Details of Discrepancies[3] and Assessment Notice No. DST2-99-000015[4] both dated April 3, 2002, from Edwin R. Abella, Assistant Commissioner of Large Taxpayers Service, demanding payment in the amount of P8,261,433.57 as alleged deficiency documentary stamp tax, inclusive of interest, for the taxable year 1999, computed as follows:

Savings Account Term – RBU	P	3,417,684,745.34
Tax Rate		.3/200.00
Tax Due	P	5,126,527.12
Add: Interest (4/10/99 - 4/30/02)		3,134,906.45
Total Amount Due and Collectible	**P**	**8,261,433.57**

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[1] Rollo, pp. 101-106.
[2] Rollo, p. 107.
[3] Exhibit "A", Rollo, p. 152-153.
[4] Exhibit "B", Rollo, p. 154.

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On April 25, 2002, petitioner filed its protest-letter to the assessment with respondent.[5] Since the assessment principally involves a legal issue, petitioner did not present supporting documents. Subsequently on September 21, 2004, petitioner received respondent's Decision dated September 9, 2004 denying the protest and ordering petitioner to pay the assessed amount of P8,261,433.57 inclusive of increments that have legally accrued thereon within thirty (30) days from receipt of the Decision.[6] Thus, on October 20, 2004, petitioner filed the instant Petition for Review before this Court for the cancellation of the disputed Assessment.

THE ISSUES

In their Joint Stipulation of Facts and Issues filed on March 30, 2005, the parties submitted the following issues for this Court's resolution:

1. Whether or not the assessment has become final, executory and demandable for failure of petitioner to appeal to this Court respondent's inaction on its protest within 30 days from the lapse of the 180-day period of such inaction;

2. Whether or not petitioner's Peso Savings Account is a certificate of deposit; thus, subject to documentary stamp tax under Section 180 of the Tax Code (National Internal Revenue Code [NIRC] of 1997); and

3. Whether or not petitioner is liable to pay deficiency stamp tax covering the taxable year 1999 in the aggregate amount of P8,261,433.57 plus 25% surcharge and 20% annual interest.

THIS COURT'S RULING

The first issue is ruled in the negative.

Respondent submits that petitioner failed to file the instant case within the prescribed period as provided for under Section 228 of the NIRC of 1997

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[5] Exhibit "C", Rollo, pp. 158-159.
[6] Exhibit "D", Rollo, pp. 155-160.

and therefore, this Court has no jurisdiction over this because the subject assessment for deficiency documentary stamp tax imposed upon the petitioner for the taxable year 1999 had become final, executory and demandable in accordance with said section, the pertinent portion of which states as follows:

> "**SEC. 228. Protesting of Assessment.** — When the Commissioner or his duly authorized representative finds that proper taxes should be assessed, he shall first notify the taxpayer of his findings x x x
>
> xxx xxx xxx
>
> The taxpayers shall be informed in writing of the law and the facts on which the assessment is made; otherwise, the assessment shall be void.
>
> Within a period to be prescribed by implementing rules and regulations, the taxpayer shall be required to respond to said notice. If the taxpayer fails to respond, the Commissioner or his duly authorized representative shall issue an assessment based on his findings.
>
> Such assessment may be protested administratively by filing a request for reconsideration or reinvestigation within thirty (30) days from receipt of the assessment in such form and manner as may be prescribed by implementing rules and regulations. Within sixty (60) days from filing of the protest, all relevant supporting documents shall have been submitted, otherwise, the assessment shall become final.
>
> If the protest is denied in whole or in part, or is not acted upon within one hundred eighty (180) days from submission of documents, the taxpayer adversely affected by the decision or inaction may appeal to the Court of Tax Appeals within thirty (30) days from receipt of the said decision, or from the lapse of the one hundred eighty (180)-day period; otherwise, the decision shall become final, executory and demandable."

Respondent further contends that since the 180-day period reckoned from the date when petitioner had filed its protest-letter against the subject assessment notice (on April 25, 2002) had expired without petitioner having filed the instant petition as required by law, the assessment notice had become final, executory and demandable. In effect, the subject assessment notice having become final, executory and demandable, it is no longer appealable to this Court.

The Court disagrees with respondent's contentions.

Section 228 of the NIRC of 1997, specifically the last paragraph thereof, speaks of two possible situations which may arise whenever an administrative protest is filed before the respondent Commissioner by a taxpayer adversely affected by an assessment, namely:

(a) the protest may be denied in whole or in part; or

(b) the same may not be acted upon by respondent within one hundred eighty (180) days from submission of documents.

Subsequently, the taxpayer adversely affected by **the decision or inaction of the respondent**, may appeal to the Court of Tax Appeals within thirty (30) days, either : (a) from receipt of the said adverse decision; or (b) from the lapse of the one hundred eighty (180)-day period; **otherwise, the decision shall become final, executory and demandable**.

Clearly therefore, it is only the decision of the respondent not appealed to this Court by the taxpayer adversely affected by the same, which becomes final, executory and demandable. Nowhere in the said section is it provided that the assailed assessment shall become final, executory and demandable should the Bureau of Internal Revenue fail to act on the protest within one hundred eighty (180) days.[7]

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[7] Allied Banking Corp. vs. Guillermo L. Parayno, et al., CTA Case No. 6565, November 3, 2004.

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In relation thereto, We look at the provisions of Section 7(a)(1) of Republic Act (R.A.) No. 1125, as amended by R.A. No. 9282, defining the jurisdiction of the Court of Tax Appeals, to wit:

> "**SEC. 7. Jurisdiction.** — The CTA shall exercise:
>
> (a) Exclusive appellate jurisdiction to review by appeal, as herein provided:
>
> (1) Decisions of the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties in relation thereto, or other matters arising under the National Internal Revenue or other laws administered by the Bureau of Internal Revenue.
>
> (2) Inaction by the Commissioner of Internal Revenue in cases involving disputed assessments, refunds of internal revenue taxes, fees or other charges, penalties in relations thereto, or other matters arising under the National Internal Revenue Code or other laws administered by the Bureau of Internal Revenue, where the National Internal Revenue Code provides a specific period of action, in which case the inaction shall be deemed a denial; x x x"

Based on the aforequoted provision, the rule is: for the Court of Tax Appeals to acquire jurisdiction, an assessment must first be disputed by the taxpayer and ruled upon by the Commissioner of Internal Revenue to warrant a **decision** from which a petition for review may be taken to the Court of Tax Appeals.[8] Where an adverse ruling has been rendered by the Commissioner of Internal Revenue with reference to a disputed assessment or a claim for refund or credit, the taxpayer may appeal the same within thirty (30) days after receipt thereof.

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[8] Oceanic Wireless Network, Inc. vs. Commissioner of Internal Revenue, G. R. No. 148380, December 9, 2005.

The word "**decisions**" in Section 7(a)(1) of R.A. No. 1125, as amended by R.A. No. 9282, has been interpreted to refer to the decisions of the Commissioner of Internal Revenue on the protest of the taxpayer against the assessments. And in cases of inaction by the respondent, as mentioned earlier, Section 228 of the NIRC of 1997 gives the taxpayer the option either: to appeal to the Court of Tax Appeals within thirty (30) days from the lapse of the one hundred eighty (180)-day period provided for under the said section; or to wait for the Commissioner to render a decision on his protest before elevating his case to this Court.

To Our mind, the taxpayer was given this option so that in case his protest is not acted upon within the 180-day period, he may be able to seek immediate relief and need not wait for an indefinite period of time for the Commissioner to decide. But if he chooses to wait for a positive action on the part of the Commissioner, then the same could not result in the assessment becoming final, executory and demandable. In fact, in this particular case, the respondent rendered a Decision on petitioner's protest which the petitioner appealed to this Court within thirty (30) days from receipt thereof on September 21, 2004.

The first issue having been settled, this Court now proceeds to rule on the core issue of this case, to wit: *whether or not petitioner's Peso Savings Account is subject to documentary stamp tax under Section 180 of the NIRC of 1997.*

Petitioner argues that its Peso Savings Account is not subject to documentary stamp tax under Section 180 of the NIRC of 1997 because time deposits and savings deposits are not expressly mentioned therein. What the

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subject provision holds taxable for documentary stamp tax is a certificate of deposit. Even if time deposits are considered certificates of deposit, petitioner avers that its Peso Savings Account cannot be considered as such since it does not offer time deposit accounts and does not issue passbooks to evidence its Peso Savings Account. Instead, petitioner gives a monthly statement to its depositors to inform them of the movements of their deposits during the month. Also, a certificate of deposit must be in writing and negotiable to be taxable under Section 180 of the said Code.

Further, petitioner argues that it cannot be held liable for documentary stamp tax because Section 180 of the said Code is vague as to what kinds of "certificates of deposit" it seeks to tax. In fact, to cure such vagueness, respondent belatedly issued Revenue Memorandum Circular (RMC) No. 16-2003 dated February 18, 2003 defining the term "certificate of deposit" for purposes of clarifying its taxability under Section 180. Because of RMC No. 16-2003, petitioner's Peso Savings Account was placed within the ambit of the term "certificate of deposit." Therefore, respondent's failure to provide a clear definition in a timely manner should not be held against petitioner. Petitioner maintains that the term "certificate of deposit" was so vague that Congress passed R.A. 9243[9] to amend the language contained in Section 180 of the NIRC of 1997 so as to adopt respondent's interpretation. Section 179 of the said Code, as amended by R.A. No. 9243, now reads:

> "**SEC. 179. Stamp Tax on All Debt Instruments. —** On every original issue of debt instruments, there shall be collected a documentary stamp tax on One peso (P1.00) on each Two hundred pesos (P200), or fractional part thereof, of the issue price of any such debt instruments: Provided, That for

[9] Effective April 27, 2004.

such debt instruments with terms of less than one (1) year, the documentary stamp tax to be collected shall be of a proportional amount in accordance with the ratio of its term in number of days to three hundred sixty-five (365) days: Provided, further, That only one documentary stamp tax shall be imposed on either loan agreement, or promissory notes issued to secure such loan.

For purposes of this section, the term debt instrument shall mean instruments representing borrowing and lending transactions including but not limited to debentures, certificates of indebtedness, due bills, bonds, loan agreements, including those signed abroad wherein the object of contract is located or used in the Philippines, instruments and securities issued by the government of any of its instrumentalities, deposit substitute debt instruments, <u>certificates or other evidences of deposits that are either drawing interest significantly higher than the regular savings deposit taking into consideration the size of the deposit and the risks involved or drawing interest and having a specific maturity date</u>, orders for payment of any sum of money otherwise than at sight or on demand, promissory notes, whether negotiable or non-negotiable, except bank notes issued for circulation." *(Underscoring supplied)*

Respondent, on the other hand, alleges that petitioner's Peso Savings Account is a certificate of deposit subject to documentary stamp tax under Section 180 of the NIRC of 1997 because the Peso Savings Account is interest bearing and has the features of a time deposit. Moreover, there is a required deposit balance and holding period in order to avail of a preferential rate, a much higher rate than that of a regular savings account. Even assuming *arguendo* that the Peso Savings Account is not a certificate of deposit, it is a loan agreement between the depositor and petitioner subject to documentary stamp tax the same section.

The Court agrees with the respondent.

Section 180 of the NIRC of 1997, provides that:

"**SEC. 180. Stamp Tax on All Bonds, Loan Agreements, Promissory Notes, Bills of Exchange, Drafts, Instruments and Securities Issued by the Government or**

> **Any of its Instrumentalities, Deposit Substitute Debt Instruments, Certificates of Deposits Bearing Interests and Others Not Payable on Sight or Demand.** — On all bonds, loan agreements signed abroad wherein the object of the contract is located or used in the Philippines, bills of exchange (between points within the Philippines), drafts, instruments and securities issued by the Government or any of its instrumentalities, deposit substitute debt instruments, certificates of deposits drawing interest, orders for the payment of any sum of money otherwise than at sight or on demand, on all promissory notes, whether negotiable or non-negotiable, except bank notes issued for circulation, and on each renewal of any such note, there shall be collected a documentary stamp tax of Thirty centavos (P0.30) on each Two hundred pesos (P200), or fractional part thereof, of the face value of any such agreement, bill of exchange, draft, certificate of deposit, or note: *Provided*, That only one documentary stamp tax shall be imposed on either loan agreement, or promissory notes issued to secure such loan whichever will yield a higher tax: x x x"

From the foregoing, the law subjects a "certificate of deposit" to documentary stamp tax. A documentary stamp tax is considered a privilege tax because it is really imposed on the privilege to enter into a transaction rather than on the document. The law taxes the document because of the transaction.[10] What is being taxed, therefore, is the privilege of the petitioner to enter into such a transaction.

On the other hand, a certificate of deposit has been defined as "any written acknowledgment by a bank or banker of the receipt of a sum of money on deposit which the bank or banker promises to pay to the depositor, to the order of the depositor, or some other person or his order".[11] Under this definition, petitioner's Peso Savings Account clearly falls within the ambit of a "certificate of deposit." The fact that petitioner's Peso Savings Account is

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[10] The Law on Transfer and Business Taxation, Hector S. de Leon, 1998 Ed., p. 351.
[11] Far East Bank & Trust Company vs. Querimit, 373 SCRA 665, G.R. No. 148582, January 16, 2002.

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evidenced by a monthly statement[12] and not by a certificate is not an issue. The definition does not prescribe or require any particular form nor does it qualify. In determining what instruments are subject to documentary stamp tax, substance would control over the form.[13] In other words, what matters are the facts and circumstances that surround the document and the transaction itself.

Moreover, a time deposit, which is also a form of a certificate of deposit, refers to a deposit account paying interest for a fixed term, with the understanding that funds cannot be withdrawn before maturity without giving advance notice.[14] In practice, a time deposit is evidenced by a certificate of time deposit. Certificate of deposits or time deposits usually carry penalties for early withdrawal.[15] Significantly, the main difference between a "savings deposit" and a "time deposit" is the penalty, which may come in a form of reduced interest rates, attached to it in instances when the depositor makes a withdrawal prior to the maturity of the deposit.[16]

In the case at bench, petitioner cannot hide the fact that there is a penalty in the form of lower interest rates in case of withdrawal before the maturity date on its Peso Savings Account. A perusal of the monthly statement[17] issued by petitioner to its depositor reveals that there are due dates and interest rates significantly higher than those offered for regular

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[12] Exhibit "F", Rollo, p. 186.
[13] Traders Royal Bank vs. Commissioner of Internal Revenue, C.T.A. EB No. 34 (C.T.A. No. Case No. 6392), April 26, 2005 quoting Knudsa Creamery Co. of California vs. US, 121 F. Suppl. 860, 26 U.S. C.A. 1800, 1801.
[14] Revenue Memorandum Circular No. 16-2003 dated February 18, 2003 citing Barron's Dictionary of Banking Terms.
[15] Black's Law Dictionary, 6th Edition.
[16] Traders Royal Bank vs. Commissioner of Internal Revenue, *supra*.
[17] Exhibit "F", Rollo, p. 185.

savings deposits. In addition, the bottom part of the monthly statement pertinently reads in part:

> "NOTES: 1. THE ABOVE SUPER-SAVINGS ACCOUNT [PESO SAVINGS ACCOUNT] DEPOSIT/S SHALL BE STRICTLY FOR TERMS SPECIFICALLY MENTIONED HEREIN. IF THE DEPOSIT IS WITHDRAWN BEFORE THE END OF THE STIPULATED PERIOD, IT SHALL EARN ONLY THE STIPULATED RATE OF OUR REGULAR SAVINGS ACCOUNT DEPOSIT REGARDLESS OF THE DAYS IT STAYED WITH THE BANK.
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> 2. AT THE END OF THE STIPULATED PERIOD, THE ABOVE DEPOSIT/S SHALL BE TREATED AS AN ORDINARY SAVINGS ACCOUNT DEPOSIT/S AND SHALL EARN THE REGULAR RATE OF INTEREST APPLICABLE TO SAID DEPOSITS.
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> xxx xxx xxx"

These circumstances clearly show that petitioner's Peso Savings Account is no different from a time deposit. In both cases, the bank acknowledges the receipt of the money or funds on deposit and promises to pay the depositor, bearer, or some other person or order the same on a specified period of time. Also, in both cases, the bank allows the withdrawal of the funds on deposit prior to the expiry of the pre-determined time but the rate of interest is lower than the agreed interest. The difference lies on the document used to evidence the existence of the said transaction. In the case of a time deposit, a certificate is issued, while in petitioner's Peso Savings Deposit, a monthly statement is issued to the depositor.

Considering that the transaction evidenced by the different documents are similar and that a documentary stamp tax is an excise tax on the privilege to enter into a transaction, this Court finds that the monthly statements evidencing the Peso Savings Account, being clear pieces of evidence of such

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transactions in favor of the person whose name appears thereon, are clear bases to subject petitioner's said account to documentary stamp tax.

With respect to petitioner's second argument, this Court rules that it is untenable. Interpretative regulations such as RMC No. 16-2003 are those which purport to do no more than interpret the statute being administered, to say what it means. These regulations have validity in judicial proceedings only to the extent that they correctly construe the statute and then, strictly speaking, it is the statute and not the regulation to which the individual must conform.[18] An administrative interpretation of the law is, at best, advisory for it is the courts that finally determine what the law means.[19]

The interpretation provided in RMC 16-2003 does not amend or repeal Section 180 of the NIRC of 1997. Besides, this Court had ruled in several cases[20] that special savings deposits are considered certificates of deposit, even without resorting to the interpretation provided in RMC No. 16-2003. Thus, no reason exists for the petitioner to claim that it was prejudiced by the passage of RMC No. 16-2003 since the words in Section 180 of the same Code remained unchanged.

On the third and last issue, this Court rules in the affirmative.

Section 248(A) of the NIRC of 1997, provides that:

> "**SEC. 248. Civil Penalties. —**
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> A. There shall be imposed, in addition, to the tax required to be paid, a penalty equivalent to twenty-five percent (25%) of the amount due, in the following cases:

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[18] Philippine Administrative Law, Carlo L. Cruz, 1998 Ed., p. 32 citing 1 Am. Jur. 2d, Sec. 95.

[19] Commissioner of Internal Revenue vs. Court of Appeals, et al., G.R. No. 119761, August 29, 1996.

[20] ING Bank, N.V. Manila Branch vs. Commissioner of Internal Revenue, C.T.A. EB No. 52 (C.T.A. Case No. 6187) April 5, 2005; Traders Royal Bank vs. Commissioner of Internal Revenue, C.T.A. EB No. 34 (C.T.A. Case No. 6392), April 26, 2005; Philippine Banking Corporation (Now: Global Business Bank, Inc.) vs. Commissioner of Internal Revenue, C.T.A. EB No. 63 (C.T.A. Case No. 6395), November 23, 2005.

1. Failure to file any return required under the provisions of this Code or rules and regulations on the date prescribed; or

2. Unless otherwise authorized by the Commissioner, filing a return with an internal revenue officer than those with whom the return is required to be filed; or

3. Failure to pay the tax within the time prescribed for its payments in the notice of assessments; or

4. Failure to pay the full or part of the amount of tax shown on any return required to be filed under the provisions of this Code or rules and regulations, or the full amount of tax due for which no return is required to be filed, on or before the date prescribed for its payment." *(Underscoring supplied)*

In the case of ***Banco de Oro vs. Commissioner of Internal Revenue,***[21] this Court ruled in this wise:

"The imposition of surcharge is mandatory. This is justified because the intention of the law is precisely to discourage delay in the payment of taxes due to the State. The delay in the payment of the deficiency tax within the time prescribed for its payment in the notice of assessment justifies the imposition of a 25% surcharge in consonance with Section 248(A)(3) of the Tax Code. *(Dr. Felisa L. Vda de San Agustin, in substitution of Jose Y. Feria, in his capacity as Executor of the Estate of San Jose Agustin vs. Commissioner of Internal Revenue, G.R. 138485, September 10, 2001)*. Even the alleged good faith of the taxpayer in failing to pay the tax upon advice of counsel is not sufficient justification for seeking exemption from the payment of surcharges *(Commissioner of Internal Revenue vs. Royal Interocean Lines & The CTA, L-26806, July 30, 1970)*.

It is worth emphasizing that 'surcharge' is an overcharge or exaction imposed by law as an addition to the main tax required to be paid. It is not really a penalty as used in criminal law but a civil administrative sanction provided primarily as a safeguard for the protection of the State revenue and to reimburse the government for the expenses in investigating and the loss resulting from the taxpayer's fraud *(Helvering vs. Mitchell, 303 U.S. 390; Spies vs. U.S. 314 U.S. 492)*. In other words, the imposition of a surcharge is not penal but compensatory in nature — they are compensation to the State for the delay in the payment, or for the concomitant use of the funds by the taxpayer beyond the date he is supposed to have paid them to the State *(Republic vs. The Phil Bank of*

[21] C.T.A. Case No. 6390, July 1, 2004.

Commerce, L-20951, July 31, 1970; Vera vs. Navarro, L-27745, October 18, 1977)."

Considering that the Assessment Notice[22] issued against petitioner for deficiency documentary stamp taxes for the year 1999 did not demand for a 25% surcharge, it is hereby modified to include a 25% surcharge pursuant to Section 248 of the NIRC of 1997, in addition to the basic documentary stamp tax due.

Likewise, the 20% deficiency interest[23] in the said Assessment Notice is also modified to include interest accruing until October 21, 2004,[24] the last day given to the petitioner to pay the assessed deficiency per respondent's Decision dated September 9, 2004.[25] Accordingly, the subject deficiency assessment shall be recomputed as follows:

Savings Account Term - RBU	P	3,417,684,745.34
Tax Rate		.3/200.00
Tax Due	P	5,126,527.12
Add: Interest 20% p.a. (4/10/99 - 10/21/04)		5,679,679.40
Surcharge 25%		1,281,631.78
Total Amount Due and Collectible	**P**	**12,087,838.30**

WHEREFORE, the subject Petition for Review is hereby **DISMISSED** for lack of merit. The assailed Decision of the Commissioner of Internal Revenue dated September 9, 2004 is hereby **AFFIRMED** with some modifications. Accordingly, petitioner is **ORDERED TO PAY** respondent the

[22] Exhibit "B", Rollo, p. 179.
[23] SEC. 249. Interest. —

xxx xxx xxx

(C) Delinquency Interest. — In case of failure to pay:
(1) The amount of the tax due on any return required to be filed, or
(2) The amount of the tax due for which no return is required, or
(3) A deficiency tax, or any surcharge or interest thereon on the due date appearing in the notice and demand of the Commissioner, there shall be assessed and collected on the unpaid amount, interest at the rate prescribed in Subsection (A) hereof until the amount is fully paid, which interest shall form part of the tax.

[24] Thirty (30) days from receipt of respondent's Decision which was on September 21, 2004.
[25] Exhibit "D", Rollo, 178 -180.

amount of **TWELVE MILLION EIGHTY SEVEN THOUSAND EIGHT HUNDRED THIRTY EIGHT PESOS and 30/100 (P12,087,838.30)** representing deficiency documentary stamp tax for the year 1999, plus 20% delinquency interest per annum from October 22, 2004 until such time the said amount is fully paid pursuant to Section 249(C) of the NIRC of 1997.

SO ORDERED.

ERLINDA P. UY
Associate Justice

WE CONCUR:

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice

OLGA PALANCA-ENRIQUEZ
Associate Justice

ATTESTATION

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

Juanito C. Castañeda, Jr.
JUANITO C. CASTAÑEDA, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

ERNESTO D. ACOSTA
Presiding Justice

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