NICOMEDES A. TOLENTINO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, HON. JUDGE JOCELYN A. SOLIS- REYES OF THE REGIONAL TRIAL COURT, BRANCH 221 OF QUEZON CITY, TWENTY SIX (26) FAM...

Ponente: VILLON, J.

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VILLON, J.:

This is a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended, seeking for the quashal of the informations,[1] insofar as herein petitioner is concerned, filed in Criminal Cases Nos. Q-09-162148 to 162172, Q-09-162216 to 162231, Q-10-162652 to 162666 and Q-10-163766, all for the crime of murder and now pending before Branch 221 of the Regional Trial Court (RTC), National Capital Judicial Region, Quezon City. In the alternative, petitioner prays for the modification of the June 1, 2011 Order[2] of the RTC, to wit:

> "Upon arraignment in Filipino, accused Datu Andal Ampatuan, Sr., assisted by a counsel de parte Atty. Sigfrid Fortun and further assisted by a Maguindanaoan Interpreter/Translator Atty. Rolando Abo, and accused Mohamad Datumanong a.k.a. Nicomedes Amad Tolentino assisted by a counsel de parte Atty. Paris Real, entered separate pleas of not guilty to the charge of murder of fifty seven [57] counts.
>
> Let the pre-trial of these cases insofar as accused SPO2 Badawi Bakal, Nasser Esmael, Misuari Ampatuan, Salipad Tampogao, Taya Bangkulat, Salik Bangkulat, Datu Andal Ampatuan, Sr., Mohamad Datumanong a.k.a. Nicomedes Tolentino and Norman Tatak are concerned to be set on June 15, 2011 at 9:00 o'clock in the morning at RTC, Branch 221, Hall of Justice Bldg., Quezon City. The Prosecutors and private complainants, accused as well as their respective counsels are ordered to attend the same.
>
> The parties and their counsels are directed to attend a preliminary conference before the Branch Clerk of Court and the Presiding Judge on June 6 and 7, 2011 both at 2:00 o'clock in the afternoon at RTC, Branch 221, Hall of Justice Bldg., Quezon City to mark the documents and substituted copies to be attached to the records after comparison, list exhibits to be presented and to consider other matters as may aid in its proper disposition. Such pre-marking shall be adopted during the pre-trial.
>
> The parties are reminded that no evidence shall be allowed and offered during the trial other than those identified and pre-marked during the pre-trial except when allowed by the Court for good cause shown.
>
> Thereafter, PO2 Danny Fortaleza was presented on the witness stand. He testified on the continuation of direct examination and cross examination conducted by Atty. Narvasa, Atty. Manuel, Atty. Real and Atty. Romero.
>
> In order to give the prosecution a chance to conduct a re-direct examination of said witness, let the proceedings today be set on June 2, 2011 at 9:00 o'clock in the morning at Camp Bagong Diwa, Bicutan, Taguig.
>
> Further, the public is hereby reminded to always observe a proper decorum inside the courtroom and henceforth, should refrain from committing an uproar or similar acts.
>
> The submission of Waiver of Appearance of accused Andal Ampatuan, Sr. which bears his signature is hereby

> Noted.
>
> Notify all parties concerned of this Order.
>
> SO ORDERED."[3]

Petitioner seeks a modification of the above-quoted order for the purpose of substituting the plea of "not guilty", that he personally entered in open court upon arraignment, with a plea of "not guilty" pursuant to Section 1 (c), Rule 116 of the Revised Rules of Criminal Procedure.

The factual and procedural antecedents of the case are hardly in dispute.

Petitioner was identified by the Panel of Investigation Prosecutors of the Department of Justice (DOJ) as Mohamad T. Datumanong, one of the suspects in the murder of fifty-seven (57) persons on November 23, 2009 at Sitio Masalay, Ampatuan, Maguindanao. By virtue of an Alias Warrant[4] dated August 21, 2010, petitioner was arrested on August 29, 2010.[5]

On September 21, 2010, petitioner filed a Motion for Re-Investigation,[6] which was opposed[7] by respondents. Petitioner then filed a Reply,[8] to which respondents filed a Rejoinder.[9] The motion was denied by the RTC in its Omnibus Order[10] dated December 14, 2010. Petitioner then filed a motion for reconsideration[11] dated January 3, 2011. Meanwhile, on March 31, 2011, petitioner filed a Manifestation and Motion to Set the Hearing for Arraignment.[12]

On May 27, 2011, the court a quo issued another Omnibus Order[13] setting petitioner's arraignment on June 1, 2011 at 9:00 o'clock in the morning, thus:

> "Finally, insofar as Nicomedes A. Tolentino a.k.a. Mohamad Datumanong is concerned, in view of the filing of x x x Motion to Set the Hearing for the Arraignment which rendered his Motion for Reconsideration dated January 3, 2011, likewise moot and academic, and there being no other pending Motion which he filed before this court, the setting of his arraignment is only proper."[14]

However, on the same day, petitioner filed an Omnibus Motion (To Quash Informations and To Suspend Arraignment and Further Proceedings).[15] Notwithstanding petitioner's motion, the trial court proceeded with the arraignment of petitioner. Thus:

> "ATTY. REAL:
> Well, Your Honor, for the record, we only received a copy of the Order of this Honorable Court setting the arraignment of Tolentino on May 30, 2011 at 2:45 in the afternoon, but the Omnibus Motion which we filed, Your Honor, was on May 27, 2011 at 2:45 p.m. so it's not correct for the prosecution, Your Honor, that we only filed this Omnibus Motion to beat the Order of the Honorable Court, but, nevertheless, Your Honor, despite what we have stated we have explained clear enough to Nicomedes Amad Tolentino the need to fast track the proceedings against him but we submit, Your Honor, that his constitutional rights as an accused must also not be jeopardized and that was precisely the reason why in this particular Omnibus Motion, Your Honor, we also requested that the Motion for his arraignment be enjoined, we admit that we filed that on March 30, thus we specifically stated in our Omnibus Motion and after properly explaining to accused the consequences of his arraignment, in the event that he would admit that he is Nicomedes Amad Tolentino made in the Information even if he is not, then there would be estoppel as well as serious complications against his constitutional rights as properly explained by the Supreme Court in the case of People vs. Martinez as well as People vs. Padica, et al., Your Honor.
>
> COURT:
> Do you admit that you filed a Motion for Reinvestigation on behalf of your client?

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ATTY. REAL:

Yes, Your Honor.

COURT:

So in other words, you are saying that when you filed several motions you did not confer with your client?

ATTY. REAL:

We did, Your Honor.

COURT:

Anyway, you filed a Motion to Arraign and likewise you did not confer with your client?

ATTY. REAL:

We conferred with our client, Your Honor.

COURT:

So how come you filed a Motion and now you are asking for the suspension of your client's arraignment after you have filed a Motion to Arraign.

ATTY. REAL:

Your Honor, the Motion for Reinvestigation which we previously filed was basically directed against the lack, absence of preliminary investigation. The Motion to Quash which we filed --- (interrupted)

COURT:

We will proceed with the arraignment of Mohamad Datumanong a.k.a. Nicomedes Amad Tolentino.

ATTY. REAL:

Subject, Your Honor, to our opposition on the matter.

COURT:

It's on record.

xxx xxx xxx

ASSISTING INTERPRETER:

'Mr. Mohamad Datumanong a.k.a. Nicomedes Tolentino, naunawaan niyo ba ang binasang paratang laban sa inyo?'

MR. DATUMANONG:

'Opo'

xxx xxx xxx

ASSISTING INTERPRETER:

'Ano ang pangalan mo?'

MR. DATUMANONG:

Nicomedes Tolentino, po.

ASSISTING INTERPRETER:

'Nantindihan mo ba ang paratang laban sayo?'

RECORD:

(The accused did not answer)

ATTY. REAL:

Well for the record again, Your Honor, the Nicomedes Amad Tolentino is not the accused named in the Information and therefore, Your Honor, on behalf of Nicomedes Amad Tolentino we request the Honorable Court that he is not entering any plea.

COURT:

Can we hear from the accused himself?

ASSISTING INTERPRETER:

'Ano ang masasabi mo sa mga paratang na binasa laban sayo, inaamin mo ba ito o hindi?'

MR. DATUMANONG:

Not guilty, po.

COURT:

Okay, not guilty, make it on record that the accused entered a plea of not guilty.

ATTY. REAL:

Your Honor, may we request that particular plea be withdrawn.

COURT:

But it came from your client, counsel, he said not guilty, don't put words into your client's mouth counsel.

ATTY. REAL:

Yes, Your Honor, in this case, 'are you Nicomedes Tolentino?'

COURT:

No, that was not the question.

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ATTY. REAL:

In this case, Your Honor, subject to that particular manifestation and opposition, Your Honor, subject to the resolution of our Motion to Quash.

COURT:

Of course, your manifestation is noted, Atty. Real.

ATTY. REAL:

For lack of jurisdiction over his person."[16]

On even date, the RTC issued the assailed Order.

Alleging his need for immediate recourse to this Court as a reason for dispensing with the requisite filing of a motion for reconsideration of the assailed Order, petitioner is now before Us ascribing to the court a quo the following errors, to wit:

I.

WITH DUE RESPECT, RESPONDENT PRESIDING JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN RENDERING MOOT AND ACADEMIC AND/OR DENIE (SIC) PETITIONER'S OMNIBUS MOTION TO QUASH INFORMATIONS BY ORDERING THE ARRAIGNMENT AND, IN FACT, PROCEEDED WITH THE ARRAIGNMENT OF PETITIONER.

II.

WITH DUE RESPECT, RESPONDENT PRESIDING JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN SHE COMPELLED PETITIONER TO PLEAD DURING ARRAIGNMENT DESPITE HIS REFUSAL TO DO SO AS MANIFESTED BY HIS LAWYER.

III.

WITH DUE RESPECT, RESPONDENT PRESIDING JUDGE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN SHE DID NOT ENTER A PLEA OF NOT GUILTY FOR PETITIONER IN ACCORDANCE WITH SECTION 1(C), RULE 116 OF THE REVISED RULES OF CRIMINAL PROCEDURE.[17]

The petition is bereft of merit.

At the outset, it should be stressed that petitioner failed to file a motion for reconsideration of the assailed June 1, 2011 Order of the RTC before availing of the remedy of certiorari. The settled rule is that a motion for reconsideration is a condition sine qua non for the filing of a petition for certiorari.[18] Its purpose is to grant an opportunity for the court to correct any actual or perceived error attributed to it by the re-examination of the legal and factual circumstances of the case. The rationale of the rule rests upon the presumption that the court or administrative body which issued the assailed order or resolution may amend the same, if given the chance to correct its mistake or error. The "plain speedy, and adequate remedy" referred to in Rule 65, Section 1 is a motion for reconsideration of the questioned order or resolution.[19].

The rule is, however, circumscribed by well-defined exceptions such as (a) where the order is a patent nullity, as where the court a quo had no jurisdiction; (b) where the questions raised in the certiorari proceeding have been

duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court; (c) where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable; (d) where, under the circumstances, a motion for reconsideration would be useless; (e) where petitioner was deprived of due process and there is extreme urgency for relief; (f) where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable; (g) where the proceedings in the lower court are a nullity for lack of due process; (h) where the proceedings were ex parte, or in which the petitioner had no opportunity to object; and (i) where the issue raised is one purely of law or where public interest is involved.[20]

An examination of the records reveals that petitioner failed to show sufficient justification for dispensing with the requirement of filing a motion for reconsideration, or that the case falls under any of the above exceptions. It must be emphasized that a writ of certiorari is a prerogative writ, never demandable as a matter of right, never issued except in the exercise of judicial discretion. Hence, he who seeks a writ of certiorari must apply for it only in the manner and strictly in accordance with the provisions of the law and the Rules. Petitioner may not arrogate to himself the determination of whether a motion for reconsideration is necessary or not.[21] To dispense with the requirement of filing a motion for reconsideration, petitioner must show a concrete, compelling and valid reason for doing so,[22] which petitioner failed. On this score alone, the petition should be denied. Whimsical and arbitrary deviations from the rules cannot be condoned in the guise of a plea for a liberal interpretation thereof.[23] Nevertheless, even if We resolve this petition on the merits, it must still be dismissed for the reasons to be discussed forthwith.

Constitutional due process demands that the accused in a criminal case should be informed of the nature and cause of the accusation against him. The rationale behind this constitutional guarantee are: First, to furnish the accused with the description of the charge against him as will enable him to make his defense; second, to avail himself of his conviction or acquittal, for protection against a further prosecution for the same cause; and third, to inform the court of the facts alleged, so that it may decide whether they are sufficient in law to support a conviction, if one should be had.[24] Arraignment is the formal mode and manner of implementing this constitutional right. Its purpose is to apprise the accused of the possible loss of freedom, even of his life, depending on the nature of the crime imputed to him, or at the very least to inform him of why the prosecuting arm of the State is mobilized against him.[25]

Arraignment is a vital stage in criminal proceedings in which the accused is formally informed of the charges against him. The proper conduct of the arraignment is provided in Rule 116 of the Revised Rules of Criminal Procedure. A perusal of the provisions show that arraignment is not a mere formality, but an integral part of due process. Particularly, it implements the constitutional right of the accused to be informed of the nature and cause of the accusation against him and his right to speedy trial.[26] Arraignment consists of the judge’s or the clerk of court’s reading of the criminal complaint or information to the defendant. At this stage, the accused is granted, for the first time, the opportunity to be officially informed of the nature and the cause of the accusation. Thus, arraignment cannot be regarded lightly or brushed aside peremptorily.[27]

In the instant case, petitioner initially filed a motion for reconsideration[28] of the court a quo's December 14, 2010 Omnibus Order[29] denying his Motion for Re-Investigation.[30] However, without waiting for the trial court to resolve said motion, petitioner, on March 31, 2011 moved for the setting of his arraignment.[31] This act, in effect, negated whatever challenge petitioner raised with regard to his identification and arrest. Hence, the RTC did not err when it deemed petitioner's motion for reconsideration as moot. Too, the court a quo acted within its authority when it issued the second Omnibus Order[32] dated May 27, 2011 setting petitioner's arraignment on

June 1, 2011.

Then, too, petitioner's Omnibus Motion (To Quash Informations and To Suspend Arraignment and Further Proceedings)[33] is unavailing. In the first place, none of the requisites provided in Rule 116, Section 11 for the suspension of arraignment, viz.:

> "Sec. 11. Suspension of arraignment. – Upon motion by the proper party, the arraignment shall be suspended in the following cases:
> (a) The accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently thereto. In such case, the court shall order his mental examination and, if necessary, his confinement for such purpose;
>
> (b) There exists a prejudicial question; and
>
> (c) A petition for review of the resolution of the prosecutor is pending at either the Department of Justice, or the Office of the President; provided, that the period of suspension shall not exceed sixty (60) days counted from the filing of the petition with the reviewing office."

are present in the case at bar. Moreover, it is a rule that one who seeks an affirmative relief, whether in civil or criminal proceedings,[34] is deemed to have submitted to the jurisdiction of the court. Filing pleadings seeking affirmative relief constitutes voluntary appearance, and the consequent submission of one's person to the jurisdiction of the court.[35] Thus, when petitioner sought the setting of the hearing for his arraignment, through the "Manifestation and Motion to Set the Hearing for Arraignment of Nicomedes A. Tolentino", he voluntarily submitted himself to the jurisdiction of the court a quo. He effectively abandoned his earlier objections thereto. Petitioner cannot now be allowed to assail the jurisdiction of the RTC over his person on the basis of the bare allegation that he is not the same Mohamad T. Datumanong who is named in the informations filed in the RTC.

At any rate, the Return of Alias Warrant of Arrest[36] and Spot Report[37] of the Philippine National Police (PNP) Criminal Investigation and Detection Group (CIDG) reveal that petitioner positively identified himself as Mohamad T. Datumanong. Thus, the Return stating:

> xxx xxx xxx
>
> "1. That on August 29, 2010 at about 10:00 in the morning, joint elements of this Regional Unit, NISU-EASTMIN, MIG-12 and 38th IB, PA effected the arrest of MOHAMAD T. DATUMANONG by virtue of the said Alias Warrant at Brgy. Simba, Datu Odin Sinsuat, Maguindanao.
>
> 2. Subject arrested person was informed of his rights enshrined in our Constitution and was brought to Regional Unit for documentation. When interviewed, he acknowledged being the one whose picture appearing in the Most Wanted Poster of suspects relative to the Maguindanao Massacre.
>
> 3. As of this date, he is under the custody of this Regional Unit for processing for his subsequent turn-over to this Honorable Court" (underscoring ours)
>
> Too, the Spot Report contains findings to the effect that:
>
> ""MEMORANDUM
>
> FOR : The Director, CIDG
>
> Camp Crame. Quezon City

(Attn: Cs OMD/IND/DI and TGC, SITG Maguindanao)

FROM : Officer-in-Charge, ARMMCIDU

SUBJECT

:

Spot Report re: Arrest of Most Wanted Person Maguindanao Massacre Suspect Mohamad T. Datumanong

DATE : August 29, 2010

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1. References

a. Warrant of Arrest in Criminal Case Nr. Q-09-162148-72, Q-09-162216-31 and Q-10-162652-66 issued by Hon, Jocelyn A. Solis-Reyes, Presiding Judge, Quezon City, RTC Br. 221;

b. DILG Memorandum Circular Nr. 2010-53 dated June 29, 2010, and

c. CIDG Flagship Project (OPLAN Pagtugis).

2. In connection with the above references, please be informed that at around 10:00 in the morning this date, joint elements of ARMM-CIDG, NISU-EASTMIN, MIG-12 and 38th IB, PA effected the arrest of the above suspect at Brgy Simba, Datu Odin Sinsuat, Maguindanao. Subject person was undergoing CAFGU training for 45 days under the 38th IB using a fictitious name to hide his true identity. Upon arrest, he was duly informed and have understood the cause of his arrest and his rights under our Constitution.

3. When interviewed, he acknowledged to be the one whose picture appearing in the Most Wanted Poster of suspects relative to the Maguindanao Massacre. He was then brought to this Regional Unit for proper disposition..

4. For information and progress report to follow."[38](underscoring ours)

The court gives credence to the foregoing declarations of the PNP. As a general rule, declarations of the police officers who apprehended the accused are accorded full faith and credit because of the presumption that they have performed their duties regularly.[39] Every public official is entitled to the presumption of good faith in the discharge of official duties. Absent any showing of bad faith and malice, there is likewise a presumption of regularity in the performance of official duties.[40] This presumption may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness.[41]

We likewise find no merit in petitioner's allegation that he was compelled to enter his plea. The transcript of stenographic notes of the proceedings during his arraignment, set forth in the terms stated earlier, is bereft of any sign of coercion or duress on the part of

respondent Judge. In fact, petitioner was twice asked if he understood the charges against him. Mindful of the assertions made by petitioner's counsel on petitioner's alleged refusal to enter his plea, the respondent Judge directed a question to the petitioner which the latter candidly answered, thus:

> "COURT
> Can we hear from the accused himself?
>
> **ASSISTING INTERPRETER**
>
> 'Ano ang masasabi mo sa mga paratang na binasa laban sayo, inaamin mo ba ito o hindi?'
>
> **MR DATUMANONG**
>
> Not guilty po.
>
> **COURT**
>
> Okay, not guilty, make it on record that the accused entered a plea of not guilty."[42].

A petition for certiorari under Rule 65 is confined to the correction of errors of jurisdiction and will not issue absent a showing of a capricious and whimsical exercise of judgment, equivalent to lack of jurisdiction. Not every error in a proceeding, or every erroneous conclusion of law or of fact, is an act in excess of jurisdiction or an abuse of discretion. The prerogative of writ of certiorari does not lie except to correct, not every misstep, but a grave abuse of discretion.[43] The burden is on the part of the petitioner to prove not merely reversible error, but grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the public respondent issuing the impugned order. Mere abuse of discretion is not enough; it must be grave. The term grave abuse of discretion is defined as a capricious and whimsical exercise of judgment so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, as where the power is exercised in an arbitrary and despotic manner because of passion or hostility.[44] Nothing of that sort is obtaining in the instant case.

WHEREFORE, in light of all the foregoing, the petition is hereby DISMISSED for lack of merit.

SO ORDERED.

Corales, and *Sempio, JJ., concur

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*Vice Justice F.S. Macalino who inhibited from this case per Raffle dated April 1, 2014.

[1] Rollo, pp. 490-903.

[2] Rollo, pp. 26-27.

[3] Rollo, pp. 26-27.

[4] Rollo, p. 904.

[5] Rollo, p. 905.

[6] Rollo, pp. 37-38.

[7] Rollo, pp. 39-44.

[8] Rollo, pp. 45-49.

[9] Rollo, pp. 50-55.

[10] Rollo, pp. 910-913.

[11] Rollo, pp. 914-928.

[12] Rollo, pp. 56-58.

[13] Rollo, pp. 74-77.

[14] Rollo, p. 76.

[15] Rollo, pp. 68-73.

[16] Rollo, pp. 89-91; 103-104; 108-109.

[17] Rollo, p. 9.

[18] Republic of the Philippines v. Abdulwahab A. Bayao, G.R. No. 179492, June 5, 2013.

[19] Commissioner of Internal Revenue v. Court of Tax Appeals, G.R. No. 190680, September 13, 2012.

[20] Beatriz Siok Ping Tang v. Subic Bay Distribution, Inc., G.R. No. 162575, December 15, 2010.

[21] Elmer F. Cervantes v. Court of Appeals, G.R. No. 166755, November 18, 2005.

[22] Mayor Edgardo G. Flores v. Sangguniang Panlalawigan of Pampanga, G.R. No. 159022, February 23, 2005.

[23] Ma. Corina C. Jiao v. National Labor Relations Commission, G.R. No. 182331, April 18, 2012.

[24] People of the Philippines v. Marianito Monteron y Pantoras, G.R. No. 130709, March 6, 2002.

[25] People of the Philippines v. Alfredo Pangilinan y Trinidad, G.R. No. 171020, March 14, 2007.

[26] John Joseph Lumanlaw y Bulinao v. Hon. Eduardo B. Peralta, Jr., G.R. No. 164953, February 13, 2006.

[27] People of the Philippines v. Mario K. Espinosa, G.R. Nos. 153714-20, August 15, 2003.

[28] Rollo, pp. 914-928.

[29] Rollo, pp. 910-913.

[30] Rollo, pp. 37-38.

[31] Rollo, pp. 56-58.

[32] Rollo, pp. 74-77.

[33] Rollo, pp. 68-73.

[34] Jose C. Miranda v. Virgilio M. Tuliao, G.R. No. 158763, March 31, 2006.

[35] Dante L. Jimenez v. Hon. Edwin Sorongon, G.R. No. 178607, December 5, 2012.

[36] Rollo, p. 905.

[37] Rollo, p. 907.

[38] Rollo, p. 8855

[39] People of the Philippines v. Sevilla Delos Reyes y Lantican, G.R. No. 181039, January 31, 2011.

[40] Ronnie H. Lumayna v. Commission on Audit, G.R. No. 185001, September 25, 2009.

[41] Anuncio C. Bustillo v. People of the Philippines, G.R. No. 160718, May 12, 2010.

[42] Rollo, p. 108, TSN, June 1, 2011, p.31

[43] Hypte R. Aujero v. Philippine Communications Satellite Corporation, G.R. No. 193484, January 18, 2012.

[44] Ceferina Lopez Tan v. Spouses Apolinar P. Antazo and Genoveva O. Antazo, G.R. No. 187208, February 23, 2011.

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