

## THIRD DIVISION

[ G.R. No. 247982, April 28, 2021 ]

**EDUARDO M. COJUANGCO, JR., \* PETITIONER, VS.  
SANDIGANBAYAN AND THE PRESIDENTIAL COMMISSION ON  
GOOD GOVERNMENT (PCGG), RESPONDENTS.**

### DECISION

**DELOS SANTOS, J.:**

Before the Court is a Petition for Prohibition<sup>[1]</sup> under Rule 65 of the Rules of Court which seeks to enjoin the Sandiganbayan from further exercising jurisdiction over Civil Case Nos. 0033-B, 0033-C, 0033-D, 0033-E, 0033-G; and 0033-H, involving complaints for recovery of ill-gotten wealth filed by respondent Presidential Commission on Good Government (PCGG) against petitioner Eduardo M. Cojuangco, Jr. (petitioner) and other defendants, and for the Court to order the dismissal of the aforesaid cases on the reason that the Sandiganbayan has unjustly allowed the same to be pending for more than 32 years without commencing trial proper and without exerting any effort to dispose them, in violation of petitioner's constitutional rights to due process and speedy disposition of cases.

#### Antecedents

On February 28, 1986, then President Corazon C. Aquino issued Executive Order (E.O.) No. 1,<sup>[2]</sup> creating the PCGG which was tasked, among others, of assisting the President in the recovery of all ill-gotten wealth accumulated by former President Ferdinand E. Marcos (former President Marcos), his immediate family, relatives, subordinates, and close associates. In E.O. No. 2,<sup>[3]</sup> dated March 12, 1986, PCGG has likewise been primarily charged with the responsibility of recovering the assets and properties illegally acquired or misappropriated by former President Marcos and/or Imelda R. Marcos, their close relatives, subordinates, business associates, dummies, agents, or nominees. The jurisdiction to try and decide "ill-gotten wealth" cases of former President Marcos and of the other cases under E.O. No. 1 and E.O. No. 2 was vested in the Sandiganbayan under E.O. No. 14,<sup>[4]</sup> as amended by E.O. No. 14-A.<sup>[5]</sup> Section 2 of E.O. No. 14 provides that the PCGG shall file all such cases, whether civil or criminal, with the Sandiganbayan, which shall have exclusive and original jurisdiction thereof.<sup>[6]</sup> Said jurisdiction remained with the Sandiganbayan even after the passing and effectivity of Republic Act (R.A.) No. 7975<sup>[7]</sup> and R.A. No. 8249.<sup>[8]</sup>

On July 31, 1987, the PCGG, on behalf of the Republic of the Philippines (Republic), instituted before the Sandiganbayan Civil Case No. 0033 against petitioner, allegedly a close associate of former President Marcos, and other defendants for the recovery of ill-gotten wealth under E.O. No. 1. The complaint filed in 1987 was amended three times, the latest of which was on August 23, 1991.

In a Resolution dated March 24, 1999, the Sandiganbayan allowed the subdivision of the complaint into eight complaints,<sup>[9]</sup> to wit:

Case No.	Subject Matter
Civil Case No. 0033-A	Anomalous Purchase and Use of First United Bank (now United Coconut Planters Bank)
Civil Case No. 0033-B	Creation of Companies Out of Coco Levy Funds
Civil Case No. 0033-C	Creation and Operation of Bugsuk Project and Award of P998 Million Damages to Agricultural Investors, Inc.
Civil Case No. 0033-D	Disadvantageous Purchases and Settlement of the Accounts of Oil Mills Out of Coco Levy Funds
Civil Case No. 0033-E	Unlawful Disbursement and Dissipation of Coco Levy Funds
Civil Case No. 0033-F	Acquisition of SMC shares of stock
Civil Case No. 0033-G	Acquisition of Pepsi-Cola
Civil Case No. 0033-H	Behest Loans and Contracts

Of the eight subdivided cases mentioned above, petitioner alleged that Civil Case Nos. 0033-A and 0033-F have been fully resolved insofar as he is concerned. Accordingly, the subject of his petition are the six cases: Civil Case Nos. 0033-B, 0033-C, 0033-D, 0033-E, 0033-G, and 0033-H (subject cases). Relevant thereto, the following are the stages and the timeline in subject cases since the partition of Civil Case No. 0033, starting from the filing of the PCGG's subdivided complaints, to wit:<sup>[10]</sup>

Case No.	Complaint	Petitioner's Answer	PCGG Pre-Trial Brief	Petitioner's Pre-Trial Brief	Termination/Suspension/Last Incident in the Pre-Trial
0033-B	February 28, 1995	June 23, 1999	June 9, 2000	February 11, 2000	May 21, 2001
0033-C	April 28, 1995	July 5, 1999	July 31, 2000	February 28, 2000	August 9, 2000
0033-D	May 12, 1995	June 23, 1999	June 23, 2000	February 17, 2000	July 5, 2000
0033-E	February 28, 1995	June 23, 1999	July 24, 2000	March 8, 2000	October 27, 2000
0033-G	May 12, 1995	June 23, 1999	January 16, 2004	March 8, 2000	September 30, 2003
0033-H	February 27, 1995	July 5, 1999	July 28, 2000	March 10, 2000	June 1, 2001

Subsequently, the respective pre-trial hearings in Civil Case Nos. 0033-C (in 2000), 0033-D (in 2000), and 0033-E (in 2003) were terminated. Meanwhile, while pre-trial

hearings were being conducted in the other cases, the PCGG filed, on various dates, motions for partial summary judgment and/or judgment on the pleadings, in all of the subject cases except in Civil Case No. 0033-H. As a result, pre-trial hearings were halted and the proceedings were directed towards the resolution of the aforesaid motions. The timeline of this incident, including the pertinent Resolutions of the Sandiganbayan, is as follows:<sup>[11]</sup>

Case No.	Motion for Partial Summary Judgment/Judgment on the Pleadings	Sandiganbayan Resolutions	
0033-B	September 8, 2002	June 2, 2016	DENIED
0033-C	October 31, 2013	September 10, 2016	DENIED
0033-D	October 9, 2002	June 2, 2016	DENIED
0033-E	January 25, 2006	June 17, 2011	DENIED
0033-G	January 16, 2004	January 23, 2006	DENIED
0033-H	None	None	None

Relatedly, as early as 2003, petitioner raised the issue of delay in the proceedings of the cases against him, particularly the fact that trial has not yet commenced therein. In his oppositions to PCGG's motions for partial summary judgment and/or judgment on the pleadings, petitioner emphasized that the cases against him have been pending since 1987 yet trial has not commenced. Thus, petitioner prayed that rather dealing further with PCGG's motions for partial judgment on the pleadings and/or partial summary judgment, the subject cases should be scheduled for trial.<sup>[12]</sup>

Sometime in 2013, petitioner reached out to PCGG reminding it of his right to speedy disposition of cases. While initially agreeing to proceed to trial, the PCGG retracted, explaining that to go directly to trial and to dispense with the filing of interlocutory motions are not in the best interest of the Republic.<sup>[13]</sup> Thus, instead of proceeding to trial and to present evidence, the PCGG filed separate motions for reconsideration on the denial of its motions for partial summary judgment and/or judgment on the pleadings. In response, petitioner reiterated the issue on delay and on his right to speedy disposition of cases in his opposition to PCGG's aforesaid motions for reconsideration.<sup>[14]</sup> The following is the timeline of the said incident, including the relevant Sandiganbayan Resolutions:<sup>[15]</sup>

Case No.	Motion for Reconsideration (Re: Motions for Partial Judgment and/or Judgment on the Pleadings)	Sandiganbayan Resolution	
0033-B	July 8, 2016	May 9, 2017	DENIED
0033-C	October 20, 2015	March 8, 2016	DENIED
0033-D	July 4, 2016	May 9, 2017	DENIED

0033-E	July 18, 2011	July 20, 2012	DENIED
0033-G	February 10, 2006	December 8, 2008	DENIED
0033-H	None	None	None

On the other hand, petitioner filed motions to dismiss the subject cases, except in Civil Case No. 0033-G, on the ground of violation of his constitutional rights to due process and speedy disposition of cases. The same, however, were invariably denied by the Sandiganbayan.<sup>[16]</sup> The timeline of this incident is as follows:<sup>[17]</sup>

Case No.	Motion to Dismiss	Sandiganbayan Resolutions	
0033-B	April 30, 2015	April 18, 2017	DENIED
0033-C	April 30, 2015	Unresolved	-
0033-D	April 30, 2015	April 18, 2017	DENIED
0033-E	February 3, 2013	June 2, 2014	DENIED
0033-G	None	None	-
0033-H	April 30, 2015	April 18, 2017	DENIED

Despite the Resolutions of the Sandiganbayan denying the PCGG's Motions for Partial Summary Judgment and/or Judgment on the Pleadings and petitioner's motions to dismiss, no significant movement in the subject cases took place. In particular, trial proper in the subject cases never commenced.

On February 2, 2018, petitioner filed a manifestation and motion to include the subject cases in the court calendar of the Sandiganbayan. The same, however, were not acted upon by the Sandiganbayan.<sup>[18]</sup> Accordingly, the subject cases remained idle and trial therein never commenced.

Frustrated of the fact that trial proper in the subject cases never commenced and of the slow or total absence of significant progress in the proceedings in the subject cases, petitioner filed the instant Petition for Prohibition on July 18, 2019, anchored on the following grounds:

- I. THE SANDIGANBAYAN ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION WHEN IT ALLOWED THE SUBJECT CASES TO BE PENDING FOR MORE THAN 32 YEARS AND MUST NOW BE PROHIBITED FROM ACTING ON THE SUBJECT CASES.
- II. THE COURT IS DUTY-BOUND TO DISMISS THE SUBJECT CASES FOR VIOLATION OF PETITIONER'S CONSTITUTIONAL RIGHTS TO DUE PROCESS AND SPEEDY DISPOSITION OF CASES.

Petitioner argues that he availed the proper remedy of Petition for Prohibition in asking the Court to prohibit the Sandiganbayan from acting on the subject cases, and that all the requisites for the issuance of a writ of prohibition are present in this case, namely: (a) it must be directed against a tribunal, corporation, board or person exercising judicial and ministerial functions; (b) the tribunal, corporation, board, or person has acted without or in excess of its jurisdiction, or with grave abuse of discretion; and (c) there is no appeal or any other plain, speedy, and adequate remedy in the ordinary course of law.<sup>[19]</sup> Petitioner further contends that

when all the factors in determining the violation of his right to speedy disposition of cases are balanced and considered, there can be no other conclusion in that the Sandiganbayan is guilty of violating his aforesaid right. In particular, petitioner highlighted the following circumstances: the length of delay of more than 32 years without trial proper; no justifiable reason in not allowing any of the subject cases to proceed to trial or at least include the same in the Sandiganbayan calendar for trial despite petitioner's demand for trial and despite invoking his right to speedy disposition of cases at the earliest opportunity; the prejudice caused by the delay - difficulty in preparing his defense, *i.e.*, witnesses and handling lawyers of petitioner may no longer be available; and financial losses from the properties that have been subject of sequestration.<sup>[20]</sup>

On the other hand, the PCGG filed its Comment<sup>[21]</sup> on February 13, 2020. It posits that the instant petition was filed out of time, explaining that the issues raised therein are essentially the same ones raised by petitioner in his motions to dismiss filed before the Sandiganbayan which had already been denied in the Resolutions which were not subject of any motion for reconsideration of an appeal to the Court. The instant petition, according to the PCGG, is a belated attempt to question the denial of petitioner's motions to dismiss and to cover-up his failure to file a motion for reconsideration or an appeal. As such, the PCGG maintains that the instant Petition for Prohibition should not be granted. Otherwise, the Court would be amending or modifying the resolutions of the Sandiganbayan which had long become final.<sup>[22]</sup> Also, by filing the present petition, petitioner is guilty of forum shopping as his motion to dismiss, on the same ground of violation of petitioner's constitutional right to speedy disposition of cases, filed in Civil Case No. 0033-C is still pending resolution by the Sandiganbayan.<sup>[23]</sup>

As to the main issue in the present petition, the PCGG asserts that the elements necessary to place petitioner in a situation where his right to speedy disposition of his cases may have been violated are not present in this case. The PCGG claims that aside from failing to seasonably assert his right to a speedy disposition of his case, petitioner has not presented any concrete proof that the proceedings before the Sandiganbayan have been marred by vexatious, capricious, and oppressive delays or unjustified postponements of the trial. The PCGG also blames petitioner's act of filing dilatory motions to dismiss which caused the delay in the proceedings before the Sandiganbayan. With the aforesaid factors and with the complexity of the issues coupled with the voluminous records in the subject cases, the PCGG avers that the Sandiganbayan should be afforded reasonable time to hear and decide said cases.<sup>[24]</sup> Anent the non-inclusion of the subject cases in the calendar of the Sandiganbayan, the PCGG contends that the same is only consistent with the principle of judicial courtesy, noting that there are pending petitions for *certiorari* filed by the Republic/PCGG before the Court relating to the denial of its motions for summary judgment. It explains that the resolution in the said *certiorari* petitions will be rendered moot if the Sandiganbayan will proceed with the trial of the subject cases.<sup>[25]</sup>

In his Reply<sup>[26]</sup> filed on March 13, 2020, petitioner rebuts the argument of the PCGG that the present petition cannot be used to modify or amend the Sandiganbayan Resolutions denying his motion to dismiss. He explains that said Resolutions are interlocutory orders which do not become final and may be modified any time.<sup>[27]</sup>