

## FIRST DIVISION

[ G.R. No. 188881, April 21, 2014 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS.  
SANDIGANBAYAN, BIENVENIDO R. TANTOCO, JR., DOMINADOR  
R. SANTIAGO, FERDINAND E. MARCOS, IMELDA MARCOS,  
BIENVENIDO R. TANTOCO, SR., GLICERIA R. TANTOCO, AND  
MARIA LOURDES TANTOCO-PINEDA, RESPONDENTS.**

### D E C I S I O N

**SERENO, C.J.:**

This Petition for Certiorari under Rule 65 of the Rules of Court seeks to nullify the Sandiganbayan Resolution dated 3 June 2009 in Civil Case No. 0008.<sup>[1]</sup> The Second Division of the graft court denied admission of Exhibits "MMM" to "AAAAAAA" in the Formal Offer of Evidence filed by petitioner Republic.<sup>[2]</sup>

Twenty four years ago, the Republic, through the Presidential Commission on Good Government (PCGG), commenced a complaint<sup>[3]</sup> for "reconveyance, reversion, accounting, restitution and damages" against Bienvenido R. Tantoco, Jr. (Tantoco), Dominador R. Santiago (Santiago), Ferdinand E. Marcos, Imelda, R. Marcos, Bienvenido R. Tantoco, Sr., Glicería R. Tantoco, and Maria Lourdes Tantoco-Pineda. Instead of filing an Answer, respondents Tantoco and Santiago filed a "Motion To Strike Out Some Portions of the Complaint and For Bill of Particulars," which were both denied for lack of bases.

On 27 July 1989, Tantoco and Santiago filed with the Sandiganbayan a pleading denominated "Interrogatories to Plaintiff." A month later, they filed both an "Amended Interrogatories to Plaintiff" and a Motion for Production and Inspection of Documents. This time, the Sandiganbayan admitted the Amended Interrogatories and granted the Motion for Production and Inspection of Documents. When the PCGG elevated the issue to the Supreme Court, this Court, through then Justice Andres R. Narvasa, affirmed the Orders of the Sandiganbayan in this wise:

The Court finally finds that, contrary to the petitioner's theory, there is good cause for the production and inspection of the documents subject of the motion dated August 3, 1989. Some of the documents are, according to the verification of the amended complaint, the basis of several of the material allegations of said complaint. Others, admittedly, are to be used in evidence by the plaintiff. It is matters such as these into which inquiry is precisely allowed by the rules of discovery, to the end that the parties may adequately prepare for pre-trial and trial. xxx.

x x x x

WHEREFORE, the petition is DENIED, without pronouncement as to costs. The temporary restraining order issued on October 27, 1989 is hereby LIFTED AND SET ASIDE. SO ORDERED.<sup>[4]</sup>

Pre-trial commenced, and from 3 January to 14 July 1993, the PCGG produced documents pre-marked as Exhibit "A" to "LLL" before Atty. Renato T. Bocar and respondents' counsel.<sup>[5]</sup> On 10 September 1996, the pre-trial was declared closed.<sup>[6]</sup> On 23 and 25 September 1996, the temporary markings of Exhibits "A" to "LLL," together with their sub-markings, were adopted. *However, over the objections of respondents Tantoco and Santiago, the PCGG produced and caused the pre-marking of additional documents, Exhibits "MMM" to "AAAAAAA."*<sup>[7]</sup>

Tantoco and Santiago filed a "Motion under Rule 29 of the Rules of Court," claiming that the additional documents were never produced at the discovery proceedings and praying that petitioner be sanctioned for contempt. The Sandiganbayan denied the motion on 17 February 1997 (First Resolution).<sup>[8]</sup> Trial proceeded; however, new documents not shown at discovery were still being marked. Tantoco and Santiago again filed a "Motion to Ban Plaintiff From Offering Exhibits Not Earlier Marked During the Discovery Proceedings," which the graft court denied on 29 May 2002.<sup>[9]</sup>

Petitioner filed its Formal Offer of Evidence on 16 March 2007.<sup>[10]</sup> On 15 January 2008, the Sandiganbayan ruled that with the exception of some documents,<sup>[11]</sup> "all Exhibits... are denied admission. The due execution and authenticity of these documents remain challenged since the prosecution failed to show otherwise."<sup>[12]</sup> On petitioners' Motion for Reconsideration, the Sandiganbayan partly relented and admitted Exhibits "MMM" to "AAAAAAA" (Second Resolution).<sup>[13]</sup> As certified to by the Chief Administrative Officer of the PCGG,<sup>[14]</sup> Exhibits "MMM" to "AAAAAAA" were turned over to its Legal Division and include the following:

Exh. MMM	Memorandum for Hon. Teodoro Pena, signed by Juan C. Tuvera	Xerox
NNN	Undated handwritten letter purportedly written by Glecy R. Tantoco	No remarks whether original or photocopy
OOO	Letter to Ferdinand E. Marcos from Bienvenido Tantoco with handwritten marginal note dated 8 May 1982	No remarks whether original or photocopy
PPP	Undated letter to "Mam" from "Glecy"	Xerox
QQQ	(missing)	(missing)
RRR	Proclamation No. 50 dated Dec. 15, 1986, signed by Pres. Corazon Aquino	From APT
RRR	Complaint filed by RP thru Asset Privatization Trust (APT) against	Xerox

	Rustan Investment & Management Corporation	
SSS	Administrative Order No. 14 dated Feb. 3, 1987 signed by Pres. Corazon Aquino	From APT
SSS	Answer with Compulsory Counterclaim filed by Rustan Investment & Management Corporation	Xerox
TTT	Contract dated Feb. 27, 1987 by and between RP and DEBP	No remarks whether original or photocopy
TTT	Order- Civil Case No. 89-5268, RP v. Rustan Investment	From APT
UUU	Order- Civil Case No. 89-5268, RP v. Rustan Investment	From APT
VVV	(missing)	(missing)
WWW	Eastern Inspection Bureau for Phil. Eagle Mines, Inc. dated Oct. 18, 1989	From APT
XXX	Letter dated Dec. 20, 1990 for Asset Privatization Trust from Dominador R. Santiago	Xerox
YYY- YYY-22	Articles of Incorporation of Rustan Investment & Management Corp. dated Feb. 21, 1966	Xerox
YYY-23-YYY-33	Certificate of Filing of Amended Articles of Incorporation dated Nov. 20, 1981	Xerox
ZZZ	NBI Questioned Documents Report No. 729-1101 dated Jan. 21, 2002	Original
AAAA-1	Undated, handwritten note signed by Ferdinand Marcos	Malacañang Lib
AAAA-2	Memo for the Pres. Dated 23 Jul 79 with handwritten markings	Malacañang Lib
AAAA-3	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-4	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-5	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-6	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib

AAAA-7	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-8-11	Handwritten note dated Dec. 28, 1978 Office of the President stationery paper	Malacañang Lib
AAAA-12-17	Handwritten note Office of the President stationery paper	Malacañang Lib
AAAA-18	Handwritten note dated Jan. 7, 1978 Office of the President stationery paper	Malacañang Lib
AAAA-19-25	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-27-29	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-30-34	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
AAAA-35-41	Handwritten note Office of the President stationery paper (undated)	Malacañang Lib
BBBB-1a-1b	Microfilm of "Questioned" documents	No remarks whether original or photocopy
BBBB-2-7	Microfilm of "Questioned" documents	No remarks whether original or photocopy
BBBB-8-12	Microfilm of "Questioned" documents	No remarks whether original or photocopy
BBBB-13-20	Microfilm of "Questioned" documents	No remarks whether original or photocopy
BBBB-21-28	Microfilm of "Questioned" documents	No remarks whether original or photocopy
BBBB-29-33	Microfilm of "Questioned" documents	No remarks whether original or photocopy
CCCC-1-11	Executive Summary of Phil. Eagle Mines, Inc.	Xerox
DDDD-1-28	SEC Records of Phil. Eagle Mines, Inc.	Xerox
EEEE-1-13	TSN – Evelyn Singson	Xerox
FFFF-1-13	Affidavit of Evelyn R. Singson dated Aug. 18, 1986	Xerox
GGGG-1-6	SBTC (Security Bank and Trust	PCGG Lib

	Company) bank documents/ credit ticket/ certificate of deposit/telegraphic transfer/ telex/ money transfer	
HHHH-1-9	SBTC debit tickets/ transmittal documents/ telexes	PCGG Lib
IIII-1-5	SBTC debit tickets/ telexes/ wire transfers	PCGG Lib
JJJJ-1-7	SBTC debit tickets/ wire transfers/ telexes/ transmittal letters	PCGG Lib
KKKK-1-4	SBTC debit tickets/ transmittal documents/ Irving Trust documents	PCGG Lib
LLLL-1-4	SBTC debit tickets/ transmittal documents/ Irving Trust documents	PCGG Lib
MMMM-1-3	SBTC debit tickets/ transmittal documents/ Irving Trust documents	PCGG Lib
NNNN-1-3	SBTC debit tickets/ transmittal documents/ Irving Trust documents	PCGG Lib
OOOO-1-6	SBTC debit tickets/ transmittal documents/ Irving Trust documents	PCGG Lib
PPPP-1-2	SBTC money transfers/ telex	PCGG Lib
QQQQ-1-2	SBTC money transfers/ telex	PCGG Lib
RRRR-1-2	SBTC debit tickets/ money transfers/ telex	PCGG Lib
SSSS- SSSS-2	SBTC debit tickets/ money transfer/ Irving Trust documents	PCGG Lib
TTTT-1-4	SBTC debit tickets/ money transfer/ telex/ Irving Trust documents	PCGG Lib
UUUU-1-4	SBTC debit tickets/ money transfer/ telex/ Irving Trust documents	PCGG Lib
VVVV-1-5	SBTC debit tickets/ money transfer/ telegraphic transfer/ Irving Trust documents	PCGG Lib
WWWW-1-3	SBTC debit tickets/ telex/ Irving Trust documents	PCGG Lib
XXXX-1-5	SBTC debit tickets/ money transfer/ telegraphic transfer/ Irving Trust documents	PCGG Lib
YYYY-1-3	SBTC debit tickets/ money transfer/ Irving Trust	PCGG Lib