

## THIRD DIVISION

[ G.R. No. 145255, March 30, 2004 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. EDMUNDO L. TAN & THE HONORABLE SANDIGANBAYAN (FIFTH DIVISION), RESPONDENTS.**

### DECISION

**CARPIO MORALES, J.:**

Via a petition for certiorari, the Republic of the Philippines (petitioner) seeks to annul the Resolution dated September 22, 1999<sup>[1]</sup> (promulgated on October 1, 1999) and another dated August 31, 2000<sup>[2]</sup> (promulgated on September 13, 2000) of the Sandiganbayan in SB No. 0145, "*Republic of the Philippines v. Eduardo M. Cojuangco, et al.*," which granted private respondent Edmundo L. Tan's motion for reconsideration and ordered his exclusion as party-defendant in said case, citing *Regala v. Sandiganbayan*.<sup>[3]</sup>

Petitioner filed on April 29, 1992 with the Sandiganbayan a complaint for annulment of contract and reconveyance, accounting, damages and forfeiture against several individuals including private respondent. The case was docketed as SB No. 0145. The allegations in the complaint pertinent to private respondent is hereinbelow quoted *verbatim*:

10. Defendants named hereunder acted as subordinates, dummies, agents, and/or nominees of defendants Eduardo M. Cojuangco, Jr and the Heirs of Eduardo Cojuangco, Sr. and Ernesto Oppen, Jr. by allowing themselves to be named incorporators, stockholders, directors and/or corporate officers of defendant-corporations abovementioned.

Private defendants aboverreferred (*sic*) to may be served with summons and other court processes at the addresses stated hereunder:

Names:	Addresses:
a) ANTONIO C. CARAG	c/o Southern Textile Mills, Inc. 16 <sup>th</sup> Flr., Gammon Center 126 Alfonso Street Salcedo Village, Makati Metro Manila
b) ELEAZAR B. REYES	Aero Park Better Living Subdv. Paranaque, M.M.

- c) ARMANDO Q. ONGSIAKO 94 Segundo Street  
Gatchalian Subdv  
Sucat Rd., Paranaque  
Metro Manila
- d) FLAVIO P. GUTIERREZ 27 Gloria Street  
B.F. Homes, Almanza  
Las Pinas, M.M.
- e) **EDMUNDO L. TAN** 65 A. Zobel Street  
B.F. Homes, Paranaque  
Metro Manila
- f) EUSEBIO V. TAN 40 Fisher Avenue  
Pasay City, M.M.<sup>[4]</sup>  
(Emphasis and underscoring  
supplied)

Motions to dismiss the complaint were filed by Gutierrez and Eusebio Tan, Cojuangco and Ongsiako on September 28, 1992,<sup>[5]</sup> October 7, 1992,<sup>[6]</sup> and December 5, 1992,<sup>[7]</sup> respectively, while Estrella, in his manifestation filed on October 14, 1992,<sup>[8]</sup> adopted the motion to dismiss of Cojuangco.

On October 19, 1992, private respondent filed a motion for bill of particulars<sup>[9]</sup> to which petitioner filed on December 1, 1992 a manifestation by way of opposition and comment.<sup>[10]</sup>

On July 21, 1998, private respondent filed a motion for exclusion as party-defendant,<sup>[11]</sup> maintaining that his participation in the acts charged was "in furtherance of legitimate lawyering in line with his work as an associate of ACCRA Law Firm at the time [said] acts charged were supposed to have been committed by his co-defendants," and that this Court's ruling in *Regala v. Sandiganbayan*, upon which the Sandiganbayan anchored its Resolution ordering his exclusion as party-defendant, is applicable in light of the similarity between the factual circumstances of his supposed involvement and those of the petitioners in *Regala*.

On August 19, 1998, petitioner filed a manifestation and motion<sup>[12]</sup> praying that the Sandiganbayan direct private respondent to furnish petitioner with documents supporting his claim that the acts of which he was charged were done pursuant to a legitimate exercise of his profession.

Private respondent failed to comment on petitioner's manifestation and motion, prompting the Sandiganbayan to, by Resolution of November 18, 1998,<sup>[13]</sup> grant the motion and accordingly direct private respondent to furnish petitioner within ten days from receipt of said resolution any document to support his claim that the acts of which he was being charged were committed in the legitimate exercise of the legal profession.

Private respondent filed on December 2, 1998 a motion for reconsideration<sup>[14]</sup> of

the Sandiganbayan November 18, 1998 Resolution, arguing that to compel him to produce the required documents would be contrary to the ruling in *Regala*. To the motion petitioner filed its opposition<sup>[15]</sup> on January 22, 1999.

On October 1, 1999, the Sandiganbayan, by Resolution of September 22, 1999, granted private respondent's motion for reconsideration, citing *Regala* in support thereof. Petitioner filed a motion for reconsideration<sup>[16]</sup> of the said resolution which the Sandiganbayan denied by Resolution of August 31, 2000 (promulgated on September 13, 2000),<sup>[17]</sup> hence, the present petition for certiorari under Rule 65, petitioner imputing grave abuse of discretion to the Sandiganbayan, *viz*:

THE HONORABLE SANDIGANBAYAN (FIFTH DIVISION) ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF (sic) EXCESS OF JURISDICTION IN RULING THAT "THE FACTUAL ANTECEDENTS IN THE PRESENT CASE ARE ON ALL FOURS WITH THOSE OF *REGALA, ET AL. V. SANDIGANBAYAN AND HAYUDINI V. SANDIGANBAYAN*" AND CONSEQUENTLY, IN RULING THAT PRIVATE RESPONDENT MAY NOT BE COMPELLED TO FURNISH PETITIONER "DOCUMENTS SHOWING THAT THE ACTS FOR WHICH HE WAS CHARGED ARE IN FURTHERANCE OF LEGITIMATE LAWYERING," AND THAT PRIVATE RESPONDENT IS EXCLUDED AS PARTY DEFENDANT IN CIVIL CASE NO. 0145.<sup>[18]</sup>

In the meantime, almost a decade after the complaint was filed, the Sandiganbayan, by Resolution of September 17, 2001,<sup>[19]</sup> granted the separate motions to dismiss filed by Cojuangco, Gutierrez and Eusebio Tan, and Ongsiako, as well as that of Conrado Estrella. Accordingly, the complaint was dismissed for **lack of jurisdiction over the subject matter**, the pertinent portions of which Resolution are hereinbelow quoted verbatim:

It is, thus, clear from the recitals of the Complaint itself that what we have here is a case for declaration of nullity, not one for recovery of ill-gotten wealth, a matter obviously within the jurisdiction of the Regional Trial Court (RTC), since it involves title to or possession of real properties. Section 19 of Batas Pambansa Bilang 129, as amended, provides, as follows:

**"Section 9. Jurisdiction in Civil Cases** – Regional Trial Courts shall exercise original jurisdiction:

xxx

(2) In all civil actions which involve title to, or possession of, real property, or any interest therein, where the assessed value of the property exceeds Twenty Thousand Pesos (P20,000.00) or, for civil actions in Metro Manila, where such value exceeds Fifty Thousand Pesos (P50,000.00) except actions for forcible entry into and unlawful detainer of lands or buildings, original jurisdiction over which is conferred upon the Metropolitan Trial Courts, Municipal Trial Courts, Municipal Circuit Trial Courts;"

The case is not within the purview of Presidential Decree No. 1606 as amended by Republic Act No. 7975 and further amended by Republic Act No. 8249, which provides that this Court shall be jurisdiction over the following cases, to wit:

**“Sec. 4 Jurisdiction** – The Sandiganbayan shall have jurisdiction over:

(a) Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, and Republic Act No. 1379 and Chapter II, Section 2, Title VII, Book II of the Revised Penal Code, where one or more of the accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

xxx            xxx            xxx

(b) Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in subsection a of this section in relation to their office

(c) Civil and criminal cases filed pursuant to and in connection with Executive Orders Nos. 1, 2, 14 and 14-A issued in 1986.

Suffice it to state that with the above ruling, there is no further need to discuss the other grounds for the various Motions to Dismiss. Even assuming *argumenti gratia* that the other grounds are not meritorious, just the same, the Complaint still has to be dismissed for lack of jurisdiction on the part of this Court.

ACCORDINGLY, the various Motions to Dismiss are GRANTED and the Complaint is hereby ordered DISMISSED without prejudice.

Resolutions on the various bill of particulars filed by various defendants have become unnecessary too.<sup>[20]</sup> (Emphasis in the original)

Aggrieved by the Sandiganbayan’s dismissal of its complaint, petitioner filed on October 9, 2001 a motion for reconsideration,<sup>[21]</sup> which the Sandiganbayan denied by Resolution of April 23, 2002.<sup>[22]</sup> Petitioner thereupon assailed the dismissal by petition for review with this Court, docketed as G.R. No. 153272, which was denied by Resolution of July 24, 2002 in this wise:

**G.R. No. 153272 (Republic of the Philippines vs. Eduardo M. Cojuangco, Jr., et al.).** – Considering the allegations, issues, and arguments adduced in the petition for review on certiorari of the resolutions of the Sandiganbayan dated September 17, 2001 and April 23, 2002, the Court Resolves to **DENY** the petition for failure of the petitioner to sufficiently show that the Sandiganbayan committed any