

## EN BANC

[ G.R. No. 152154, November 18, 2003 ]

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. HONORABLE SANDIGANBAYAN (SPECIAL FIRST DIVISION), FERDINAND E. MARCOS (REPRESENTED BY HIS ESTATE/HEIRS: IMELDA R. MARCOS, MARIA IMELDA [IMEE] MARCOS-MANOTOC, FERDINAND R. MARCOS, JR. AND IRENE MARCOS-ARANETA), AND IMELDA ROMUALDEZ MARCOS, RESPONDENTS.**

### RESOLUTION

**CORONA, J.:**

Before us are motions dated August 1, 2003, August 2, 2003 and August 25, 2003 of respondents Imelda R. Marcos, Irene Marcos-Araneta, Ma. Imelda Marcos and Ferdinand R. Marcos, Jr., respectively, seeking reconsideration of our decision dated July 15, 2003 which ordered the forfeiture in favor of the Republic of the Philippines of the Swiss deposits in escrow at the Philippine National Bank (PNB) in the estimated aggregate amount of US\$658,175,373.60 as of January 31, 2002.

Respondent Imelda Marcos, in her motion for reconsideration, asks this Court to set aside the aforesaid decision dated July 15, 2003, premised on the following grounds:

#### I

THE DECISION OF THIS HONORABLE COURT EFFECTIVELY DEPRIVED RESPONDENT OF HER CONSTITUTIONALLY ENSHRINED RIGHT TO DUE PROCESS ON THE FOLLOWING GROUNDS:

- A. FORFEITURE PROCEEDINGS UNDER R.A. 1379, IN RELATION TO THE EXECUTIVE ORDERS ARE CRIMINAL/PENAL IN NATURE, HENCE, RESPONDENT HAS ALL THE RIGHTS IN FAVOR OF THE ACCUSED UNDER THE CONSTITUTION; AND THE PROSECUTION HAS THE BURDEN OF PROVING RESPONDENT'S GUILT BEYOND REASONABLE DOUBT.
- B. CONSIDERING THE CRIMINAL/PENAL NATURE OF THE PROCEEDINGS, THE DENIALS RAISED BY RESPONDENT IN HER ANSWER WERE SUFFICIENT TO TRAVERSE THE ALLEGATIONS IN THE PETITION FOR FORFEITURE.
- C. THE PROSECUTION HAD FAILED TO ESTABLISH EVEN A PRIMA FACIE CASE AGAINST RESPONDENT, MUCH LESS PROVEN ITS CASE FOR FORFEITURE BEYOND REASONABLE DOUBT.

D. EVEN ASSUMING THAT THE PROSECUTION WAS ABLE TO ESTABLISH A PRIMA FACIE CASE, A SUMMARY JUDGMENT CANNOT BE RENDERED IN FORFEITURE PROCEEDINGS. RESPONDENT HAS THE RIGHT TO BE GIVEN THE OPPORTUNITY TO OVERTHROW THE DISPUTABLE PRESUMPTION.

E. THE FACTUAL FINDING THAT THE FOUNDATIONS INVOLVED IN THE INSTANT FORFEITURE PROCEEDINGS ARE CONSIDERED BUSINESSES, AND WERE MANAGED BY RESPONDENT TOGETHER WITH HER LATE HUSBAND, WILL PERNICIOUSLY AFFECT THE CRIMINAL PROCEEDINGS FILED BY THE REPUBLIC AGAINST RESPONDENT.

## II

THE DECISION OF THE SUPREME COURT, WHICH IMPROPERLY CONVERTED THE SPECIAL CIVIL ACTION INTO A REGULAR APPEAL, DIVESTED RESPONDENT OF HER RIGHT TO APPEAL THE CASE ON THE MERITS, THEREBY DEPRIVING HER OF DUE PROCESS.

A. THE RESOLUTION DATED 31 JANUARY 2002 RAISED BEFORE THIS HONORABLE COURT ON A PETITION FOR CERTIORARI, WAS OBVIOUSLY A MERE INTERLOCUTORY ORDER. THE DECISION OF THIS HONORABLE COURT SHOULD NOT HAVE DELVED ON THE MERITS OF THE CASE, IN DIRECT VIOLATION OF RESPONDENTS' RIGHT TO APPEAL, WHICH IS EXPRESSLY CONFERRED BY THE RULES.

Respondent Imelda Marcos further alleges that our July 15, 2003 decision will prejudice the criminal cases filed against her.

Respondents Ferdinand, Jr. and Imee Marcos also pray that the said decision be set aside and the case be remanded to the Sandiganbayan to give petitioner Republic the opportunity to present witnesses and documents and to afford respondent Marcoses the chance to present controverting evidence, based on the following:

## I

THE LETTER AND INTENT OF RA 1379 FORBID/PRECLUDE SUMMARY JUDGMENT AS THE PROCESS TO DECIDE FORFEITURE UNDER RA 1379. THUS, IT PROVIDES FOR SPECIFIC JURISDICTIONAL ALLEGATIONS IN THE PETITION AND MANDATES A WELL-DEFINED PROCEDURE TO BE STRICTLY OBSERVED BEFORE FORFEITURE JUDGMENT MAY BE RENDERED.

## II

SUMMARY JUDGMENT IN THE DECISION UNDER RECONSIDERATION DIMINISHES/MODIFIES OR REPEALS VIA JUDICIAL LEGISLATION SUBSTANTIVE RIGHTS OF RESPONDENTS GRANTED AND GUARANTEED BY RA 1379 AND IS THEREFORE UNCONSTITUTIONAL.

## III

THE DECISION IS CONSTITUTIONALLY INVALID FOR FAILURE TO EXPRESS CLEARLY AND DISTINCTLY THE TRUE/GENUINE STATEMENT OF FACTS (ADDUCED AFTER TRIAL/ PRESENTATION OF EVIDENCE) ON WHICH IT IS BASED.

IV

THE LAW(S) ON WHICH THE DECISION IS BASED IS/ARE NOT APPLICABLE/PROPER AND/OR ARE FORCEFULLY STRAINED TO JUSTIFY THE UNWARRANTED CONCLUSIONS REACHED, VIOLATIVE OF CONSTITUTIONAL AND STATUTORY INJUNCTIONS.

V

THERE BEING A DEPRIVATION OF DUE PROCESS, THE COURT AXIOMATICALLY OUSTED ITSELF OF JURISDICTION. HENCE, THE DECISION IS VOID.

VI

ASSUMING SUMMARY JUDGMENT IS APPLICABLE AND PROPER, IT IS NOT WARRANTED UNDER THE PREMISES.

VII

ASSUMING THAT A SUMMARY JUDGMENT IS PROPER, THE AVERMENTS OF THE PETITION FORFEITURE ARE INCOMPLETE AND INCONCLUSIVE TO COMPLY WITH THE REQUISITE IMPERATIVES. JUDGMENT VIOLATES THE CONDITIONS SINE QUA NON TO BE OBSERVED TO RENDER A VALID DECISION OF FORFEITURE UNDER RA 1379.

VIII

THE STATEMENT OF OPERATIVE FACTS/FACTUAL NARRATION AS WELL AS THE CONCLUSIONS REACHED IN THE DECISION ARE CONTRADICTED OR REFUTED BY THE PLEADINGS OF THE PARTIES, THE JUDICIAL ADMISSIONS OF PETITIONER, THE PROCEEDINGS BEFORE SANDIGANBAYAN AND THE ORDERS ISSUED.

Respondent Irene Araneta, in her motion for reconsideration, merely reiterates the arguments previously raised in the pleadings she filed in this Court and prays that the Court's decision dated July 15, 2003 be set aside.

In its consolidated comment dated September 29, 2003, the Office of the Solicitor General argues that:

I

THE MOTIONS FOR RECONSIDERATION DO NOT RAISE ANY NEW MATTER AND WERE FILED MANIFESTLY TO DELAY THE EXECUTION OF THE

DECISION DATED JULY 15, 2003.

II

SUMMARY JUDGMENT IS APPLICABLE TO A PETITION FOR FORFEITURE, AS LONG AS THERE IS NO GENUINE FACTUAL ISSUE WHICH WOULD CALL FOR TRIAL ON THE MERITS.

III

THE DECISION DATED JULY 15, 2003 OF THIS HONORABLE COURT CLEARLY EXPRESSED THE FACTS ON WHICH IT IS BASED, MOST OF WHICH WERE ADMITTED BY PRIVATE RESPONDENTS IN THEIR PLEADINGS SUBMITTED TO THE SANDIGANBAYAN AND IN THE COURSE OF THE PROCEEDINGS.

IV

CERTIORARI IS THE APPROPRIATE AND SPEEDY REMEDY OF PETITIONER REPUBLIC, GIVEN THE GRAVE ABUSE OF DISCRETION COMMITTED BY RESPONDENT SANDIGANBAYAN IN TOTALLY REVERSING ITS OWN DECISION DATED SEPTEMBER 19, 2000 AND IN ISSUING THE SUBJECT RESOLUTION DATED JANUARY 31, 2002, AND CONSIDERING THAT THE CASE IS IMBUED WITH IMMENSE PUBLIC INTEREST, PUBLIC POLICY AND DEEP HISTORICAL REPERCUSSIONS.

V

A FORFEITURE PROCEEDING UNDER REPUBLIC ACT NO. 1379 IS CIVIL AND NOT CRIMINAL IN NATURE.

VI

THE DECISION DATED JULY 15, 2003 OF THIS HONORABLE COURT WILL NOT PREJUDICE THE CRIMINAL ACTIONS FILED AGAINST RESPONDENT IMELDA R. MARCOS FOR VIOLATION OF THE ANTI- GRAFT AND CORRUPT PRACTICES ACT.

On October 6, 2003, respondents Marcos, Jr. and Imee Marcos filed a motion for leave to file a reply to petitioner Republic's consolidated comment, which this Court granted. On October 22, 2003, they filed their reply to the consolidated comment.

As the aforequoted issues are interwoven, the Court shall discuss them together.

At the outset, we note that respondents, in their motions for reconsideration, *do not raise any new matters* for the Court to resolve. The arguments in their motions for reconsideration are mere reiterations of their contentions fully articulated in their previous pleadings, and exhaustively probed and passed upon by the Court.

**SUMMARY JUDGMENT IN FORFEITURE PROCEEDINGS**

Respondent Marcoses argue that the letter and intent of RA 1379 forbid and

preclude summary judgment as the process to decide forfeiture cases under the law. It provides for specific jurisdictional allegations in the petition and mandates a well-defined procedure to be strictly observed before a judgment of forfeiture may be rendered.

According to respondents, Section 5 of RA 1379 requires the court to set a date for hearing during which respondents shall be given ample opportunity to explain, to the satisfaction of the court, how they acquired the property. They contend that the proceedings under RA 1379 are criminal in character, thus they have all the rights of an accused under the Constitution such as the right to adduce evidence and the right to a hearing. They claim that it is petitioner which has the burden of proving respondents' guilt beyond reasonable doubt and that forfeiture of property should depend not on the weakness of their evidence but on the strength of petitioner's. Accordingly, respondents maintain that, due to the criminal nature of forfeiture proceedings, the denials raised by them were sufficient to traverse all the allegations in the petition for forfeiture.

The issue of the propriety of summary judgment was painstakingly discussed and settled in our July 15, 2003 decision:

A summary judgment is one granted upon motion of a party for an expeditious settlement of the case, it appearing from the pleadings, depositions, admissions and affidavits that there are no important questions or issues of fact posed and, therefore, the movant is entitled to a judgment as a matter of law. A motion for summary judgment is premised on the assumption that the issues presented need not be tried either because these are patently devoid of substance or that there is no genuine issue as to any pertinent fact. It is a method sanctioned by the Rules of Court for the prompt disposition of a civil action where there exists no serious controversy. Summary judgment is a procedural device for the prompt disposition of actions in which the pleadings raise only a legal issue, not a genuine issue as to any material fact.<sup>[1]</sup>

### **IS SUMMARY JUDGMENT IN FORFEITURE PROCEEDINGS A VIOLATION OF DUE PROCESS?**

The principal contention now of respondent Marcoses is limited to their argument that our aforementioned decision effectively deprived them of their constitutionally enshrined right to due process.

According to respondents, RA 1379 is penal in substance and effect, hence, they are entitled to the constitutional safeguards enjoyed by an accused. Respondents further argue that the reinstatement of the decision of the Sandiganbayan dated September 19, 2000, which ordered the forfeiture of the properties subject of the instant case by summary judgment, diminished or repealed, by judicial legislation, respondents' rights guaranteed by RA 1379 for failure to set a date for hearing to benefit respondents.

We disagree.

Due process of law has two aspects: substantive and procedural due process. In order that a particular act may not be impugned as violative of the due process