

EN BANC

[G.R. No. 138298, August 24, 2001]

RAOUL B. DEL MAR, PETITIONER, VS. PHILIPPINE AMUSEMENT AND GAMING CORPORATION, BELLE JAI-ALAI CORPORATION, FILIPINAS GAMING ENTERTAINMENT TOTALIZATOR CORPORATION, RESPONDENTS.

[G.R. NO. 138982. AUGUST 24, 2001]

FEDERICO S. SANDOVAL II AND MICHAEL T. DEFENSOR, PETITIONERS, VS. PHILIPPINE AMUSEMENT AND GAMING CORPORATION, RESPONDENT. JUAN MIGUEL ZUBIRI, INTERVENOR.

R E S O L U T I O N

VITUG, J.:

In its decision, dated 29 November 2000, the Court granted the petitions filed by Raoul B. Del Mar, Federico S. Sandoval II and Michael T. Defensor to enjoin the Philippine Amusement and Gaming Corporation (PAGCOR), Belle Jai-Alai Corporation (BELLE) and Filipinas Gaming Entertainment Totalizator Corporation (FILGAME) from operating, maintaining or managing jai-alai games and from enforcing the 17th June 1999 Agreement entered into among said respondents for that purpose.^[1]

The *ponencia* penned by Justice Reynato S. Puno, concurred in by Chief Justice Hilario G. Davide, Jr., and Justices Jose A.R. Melo, Artemio V. Panganiban, Bernardo P. Pardo, Arturo B. Buena, Minerva P. Gonzaga-Reyes and Consuelo Ynares-Santiago, enucleated that PAGCOR was bereft of any franchise to operate, maintain or manage jai-alai games whether by itself alone or in conjunction with its co-respondents. The **dissenting opinion** of Justice Sabino R. de Leon, Jr., subscribed to by Justices Josue N. Bellosillo, Santiago M. Kapunan and Leonardo A. Quisumbing, stated that PAGCOR had a valid franchise to conduct jai-alai games and had likewise the authority under that franchise to maintain, operate or manage jai-alai games through and in association with its co-respondents BELLE and FILGAME pursuant to their agreement. The **separate opinion** of Justice Jose C. Vitug, shared by Justice Vicente V. Mendoza, expressed the view that while the franchise accorded to PAGCOR was broad enough to authorize it to operate sports and gaming pools, inclusive of jai-alai, that authority, however, did not allow it to contract any part of that franchise to its co-respondents BELLE and FILGAME.

The subsequent motions for reconsideration were resolved in the Court's resolution of 19 June 2001, in this wise; *viz*: