

FIRST DIVISION

[G.R. No. 131127, November 15, 2000]

**ALFONSO T. YUCHENGCO, PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, PRESIDENTIAL COMMISSION ON GOOD
GOVERNMENT, ESTATE OF FERDINAND E. MARCOS, PRIME
HOLDINGS, INC., ESTATE OF RAMON U. COJUANGCO AND
IMELDA O. COJUANGCO, RESPONDENTS.**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

The instant Motion for Reconsideration filed by private respondents is, in the main, a reiteration of issues which have already been considered and resolved by this Court.

In the assailed Decision dated June 8, 2000, this Court ordered the Sandiganbayan to determine the value of the properties sought to be recovered and petitioner to pay proper docket fees within thirty days (30) after their determination. The decretal portion states:

WHEREFORE, premises considered, the petition is partially GRANTED. The questioned Resolutions are SET ASIDE. Petitioner is ordered to submit to public respondent Sandiganbayan the value of the properties he seeks to recover and to pay the proper docket fees therefor within thirty (30) days upon determination thereof either by the Sandiganbayan or its clerk of court, which in turn is directed to act with dispatch on the matter.

SO ORDERED.

Respondents, in their motion for reconsideration, characterized this as an unfair and overly lenient accommodation. They contend that petitioner acted with deliberate bad faith since he knew or must have known the proper amount of docket fees but purposely did not pay them. We find that this argument is not supported by the records of this case.

When petitioner filed his motion and complaint-in-intervention on August 11, 1988, ^[1] the exact amount due as docket fees was not as clear as the private respondents portray it to be. The Sandiganbayan Law was not plain and explicit on the matter. It is subject to two interpretations, *i.e.*, literal, ^[2] according to the words used, or liberal, ^[3] through implied amendment. Section 11 of P.D. No. 1606 expressly provides that "(a)ll proceedings in the Sandiganbayan shall be conducted at no cost to the complainant and/or his witnesses." The Sandiganbayan Law was later amended through an Executive Order of President Corazon C. Aquino in 1986, and by Congress through R.A. No. 7975, enacted in 1994, and R.A. No. 8429, enacted in

1997. The amendatory laws expanded the jurisdiction and increased the functions of the Sandiganbayan, but Section 11 of P.D. 1606, entitled, "*Proceedings free of charge*," was not changed. Thus, it was left to this Court to categorically rule whether parties filing civil actions before the Sandiganbayan are liable to pay the required docket fees.

This lack of precision is also apparent in the Revised Rules of the Sandiganbayan. Rule XXI thereof provides that "as far as practicable, the Rules of Court shall govern proceedings in the Sandiganbayan." Again, the alleged mandatory requirement on docket fees is sought to be inferred through mere reference to the Rules of Court. On this score, petitioner argued that neither the Rules of Court nor the Sandiganbayan Rules can amend a statute by implication, or through what is discussed in this case as logical interpretative association.

Petitioner's uncertainty and doubt, and the absence of a willful intent to evade docket fees, are further manifested by his having formally asked the Sandiganbayan to determine the correct docket fees. When the Sandiganbayan held that P14,425.00 was the proper amount,^[4] petitioner paid the same promptly, albeit without prejudice to any objections he may make with respect to the payment of any docket fees at all in this case.^[5] It, therefore, turned out that it was not only petitioner but also the Sandiganbayan that was uncertain about the payment and amount of docket fees.

Petitioner later asked that if indeed docket fees are payable, they should constitute a lien on any judgment in his favor, or that he should be given a reasonable period to allege the amount and pay it. Far from showing bad faith as respondents allege, these acts are indicative of a *bona fide* willingness to pay the correct amount once it is determined.

There was no clear rule on the payment of docket fees before the Sandiganbayan in 1988. Since respondents' arguments on the non-availability of equitable considerations are based on the existence of a clear and unambiguous rule, said arguments have no merit.

The vacillating role of the Sandiganbayan, which led this Court to apply equitable considerations, has been discussed and determined in the Decision sought to be reconsidered.

When the complaint-in-intervention was filed on August 11, 1988, the amount of P400.00 was accepted as filing fee.^[6] In a Resolution dated February 17, 1989, the Sandiganbayan admitted said complaint over public respondent's objections.^[7] The Republic filed a motion for reconsideration, but this was denied.^[8] The Republic and the PCGG filed their respective answers to the complaint-in-intervention. An amended complaint-in-intervention, impleading private respondents, was admitted on June 11, 1993 or five years after the original filing fee was paid.^[9] Amended answers-in-intervention followed.

It was only on August 25, 1993 when respondents formally and strongly raised the jurisdictional issue of docket fees by way of a motion to dismiss the amended complaint-in-intervention.^[10] A second amended complaint-in-intervention, an