

THIRD DIVISION

[G.R. No. 115748, August 07, 1996]

**REPUBLIC OF THE PHILIPPINES REPRESENTED BY THE
PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT,
PETITIONER, VS. SANDIGANBAYAN (SECOND DIVISION) AND
LUCIO C. TAN, ET AL., RESPONDENTS.**

R E S O L U T I O N

FRANCISCO, J.:

Assailed in this petition are the Resolutions issued by respondent Sandiganbayan in Civil Case No. 0005, dated January 25, 1994 and March 24, 1994, granting private respondents' motion for a bill of particulars and denying petitioner Philippine Commission on Good Government's (PCGG) motion for reconsideration, respectively.

Initially, petitioner Republic of the Philippines, as represented by the PCGG and assisted by the Office of the Solicitor General, filed before the Sandiganbayan on July 17, 1987, a complaint for Reconveyance, Reversion, Accounting and Damages against Lucio Tan, Ferdinand Marcos and some other individuals, docketed as Civil Case No. 0005.

The defendants filed their respective answers with the exception of Ferdinand Marcos, Imelda Marcos and Federico Moreno. Subsequently however, petitioner filed a "Motion for Leave to Amend and for Admission of Second Amended Complaint," dated August 19, 1991, impleading three (3) more individuals and forty (40) other corporations as defendants and revising its allegations in the complaint.

Despite the opposition filed by defendants Lucio Tan, et al., the Sandiganbayan in its Resolution dated April 2, 1992,^[1] granted petitioner's motion and admitted the Second Amended Complaint dated September 5, 1991.^[2]

Thereafter, Manufacturing Services and Trade Corporation and fourteen (14) other corporate defendants filed a "Motion For a More Definite Statement or a Bill of Particulars" dated May 22, 1991, seeking the following particulars to wit:

"1. As to Par. 6-a. -- Who are the 'Individual defendants' referred to in the opening clause of Par. 6-a, which reads -

6-a. Among the companies beneficially owned or controlled by Defendant Lucio Tan, Defendant Ferdinand and Imelda Marcos and/or the individual Defendants were/are: x x x

(At p. 8)

In what particular manner does defendant Lucio C. Tan, Defendants

Ferdinand and Imelda Marcos and/or the individual defendants each beneficially own or control the corporations listed in Par. 6-a? Does each of these defendants own shares of stock in each corporations? Or does each of these defendants control any of these corporations because of voting trust agreement or similar corporate devices? If so, who of the registered shareholders have executed such voting trust agreement or are parties to such corporate devices?

2. As to Par. 14-c. - In what particular manner did the defendant-spouses Ferdinand and Imelda Marcos support the corporations enumerated therein?

3. As to Pars. 16, 17, 18, 19 and 20. - Considering that defendants are juridical persons and not natural persons and obviously have never held public office, is any act referred to in the foregoing paragraphs imputed to any of these defendants? If there be any such acts, which particular acts specifically alleged in the complaint are imputed to each of these defendants?

4. With reference to the complaint in general, the complaint alleges that each defendant had acted 'singly or collectively' with the other defendants and is sought to be held 'jointly and severally liable.' Each defendant should be informed as to the particular acts it is alleged to have committed 'singly' and those acts which it is alleged to have committed 'collectively' with the other defendants.

5. The complaint seeks to recover 'actual damages' to be 'proven during the trial.' Since 'actual damages' involve damages already sustained, these should be specified."^[3]

The motion was in turn adopted by the other individual defendants except the Estate of Ferdinand Marcos, Imelda R. Marcos, Don Ferry, Federico Moreno, Panfilo O. Domingo, Estate of Gregorio Licaros and Cesar Zalamea.

Petitioner opposed the motion arguing that contrary to the movants' claims, the allegations in the Second Amended Complaint are clear and sufficient for defendants-movants to know the nature and scope of the causes of action upon which petitioner seeks relief. Moreover, it maintained that the particulars sought to be obtained pertain to evidentiary matters and therefore not the proper subject of a bill of particulars.

On January 25, 1994, respondent Sandiganbayan issued the assailed resolution^[4] granting private respondents' motion and ruled:

"As aptly pointed out by the defendants-movants in their instant motion, Paragraph 6-a of the Second Amended Complaint does not indicate in what particular manner does defendant Lucio Tan, Ferdinand E. Marcos, and Imelda R. Marcos as well as the individual defendants impleaded therein each beneficially own or control the corporations listed therein. Arrayed against the 'Specific Averments of Defendants' Illegal Acts' (Par. 14-c) which constitute the factual backdrop leading to the five(5) 'Causes of Action' (Pars. 16-20 inclusive), We find the details therein to be

inadequate and insufficient, the particulars or specifications not having been patently clear therein, hence defendants-movants would be unable to fully understand and comprehend the hows, whys and wherefores by which they are being sued and held liable. In other words, the allegations in the complaint are, therefore, deficient in that they merely articulate conclusions of law and presumptions unsupported by factual premises."

[5]

From the aforesaid resolution, petitioner filed a motion for reconsideration but respondent Sandiganbayan denied the same in its Resolution dated March 24, 1994.

[6] Hence, the instant petition.

The sole issue to be resolved is whether or not respondent Sandiganbayan acted with grave abuse of discretion in granting private respondents' "Motion for a More Definite Statement or a Bill of Particulars."

As to the object and function of a bill of particulars, the same has been declared as follows:

"It is the office or function, as well as the object or purpose, of a bill of particulars to amplify or limit a pleading, specify more minutely and particularly a claim or defense set up and pleaded in general terms, give information, not contained in the pleading, to the opposite party and the court as to the precise nature, character, scope, and extent of the cause of action or defense relied on by the pleader, and apprise the opposite party of the case which he has to meet, to the end that the proof at the trial may be limited to the matter specified, and in order that surprise at, and needless preparations for, the trial may be avoided, and that the opposite party may be aided in framing his answering pleading and preparing for trial. It has also been stated that it is the function or purpose of a bill of particulars to define, clarify, particularize, and limit or circumscribe the issues in the case, to expedite the trial, and assist the court. A general function or purpose of a bill of particulars is to prevent injustice or do justice in the case when that cannot be accomplished without the aid of such a bill." [7]

The issue before us is not one of first impression. Similar complaints commenced by petitioner thru the PCGG have previously been the object of a motion for a bill of particulars filed by the defendants.

In *Tan et. al. vs. Sandiganbayan, et. al.*, [8] therein petitioner Lucio Tan filed a motion for a bill of particulars against PCGG's expanded complaint on the ground that PCGG's averments are made up of bare allegations, presumptuous conclusions of fact and law, and plain speculations. Upholding the denial of the motion, this Court ruled that the expanded complaint, though confusingly put in print, is sufficient in form to support the charges against Lucio Tan. [9]

Subsequently however, in the cases of *Tantuico, Jr. vs. Republic* [10] and *Virata vs. Sandiganbayan*, [11] the motions for a bill of particulars filed by Tantuico, Jr. and Virata were granted upon finding that with respect to both petitioners, the allegations in PCGG's amended complaints are couched in general terms, vague and mere conclusions of law.