

## FIFTH DIVISION

[ CA-G.R. SP NO. 63731-2, June 16, 2006 ]

**ALLIED BANKING CORPORATION, PETITIONER, VS. OFFICE OF THE OMBUDSMAN, THROUGH ASSISTANT OMBUDSMAN EDWARD HARUN V. PAGUNSAN OF THE FACT FINDING INTELLIGENCE AND RESEARCH OFFICE, RESPONDENTS.**

### D E C I S I O N

**BARRIOS, J.:**

When President Joseph E. Estrada resigned from his post, criminal complaints were filed against him with the respondent Office of the Ombudsman (or the Ombudsman). A fact-finding investigation of the alleged criminal acts was undertaken and in the course of the investigation a subpoena *duces tecum* was issued against the petitioner Allied Banking Corporation (or Allied Bank). Allied Bank was directed to submit clear certified true copies of the *bank records and all documents relative thereto pertaining to all bank accounts (Savings, Current, Time Deposits, Trust, Foreign Currency Deposit, etc...) under account names of Jose Velarde, Joseph E. Estrada, Laarni Enriquez, Guia Gomez, Joy Melendrez, Peachy Osorio, Rowena Lopez, Kevin and Kelvin Gracia, 727, 737, 747, 757, 777 and 858* (vide: Annex "D", p. 93, rollo).

In its Manifestation and Motion for Clarification, Allied Bank requested the Ombudsman to describe with particularity the bank records required to be submitted. Allied Bank also claimed that the subpoena failed to show the relevancy of the bank records and documents of the named individuals to the subject matter of the inquiry, and considering that these are common names shared by several Filipinos, the accounts of its several depositors not actually covered by the inquiry might thus be unlawfully disclosed. Hence the motion for clarification.

Another motion for clarification was filed by Allied Bank asking for the legal basis for the disclosure of the information on the foreign currency deposits. Allied Bank argued that under the Foreign Currency Deposit Act of the Philippines and the General Banking Act of 2000, foreign currency deposits are absolutely confidential; hence its disclosure might result in penal sanctions. On February 19, 2001, the first assailed Order was handed down resolving that:

WHEREFORE, premises considered, the Allied Banking Corporation is hereby directed to immediately submit to this Office the documents and records cited in the latter's subpoena *duces tecum* dated 8 February 2001 including but not limited to, the certified true copies if the following: applications to open account; specimen signature cards, debit and credit memos; daily transaction reports; ledgers; deposit slips; withdrawal slips; checks drawn against the accounts of former President Estrada, et al.; checks deposited to the said accounts; list of transactions involving payments made to stock brokers acting for and in behalf of the account