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ESTATE OF MARCOS V. REPUBLIC, G.R. NOS. 213027 & 213253 (RESOLUTION), [JANUARY 18, 2017]

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8-9 minutes

FACTS: The present consolidated petitions emanated from the same Civil Case No. 0141, when the Republic filed a Motion for Partial Summary Judgment dated 24 June 2009 with respect to another property listed in the 1991 Petition. By way of that motion, the Republic asked the Sandiganbayan to render judgment declaring the pieces of jewelry, known as the Malacañang Collection and specifically mentioned under paragraph 9 (6) of the 1991 Petition, as ill-gotten; and to subsequently cause this collection of jewelry to be declared forfeited in favor of the Republic. The latter categorized the pieces of jewelry recovered from the Marcoses into three collections and singled out the Malacañang Collection as the object of the motion.

ISSUE:

A. WON THE PLEADING WAS SUFFICIENTLY AND PROPERLY MADE HENCE JURISDICTION OVER THE PROPERTIES WERE ACQUIRED.

B. WON MOTION FOR SUMMARY JUDGMENT WAS PROPERLY GRANTED.

C. WON THE PETITIONERS WERE DENIED DUE PROCESS.

D. WON THE PRESUMPTION REGARDING THE RULE ON

ILLEGALLY OBTAINED WEALTH PREVAILS.

HELD:

A. YES. The Sandiganbayan correctly acquired jurisdiction over the case. The properties are included in the 1991 Petition as found in subparagraph (6) of paragraph (9), which reads:

9. However, the other properties which had been identified so far by both the PCGG and the Solicitor General (excluding those involved in the aforesaid civil cases) are approximated at US\$5-B and which include —

(6) Paintings and silverware sold at public auction in the United States worth \$17-M as shown by Annex “F” hereof, aside from the jewelries, paintings and other valuable decorative arts found in Malacañang and in the United States estimated to be about \$23.9-M as listed and described in Annexes “F-1”, 123 “F-2”, 124 “F-2-a” 125 and “F-3” 126 hereto attached as integral parts hereof; 127 (Emphasis supplied)

The Sandiganbayan correctly noted the Annexes, which were mentioned in subparagraph 6 and made an integral part of the 1991 Petition, itemizing and enumerating the pieces of jewelry with their estimated values. It ultimately found that the 1991 Petition had categorically alleged that the Malacañang Collection was included in the assets, monies and properties sought to be recovered.

With respect to the manner of making allegations in pleadings, the Rules of Court simply provides as follows:

Section 1. In general. — Every pleading shall contain in a methodical and logical form, a plain, concise and direct statement of the ultimate facts on which the party pleading relies for his claim or defense, as the case may be, omitting the statement of mere evidentiary facts.

If a defense relied on is based on law, the pertinent provisions thereof and their applicability to him shall be clearly and concisely

stated.

With respect to the determination of whether an initiatory pleading sufficiently states a cause of action, this Court has ruled in this wise.

In determining whether an initiatory pleading states a cause of action, the test is as follows: admitting the truth of the facts alleged, can the court render a valid judgment in accordance with the prayer? To be taken into account are only the material allegations in the complaint; extraneous facts and circumstances or other matters *aliunde* are not considered. The court may consider — in addition to the complaint — the appended annexes or documents, other pleadings of the plaintiff, or admissions in the records.

The 1991 Petition is compliant with the requirements stated in law and jurisprudence. The sufficiency of its allegations is thus established with respect to the pieces of jewelry. Not only were these listed in paragraph 9 (6) 130 of that petition as part of the properties subject to forfeiture but these were also itemized in the documents annexed thereto: Annexes “F-1,” 131 “F-2,” 132 “F-2-a,” 133 and “F-3.” 134 The 1991 Petition is more than enough fulfillment of the requirement provided under Section 3 135 (4) of R.A. 1379.

B. YES. The third case demonstrates how failure to answer the request for admission within the period resulted in the admission of the matters stated therein. The Court, in that case, specifically ruled:

The burden of affirmative action is on the party upon whom notice is served to avoid the admission rather than upon the party seeking the admission. Hence, when petitioner failed to reply to a request to admit, it may not argue that the adverse party has the burden of proving the facts sought to be admitted. Petitioners silence is an admission of the facts stated in the request.

This Court finds that the motion for summary judgment filed by

respondent CHERRY VALLEY on the ground that there were no questions of fact in issue since the material allegations of the complaint were not disputed was correctly granted by the trial court. It is a settled rule that summary judgment may be granted if the facts which stand admitted by reason of a party's failure to deny statements contained in a request for admission show that no material issue of fact exists. By its failure to answer the other party's request for admission, petitioner has admitted all the material facts necessary for judgment against itself.

C. NO. We find the invocation of lack of observance of due process at this stage of the proceedings rather belated, especially when it was never invoked before the Sandiganbayan. Needless to say, the various pleadings petitioners have filed in this case and in other cases involving the Marcos properties were countless occasions when they could have proven that the Malacañang Collection had indeed been lawfully acquired as claimed. They allege that they were denied due process by not being given any opportunity to prove their lawful acquisition of the Malacañang Collection. This allegation cannot be given credence for being utterly baseless.

The complete records of Civil Case No. 0141 — a total of 35 volumes along with 2 envelopes containing exhibits and 1 envelope containing the transcripts of stenographic notes — have been forwarded to this Court by the Sandiganbayan. Pertinent parts of these documents annexed to the 1991 Petition, along with the other pleadings filed before the Sandiganbayan relative to the present petitions, have also been extensively quoted and reproduced verbatim in this resolution. The purpose is not only to provide a clearer statement of the factual antecedents, but also to confirm the veracity of the reference to these documents and to equally dispel any doubt regarding them.

D. YES. The legitimate income of the Marcoses had been pegged at USD304,372.43. We reiterate what we have already stated

initially in *Republic v. Sandiganbayan*, and subsequently in *Marcos v. Republic*: that “whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, **said property shall be presumed *prima facie* to have been unlawfully acquired.**” **Petitioners failed to satisfactorily show that the properties were lawfully acquired; hence, the *prima facie* presumption that they were unlawfully acquired prevails.**



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