

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

SECOND DIVISION

REPUBLIC OF THE CIVIL CASE NO. 0008
PHILIPPINES, For: Reconveyance, reversion,
Plaintiff, accounting, restitution, and damages

- versus -

BIENVENIDO R. TANTOCO, ET Present:
AL., HERRERA, Jr., J., Chairperson
Defendants. MUSNGI, J., Associate Justice
PAHIMNA, J., Associate Justice

January 31, 2019
Promulgated

RESOLUTION

MUSNGI, J.:

The Court resolves the following *Motion for Reconsideration*¹ filed by defendants Bienvenido R. Tantoco, Jr., Bienvenido Tantoco, Sr., Estate of Gliceria R. Tantoco (“**Tantocos**”) and Dominador R. Santiago (“**Santiago**”) on 23 November 2018.

On 09 November 2018, the Court denied the *Motion to Defer Decision*² filed by the Tantocos and Santiago, to wit:

“**WHEREFORE**, in light of the foregoing, the *Motion to Defer Decision* filed by the defendants Bienvenido Tantoco, Bienvenido R. Tantoco, Jr., Estate of Gliceria R. Tantoco and Dominador R. Santiago is **DENIED** for lack of merit. The parties having already filed their respective *Memoranda* on 07 June 2010 and 02 August 2010, this case is now deemed submitted for decision.

SO ORDERED.”

In their *Motion for Reconsideration*, the defendants contend that resolving the instant case would pre-empt the decision of the Supreme Court

¹ Sandiganbayan Records, Vol. X pp. 5360-5366.

² Sandiganbayan Records, Vol. X, pp. 5329-5343.

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in the consolidated cases of “Tourist Duty Free Shops, Inc. (TDFSI) v. PCGG, Bank of America (BA) and Rizal Commercial Banking Corporation (RCBC),” G.R. No. 214408; and “PCGG v. TDFSI, BA and RCBC,” G.R. No. 214521. The defendants maintain that the resolution of the case should be deferred due to the following incidents that have transpired in Civil Case No. 0142 or “TDFSI v. PCGG” prior to its having been resolved by the Court in a Decision promulgated on 19 November 2013:

[a] The validity of the writ of sequestration issued against it being the principal issue raised in Civil Case No. 0142 which was filed by TDFSI against the PCGG, but considering that TDFSI is one of the companies listed in Civil Case No. 0008 as having been unlawfully acquired by the defendants therein, this Honorable Court, in a Resolution issued on June 15, 1992 dismissed Civil Case No. 0142 basically for the reason that its issues should be resolved in the above-entitled case [Civil Case No. 0008].

[b] However, that resolution was reversed and set aside by the Supreme Court en banc in G.R. No. 10735 [January 16, 2000] wherein it was held that –

“The instant case [Civil Case No. 0142] and Civil Case No. 0008, therefore, ought to be resolved independently. To merge the former with the latter via mere motion is clearly unwarranted. [emphasis supplied]

[c] In a subsequent case the Supreme Court found the opportunity to reiterate that directive for Civil Case No. 0142 to be decided independently of the above-entitled case. The Supreme Court even DIRECTED this Honorable Court to resolve Civil Case No. 0142 “with dispatch”! [G.R. No. 152500, September 14, 2011].

[d] Unfortunately, however, and, in defiance of the rulings in G.R. No. 107395 and G.R. No. 152500, this Honorable Court, in a Decision promulgated on November 19, 2013, refused to resolve the issues in Civil Case No. 0142 by ruling that the above-entitled case [Civil Case No. 0008] is where the issue of validity of the sequestration of TDFSI should be resolved.

Basically, the defendants claim that the appealed Decision on the consolidated G.R. Nos. 214408 and 214521 will determine whether or not the validity or invalidity of the writ of sequestration against TDSFI should be decided as the principal issue in Civil Case No. 0142 independently of Civil Case No. 0008. Thus, defendants maintain that it would be absurd for the Court to incorporate in its resolution the validity or invalidity of the writ of sequestration against TDFSI due to the pending appeal with the Supreme Court.

In its *Comment (Re: Motion for Reconsideration dated November 22, 2018)*, the plaintiff Republic of the Philippines, through the Office of the Solicitor General, states that the contentions of the defendants are bereft of merit. The plaintiff argues that Civil Case No. 0142 is an action for injunction instituted by TDFSI to prevent the implementation of the Sequestration Order dated March 11, 1986. The issue in this case is the validity and legality of the issuance of the sequestration order and not whether the assets of TDFSI are ill-gotten, which is the issue in Civil Case No. 0008 for Complaint for Reconveyance, Reversion, Accounting, Restitution, and Damages against the Marcoses and the stockholders and owners of TDFSI. According to the plaintiff, Civil Case No. 0008, in effect, is the judicial action filed in connection with the Sequestration Order dated 11 March 1986 in compliance with Section 26, Article XVIII of the 1987 Constitution, where TDFSI should have intervened and raised its objections to the questioned sequestration order.

The plaintiff argues that TDFSI's prayer in the injunction case (Civil Case No. 0142) did not ask for the declaration that its assets, funds and properties subject of the sequestration are not ill-gotten wealth. The validity and legality of the issuance of the Sequestration Order has already been affirmed in the final and executory Decision of the Supreme Court in G.R. No. 74302, where the Supreme Court found that there was legal and factual basis for the issuance of the Sequestration Order pursuant to Section 26, Article XVIII of the 1987 Constitution.

Thus, plaintiff claims that there is no basis to the defendant's claim that the Court erred when it did not make a categorical ruling in its Decision dated November 19, 2013 in Civil Case No. 0142 on whether or not the TDFSI's assets are ill-gotten. Such determination is the subject of the instant case.

RULING

The instant motion is denied for lack of merit.

The Supreme Court has repeatedly held in a long line of cases that a Motion for Reconsideration should be denied when the same only rehashes issues previously put forward.³ The Court has already ruled that Civil Case No. 0142 and Civil Case No. 0008 are unrelated. No new argument was presented by the defendants in the instant *Motion*. The arguments raised therein have already been judiciously passed upon and properly considered by the Court in its assailed *Resolution*.

³ *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.


Since the case has already been submitted for decision as early as 14 April 2010,⁴ and that the defendants filed their Memorandum⁵ on 07 June 2010, while the plaintiff filed its Memorandum⁶ on 02 August 2010, the Court deems it proper to resolve the instant case.

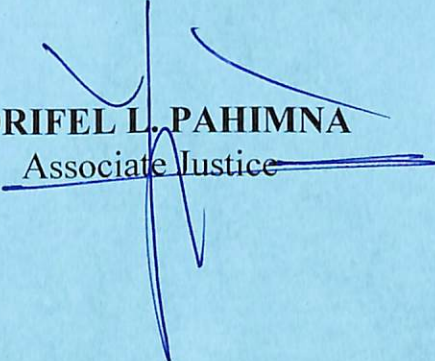
WHEREFORE, in light of the foregoing, the *Motion for Reconsideration* filed by the defendants Bienvenido Tantoco, Bienvenido R. Tantoco, Jr., Estate of Gliceria R. Tantoco and Dominador R. Santiago is **DENIED** for lack of merit.

SO ORDERED.

Quezon City, Philippines.


MICHAEL FREDERICK L. MUSNGI
Associate Justice


OSCAR C. HERRERA, JR.
Associate Justice
Chairperson


LORIFEL L. PAHIMNA
Associate Justice

⁴ *Id.*, p. 5040.

⁵ *Id.*, p. 5062.

⁶ *Id.*, p. 5102.