



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES,
Plaintiff,

Civil Case No.: 0033-B
(Civil Case No. 0033)

-versus-

EDUARDO M. COJUANGCO, JR.,
ET AL.,

Defendants.

Present:

HERRERA, JR., J., Chairperson

CALDONA, J., Associate Justice

MALABAGUIO, J., Associate Justice

February 28, 2024

Promulgated

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RESOLUTION

MALABAGUIO, J.

For resolution of the Court is the *Motion for Issuance of Entry of Judgment*¹ dated January 24, 2024 filed by Coconut Producers Federation, Inc. (COCOFED), Coconut Investment Co. (CIC), and Cocofed Marketing Corp. (COCOMARK, collectively referred to as *Cocofed, et al.*).

To recall, a *Motion to Dismiss*² dated November 18, 2022 was filed by Cocofed, *et al.* on the ground of violation of its constitutional right to due process and speedy disposition of cases, and the same was granted by this Court in a *Resolution*³ dated May 16, 2023. The dispositive portion of the said resolution is copied in *verbatim* as follows:

WHEREFORE, premises considered, the instant *Motion to Dismiss* filed by Coconut Producers Federation, Inc., Coconut Investment Co., and Cocofed Marketing Corp. is hereby **GRANTED**.

¹ Records (Vol. XIV), pp. 379-384.

² *Id.* at 60-77.

³ *Id.* at 239-259.

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Accordingly, the Civil Case No. 0033-B against movants Coconut Producers Federation, Inc., Coconut Investment Co., and Cocofed Marketing Corp., is hereby **DISMISSED** on the ground of inordinate delay.

SO ORDERED.⁴

Thereafter, on June 13, 2023, the plaintiff Republic of the Philippines, represented by the Presidential Commission on Good Government (*PCGG*), through the Office of the Solicitor General (*OSG*) (*plaintiff*), moved for the reconsideration⁵ of the aforesaid resolution, but the same was denied by this Court in a *Resolution*⁶ dated July 31, 2023. Pertinent portion of the said resolution reads:

In view of the foregoing, as the plaintiff did not raise any argument to convince this Court that its ruling is erroneous or contrary to the law or evidence, its motion for reconsideration must be denied for lack of merit.

WHEREFORE, premises considered, the instant Motion for Reconsideration is hereby **DENIED**.

SO ORDERED.⁷

The records show that the abovementioned July 31, 2023 *Resolution* by this Court was received by plaintiff, through electronic means on August 1, 2023.⁸

Consequently, upon the request of Cocofed, *et al.*,⁹ a *Certificate of Finality*¹⁰ dated January 17, 2024 was issued by this Court, through the Office of the Executive Clerk of Court, Second Division, which reads in part:

This is to further certify that the records do not show any appeal, or any pleading filed by either the plaintiff or the defendant relative to the Resolutions promulgated on May 16, 2023 and July 31, 2023 in this case, which will prevent the attainment of the finality of the aforementioned Resolution.

On February 1, 2024, the plaintiff filed a *Comment (Re: Motion for Issuance of Entry of Judgment dated January 24, 2024)*¹¹ praying for the

⁴ Records (Vol. XIV), p. 257.

⁵ *Id.* at 269-290, plaintiff's *Motion for Reconsideration* dated May 31, 2023.

⁶ *Id.* at 331-338.

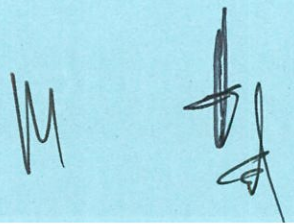
⁷ *Id.* at 338.

⁸ *Id.* at 340 to 341.

⁹ *Id.* at 358-359.

¹⁰ *Id.* at 357.

¹¹ Records (Vol. XIV), pp. 388-392, plaintiff's *Comment* dated January 29, 2024.



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denial of the present motion. Specifically, plaintiff claims that it did not receive a certified copy of the July 31, 2023 *Resolution* of this Court. However, upon its inquiry with Selvic S. Zuniga (**Zuniga**), a PCGG detailed employee to the OSG in charge of receiving and distributing pleadings and court processes, the plaintiff learned that she was able to receive, through electronic mail, the pdf copies of the *Notice of Resolution* as well as the July 31, 2023 *Resolution* of this Court but she was not able to give a copy of the said resolution to the handling solicitor. Plaintiff further claims that the handling lawyer only saw the copy of the July 31, 2023 *Resolution* of this Court on January 26, 2024 when Zuniga handed the same to the assigned division. Thus, plaintiff apologizes for such occurrence and calls on the "*interest of substantial justice and in view of the great public interest involved in this case*" to beg the understanding and compassion of this Court for its lapses.

This Court resolves to grant Cocofed, *et al.*'s instant motion. Plaintiff's justifications for its lapses are inexcusable.


Foremost, the OSG, as principal law officer and legal defender of the government, possesses the unequivocal mandate to appear for and in its behalf in legal proceedings. Described as an "*independent and autonomous office attached to the Department of Justice*" under Sec. 34,¹² Book IV, Title III, Chapter 12, Executive Order No. 292, the OSG, with the Solicitor General at its helm, is vested with the following powers and functions, among others, to wit:

Sec. 35. Powers and Functions. – The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. XXXX

Thus, the OSG acts not just as the principal but the sole counsel of the government that can defend or bring actions on behalf of the Republic. Relevant to its power and function as the PCGG's sole or

¹² SECTION 34.—The Office of the Solicitor General shall be an independent and autonomous office attached to the Department of Justice. The Office of the Solicitor General shall be headed by the Solicitor General, who is the principal law officer and legal defender of the Government

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exclusive counsel, the OSG has the authority to receive the notices from this Court.

Concomitantly, it is a well-settled rule that if a litigant is represented by counsel, notices of all kinds, including court orders and decisions, must be served on said counsel, and notice to counsel is considered notice to client.¹³ Accordingly, when a party is represented by counsel, the reckoning point of the receipt of a judgment, final order or resolution shall be the date of receipt thereof by the party's counsel.¹⁴

Plaintiff's plea for leniency on the ground that the handling lawyer from OSG belatedly received a copy of the July 31, 2023 *Resolution* of this Court as ground, is not well-taken.

As admitted by the plaintiff, the detailed employee to the OSG Zuniga was able to receive, through electronic mail, the pdf copies of the *Notice of Resolution* as well as the July 31, 2023 *Resolution* of this Court but she failed to immediately give copies of the same to the handling solicitor without justifiable cause. It was only transmitted to the assigned division of the OSG on January 26, 2024. As the lawyer designated by law to represent the Republic, the structure of OSG appears to be akin to that of a private law firm which has litigation and other departments, and associates handling cases within those departments. Verily, as ruled in *Social Security System v. Commission on Audit*,¹⁵ the law firm itself is the counsel such that notice to it is tantamount to notice to its client notwithstanding belated receipt by the handling department or associate.

It must be emphasized that time and again, the Supreme Court has stressed that "*the application of the rules must be upheld, and the suspension or even [the] mere relaxation of its application, is the exception.*"¹⁶

The mere invocation of the phrase "*the interest of justice*" would not suffice,¹⁷ thus:

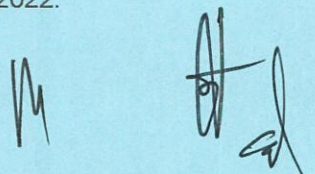
¹³ *Metropolitan Manila Development Authority represented by its Chairman Atty. Francis N. Tolentino vs. High Dessert Stop Overs, Inc.*, G.R. No. 213287, December 6, 2021; *Social Security System v. Commission on Audit*, G.R. No. 222217, July 27, 2021; *Department of Education vs. Dela Torre, et al.*, G.R. No. 216748, July 25, 2018; *Republic of the Philippines represented by the Land Registration Authority v. Raymundo Viaje, et. al.*, G.R. No. 180993, January 27, 2016.

¹⁴ *Id.*

¹⁵ G.R. No. 222217, July 27, 2021.

¹⁶ *I-People Manpower Resources, Inc. v. Court of Appeals*, G.R. No. 246410, January 25, 2023.

¹⁷ *I-People Manpower Resources, Inc. v. Court of Appeals*, G.R. No. 246410, January 25, 2023 citing *Reyes v. Rural Bank of San Rafael (Bulacan), Inc.*, G.R. No. 230597, March 23, 2022.



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[T]he bare invocation of "***the interest of substantial justice***" **is not a magic wand that will automatically compel this Court to suspend procedural rules.** Procedural rules are not to be belittled or dismissed simply because their non-observance may have resulted in prejudice to a party's substantive rights. **Like all rules, they are required to be followed except only for the most persuasive of reasons when they may be relaxed to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.**¹⁸ (Emphasis supplied.)

Thus, as borne by the records of this case, the plaintiff, through the OSG, received the July 31, 2023 *Resolution* of this Court denying its *Motion for Reconsideration* via electronic means on August 1, 2023.¹⁹ Under Section 1, Rule XI, of the 2018 Revised Internal Rules of the Sandiganbayan, in relation to Sections 1 and 2, Rule 45, of the Rules of Court, a party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Sandiganbayan, may file with the Supreme Court a verified **petition for review on *certiorari* within fifteen (15) days from notice of the judgment or final order or resolution appealed from, or of the denial of the petitioner's motion for new trial or reconsideration filed in due time after notice of the judgment.** Here, no petition for review was filed by plaintiff within the reglementary period.²⁰

Hence, the failure of herein plaintiff to file an appeal from the denial of its motion for reconsideration, renders finality to the subject resolutions of this Court dated May 16, 2023 and July 31, 2023, which is executory by operation of law. In *Thomas v. Trono*,²¹ the Supreme Court elucidates:

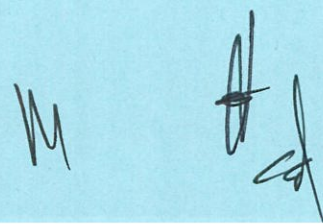
[A] judgment becomes final and executory by operation of law. xxx There is no need for any judicial declaration or performance of an act before the finality takes effect. Finality of a judgment becomes a fact upon the lapse of the reglementary period of appeal if no appeal is perfected, or motion for reconsideration or new trial is filed. The trial court need not even pronounce the finality of the order as the same becomes final by operation of law. In fact, the trial court could not even validly entertain a motion for reconsideration filed after the lapse of the period for taking an appeal. It is of no moment that the opposing party failed to object to the timeliness of the motion for reconsideration. **Thereafter, the**

¹⁸ Supra note at 15 citing *Spouses Bergonia v. Court of Appeals*, G.R. No. 189151, January 25, 2012.

¹⁹ Records (Vol. XIV), pp. 340 to 341.

²⁰ *Id.* at 357, *Certificate of Finality* dated January 17, 2024.

²¹ G.R. No. 241032, March 15, 2021 (Resolution).



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court loses jurisdiction over the case and not even an appellate court would have the power to review a judgment that has acquired finality. (*emphasis supplied*)

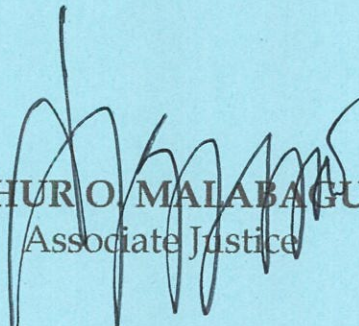
Considering the finality of judgment in the instant case, it has now become a ministerial duty of the Court to issue a *Certificate of Finality*, and to cause its entry of the same to the Books of Judgments. Section 2, Rule 36 of the Rules of Court, in relation to Section 6,²² Rule IX of the 2018 Revised Internal Rules of this Court, provides:

SECTION 2. Entry of Judgments and Final Orders. – If no appeal or motion for new trial or reconsideration is filed within the time provided in these Rules, the judgment or final order shall forthwith be entered by the clerk in the book of entries of judgments. The date of finality of the judgment or final order shall be deemed to be the date of its entry. The record shall contain the dispositive part of the judgment or final order and shall be signed by the clerk, with a certificate that such judgment or final order has become final and executory.

WHEREFORE, premises considered, the instant *Motion for Issuance of Entry of Judgment* filed by Coconut Producers Federation, Inc., Coconut Investment Co., and Cocofed Marketing Corp. is hereby **GRANTED**.

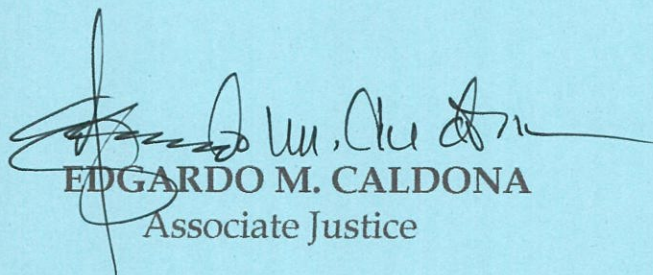
Accordingly, the Division Clerk of Court is hereby **DIRECTED** to record the judgment in *Civil Case No. 0033-B* in the book of entries of judgments of this Court and to issue the corresponding *Entry of Judgment*.

SO ORDERED.


ARTHURO O. MALABAGUIO
Associate Justice

WE CONCUR:


OSCAR C. HERRERA, JR.
Chairperson/ Associate Justice


EDGARDO M. CALDONA
Associate Justice

²² Rule IX, Section 6 of the 2018 Revised Internal Rules of the Sandiganbayan pertinently provides: **SECTION 6. Execution of Judgment.** – xxx Insofar as civil liability, if any, is concerned, the same shall be executed in accordance with Rule 39 of the [Rules on Civil Procedure].