

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

ROBERTO S. BENEDICTO, ET AL.,
Petitioners,


Civil Case No. 0072

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Malabaguio, J.

**PRESIDENTIAL COMMISSION ON
GOOD GOVERNMENT, ET AL.,**
Respondents.

Promulgated:

March 22, 2022 

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RESOLUTION

HERRERA, JR., J:

A review of the records yields that the instant case is a petition for certiorari and prohibition with preliminary prohibitory and mandatory injunction against the Presidential Commission on Good Government ("PCGG"), et al., originally filed by Roberto S. Benedicto ("Benedicto") and several corporations before the Supreme Court on July 1, 1986.¹ It was docketed in the Supreme Court as G.R. No. 74974.²

The main thrust of the petition is to declare the nullity of ***Executive Order Nos. 1 and 2, 11, 14***, and all executive issuances related thereto, for being unconstitutional; and consequently, to prohibit the PCGG from the following acts: (a) issuing/executing/implementing general warrants, search and seizure orders against the petitioners; (b) searching and seizing documents, effects, and things of petitioners; (c) taking over their businesses and/or otherwise interfering with the management thereof; and (d) proceeding with PCG-I.S. No. 1 insofar as petitioner Benedicto is concerned. The petition also seeks the immediate return to the petitioners of all documents, papers, effects and things searched and seized from them.

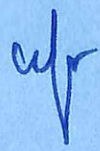


In a ***Resolution***³ dated April 18, 1989 issued in G.R. No. 74974, the Supreme Court remanded the case to the Sandiganbayan for proper disposition. It was assigned to the Third Division.

Notably, since the filing of the petition, the constitutionality of ***Executive Orders Nos. 1 and 2***, as well as the authority of the PCGG to issue freeze and takeover orders and writs of sequestration, have already been upheld by the Supreme Court in a number of cases. Also, all petitioner corporations, except Malibu Agro-Business Corporation, have

¹ Record of Civil Case No. 0072, pp. 3-64

² Id, p. 1

³ Id, pp. 1 and 2

been sequestered by the PCGG. In view of these developments, the Third Division issued a **Resolution**⁴ dated July 10, 1989 directing the petitioners to file a manifestation as to whether they intend to still prosecute the instant petition, or to withdraw the same.

Petitioners then filed their **Manifestation**⁵ dated and requested that "the subject petition and all related records be remanded to the First Division so that all allegations in the subject petition can be incorporated by reference as part of the answering defendants' **Answer and Counterclaim** in Civil Case No. 0034."

Consequently, the Third Division issued an **Order**⁶ dated August 28, 1989 directing that the records be forwarded to the First Division for incorporation with Civil Case No. 0034. The First Division also issued a **Resolution**⁷ on August 24, 1989 that the subject petition be incorporated with Civil Case No. 0034 as part of defendant's answer.⁸

Civil Case No. 0034 is an action for reconveyance, reversion, accounting and for damages filed by the Republic of the Philippines, as plaintiff, against Roberto E. Benedicto, et al.

Herein petitioners, together with the answering defendants in Civil Case No. 0034, then filed an **Amended Motion With Application For TRO**⁹ on August 30, 1989. Petitioners prayed that a TRO be issued "suspending the conduct of investigations by PCGG and others acting under their authority or assistance, of officers and employees of Traders Royal Bank, including examination, copying, verification, and removal of bank records, unless with prior leave" of this Court. They likewise prayed that PCGG be ordered to deposit with this Court all the records of investigation including bank records and all copies thereof obtained in the course of the investigations in question; and that the aforesaid investigations be declared null and void as having been conducted without proper authority and/or without compliance with legal and procedural requisites.

In a **Resolution**¹⁰ dated November 16, 1989, the Court denied the **Amended Motion** and ruled that it "cannot legitimately restrain the PCGG from the examination of otherwise confidential bank deposits and transactions related thereto when the inquiry is in furtherance of its functions xxx".

On November 26, 1990, the PCGG and Benedicto, et al., filed in Civil Case No. 0034 a **Joint Motion to Approve Compromise Agreement with attached Compromise Agreement** dated November 3, 1990.¹¹ Benedicto undertook to cede to the government properties listed in Annex

⁴ Id, pp. 65-69

⁵ Id, pp. 72-73

⁶ Id, p. 74

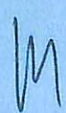
⁷ Id, p. 75

⁸ The records of this case were eventually forwarded to the Second Division pursuant to Minute Resolution dated 4 November 1999 (Id, p. 671) issued by the Fifth Division. The Second Division also ordered the incorporation of the instant petition with Civil Case No. 0034 (Minute Resolution dated 19 November 1999; Id, p. 675)

⁹ Id, pp. 77-86

¹⁰ Id, pp. 323-331

¹¹ Record of Civil Case No. 0034, Vol. 8, pp. 546-561



"A" thereof, and to transfer to the government whatever rights and/or interests he may have over all corporate assets listed in Annex "B". For its part, the PCGG agreed to lift the sequestration over the assets listed in Annex "C", and to extend absolute immunity to Benedicto, the members of his family, officers and employees of his corporations, who are included in past, present and future cases and investigations of the government.

This Court granted the **Joint Motion to Approve Compromise Agreement** in a **Resolution**¹² dated October 2, 1992. Accordingly, the parties were enjoined to observe strict and faithful compliance with the terms thereof, to wit:

"WHEREFORE, premises considered, the instant "Joint Motion To Approve Compromise", dated November 22, 1990, is hereby GRANTED. Accordingly, finding the "Compromise Agreement", together with its annexes, executed on November 3, 1990 between the Republic of the Philippines, represented by the PCGG, and defendant Roberto S. Benedicto to be in order and the same not being contrary to law, morals or public policy, the same is hereby APPROVED, and judgment is hereby rendered in accordance therewith. The parties thereto are, therefore, enjoined to observe strict and faithful compliance with the terms thereof.

xxx

SO ORDERED."

On March 24, 1993, the Supreme Court issued a Temporary Restraining Order and ordered the Sandiganbayan to cease and desist from enforcing and executing its resolutions, particularly from executing the Compromise Agreement or from taking any step, action or proceeding that will amount to the total or partial execution or carrying out of the Agreement and from implementing or carrying out the Resolution dated March 8, 1993.¹³

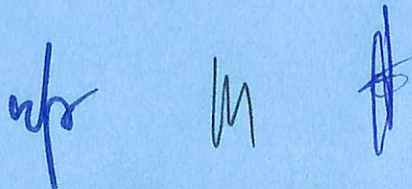
In **Republic vs. Sandiganbayan**,¹⁴ the Supreme Court eventually lifted the restraining orders and ordered the parties to the compromise agreement to comply strictly with the terms thereof, viz:

"WHEREFORE, the petitions in G.R. No. 108292, 108368, 108548-49, and 108550 are hereby dismissed. The restraining orders issued in the respective cases dated March 10, 1993, March 23, 1993 and March 24, 1993 are hereby lifted and the parties to the compromise agreement are ordered to comply strictly with the terms thereof."

¹² Record of Civil Case No. 0034, Vol. 12, pp. 2817-2883

¹³ Record of Civil Case No. 0034, Vol. 14, pp. 3533-3535

¹⁴ Id, pp. 3771-3798; G.R. Nos. 108292, 108368, 108548-549, 108550



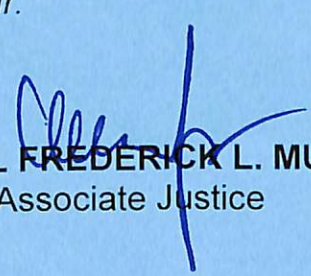
As a consequence, this Court directed the entry of final judgment and execution with respect to its prior resolutions approving the Compromise Agreement.

With these developments, it appears that the instant petition has become moot and academic. "A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such a case or dismiss it on the ground of mootness."¹⁵

WHEREFORE, premises considered, this case is hereby dismissed for being moot and academic.


OSCAR C. HERRERA, JR.
Associate Justice
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice

¹⁵ Peñafrancia Sugar Mill, Inc. vs. Sugar Regulatory Administration, G.R. No. 208660, 5 March 2014