

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

**SILAHIS INTERNATIONAL HOTEL, INC.
AND HOTEL PROPERTIES, INC., ET AL.,**

Civil Case No. 0136

Petitioners, For: Petition for Prohibition with
Application for Temporary
Restraining Order and
Preliminary Injunction

-versus-

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

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

Promulgated:

July 28, 2022

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RESOLUTION

HERRERA, JR., J.:

This is a special civil action for ***Prohibition with Application for Temporary Restraining Order and Preliminary Injunction***¹ filed by petitioners Silahis International Hotel, Inc. and Hotel Properties, Inc. against respondent Presidential Commission on Good Government (PCGG) and one Benecer S. Lariosa. The petition was filed on September 19, 1991.

In a ***Resolution***² dated April 20, 2022, the Court declared that the instant petition appears to have become moot and academic, explaining that:

"In this case, petitioners pray for the following: 1) issuance of a restraining order for respondents PCGG and Lariosa to immediately refrain from implementing or enforcing the writ of sequestration dated May 31, 1986 issued by PCGG against petitioners; 2) issuance, after hearing, of writ of preliminary injunction for respondents to desist from further implementing said writ of sequestration dated May 31, 1986; and 3) rendition of judgment declaring petitioners' sequestration as automatically lifted in accordance with **Article XVIII, Section 26 of the 1987 Constitution**, there being no judicial action filed against petitioner

¹ Record, Vol. 1, pp. 1-21

² Record, Vol. 2, pp. 714-717

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corporations within the period of six (6) month from ratification of the Constitution.”

In a **Resolution** dated October 11, 1991, the Court issued a writ of preliminary injunction against:

“ the Presidential Commission on Good Government and Benecer S. Lariosa, their agents, and any person acting on their behalf, ordering them to desist from further implementation or enforcement of the writ of sequestration dated May 31, 1986; to immediately vacate the offices and premises which they are presently occupying at the Silahis International Hotel and to turn over to petitioners and/or their authorized officers/representatives all corporate records, files and documents, including titles, certificates, checks, deeds, contracts, and all papers pertaining to petitioners which are in their possession or custody by virtue of the writ of sequestration dated May 31, 1986 pending termination of this litigation and/or unless a contrary order is issued by this Court,”



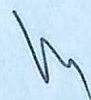
The motion of respondents for reconsideration of the above **Resolution** was denied in a **Resolution** dated February 12, 1992.

The Republic of the Philippines and Lariosa, through the Office of the Solicitor General (OSG), filed with the Supreme Court a **Petition for Certiorari** dated March 18, 1992 under Rule 65 of the Rules of Court questioning the aforementioned Resolutions of this Court. The petition was docketed by the Supreme Court as G.R. No. 104168.

The Supreme Court, in a **Decision** dated January 23, 1995, nullified and set aside the assailed **Resolutions** of the Court and upheld the effectivity of the writ of sequestration holding that complaints for recovery of ill-gotten wealth which merely identified the corporations as repositories of ill-gotten wealth may be considered a judicial action in contemplation of **Section 26 of Article XVIII** of the **1987 Constitution**.

A separate suit for Reconveyance, Reversion, Accounting, Reinstitution and Damages was filed with this Court by the Republic of the Philippines, which was docketed as Civil Case No. 0014. In it's **Amended Complaint** dated October 8, 1991 filed in said Civil Case No. 0014, plaintiff Republic of the Philippines impleaded as defendants Silahis International Hotel, Inc. and Hotel Properties, Inc. The plaintiff in said Amended Complaint prayed that the funds and property of said corporations be returned and reconveyed to the Republic of the Philippines. The **Amended Complaint** alleged that the individual defendants therein were associates of the spouses Ferdinand and Imelda Marcos and they acted as their dummies or agents in acquiring ownership and control of Silahis International Hotel, Inc. and Hotel Properties, Inc.

On May 31, 1996, Silahis International Hotel, Inc. and Hotel Properties, Inc., together with the other defendants in Civil Case No. 0014, filed a **Motion to Dismiss and to Lift Sequestration**.

In a **Resolution** promulgated on February 7, 2002, the Court dismissed the case against Silahis International Hotel, Inc. and Hotel Properties, Inc., among others. A **Motion for Reconsideration** dated March 1, 2002 was filed by plaintiff Republic of the Philippines.

In a **Resolution** promulgated in June 14, 2002 in Civil Case No. 0014 the Court denied the **Motion for Reconsideration** and the sequestration orders against Silahis International, Inc. and Hotel Properties, Inc., among others, were ordered lifted and set aside.

The Republic, through the Office of the Solicitor General (OSG), questioned the aforementioned **Resolutions** issued in Civil Case No. 0014 before the Supreme Court through a **Petition for Certiorari** docketed as G.R. 154560. In a **Decision** promulgated on July 13, 2020 in G.R. No. 154560, the Supreme Court dismissed the **Petition for Certiorari**. Subsequently, in a **Resolution** dated September 8, 2020, the Supreme Court dismissed the Republic's **Motion for Reconsideration** of the **Resolution** of July 13, 2020 in G.R. 154560.

In view of the foregoing, it appears that the instant special civil action for **Prohibition with Application for Temporary Restraining Order and Preliminary Injunction** has become moot and academic.

In the dispositive portion of the above-mentioned **Resolution**, the Court ruled:

"**WHEREFORE**, the Court resolves to set this case for hearing on May 25, 2022, at 8:30 in the morning, so that the parties may be heard on their stand regarding the developments cited therein."

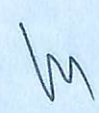
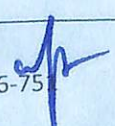
During the hearing on May 25, 2022³ a lawyer from Castillo Laman Tan Pantaleon and San Jose law Firm, the counsel of record of the petitioners Silahis International Hotel, Inc. and Hotel Properties, Inc., appeared and invited the Court's attention to a **Compliance with Motion To Withdraw**⁴ filed by said law firm, withdrawing as counsel for petitioners. However, the withdrawal of appearance does not bear the conformity of the petitioners and no substitution of counsel has been filed.

It appears that the petition in this case has indeed become moot and academic.

WHEREFORE, premise considered, the instant petition for **Prohibition with Application for Temporary Restraining Order and Preliminary Injunction** is hereby dismissed.

³ Id, p. 772

⁴ Id, pp. 746-75



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OSCAR C. HERRERA, JR.

Chairperson

Associate Justice

We concur:


MICHAEL FREDERICK L. MUSNGI

Associate Justice


ARTHUR O. MALABAGUIO

Associate Justice