

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

TERNATE DEVELOPMENT  
CORPORATION, FANTASIA  
FILIPINA RESORTS, INC.,  
MONTESOL DEVELOPMENT  
CORPORATION, OLAS DEL  
MAR DEVELOPMENT CORP.,  
PUERTO AZUL OCEAN VILLAS  
CONDOMINIUM, AND  
PHILROAD CORPORATION,  
*Petitioners,*

**Civil Case No. 0138**

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,  
*Respondent.*

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***<sup>1</sup> filed by petitioners Ternate Development Corporation, Fantasia Filipina Resorts, Inc., Montesol Development Corporation, Olas Del Mar Development Corp., Puerto Azul Ocean Villas Condominium Corporation and Philroad Construction Corporation against respondent Presidential Commission on Good Government (PCGG). The petition was filed on October 2, 1991.

In a ***Resolution***<sup>2</sup> dated May 16, 2022, the Court declared that the instant petition appears to have become moot and academic, explaining that:

<sup>1</sup> Record, Vol. 1, pp. 1-109

<sup>2</sup> Record, Vol. 2, pp. 772-775





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"In this case petitioners pray for the following: **1)** upon filing of this petition, issuance of a restraining order to respondents, their agents, and any person's acting on their behalf, commanding them to immediately refrain from further implementing or enforcing respondent PCGG's writs of sequestration dated March 10, 1986, May 31, 1986 and April 4, 1988 until further orders; **2)** after hearing, issuance of a writ of preliminary injunction, commanding respondents, their agents, and any person/s acting on their behalf to desist from further implementing or enforcing respondent PCGG's writs of sequestration dated March 10, 1986, May 31, 1986 and April 4, 1988 and to turn over to petitioners and/or their authorized officers and representatives, all corporate records, files and documents (including titles, certificates, checks, statements, letters, and all papers pertaining to petitioners) which are in their possession by virtue of respondent PCGG's writs of sequestration dated March 10, 1986, May 31, 1986 and April 1, 1988; **3)** render judgment declaring petitioners sequestration as illegal, null and void or lifted automatically in accordance with Article XVIII, Section 26 of the 1987 Constitution, and commanding respondents, their agents, and any persons acting on their behalf to desist permanently from enforcing and implementing respondent PCGG's writs of sequestration dated March 10, 1986, May 31, 1986 and April 4, 1988 from retaining or possessing any corporate records, files and documents pertaining to petitioners, which they acquired or possessed by virtue of said writs of sequestration.


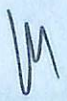
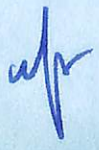
In a **Resolution** dated November 15, 1991, the Court issued a writ of preliminary injunction against:

**"... the Presidential Commission on Good Government, its agents, and any person acting on its behalf, ordering the PCGG to desist from further implementation or enforcement of the writs of sequestration dated March 10, 1986, May 31, 1986 and April 14, 1988 to turn over to petitioners and/or their authorized officers and representatives, all corporate records, files and documents which are in their possession by virtue of the aforesaid Writs of Sequestration, pending termination of this litigation and/or unless a contrary order is issued by this Court."**

The motion of respondent for reconsideration of the above **Resolution** was denied in a **Resolution** dated January 17, 1992.

The Republic of the Philippines, through the PCGG, filed with the Supreme Court a **Petition for Certiorari** dated May 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. 105205.

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 may be considered a judicial action in contemplation of **Section 26 of Article XVIII** of the **1987 Constitution**.





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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 its **Amended Complaint** dated October 8, 1991 filed in said Civil Case No. 0014, plaintiff Republic of the Philippines impleaded as defendants herein petitioners, among other defendant corporations. 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 Ternate, et al., among others.

A **Motion to Dismiss and to Lift Sequestration** was filed on May 17, 1996 and also on May 31, 1996 by Ternate Development Corporation, together with other defendant corporations, in Civil Case No. 0014.

In a **Resolution** promulgated on February 7, 2002, the Court dismissed the case against Ternate, et al., 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 ordered lifted and set aside the sequestration orders against Ternate, et al., among others.

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, 2010 in G.R. No. 154560, the Supreme Court dismissed the **Petition for Certiorari**. Subsequently, in a **Resolution** dated September 8, 2010, the Supreme Court dismissed the Republic's **Motion for Reconsideration** of the **Resolution** of July 13, 2010 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 thus 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 development cited therein."

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When the case was called for hearing on May 25, 2022, there was no appearance for the petitioners<sup>3</sup>. The Sheriff's Returns indicate that the notice to the counsels of record of the petitioners were unserved because one of them is no longer holding office at his given address, while the given address of the other one cannot be located<sup>4</sup>.

The Court has not received any notice of change of address nor any withdrawal or substitution of counsel.

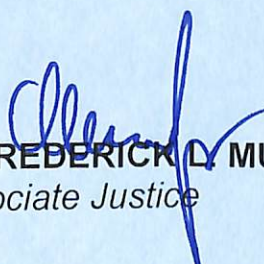
It appears that petition in this case has indeed become moot and academic.

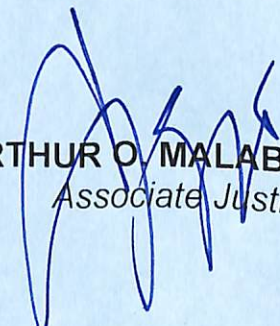
**WHEREFORE**, premises considered, the instant petition for ***Prohibition with Application for Temporary Restraining Order and Preliminary Injunction*** is hereby dismissed.

SO ORDERED.

  
**OSCAR C. HERRERA, JR.**  
Chairperson  
Associate Justice

*We concur:*

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

  
**ARTHUR O. MALABAGUIO**  
Associate Justice

<sup>3</sup> Id, p. 814

<sup>4</sup> Id, pp. 798 and 804 (dorsal portions)