

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**FOURTH DIVISION**

REPUBLIC OF THE  
PHILIPPINES,

*Plaintiff,*

**CIVIL CASE NO. 0002**

*For: Reversion, Reconveyance,  
Restitution, Accounting, and  
Damages*

- versus -

**FERDINAND E. MARCOS, ET AL.,**  
*Defendants.*

Present:

MUSNGI, J., Chairperson  
MENDOZA-ARCEGA, J.<sup>1</sup>  
CORPUS-MAÑALAC, J.<sup>2</sup>

JAN 25 2023

Promulgated

**RESOLUTION**

***MUSNGI, J.:***

The Court resolves the *Omnibus Motion* filed on 10 August 2022<sup>3</sup> and *Supplement to the Omnibus Motion* filed on 17 August 2022,<sup>4</sup> by defendants Imelda Romualdez Marcos (“**Marcos**”) and Irene R. Marcos-Araneta (“**Araneta**”), to which the plaintiff Republic of the Philippines, represented by the Presidential Commission on Good Government (PCGG), through the Office of the Solicitor General (OSG), filed its *Comment/Opposition (to the Omnibus Motion dated August 5, 2022)*<sup>5</sup> on 16 August 2022.

In the said *Omnibus Motion* dated 05 August 2022, defendants Marcos and Araneta pray for the issuance of a writ of execution under Section 1 of Rule 39 of the Revised Rules of Court on the properties denominated as: (1) Frozen Accounts; (2) Surrendered by virtue of compromise agreements; (3) Sequestered (but) not in the PCGG’s custody; and (4) Sequestered under the PCGG’s control and supervision, based on the Court’s *Resolution* dated 22 July 2022, which provides:

<sup>1</sup> Sitting as Special Member of the Fourth Division per Administrative Order No. 051-2017 dated 23 February 2017.

<sup>2</sup> Sitting as Special Member of the Fourth Division per Administrative Order No. 259-A-2019 dated 24 June 2019.

<sup>3</sup> Sandiganbayan Records, Vol. 63.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

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WHEREFORE, the plaintiff's Motion for Reconsideration dated 29 December 2019, insofar as the properties that allegedly have not yet been recovered by the government are concerned, is DENIED for its failure to prove its claims through a preponderance of evidence.

SO ORDERED.

Defendants further move for the express declaration of the following properties as not ill-gotten and for the release of the said properties to them: (a) Not sequestered; (b) Released from sequestration by virtue of compromise agreements; and (c) Dismissed/Final Judgment.

The defendants argue that the provisional remedies available for the PCGG to prevent the concealment, disappearance, destruction, dissipation, or loss of assets and properties subject of suits are sequestration, freeze order, and provisional takeover. They assert that none of the said remedies are meant to deprive the owner of the title or any right to the property sequestered, frozen or taken over.

According to the defendants, the PNB Trust Account No. T-8461-11 belonging to them was subjected to a freeze order, as indicated in the *Resolution* dated 22 July 2022. They insist that the trust account was placed in *custodia legis* of the Court and that while the sequestered properties are left to the administration of the PCGG, the Court has the authority to preserve the subject matter of the cases. The said freeze order was intended to stop or prevent any act or transaction which may affect the title, possession, status, condition, integrity or value of the asset or property. Considering that there was allegedly no evidence that this trust account was ill-gotten, the defendants move for the execution of the same, either under Sections 1 or 2 of Rule 39, Revised Rules of Court, in the event that plaintiff will file an appeal.

Citing the cases of *National Power Corporation v. Heirs of Antonina Rabie*<sup>6</sup> and *Villamor v. NPC and Court of Appeals*,<sup>7</sup> the defendants allege that the Court may order execution pending appeal in accordance with Section 2 of Rule 39 prior to the transmittal of the original record or the record on appeal. They also maintain that they have good and valid reason for execution on the ground that the case was decided only after more than three (3) decades and as a consequence, the defendants have suffered greatly, mentally and emotionally, and the dissipation of seized properties causing unjust and unreasonable deprivation of their proprietary rights.

<sup>6</sup> G.R. No. 210218, 17 August 2016.

<sup>7</sup> G.R. No. 146735, 25 October 2004.



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With respect to the surrendered assets by virtue of compromise agreements, the defendants argue that at the time the compromise agreements were executed, the consent of the defendants who were allegedly the rightful owners of the properties were missing. They insist that there was no valid contract when the agreements were entered into by the PCGG; hence, the properties subject of the said compromise agreements must be returned to their lawful owners.

As to the sequestered assets, the defendants maintain that the PCGG only exercises powers of administration over the properties and never acquired ownership of the same. They allege that the PCGG has not offered an explanation on why some of the sequestered properties are not in their custody.

Moreover, defendants assert that at the conclusion of the trial in Civil Case No. 0002, the plaintiff failed to sustain a valid cause of action for reversion, reconveyance, restitution, accounting and damages. Thus, defendants implore the Court to order the release of all the other properties.

In the *Comment/Opposition (to the Omnibus Motion dated August 5, 2022)* filed by plaintiff on 16 August 2022, the plaintiff contend that the Court's *Resolution* dated 22 July 2022 has not yet attained finality, and thus cannot be the subject of execution. It is underscored that the plaintiff filed a *Petition for Review on Certiorari* before the Supreme Court on 10 August 2022, which is within the reglementary period.

The plaintiff argues that there is no basis for the grant of discretionary execution as there is no good reason for the same.

Plaintiff reiterates the findings of the Court in its *Resolution* dated 06 December 2005 that the bulk of evidence presented by the plaintiff constitute *prima facie* presumption that the properties were ill-gotten. It emphasized that the said finding was affirmed by the Supreme Court in the *Decision* dated 08 February 2012 in G.R. No. 171701, entitled, *Republic v. Ma. Imelda "Imee" R. Marcos*. According to the plaintiff, the burden of proof shifted to the defendants to dispute *prima facie* presumption but the latter failed to overturn the same with their evidence.

Plaintiff asserts that the analysis of spouses Ferdinand E. Marcos and Imelda Marcos' legitimate income preceding their ascendancy to public office has been judicially settled in *Republic v. Sandiganbayan*.<sup>8</sup> The Supreme Court

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<sup>8</sup> G.R. No. 152154, 15 July 2003.

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held in the said case that the sum of 304,372.43 USD should be considered as the lawful income of the spouses Marcos.

Moreover, plaintiff questioned the evidence presented by the defendants, particularly the documents attached in the testimony of defendant Constante Rubio, which are mere photocopies and cannot pass the test of admissibility of evidence. As to the alleged certified true copy of the OCT No. O-3675, plaintiff submits that the same is barred by *res judicata* as the said title is registered in the name of the Philippine Cacao and the connection between Ferdinand Marcos and the former was not shown.

In the *Supplement to the Omnibus Motion* filed on 17 August 2022, defendants claim that after the case has been heard and the evidence evaluated and dismissed, the sequestration and freeze orders should be deemed lifted since their purpose as provisional remedies was already served. With the promulgation of the *Resolution* of the Sandiganbayan dated 22 July 2022, defendants argue that the listed properties should now be removed from the control and possession of the PCGG, and should revert back to their legitimate owners.

According to the defendants, the divestment of ownership done by the PCGG is *ultra vires* considering that E.O. No. 1 of 1986 does not allow the PCGG to transfer ownership of sequestered properties until final determination of the case. Being an *ultra vires act*, the compromise agreements are null and void and produce no legal effect from its inception.

Defendants further argue that the *Resolution* dated 22 July 2022 rendered the sequestration and freeze orders issued by the PCGG *functus officio*. Hence, it is merely ministerial for the Court to lift the same and return to properties to the previous owner.

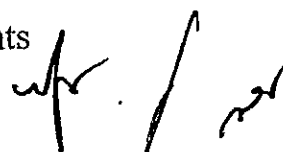
Defendants moved that the sequestration and freeze orders on all assets and properties listed in the *Addendum* to the Complaint be lifted and prayed for the Court:

- 1) to issue the writ of execution in favor of defendants pursuant to Section 2 (a), Rule 39 of the Rules of Court on execution of a judgment pending appeal of the following properties:

- a. Frozen Account

- PNB Trust Account No. T-8461-11

- b. Surrendered by virtue of compromise agreements

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1. RPN, BBC, IBC TV, and radio stations
2. S-54804 (64208) at 2nd St. Villamar Court, Paranaque City
3. S-54806 (64209) at 2nd St. Villamar Court, Paranaque City
4. S-54857 (64210) at 2nd St. Villamar Court, Paranaque City

c. Sequestered (but) not in the PCGG's custody


1. American Inter Fashion Corporation
2. Balut Island Sawmill Corporation
3. Coconut Palace
4. Condominium Units at Legaspi Towers
5. Currimao Beach House
6. De Soleil Apparel Manufacturing Corporation
7. Hi-Tri Development Corporation
8. HM Holding & Management Inc.
9. Manila Golf and Country Club, Inc. (MGCCI)
10. Metro Manila Symphony Foundation
11. Presidential rest house in San Fabian, Pangasinan
12. RP-C28 BN Islander
13. Silahis International Hotel
14. Phil Asia Food Industry, Inc.
15. House in Pandacan, Manila
16. T-32807 in Bolasi, Pangasinan

d. Sequestered under the PCGG's supervision and control

1. Condominium Unit K-102 in Galeria de Magallanes
2. 29707 in Sto. Nino Shrine
3. T-19175 in Sto. Nino Shrine
4. T-19124 in Sto. Nino Shrine
5. T-19126 in Sto. Nino Shrine
6. T-18736 in Sto. Nino Shrine
7. 29706 People's Center; and

2.) to clarify whether the following assets or properties form part of the ill-gotten wealth, and if not, should be released in favor of the defendants:

a. Not Sequestered



1. Asialand Development Corporation
2. Asiatic Integrated Corporation
3. Electronic Telephone Systems Industry, Inc.
4. Interport Resources Corporation
5. Mariveles Shipping Lines, Inc.
6. Phil Asphalt Technology Corporation
7. Cali and Deagan Ranches
8. R&R Agricultural & Development Corporation
9. R & R Realty Co., Inc.
10. R & R Sports Promotions, Inc.
11. Roman Super Cinerama, Inc.
12. Silhouttte Trading Corporation
13. Sarrat Museum
14. Sarrat Guest House
15. Batac Museum
16. Batac Guest House
17. President Guest House in Agoon, La Union
18. T-21079 (Hi-Tri/7R Dev. Corp.)
19. T-20534 (Hi-Tri/7R Dev. Corp.)
20. T-21121/21122 (Hi-Tri/7R Dev. Corp.)
21. T-2796 (Hi-Tri/ 7R Dev. Corp.)
22. T-25338 (Hi-Tri/ 7R Dev. Corp.)
23. T-19206 (Hi-Tri/7R Dev. Corp.)
24. T-19166 (Hi-Tri/7R Dev. Corp.)
25. C1184-F-2 (Hi-Tri/7R Dev. Corp.)
26. T-25336 (Hi-Tri/ 7R Dev. Corp.)
27. T-25337 (Hi-Tri/7R Dev. Corp.)
28. T-20049 (Hi-Tri/7R Dev. Corp.)
29. T-18920 (Hi-Tri/7R Dev. Corp.)
30. T-18730 (Hi-Tri/7R Dev. Corp.)
31. T-108121 at Ilongot St., La Vista, Quezon City
32. T-108122 at Ilongot St., La Vista, Quezon City

b. Released from Sequestration by virtue of Compromise Agreements

1. Celebrity Sports Plaza
2. Hacienda Cambio
3. Hacienda Casmisana
4. Hacienda Colisap
5. Hacienda Consuelo
6. Hacienda de Fuego
7. Hacienda Lonoy
8. Hacienda Nahalin

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9. Hacienda Sivellina-Binubuhan
10. Ecological Technology Foundation

c. Dismissed/Final Judgment

1. RP-C 2663 Cessna U206 Station Air in Mactan, Cebu
2. Liwayway Publishing, Inc.
3. Bulletin Publishing Corporation

**RULING**

At the outset, the Court notes its authority to rule on the foregoing motions despite the Petition for Review on Certiorari under Rule 45 having been filed by the plaintiff PCGG before the Supreme Court, pursuant to the doctrine of “residual jurisdiction”. In *DBP v. Carpio*,<sup>9</sup> the High Court explained, thus:

Residual jurisdiction refers to the authority of the trial court to issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal; to approve compromises; to permit appeals by indigent litigants; to order execution pending appeal in accordance with Section 2, Rule 39; and to allow the withdrawal of the appeal, provided these are done prior to the transmittal of the original record or the record on appeal, even if the appeal has already been perfected or despite the approval of the record on appeal or in case of a petition for review under Rule 42, before the CA gives due course to the petition.

The “residual jurisdiction” of the trial court is available at a stage in which the court is normally deemed to have lost jurisdiction over the case or the subject matter involved in the appeal. This stage is reached upon the perfection of the appeals by the parties or upon the approval of the records on appeal, but prior to the transmittal of the original records or the records on appeal. In either instance, the trial court still retains its so-called residual jurisdiction to issue protective orders, approve compromises, permit appeals of indigent litigants, order execution pending appeal, and allow the withdrawal of the appeal.

From the foregoing, it is clear that before the trial court can be said to have residual jurisdiction over a case, a trial on the merits must have been conducted; the court rendered judgment; and the aggrieved party appealed therefrom.

Considering that the issues submitted for resolution in the foregoing Motions involve the issuance of a writ of execution under Sections 1 and 2 of

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<sup>9</sup> 01 February 2017, G.R. No. 195450.

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Rule 39 of the Rules of Court, and the clarification of the *Decision* dated 16 December 2019, *Resolution* dated 12 July 2021, and the 22 July 2022 *Resolution*, this Court hereby resolves the same within its residual powers as explained above.

**A. On the prayer for the issuance of a Writ of Execution pursuant to Section 1 or 2 (a), Rule 39 of the Rules of Court.**

Section 1, Rule 39 of the Rules of Court provides:

**Section 1. Execution upon judgments or final orders.** — Execution shall issue as a matter of right, on motion, upon a judgment or **order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.**

If the appeal has been duly perfected and finally resolved, the execution may forthwith be applied for in the court of origin, on motion of the judgment obligee, submitting therewith certified true copies of the judgment or judgments or final order or orders sought to be enforced and of the entry thereof, with notice to the adverse party.

The appellate court may, on motion in the same case, when the interest of justice so requires, direct the court of origin to issue the writ of execution.  
(*Emphasis supplied*)

Records show that the PCGG filed a *Petition (For Review on Certiorari Under Rule 45)* before the Supreme Court on 10 August 2022, which is an appeal from the Decision of this Court dated 16 December 2019 dismissing the instant *Third Amended Complaint* and the 22 July 2022 *Resolution* denying the plaintiff's *Motion for Reconsideration* dated 29 December 2019. In the said *Petition (For Review on Certiorari Under Rule 45)* dated 10 August 2022, the PCGG alleged that it received the notice of the denial of the motion for reconsideration on 26 July 2022.

Section 2, Rule 45<sup>10</sup> of the Rules of Court provides that the party desiring to appeal by certiorari may file a verified petition for review on certiorari within fifteen (15) days from notice of the judgment or final order or resolution appealed from.

<sup>10</sup> **Section 2. Time for filing; extension.** — The petition shall be filed 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. On motion duly filed and served, with full payment of the docket and other lawful fees and the deposit for costs before the expiration of the reglementary period, the Supreme Court may for justifiable reasons grant an extension of thirty (30) days only within which to file the petition.



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Pursuant to the above-mentioned rule, the plaintiff had fifteen (15) days from 26 July 2022 or until 10 August 2022 within which to file the said *Petition*. A perusal of the *Petition (For Review on Certiorari Under Rule 45)* filed by the PCGG will show that the same was filed with the Supreme Court on 10 August 2022. Thus, the same was filed within the reglementary period.

Considering that an appeal was timely filed in the instant case, the prayer for the issuance of a writ of execution under Section 1, Rule 39 of the Rules of Court cannot prosper as the judgment or order that disposes of the action is not yet final.

Be that as it may, Section 2(a), Rule 39 of the Rules of Court allows the execution of a judgment pending appeal, to *wit*:

Section 2. *Discretionary execution.* —

(a) *Execution of a judgment or final order pending appeal.* — On motion of the prevailing party with notice to the adverse party filed in the trial court while it has jurisdiction over the case and is in possession of either the original record or the record on appeal, as the case may be, at the time of the filing of such motion, said court may, in its discretion, order execution of a judgment or final order even before the expiration of the period to appeal.

After the trial court has lost jurisdiction, the motion for execution pending appeal may be filed in the appellate court.

Discretionary execution may only issue upon good reasons to be stated in a special order after due hearing.

For the Court to allow an execution even before the expiration of the period for appeal or pending appeal, there must be compliance of the following requisites:<sup>11</sup>

1. there must be a motion filed by the prevailing party with notice to the adverse party;
2. there must be a hearing of the motion for discretionary execution;
3. the motion must be filed in the trial court while it has jurisdiction over the case and is in possession of either the original record or the record on appeal;
4. there must be good reasons to justify the discretionary execution; and
5. the good reasons must be stated in a special order.

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<sup>11</sup> *Riano, Willard B., Civil Procedure (The Bar Lectures Series) Volume 1, p. 622.*

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The first requisite is present in this case. Records bear out that defendants filed the *Omnibus Motion* dated 05 August 2022 with notice to the Office of the Solicitor General and the PCGG as shown by the registry receipt in its Affidavit of Service.<sup>12</sup> The *Supplement to the Omnibus Motion* dated 16 August 2022 was also served to the said plaintiff by registered mail.

With regard to the second requisite, although the *Omnibus Motion* requested that the same be “set for hearing based on the availability of the parties (since there are several parties and in view of rising Covid cases),” records show that the same has not been set for hearing. Nonetheless, the plaintiff PCGG through the OSG, filed a *Comment/Opposition (to the Omnibus Motion dated August 5, 2022)*. Thus, requirement of setting the motion for hearing was satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy at hand.<sup>13</sup>

As to the third requisite, the defendants filed their *Omnibus Motion* dated 05 August 2022 on 10 August 2022. On even date, the plaintiff likewise filed its *Petition (for Review on Certiorari under Rule 45)* before the Supreme Court. Thus, Court still has jurisdiction to resolve the prayer for discretionary execution because the same was filed before the lapse of the reglementary period for filing the appeal.

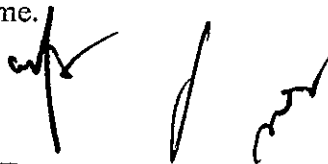
As further discussed above, this Court has the authority to resolve motions for execution pending appeal pursuant to its residual jurisdiction.

Moreover, prior to transmittal of the records of the case, the trial court does not lose jurisdiction over the case and in fact, may issue an order for execution pending appeal.<sup>14</sup>

Section 9, Rule 41 of the Rules of Court provides:

SEC. 9. Perfection of appeal; effect thereof. A party’s appeal by notice of appeal is deemed perfected as to him upon the filing of the notice of appeal in due time.

A party’s appeal by record on appeal is deemed perfected as to him with respect to the subject matter thereof upon the approval of the record on appeal filed in due time.



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<sup>12</sup> Sandiganbayan Records, Vol. 63.

<sup>13</sup> *Stayfast Philippines Corp. v. NLRC, et al.*, G.R. No. 81480, 9 February 1993, 218 SCRA 596, citing *Llora Motors, Inc., et al. v. Drilon, et al.*, G.R. No. 82895, 7 November 1989, 179 SCRA 175.

<sup>14</sup> *National Power Corporation v. Heirs of Rabie*, 17 August 2016, G.R. No. 210218.

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In appeals by notice of appeal, the court loses jurisdiction over the case upon the perfection of the appeals filed in due time and the expiration of the time to appeal of the other parties.

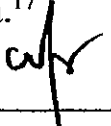
In appeals by record on appeal, the court loses jurisdiction only over the subject matter thereof upon the approval of the records on appeal filed in due time and the expiration of the time to appeal of the other parties.

**In either case, prior to the transmittal of the original record or the record on appeal, the court may issue orders for the protection and preservation of the rights of the parties which do not involve any matter litigated by the appeal, approve compromises, permit appeals of indigent litigants, order execution pending appeal in accordance with Section 2 of Rule 39, and allow withdrawal of the appeal. (Emphasis supplied)**

It must be noted that when the *Omnibus Motion* dated 05 August 2022 was filed, the case records are still in the possession of this Court and not yet elevated to the Supreme Court. Therefore, the Court still has jurisdiction when defendants filed their *Omnibus Motion* praying for execution pending appeal.

With respect to the fourth requisite, Section 2 of Rule 39 does not cite examples of the good reasons that would justify a discretionary execution. What constitutes a good reason therefore, is left to the sound exercise of judicial discretion.<sup>15</sup> The following, among others, have been given by jurisprudence as good reasons:

1. The insolvency of the debtors may justify discretionary execution as when it is proven that they had been exhausting for their personal use all the monthly installments being received by them from the sales of the different lots of the subdivision in question, they have not constructed therein the improvements required by law like the construction of roads, gutters and that they do not appear to have any other properties or assets to answer not only for the aforementioned obligations but more particularly the obligations imposed upon them by the decision.<sup>16</sup>
2. The purpose of preventing irreparable injury to the consumers of an electric cooperative which needs the amount of the judgments for its operations and the repair of its transmission lines, electric posts, transformers, accessories, towers, and fixtures within its coverage area.<sup>17</sup>

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<sup>15</sup> *Riano, Willard B.*, Civil Procedure (The Bar Lectures Series) Volume 1, p. 624.

<sup>16</sup> *Lao v. Mencias*, 21 SCRA 1021, 1024.

<sup>17</sup> *Fortune Guarantee and Insurance Corp. v. Court of Appeals*, 379 SCRA 7, 19-20.

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3. The fact that the goods subject of the judgment will perish or deteriorate during the pendency of the appeal, a fact which would render the judgment in favor of the prevailing party ineffective.<sup>18</sup>
4. The failure in an unlawful detainer case to make the required periodic deposits to cover the amounts of rentals due under the contract or for payments of the reasonable value of the use and occupation of the premises, or the failure to post a supersedeas bond may be good reasons to allow execution pending appeal.<sup>19</sup>

In *Florendo v. Paramount Insurance Corp.*,<sup>20</sup> the Supreme Court held:

x x x ‘Good reasons,’ it has been held, consist of compelling circumstances that justify immediate execution lest the judgment becomes illusory. The circumstances must be superior, outweighing the injury or damages that might result should the losing party secure a reversal of the judgment. Lesser reasons would make of execution pending appeal, instead of an instrument of solicitude and justice, a tool of oppression and inequity.

“Good reason” as required by Section 2, Rule 39 of the Rules of Court does not necessarily mean unassailable and flawless basis but at the very least, it must be on solid footing. Dire financial conditions of the party supported by mere self-serving statements as “good reason” for the issuance of a writ of execution pending appeal does not stand on solid footing. It does not even stand on its own.<sup>21</sup>

In the instant case, defendants allege the following as good reason in moving for execution pending appeal:

Respondents herein have good valid reasons to move for execution of this resolution on the ground that this case was decided only after more than three (3) decades and as a consequence of this, Respondents have suffered greatly, mentally and emotionally, not to mention the dissipation of seized properties causing the unjust and unreasonable deprivation of their proprietary rights.

Following the above-listed rulings of the Supreme Court in several cases, the reason relied upon by the defendants does not justify the issuance of the order of execution pending appeal. The same does not constitute the good reason contemplated by the Rules of Court that would rationalize the granting of their *Omnibus Motion* seeking the discretionary execution of the 16 December 2019 *Decision* and 22 July 2022 *Resolution*.

<sup>18</sup> *Federation of United NAMARCO Distributors, Inc. v. Court of Appeals*, 4 SCRA 867, 888.

<sup>19</sup> Section 19, Rule 70, Rules of Court.

<sup>20</sup> G.R. No. 167976, 20 January 2010.

<sup>21</sup> *National Power Corporation v. Adiong*, A.M. No. RTJ-07-2060, 27 July 2011.

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The fact that more than three decades have passed before the said case was decided is not a good reason considering that numerous factors have contributed to said length of period, which even includes the acquisition of jurisdiction over the defendants on different dates, the inclusion of additional defendants after the admission of the *Second and Third Amended Complaints*, and the filing of numerous motions and petitions, among others. The defendants also offered no proof or reason how the properties subject of this case are being dissipated.

The Court notes that the execution of judgment pending appeal is an exception to the general rule and must, therefore, be strictly construed.<sup>22</sup> So, too, it is not to be availed of and applied routinely, but only in extraordinary circumstances.<sup>23</sup>

This rule is strictly construed against the movant, for “Courts look with disfavor upon any attempt to execute a judgment which has not acquired a final character.” In the same vein, the Supreme Court has held that such execution “is usually not favored because it affects the rights of the parties which are yet to be ascertained on appeal.”<sup>24</sup>

As held in *Maceda, Jr. v. Development Bank of the Philippines*,<sup>25</sup>

If the judgment is executed and, on appeal, the same is reversed, although there are provisions for restitution, oftentimes damages may arise which cannot be fully compensated. Accordingly, execution should be granted only when these considerations are clearly outweighed by superior circumstances demanding urgency and the provision contained in Rule 39, Section 2, requires a statement of these circumstances as a security for their existence.

**B. On the prayer to clarify whether the assets or properties (not sequestered, released from sequestration by virtue of compromise agreements, dismissed/final judgment) form part of the ill-gotten wealth**

In its *Omnibus Motion* dated 05 August 2022, the defendants moved for the express declaration of the following properties as not ill-gotten and for the

<sup>22</sup> *Provident International Resources Corp. v. Court of Appeals*, 259 SCRA 510, 525 (1996)

<sup>23</sup> *Corona International, Inc. v. Court of Appeals*, 343 SCRA 512, 519 (2000).

<sup>24</sup> *Maceda, Jr. v. Development Bank of the Philippines*, 313 SCRA 233, 242 (1999).

<sup>25</sup> 313 SCRA 233 (1999).

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release of the same to them: (1) not sequestered; (2) released from sequestration by virtue of Compromise Agreements; and (3) Dismissed/Final Judgment. The defendants anchor their claim on the subject properties based on the 12 July 2021 *Resolution* of the Court.

Considering that the arguments of defendants were based on the pertinent preceding issuances of the Court, the Court deems it proper to restate the same.

In the *Decision* dated 16 December 2019, the Court dismissed the instant *Third Amended Complaint* for the failure of the plaintiff to prove its allegations by preponderance of evidence. The claims of the defendants were likewise dismissed for their failure to prove the same by preponderance of evidence.

On 02 January 2020, the plaintiff filed a *Motion for Reconsideration [Re: Decision dated December 16, 2019]*<sup>26</sup> stating among others that a sweeping dismissal of the entire complaint is not warranted considering that numerous assets and properties have already been successfully recovered by the plaintiff, either by favorable judgments or compromise agreements.

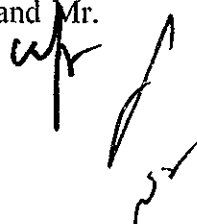
On 12 July 2021, the Court issued a *Resolution*<sup>27</sup> partially granting the plaintiff's *Motion for Reconsideration*. The Court ruled that the recovery of the properties covered by Court decisions and compromise agreements are barred by *res judicata* under the concept of conclusiveness of judgment. The Court explains:

At this juncture, it bears mentioning that, per admission of the plaintiff itself, many of the ill-gotten properties of the Marcoses subject of the present Complaint had (sic) already been recovered by the State, to wit: (1) the 111,415 shares of stock in Philippine Telecommunications Investment Corporation (PTIC) registered in the name of Prime Holdings, Inc. (PHI); (2) the Cabuyao property; (3) the Paoay property; (4) the Sto. Niño Shrine and People's Center; (5) the Swiss deposits in the amount of US\$ 658,175,373.60; (6) the assets of Arelma, Inc. in the amount US\$ 3,369,975.00; (7) pieces of jewelry; and (8) paintings.

Additionally, and as the plaintiff points out, some of the other properties were subject of compromise agreements entered into on different dates, and consequently returned to the Republic, viz: (1) the assets held in trust by Jose Y. Campos which were voluntarily returned by him; (2) the properties subject of the Compromise Agreement dated 05 March 1987 between the Republic and Antonio O. Floreindo ("Mr. Floreindo"); (3) the monies pertained to in another Agreement between the Republic and Mr.

<sup>26</sup> Sandiganbayan Records, Vol. 61, pp. 427-453.

<sup>27</sup> *Ibid.* Vol. 32, pp. 156-173.



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Floreindo dated 02 November 1989; (4) the properties recovered pursuant to the Agreement dated 04 March 1990 between the Republic and Rodolfo M. Cuenca; and (5) the properties contemplated in the Compromise Agreement dated 03 November 1990 between the Republic and Roberto S. Benedicto.

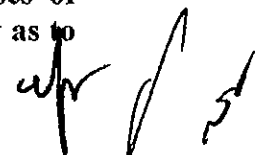
Along this line, the Court partially adopts the Separate Opinion rendered by Justice Maryann E. Corpus-Mañalac, insofar as the foregoing properties are concerned. **Indeed, the recovery of the foregoing properties contemplated in the subject court decisions and compromise agreements is now barred by *res judicata* under its second concept, i.e., conclusiveness of judgment.** In *Sps. Antonio v. Vda. De Monje*, the Supreme Court had the occasion of explaining the concept of conclusiveness of judgment, *viz*:

"Going to the merits of the case, *res judicata* is defined as "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." According to the doctrine of *res judicata*, an existing final judgment or decree rendered on the merits, and without fraud or collusion, by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit. To state simply, a final judgment or decree on the merits by a court of competent jurisdiction is conclusive of the rights of the parties or their privies in all later suits on all points and matters determined in the former suit.

The principle of *res judicata* is applicable by way of (1) "bar by prior judgment" and (2) "conclusiveness of judgment." This Court had occasion to explain the difference between these two aspects of *res judicata* as follows:

There is "bar by prior judgment" when, as between the first case where the judgment was rendered and the second case that is sought to be barred, there is identity of parties, subject matter, and causes of action. In this instance, the judgment in the first case constitutes an absolute bar to the second action. Otherwise put, the judgment or decree of the court of competent jurisdiction on the merits concludes the litigation between the parties, as well as their privies, and constitutes a bar to a new action or suit involving the same cause of action before the same or other tribunal.

**But where there is identity of parties in the first and second cases, but no identity of causes of action, the first judgment is conclusive only as to**



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**those matters actually and directly controverted and determined and not as to matters merely involved therein. This is the concept of res judicata known as "conclusiveness of judgment."** Stated differently, any right, fact or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same.

Stated differently, **conclusiveness of judgment finds application when a fact or question has been squarely put in issue, judicially passed upon, and adjudged in a former suit by a court of competent jurisdiction.** The fact or question settled by final judgment or order binds the parties to that action (and persons in privity with them or their successors-in-interest), and continues to bind them while the judgment or order remains standing and unreversed by proper authority on a timely motion or petition; the conclusively-settled fact or question cannot again be litigated in any future or other action between the same parties or their privies and successors-in-interest, in the same or in any other court of concurrent jurisdiction, either for the same or for a different cause of action.

**Thus, only the identities of parties and issues are required for the operation of the principle of conclusiveness of judgment.** (Emphases and underscoring supplied)

Proceeding from the above, the Court notes that the judgments mentioned above have long attained finality. It further notes that, in the present case and the earlier cases mentioned, there are identities of parties, *i.e.*, the Republic and the Marcoses, and identities of issues, *i.e.*, whether the properties subject of the cases were illegally obtained wealth of the Marcoses, thereby warranting their return to the coffers of the government. The operation of the principle of conclusiveness of judgment thus comes into play, as to the claim for recovery of the properties already returned.

In this regard, the Court agrees that a sweeping dismissal of the present case, insofar as all the listed properties are concerned, on the ground of violation of the Best Evidence Rule (now Original Document Rule), is not warranted. **Only a partial dismissal should be ordered, insofar as the recovered properties are concerned, in view of the principle of conclusiveness of judgment.**

As regards the remaining properties listed in the Addendum, the Court is of the considered opinion that the plaintiff's claim for the recovery of said



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properties cannot be adjudged yet, without a second good look at the pieces of evidence presented by the parties. Corollarily, the Court does not find it to be in consonance with justice to deny the plaintiff any relief at this point, without being apprised of the true status of all the properties listed in the Addendum, considering the amounts alleged in the Complaint to have been illegally obtained by the Marcoses during the Marcos regime.

WHEREFORE, premises considered, the subject Motion for Reconsideration is PARTIALLY GRANTED. The Decision of this Court dated 16 December 2019 is PARTIALLY RECONSIDERED.

Accordingly, in the interest of justice and for an expedient determination of the merits of this case, the plaintiff is hereby ORDERED to submit to this Court a STATUS REPORT within thirty (30) days from receipt hereof, relative to all the properties listed in the Addendum to the Complaint, including all the amendments thereto. No extension shall be allowed.

Upon receipt of the said Report, the Court shall make a final determination of whether the properties that had not been recovered yet by virtue of final judgments and/or compromise agreements should be returned to the Republic vis-à-vis the pieces of evidence that the plaintiff presented before this Court during trial.

In compliance with the above-mentioned order to submit a Status Report, the plaintiff filed a *Manifestation and Motion*<sup>28</sup> on 18 November 2021 informing the Court that the PCGG transmitted to the OSG a letter dated 04 August 2021 containing a Status Report “relative to all the properties listed in the Addendum to the Complaint, including all amendments thereto.” The plaintiff moved that the submission of the said Status Report be considered as sufficient compliance with the *Resolution* dated 12 July 2021.

In a *Resolution* dated 22 July 2022, the Court considered the Status Report filed by the plaintiff containing a list of the following properties: (1) Recovered/Disposed/Privatized; (2) Released from sequestration by virtue of Compromise Agreements; (3) Surrendered by virtue of Compromise Agreements; (4) Sequestered but not in the PCGG’s custody; (5) Sequestered under the PCGG’s control and supervision; (6) Dismissed/Final Judgment; (7) Sequestration Order lifted; (8) Not Sequestered; (9) Frozen Accounts; and (10) No data/ongoing verification. The Court noted that:

**As may easily be gleaned from the above list, many of the properties subject of the Complaint in this case, along with its subsequent amendments, have already been recovered by the government or transferred to third persons not involved herein. Except for those properties the dispositions of which are yet to be verified, it appears from the list that only the following properties remain to be**

<sup>28</sup> Sandiganbayan Records, Vol. 62, pp. 261-311.

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**under the control of the Marcoses: (1) the Currimao Beach House "registered in the name of Ferdinand E. Marcos under TCT No. T-12494"; (2) the house in Pandacan, Manila "under the full control and supervision of the Marcoses" and "registered in the name of Heirs of Vicente Romualdez"; (3) the Batac Museum, which is "under the control and supervision of the Marcoses"; and (4) the Batac Guest House, likewise "under the control and supervision of the Marcoses."**

Bearing in mind the rule that technical rules of procedure and evidence shall not be strictly applied to cases for forfeiture of ill-gotten wealth, such as the one at bar, the Court afforded the plaintiff the opportunity to submit further evidence in support of the subject report. Unfortunately, no such evidence was forthcoming. Precisely, in its Compliance dated 25 April 2022, the plaintiff averred that "all material and relevant documents and pieces of evidence for the instant case have already been presented during trial."

Considering that the evidence already offered by the plaintiff during trial do not sufficiently establish its claims as to the properties mentioned above that are purportedly still within the Marcoses' control, the Court is constrained to deny the plaintiff's Motion for Reconsideration dated 29 December 2019 as regards the said properties.

WHEREFORE, the plaintiff's Motion for Reconsideration dated 29 December 2019, insofar as the properties that allegedly have not yet been recovered by the government are concerned, is DENIED for its failure to prove its claims through a preponderance of evidence.

From the foregoing, the Court dismissed the *Third Amended Complaint* with respect to the properties that "have already been recovered by the government or transferred to third persons not involved herein", or those which have been the subject of Court decisions and compromise agreements as the same were barred by *res judicata* under its second concept, *i.e.*, conclusiveness of judgment and mootness. Thus, the Court can no longer rule on the said properties.

What remains to be determined, however, is the list of properties which are included in the dismissal of the *Third Amended Complaint* for failure of the plaintiff to prove its allegations by preponderance of evidence.

In the interest of CLARITY, the Court deems it proper to pass upon the status of properties subject of the *Third Amended Complaint* as stated in the Status Report dated 02 August 2021,<sup>29</sup> in order to determine whether the same has been rendered moot and academic by conclusiveness of judgment (properties recovered by the government, transferred to third persons not involved herein, or became the subject of Court decisions and compromise

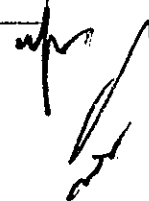
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<sup>29</sup> Sandiganbayan Records, Vol. 62, pp. 218-253.

agreements), or whether the same are included in the dismissal of the *Third Amended Complaint* for failure of the plaintiff to prove that such properties were not lawfully acquired by preponderance of evidence.

Based on the Status Report, the following properties which were included in the *Annex "A"* of the *Third Amended Complaint* have already been recovered, transferred to third persons not included in this case, or became the subject of Court decisions and compromise agreements; hence, the same are already considered **moot and academic**:

| Companies,<br>Radio and<br>TV Stations<br>Aircrafts,<br>Real<br>Properties | Business<br>Address                   | Status                                                                                                                                                                                                                        | Category                          |
|----------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Marcopper<br>Mining                                                        | Makati, M.M.                          | Shares of Stock under IRC Group of Companies ceded to the Republic through PCGG by virtue of a Compromise Agreement with Jose Y. Campos. Privatized in 1994 and proceeds thereof remitted to the Bureau of Treasury for CARP. | Recovered/Disposed/<br>Privatized |
| Metropolitan<br>Museum of<br>Manila<br>Foundation                          | CB Complex,<br>Roxas Blvd.,<br>Manila | 526 pieces of sequestered art collections already turned over to PCGG and presently under the custody of the Bangko Sentral ng Pilipinas for safekeeping                                                                      | Recovered/Disposed/<br>Privatized |
| Philippine<br>Long<br>Distance Tel.<br>Co.                                 | Makati, M.M.                          | The PLDT's 111,415 shares in the name of PTIC was disposed in 2006 thru public bidding in favor of Metro Pacific Assets Holdings, Inc. for a price of P25.2 Billion                                                           | Recovered/Disposed/<br>Privatized |
| Phil. Integ.<br>Meat Corp.<br>(PIMECO)                                     |                                       | The Independent Realty Corporation's 30% shareholdings in PIMECO was disposed through a Memorandum of Agreement dated 11 December 2009 by and among the PCGG, Peter                                                           | Recovered/Disposed/<br>Privatized |



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|                               |             |                                                                                                                                                                                                                                                                                                                                    |                               |
|-------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
|                               |             | Sabido, PIMECO and Consolidated Prime Devt. Corp. The amount of P100 Million was remitted to the PCGG pursuant to the Settlement Agreement between the PCGG and PIMECO dated 18 February 2019. The said settlement agreement was Noted and Approved by the Supreme Court in a Resolution dated 4 September 2019 in G.R. No. 227355 |                               |
| Phil. Telecoms. Invest. Corp. |             | The PLDT's 111,415 shares in the name of PTIC was disposed in 2006 thru public bidding in favor of Metro Pacific Assets Holdings, Inc. for P25.2 Billion                                                                                                                                                                           | Recovered/Disposed/Privatized |
| Phil. Overseas Telecom. Corp. |             | The POTC's 35% shares in the name of the Republic of the Philippines covered by Stock Certificate No. 131 was transferred to the Department of Finance for disposition pursuant to the DOJ Memorandum dated 4 November 2010 and PCGG Resolution No. 2007-024 dated 04 September 2007                                               | Recovered/Disposed/Privatized |
| Security Bank & Trust Co.     |             | The Marcos Peso and Dollar deposits in SBTC in the amount of P934,615,457.33 and \$8,002,290.60, respectively, were released/paid to PCGG in 1992 and remitted to the Bureau of Treasury for CARP fund                                                                                                                             | Recovered/Disposed/Privatized |
| Houses                        | Baguio City | Refers to J.Y. Campos Property, Banaue Inn, Hans Menzi Compound, and Fairchild Compound which were all ceded to the PCGG and                                                                                                                                                                                                       | Recovered/Disposed/Privatized |

|                        |                               |                                                                                                                                                                                            |                                                               |
|------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
|                        |                               | subsequently privatized by virtue of a Compromise Agreement with J.Y. Campos                                                                                                               |                                                               |
| 68634                  | Talaga, Mariveles, Bataan     | Privatized through sealed public bidding held on 29 March 2000 in favor of Mr. Thomas Tan. Proceeds of the sale in the amount of P144 Million remitted to the Bureau of Treasury for CARP. | Recovered/Disposed/Privatized                                 |
| Celebrity Sports Plaza | Celebrity Sports Plaza        | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda Cambio        | Pontevedra, Negros Occidental | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda Casmisana     | La Carlota, Negros Occidental | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda Colisap       | Bago City                     | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda Consuelo      | La Carlota, Negros Occidental | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda de Fuego      | La Carlota, Negros Occidental | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda Lonoy         | Bago City                     | Released from sequestration by virtue of a compromise agreement                                                                                                                            | Released from Sequestration by virtue of Compromise Agreement |

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|                                   |                                                      |                                                                                                                                                                                                                                             |                                                               |
|-----------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
|                                   |                                                      | between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                                                                                                                                 |                                                               |
| Hacienda Nahalin                  | La Carlota, Negros Occidental                        | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                                                                 | Released from Sequestration by virtue of Compromise Agreement |
| Hacienda Sivellana-Binubuhan      | Ma-ao, Negros Occidental                             | Released from sequestration by virtue of a compromise agreement between PCGG and Roberto S. Benedicto dated 3 November 1990                                                                                                                 | Released from Sequestration by virtue of Compromise Agreement |
| Ecological Technology Foundation  | Lahug, Cebu                                          | Released from sequestration per compromise agreement with TLRC/PDAF dated 29 August 1990                                                                                                                                                    | Released from Sequestration by virtue of Compromise Agreement |
| RPN, BBC, IBC TV & Radio Stations | Broadcast City, Diliman, Q.C.                        | Ceded to the Republic by virtue of a Compromise Agreement with Roberto S. Benedicto. Under the supervision and control of the Presidential Communications Operations Office pursuant to E.O. No. 4 dated 30 July 2010.<br><br>BBC dissolved | Surrendered by virtue of a Compromise Agreement               |
| S-54804 (64208)                   | 2 <sup>nd</sup> St., Villamar Court, Parañaque, M.M. | Ceded to the Republic through PCGG by virtue of a Compromise Agreement dated 28 June 1996 with Potenciano T. Ilusorio                                                                                                                       | Surrendered by virtue of a Compromise Agreement               |
| S-54806 (64209)                   | 2 <sup>nd</sup> St., Villamar Court, Parañaque, M.M. | Ceded to the Republic through PCGG by virtue of a Compromise Agreement dated 28 June 1996 with Potenciano T. Ilusorio                                                                                                                       | Surrendered by virtue of a Compromise Agreement               |
| S-54857 (64210)                   | 2 <sup>nd</sup> St., Villamar Court, Parañaque, M.M. | Ceded to the Republic through PCGG by virtue of a Compromise Agreement dated 28 June 1996 with Potenciano T. Ilusorio                                                                                                                       | Surrendered by virtue of a Compromise Agreement               |

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| Coconut Palace                      | CCP Complex                     | Lot registered in the name of the GSIS. Per records, construction of the building funded by coco levy                                                                    | Sequestered not in the PCGG Custody                |
| Condominium Units at Legaspi Towers | Manila                          | Disposed by the Asset Privatization Trust. The condominiums (Units 22 E to G) are currently registered in the name of US Automotive Company, Inc.                        | Sequestered not in the PCGG Custody                |
| RP-C 28 BN Islander                 | Tanauan, Batangas               | Transferred to the Development Bank of the Philippines (DBP) on 19 September 1979 by way of Dacion En Pago. Subsequently sold by DBP in favor of Chemtrad Aviation, Inc. | Sequestered not in the PCGG Custody                |
| 29707                               | Sto. Niño Shrine                | Under TCT No. T-17644 in the name of Tolosa Development Corporation                                                                                                      | Sequestered under the PCGG Control and Supervision |
| T-19175                             | Sto. Niño Shrine                | Forfeited by the Bureau of Internal Revenue (BIR). Covered by TCT No. T-39904 in the name of the Republic of the Philippines                                             | Sequestered under the PCGG Control and Supervision |
| T-19124                             | Sto. Niño Shrine                | Registered in the name of Genaro L. Malatbalat                                                                                                                           | Sequestered under the PCGG Control and Supervision |
| T-19126                             | Sto. Niño Shrine                | Forfeited by BIR. Covered by TCT No. T-39906 in the name of the Republic of the Philippines                                                                              | Sequestered under the PCGG Control and Supervision |
| T-18736                             | Sto. Niño Shrine                | Registered in the name of Imelda R. Marcos                                                                                                                               | Sequestered under the PCGG Control and Supervision |
| 29706                               | People's Center                 | Under TCT No. T-3175 in the name of Conrado R. Soledad                                                                                                                   | Sequestered under the PCGG Control and Supervision |
| Bulletin Publishing Corp.           | Muralla St., Intramuros, Manila | In Civil Case No. 0022, RP. V. Emilio Yap, et al., the Sandiganbayan rendered a Decision on 14 March 2002 declaring as ill-gotten wealth the 46,626 Bulletin shares      | Dismissed/Final Judgment                           |

|               |                         |                                                                                                                                                                                                                                                                                                                                                                                                                          |                 |
|---------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|               |                         | (part of the 214 block) in the name of Eduardo Cojuanco, Jr. and the 198 block in the names of Cojuanco, Jose Campos and Cesar Zalamea. The 154 block, however, was declared as not ill-gotten wealth of the Marcos spouses and the Republic's claim for damages was dismissed for lack of sufficient evidence. This was affirmed by the Supreme Court in its Decision dated 23 November 2005 and is now fully executed. |                 |
| T-21079       | Hi-Tri/7R<br>Dev. Corp. | Cancelled by TCT No. T-39594 in favor of Jude R. Bakunawa through a Deed of Quitclaim dated 7 February 1990                                                                                                                                                                                                                                                                                                              | Not sequestered |
| T-20534       | Hi-Tri/7R<br>Dev. Corp. | Cancelled by TCT No. T-23190, T-23191, T-23192 by virtue of a Deed of Absolute Sale in favor of Elena Canayong                                                                                                                                                                                                                                                                                                           | Not sequestered |
| T-21121/21122 | Hi-Tri/7R<br>Dev. Corp. | Registered in the name of Luz Cleta R. Bakunawa                                                                                                                                                                                                                                                                                                                                                                          | Not sequestered |
| T-2796        | Hi-Tri/7R<br>Dev. Corp. | Cancelled by TCT No. T-4961 by virtue of a Deed of Sale in favor Of Rodolfo A. Tiu on 24 June 1989                                                                                                                                                                                                                                                                                                                       | Not sequestered |
| T-25338       | Hi-Tri/7R<br>Dev. Corp. | Cancelled by TCT No. T-63275 by virtue of a Deed of Sale I favor of Catherine A. Bonavitacola dated 10 March 2005                                                                                                                                                                                                                                                                                                        | Not sequestered |
| T-19206       | Hi-Tri/7R<br>Dev. Corp. | A portion of the property consisting of 565.829 sq.m. was sold to the Republic of the Philippines on 12 July 1969                                                                                                                                                                                                                                                                                                        | Not sequestered |
| T-19166       | Hi-Tri/7R<br>Dev. Corp. | Registered in the name of 7-R Development Corporation                                                                                                                                                                                                                                                                                                                                                                    | Not sequestered |



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| T-25336        | Hi-Tri/7R<br>Dev. Corp.                     | Cancelled by TCT No. T-63292 by virtue of a Deed of Sale in favor of Catherine A. Bonavitacola dated 10 March 2005                                                                                                                                                                                                                                                                                                                                                                                                     | Not sequestered |
| T-25337        | Hi-Tri/7R<br>Dev. Corp.                     | Cancelled by TCT No. T-63282 by virtue of a Deed of Sale in favor of Catherine A. Bonavitacola dated 10 March 2005                                                                                                                                                                                                                                                                                                                                                                                                     | Not sequestered |
| T-20049        | Hi-Tri/7R<br>Dev. Corp.                     | Cancelled by TCT No. T-63180 by virtue of an Affidavit of Extra Judicial Settlement of Estate in favor of Rodolfo M. Daiz dated 14 January 2005                                                                                                                                                                                                                                                                                                                                                                        | Not sequestered |
| T-18920        | Hi-Tri/7R<br>Dev. Corp.                     | Registered in the name of Seve Royalties Development Corp.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Not sequestered |
| T-18730        | Hi-Tri/7R<br>Dev. Corp.                     | Registered in the name of manuel, Isidro, Mandel, Rosolo, Monaliza, Jose Manolo, and Jude, all surnamed Bakunawa                                                                                                                                                                                                                                                                                                                                                                                                       | Not sequestered |
| TCT No. 108121 | Ilongot St., La Vista, Diliman, Quezon City | Based on records, the subject title was judicially reconstituted after the fire that gutted the Quezon City Hall building where the Office of the Registry of Deeds was located on 11 June 1988 in favor of spouses Bonifacio and Marilyn Alentajan by virtue of a Decision dated 23 October 1995 of the RTC Quezon City (Branch (100) in LRC Case No. Q-6758 (94). The property was eventually transferred by the spouses Alentajan and currently registered in the name of Ciros L. Tomacruz under TCT No. N-290213. | Not sequestered |
| TCT No. 108122 | Ilongot St., La Vista,                      | Based on records, the subject title was judicially reconstituted after the fire                                                                                                                                                                                                                                                                                                                                                                                                                                        | Not sequestered |

|                                                     |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                |
|-----------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                                                     | Diliman,<br>Quezon City | that gutted the Quezon City Hall building where the Office of the Registry of Deeds was located on 11 June 1988 in favor of spouses Bonifacio and Marilyn Alentajan by virtue of a Decision dated 23 October 1995 of the RTC Quezon City (Branch 100) in LRC Case No. Q-6758 (94). The property was eventually transferred by the spouses Alentajan and currently registered in the name of spouses Benjamin and Estelita Agustin under TCT No. N-190836.                                                                                                                                                                                                                                                       |                |
| 55 Million<br>PNB Trust<br>Account No.<br>T-8461-11 |                         | Representing downpayment (P55 Million) for the sale of PNEI (Pantranco North Express, Inc.) assets in favor of the North Express Transport, Inc. allegedly controlled by Gregorio Araneta. Partially garnished by the RTC Manila to satisfy the final judgment in favor of the Plaintiff in Civil Case No. 92-5973, entitled <i>Fordson Parts &amp; Supply, Inc. v. Pantranco North Express, Inc.</i> RTC's judgment was affirmed by the Court of Appeals in its Decision dated 4 October 1994 in CA-GR. SP No. 3461. The said PNEI fund was also the subject of several motions for the release of fund filed by the Pantranco Employees Association (PTGWO) to satisfy the final judgment in NLRC Case No. 6- | Frozen Account |

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|--|-------------------------------------------|--|
|  | 2683-83 in the amount of<br>P150 Million. |  |
|--|-------------------------------------------|--|

Based on the said Status Report, it appears that the following remaining properties as listed in the *Annex "A"* of the *Third Amended Complaint* were not yet recovered by the plaintiff. For failure of the plaintiff to prove its claims in the *Third Amended Complaint* by preponderance of evidence, the same cannot be reverted, reconveyed or reconstituted in favor of the government.

**A. Properties with Sequestration Order**

With the dismissal of the herein *Third Amended Complaint* for failure of the plaintiff to prove its allegations by preponderance of evidence, the sequestration Orders issued on the following properties should be lifted and set aside subject to finality of the Decision:

| <b>Companies, Radio and TV Stations Aircrafts, Real Properties</b> | <b>Business Address</b>               | <b>Status</b>                                                                                                                               | <b>Category</b>                     |
|--------------------------------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| American Inter Fashion Corp.                                       | I Victoneta Ave., Malabon             | Dissolved as of 19 June 1996                                                                                                                | Sequestered not in the PCGG Custody |
| Balut Island Sawmill Corp.                                         | Dingalan, Aurora & Gen. Nakar, Quezon | Company registration revoked by the Securities and Exchange Commission (SEC) on 26 May 2003                                                 | Sequestered not in the PCGG Custody |
| Currimaos Beach House                                              | Currimaos, Ilocos Norte               | Under the full control and supervision of the Marcoses. The property is registered in the name of Ferdinand E. Marcos under TCT No. T-12494 | Sequestered not in the PCGG Custody |
| De Soleil Apparel Mftg. Corp.                                      | I Victoneta Ave. Malabon              | Company registration revoked by the Securities and Exchange Commission on 11 August 2003                                                    | Sequestered not in the PCGG Custody |
| Hi-Tri Devt. Corp.                                                 | 87 Sgt. Catolos, Quezon City, M.M.    | Company registration revoked by the Securities and Exchange Commission on 2 July 2003                                                       | Sequestered not in the PCGG Custody |

|                                  |                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |
|----------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| HM Holding & Management, Inc.    | Makati, M.M.               | Company registration revoked by the SEC as of 2 July 2003                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Sequestered not in the PCGG Custody |
| Manila Golf & Country Club       | Harvard Road, Makati, M.M. | Proprietary shares (100) under Membership Certificate Nos. 1303 and 2352 in the name of the Estate of Ferdinand E. Marcos and Benjamin T. Romualdez, respectively. The proprietary shares (100) of Herminio T. Disini is the subject of a notice of Garnishment dated 4 March 1994 in relation to Civil Case No. 12901 entitled <i>BPI Investment Corp. v. Herdis Group, Inc. HMC Marketing Corp. and Herminio T. Disini</i> pending before the Regional Trial Court Branch 143, Makati City (per reply-letter dated 16 October 2014 of the MGCCI). Waiting for a formal reply from MGCI on the PCGG letter requesting for the status report of the aforesaid proprietary shares. | Sequestered not in the PCGG Custody |
| Metro Manila Symphony Foundation | CCP Complex, Manila        | Company registration revoked by the SEC on 11 August 2003                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Sequestered not in the PCGG Custody |
| Presidential Rest House          | San Fabian, Pangasinan     | Under the Administration of the LGU of San Fabian                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sequestered not in the PCGG Custody |
| Silahis International Hotel      | 1990 Roxas Blvd. Manila    | Non-operational                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Sequestered not in the PCGG Custody |
| Phil. Asia Food Indus. Inc.      |                            | Company registration revoked by SEC on 11 August 2003                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sequestered not in the PCGG Custody |
| House                            | Pandacan, Manila           | Under the full control of the Marcoses. Registered in the name                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Sequestered not in the PCGG Custody |

|                        |                       |                                                                                                                                                                                               |                                                    |
|------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
|                        |                       | of Heirs of Vicente Orestes Romualdez                                                                                                                                                         |                                                    |
| T-32807                | Bolasi, Pangasinan    | Cancelled by TCT No. 154165 in the name of Ferdinand E. Marcos. The property is part of the San Fabian-PTA Beach Resort which is currently under the administration of the LGU of San Fabian. | Sequestered not in the PCGG Custody                |
| Condominium Unit K-102 | Galeria de Magallanes | Under the supervision and control of the PCGG                                                                                                                                                 | Sequestered under the PCGG Control and Supervision |

**B. Properties without Sequestration Order**

With regard to the following properties without sequestration orders as the same have already been lifted, or no such orders were issued, and those which the Status Report does not provide any data or still ongoing verification, the Court notes the same:

| Companies, Radio and TV Stations Aircrafts, Real Properties | Business Address                 | Status                                                                                    | Category                   |
|-------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------|----------------------------|
| Agro-Far East Foundation Colleges                           | Manikling, San Isidro, Davao Or. | Sequestration order lifted pursuant to the Sandiganbayan Resolution dated 28 January 1999 | Sequestration Order Lifted |
| Agro-Indus. Found. Coll. of                                 | Toril, Davao City                | Sequestration order lifted pursuant to the Sandiganbayan Resolution dated 28 January 1999 | Sequestration Order Lifted |
| Assemblyman Mariano Marcos Found. Coll.                     | Kidlawan, Davao del Sur          | Sequestration order lifted pursuant to the Sandiganbayan Resolution dated 28 January 1999 | Sequestration Order Lifted |
| Davao Inst. of Agr. Foundation, Inc.                        | Sirawan, Toril, Davao del Sur    | Sequestration order lifted pursuant to the Sandiganbayan Resolution dated 28 January 1999 | Sequestration Order Lifted |
| Golden Needle, Inc.                                         | Lahug, Cebu                      | The sequestration orders on the properties                                                | Sequestration Order Lifted |

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|                          |                                      |                                                                                                                                                                                                                                                                                                               |                            |
|--------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|                          |                                      | in the name of defendant Gregorio Araneta III are ordered lifted pursuant to the final and executory Resolution of the Sandiganbayan dated 06 December 2005, as affirmed with modification by the Supreme Court in its 8 February 2012 Decision in G.R. No. 171701.                                           |                            |
| H.E. Heacock, Inc.       | Lahug, Cebu                          | Company registration revoked by the Securities and Exchange Commission on 26 May 2003                                                                                                                                                                                                                         | Sequestration Order Lifted |
| Hi-Five Corporation      | 118 Perea St., Legaspi Village, Mkt. | The sequestration orders on the properties in the name of defendant Gregorio Araneta III are ordered lifted pursuant to the final and executory Resolution of the Sandiganbayan dated 6 December 2005, as affirmed with modification by the Supreme Court in its 8 February 2012 Decision in G.R. No. 171701  | Sequestration Order Lifted |
| Imexco Enterprises, Inc. | Makati, Metro Manila                 | The sequestration orders on the properties in the name of defendant Gregorio Araneta III are ordered lifted pursuant to the final and executory Resolution of the Sandiganbayan dated 6 December 2005, as affirmed with modification by the Supreme Court in its 8 February 2012 Decision in G.R. No. 171701. | Sequestration Order Lifted |

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|                                                |                                      |                                                                                                                                                                                                                                                                                                                                                            |                            |
|------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| La Carlota                                     |                                      | Sequestration Order on the vessel (M/V La Carlota) lifted on 16 June 1988                                                                                                                                                                                                                                                                                  | Sequestration Order Lifted |
| MV Regency                                     | c/o Maritrade Carriers, Inc.         | Sequestration Order on the vessel lifted on 15 December 1987                                                                                                                                                                                                                                                                                               | Sequestration Order Lifted |
| RP-C 597<br>Aerospattale AS-<br>355P Twin Star |                                      | Sequestration Order lifted pursuant to PCGG resolution dated 23 December 1988                                                                                                                                                                                                                                                                              | Sequestration Order Lifted |
| Presidential Mansion                           | Kagayunan Beach Resort, Legaspi City | Sequestration Order Lifted pursuant to PCGG resolution dated 6 January 1989                                                                                                                                                                                                                                                                                | Sequestration Order Lifted |
| Asialand Development Corp.                     | AIC Bldg., Escolta, Manila           | The Demurrer to Evidence filed by Gregorio Araneta III et al. was granted and the sequestration orders on the properties in the name of defendant Gregorio Araneta III are ordered lifted pursuant to the final and executory Resolution of the Sandiganbayan dated 6 December 2005, as affirmed with modification by the Supreme Court in G.R. No. 171701 | Not sequestered            |
| Asiatic Integrated Corp.                       |                                      | Company registration revoked by SEC on 26 May 2003                                                                                                                                                                                                                                                                                                         | Not sequestered            |
| Electronic Tel. Sys. Indust. Inc.              |                                      | No available data                                                                                                                                                                                                                                                                                                                                          | Not sequestered            |
| Interport Resources Corp.                      |                                      | No available data                                                                                                                                                                                                                                                                                                                                          | Not sequestered            |
| Mariveles Shipping Lines, Inc.                 |                                      | Company registration revoked by SEC on 7 July 2003                                                                                                                                                                                                                                                                                                         | Not sequestered            |
| Phil. Asphalt Tech. Corp.                      |                                      | Company registration revoked by SEC on 11 August 2003                                                                                                                                                                                                                                                                                                      | Not sequestered            |
| Calpi and Deagan Ranches                       |                                      | Covered by CARP. CLOAs were issued to the farmer beneficiaries                                                                                                                                                                                                                                                                                             | Not sequestered            |

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|                                         |                                               |                                                                                                               |                              |
|-----------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------|
| R & R Agricultural & Development Corp.  |                                               | Company registration revoked by SEC on 2 July 2003                                                            | Not sequestered              |
| R & R Realty Co., Inc.                  |                                               | Term of existence expired                                                                                     | Not sequestered              |
| R & R Sports Promo, Inc.                |                                               | Company registration revoked by SEC on 2 July 2003                                                            | Not sequestered              |
| Roman Super Cinerama, Inc.              |                                               | Company registration revoked by SEC on 26 May 2003                                                            | Not sequestered              |
| Silhouette Trading Inc.                 |                                               |                                                                                                               | No available data            |
| Sarrat Museum                           | Barangay 2, San Agustin, Sarrat, Ilocos Norte | Under the administration of the LGU of Sarrat                                                                 | Not sequestered              |
| Sarrat Guest House                      | Barangay 2, San Agustin, Sarrat, Ilocos Norte | Under the administration of the LGU of Sarrat                                                                 | Not sequestered              |
| Batac Museum                            | Barangay 10, Lacub, Batac, Ilocos Norte       | The Museum is open to the public. Under the control and supervision of the Marcoses.                          | Not sequestered              |
| Batac Guest House                       | Barangay 10, Lacub, Batac, Ilocos Norte       | Under the control and supervision of the Marcoses.                                                            | Not sequestered              |
| Presidential Guest House in Agoo        | Sta. Rita Central, Agoo, La Union             | Under the administration of the LGU of La Union                                                               | Not sequestered              |
| C1184-F-2                               | Hi-Tri/7R Dev. Corp.                          | No available data                                                                                             | Not sequestered              |
| Hacienda Bearing Planters Code 526-0100 | Ma-ao, Negros Occidental                      | On-going verification                                                                                         | No data/Ongoing verification |
| National Art Center                     | Mt. Makiling, Laguna                          | Operated by Philippine High School for the Arts, Cultural of the Philippines in 1978 by virtue of PD No. 1287 | No data/Ongoing verification |
| National Museum                         | Manila                                        | Government institution under the Department of Education National Commission for Culture and the Arts         | No data/Ongoing verification |
| Triple "A" Ranches                      |                                               | Ongoing verification                                                                                          | No data/Ongoing verification |
| Real Properties                         | Intramuros, Manila                            | Ongoing verification                                                                                          | No data/Ongoing verification |



|                              |                   |                      |                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------|-------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ER Ranch                     |                   | Ongoing verification | No data/Ongoing verification                                                                                                                                                                                                                                                                                                                                     |
| RP-C<br>CESSNA<br>Stationair | 2663<br>U206      | Mactan, Cebu         | The subject aircraft was listed in Annex "A" of the complaint of Civil Case No. 0016 which was dismissed by virtue of the 5 August 2010 and Joint Resolution dated 31 August 2011 of the Sandiganbayan. This was affirmed by the Supreme Court in its Decision dated 4 April 2018.                                                                               |
| Liwayway Publishing, Inc.    | 2249 Pasong Tamo, | Makati, M.M.         | In G.R. No. 183446, the Supreme Court dismissed the Petition filed by the Republic in a Decision dated 13 November 2012 given the long-standing failure of the Republic to allege and prove the illegality of ownership of the Liwayway shares and the invalidity of the transfers thereof, since the Liwayway shares were not litigated in Civil Case No. 0022. |

**C. Properties under the full control and supervision of the defendants**

The Court recognizes the following properties which are under the full control and supervision of the defendants:

| Companies, Radio and TV Stations Aircrafts, Real Properties | Business Address       | Status                                                                                                                                      | Category                            |
|-------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Currimao Beach House                                        | Currimao, Ilocos Norte | Under the full control and supervision of the Marcoses. The property is registered in the name of Ferdinand E. Marcos under TCT No. T-12494 | Sequestered not in the PCGG Custody |

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|              |                                         |                                                                                                                                                                   |                                     |
|--------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 2898         | Olot Rest House                         | Sequestration Order lifted in a Resolution of the Supreme Court dated 7 December 2010 in G.R. No. 155832. Under the full supervision and control of the Marcoses. | Sequestration Order Lifted          |
| 2899         | Olot Rest House                         | Sequestration Order lifted in a Resolution of the Supreme Court dated 7 December 2010 in G.R. No. 155832. Under the full supervision and control of the Marcoses. | Sequestration Order Lifted          |
| 2900         | Olot Rest House                         | Sequestration Order lifted in a Resolution of the Supreme Court dated 7 December 2010 in G.R. No. 155832. Under the full supervision and control of the Marcoses. | Sequestration Order Lifted          |
| 4067         | Olot Rest House                         | Sequestration Order lifted in a Resolution of the Supreme Court dated 7 December 2010 in G.R. No. 155832. Under the full supervision and control of the Marcoses. | Sequestration Order Lifted          |
| N-2488       | Olot Rest House                         | Sequestration Order lifted in a Resolution of the Supreme Court dated 7 December 2010 in G.R. No. 155832. Under the full supervision and control of the Marcoses. | Sequestration Order Lifted          |
| House        | Pandacan, Manila                        | Under the full control of the Marcoses. Registered in the name of Heirs of Vicente Orestes Romualdez                                                              | Sequestered not in the PCGG Custody |
| Batac Museum | Barangay 10, Lacub, Batac, Ilocos Norte | The Museum is open to the public. Under the control and supervision of the Marcoses.                                                                              | Not sequestered                     |

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|                   |                                               |                                                          |                 |
|-------------------|-----------------------------------------------|----------------------------------------------------------|-----------------|
| Batac Guest House | Barangay 10,<br>Lacub, Batac,<br>Ilocos Norte | Under the control and<br>supervision of the<br>Marcoses. | Not sequestered |
|-------------------|-----------------------------------------------|----------------------------------------------------------|-----------------|

The Court emphasizes that the instant case is an action for reconveyance, reversion, accounting, restitution and damages brought by the Republic against the defendants for having allegedly acquired and accumulated ill-gotten wealth consisting of funds and other property “in unlawful concert with one another” and “in flagrant breach of trust and of their fiduciary obligations as public officers, with grave abuse of right and power and in brazen violation of the Constitution and laws of the Republic of the Philippines, thus resulting in their unjust enrichment.”

In the case of *Republic v. Cuenca, et al.*,<sup>30</sup> the Supreme Court explained the nature of this case in this wise:

“To recover the unexplained or ill-gotten wealth reputedly amassed by then President Ferdinand E. Marcos and Imelda R. Marcos, former President Corazon Aquino issued Executive Order No. 1 and thereby, gave birth to the PCGG with the task of **recovering** *“all ill-gotten wealth accumulated by former President Ferdinand E. Marcos, his immediate family, relatives, subordinates and close associates, whether located in the Philippines or abroad, including the takeover or sequestration of all business enterprises and entities owned or controlled by them during his administration, directly or through nominees, by taking undue advantage of their public office and/or using their powers, authority, influence, connections or relationship.*” The recovery of the reputed ill-gotten wealth was both a matter of urgency and necessity and the right of the State to recover unlawfully acquired properties eventually found flesh under Section 15, Article XI of the Constitution.

“Nevertheless, in as early as 1959, forfeiture in favor of the State of any property in an amount found to have been manifestly out of proportion to a public officer or employee's salary or to the latter's other lawful income and the income from legitimately acquired property, has been sanctioned under Republic Act No. 1379 (R.A. 1379). Forfeiture proceedings under R.A. 1379 are civil in nature and actions for reconveyance, revision, accounting, restitution, and damages for ill-gotten wealth, as in this case, are also called civil forfeiture proceedings. Similar to civil cases, the quantum of evidence required for forfeiture proceedings is preponderance of evidence.

Pursuant to the above discussions, the decisive query of the Court in actions of such nature is whether the Republic has proven by preponderance of evidence that the properties included in the Complaint were unlawfully acquired by the defendants and should be returned to the government. “It is well to point out, consequently, that the distinction laid down by Executive

<sup>30</sup> G.R. No. 198393, 04 April 2018.

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Order No. 1 and its related issuances, and expounded by relevant judicial pronouncements unavoidably require competent evidentiary substantiation made in appropriate judicial proceedings to determine: (a) whether the assets or properties involved had come from the vast resources of government, and (b) whether the individuals owning or holding such assets or properties were close associates of President Marcos.”<sup>31</sup>

Thus, in connection with defendants’ prayer for the return of any specific property in their favor in light of the dismissal of this case, such return and/or recovery should be the subject of an independent action to recover ownership, control and/or possession of any such property/ies to be determined in a separate proceeding filed before a court of competent jurisdiction in accordance with law.

**WHEREFORE**, premises considered, the Court hereby resolves the *Omnibus Motion* dated 05 August 2022 and the *Supplement to the Omnibus Motion* dated 16 August 2022 filed by defendants Imelda R. Marcos and Irene R. Marcos-Araneta as follows:

- 1) To **DENY** the Motion for the issuance of a Writ of Execution pursuant to Section 1 or 2 (a), Rule 39 of the Rules of Court for lack of merit; and
- 2) To **CLARIFY** the status of the assets or properties as follows, *viz*:

The forfeiture and recovery by the State of the following properties included in the *Annex “A”* of the *Third Amended Complaint* that have already been recovered, transferred to third persons not included in this case, or became the subject of Court decisions and compromise agreements, are hereby considered moot and academic:

| Companies, Radio and TV Stations<br>Aircrafts, Real Properties | Business Address                |
|----------------------------------------------------------------|---------------------------------|
| Marcopper Mining                                               | Makati, M.M.                    |
| Metropolitan Museum of Manila Foundation                       | CB Complex, Roxas Blvd., Manila |
| Philippine Long Distance Tel. Co.                              | Makati, M.M.                    |
| Phil. Integ. Meat Corp. (PIMECO)                               |                                 |
| Phil. Telecoms. Invest. Corp.                                  |                                 |
| Phil. Overseas Telecom. Corp.                                  |                                 |
| Security Bank & Trust Co.                                      |                                 |
| Houses                                                         | Baguio City                     |
| 68634                                                          | Talaga, Mariveles, Bataan       |
| Celebrity Sports Plaza                                         | Celebrity Sports Plaza          |

<sup>31</sup> *Republic v. Bakunawa, et al.*, G.R. No. 180418, 28 August 2013.

X-----X

|                                            |                                                      |
|--------------------------------------------|------------------------------------------------------|
| Hacienda Cambio                            | Pontevedra, Negros Occidental                        |
| Hacienda Casmisana                         | La Carlota, Negros Occidental                        |
| Hacienda Colisap                           | Bago City                                            |
| Hacienda Consuelo                          | La Carlota, Negros Occidental                        |
| Hacienda de Fuego                          | La Carlota, Negros Occidental                        |
| Hacienda Lonoy                             | Bago City                                            |
| Hacienda Nahalin                           | La Carlota, Negros Occidental                        |
| Hacienda Sivellana-Binubuhan               | Ma-ao, Negros Occidental                             |
| Ecological Technology Foundation           | Lahug, Cebu                                          |
| RPN, BBC, IBC TV & Radio Stations          | Broadcast City, Diliman, Q.C.                        |
| S-54804 (64208)                            | 2 <sup>nd</sup> St., Villamar Court, Parañaque, M.M. |
| S-54806 (64209)                            | 2 <sup>nd</sup> St., Villamar Court, Parañaque, M.M. |
| S-54857 (64210)                            | 2 <sup>nd</sup> St., Villamar Court, Parañaque, M.M. |
| Coconut Palace                             | CCP Complex                                          |
| Condominium Units at Legaspi Towers        | Manila                                               |
| RP-C 28 BN Islander                        | Tanauan, Batangas                                    |
| 29707                                      | Sto. Niño Shrine                                     |
| T-19175                                    | Sto. Niño Shrine                                     |
| T-19124                                    | Sto. Niño Shrine                                     |
| T-19126                                    | Sto. Niño Shrine                                     |
| T-18736                                    | Sto. Niño Shrine                                     |
| 29706                                      | People's Center                                      |
| Bulletin Publishing Corp.                  | Muralla St., Intramuros, Manila                      |
| T-21079                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-20534                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-21121/21122                              | Hi-Tri/7R Dev. Corp.                                 |
| T-2796                                     | Hi-Tri/7R Dev. Corp.                                 |
| T-25338                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-19206                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-19166                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-25336                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-25337                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-20049                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-18920                                    | Hi-Tri/7R Dev. Corp.                                 |
| T-18730                                    | Hi-Tri/7R Dev. Corp.                                 |
| TCT No. 108121                             | Ilongot St., La Vista, Diliman, Quezon City          |
| TCT No. 108122                             | Ilongot St., La Vista, Diliman, Quezon City          |
| 55 Million PNB Trust Account No. T-8461-11 |                                                      |

The following properties remain unrecovered:

**A. Properties with Sequestration Order**

With the dismissal of the herein *Third Amended Complaint* for failure of the plaintiff to prove its allegations by preponderance of evidence,

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however, subject to the finality of the Decision, the sequestration Orders issued on the following properties are hereby lifted:

| Companies, Radio and TV Stations<br>Aircrafts, Real Properties | Business Address                      |
|----------------------------------------------------------------|---------------------------------------|
| American Inter Fashion Corp.                                   | I Victoneta Ave., Malabon             |
| Balut Island Sawmill Corp.                                     | Dingalan, Aurora & Gen. Nakar, Quezon |
| Currimao Beach House                                           | Currimao, Ilocos Norte                |
| De Soleil Apparel Mftg. Corp.                                  | I Victoneta Ave. Malabon              |
| Hi-Tri Devt. Corp.                                             | 87 Sgt. Catolos, Quezon City, M.M.    |
| HM Holding & Management, Inc.                                  | Makati, M.M.                          |
| Manila Golf & Country Club                                     | Harvard Road, Makati, M.M.            |
| Metro Manila Symphony Foundation                               | CCP Complex, Manila                   |
| Presidential Rest House                                        | San Fabian, Pangasinan                |
| Silahis International Hotel                                    | 1990 Roxas Blvd. Manila               |
| Phil. Asia Food Indus. Inc.                                    |                                       |
| House                                                          | Pandacan, Manila                      |
| T-32807                                                        | Bolasi, Pangasinan                    |
| Condominium Unit K-102                                         | Galeria de Magallanes                 |

### B. Properties without Sequestration Order

The following properties without sequestration orders are hereby noted:

| Companies, Radio and TV Stations<br>Aircrafts, Real Properties | Business Address                     |
|----------------------------------------------------------------|--------------------------------------|
| Agro-Far East Foundation Colleges                              | Manikling, San Isidro, Davao Or.     |
| Agro-Indus. Found. Coll. of                                    | Toril, Davao City                    |
| Assemblyman Mariano Marcos Found. Coll.                        | Kidlawan, Davao del Sur              |
| Davao Inst. of Agr. Foundation, Inc.                           | Sirawan, Toril, Davao del Sur        |
| Golden Needle, Inc.                                            | Lahug, Cebu                          |
| H.E. Heacock, Inc.                                             | Lahug, Cebu                          |
| Hi-Five Corporation                                            | 118 Perea St., Legaspi Village, Mkt. |
| Imexco Enterprises, Inc.                                       | Makati, Metro Manila                 |
| La Carlota                                                     |                                      |
| MV Regency                                                     | c/o Maritrade Carriers, Inc.         |
| RP-C 597 Aerospattale AS-355P Twin Star                        |                                      |
| Presidential Mansion                                           | Kagayunan Beach Resort, Legaspi City |
| Asialand Development Corp.                                     | AIC Bldg., Escolta, Manila           |
| Asiatic Integrated Corp.                                       |                                      |
| Electronic Tel. Sys. Indust. Inc.                              |                                      |
| Interport Resources Corp.                                      |                                      |
| Mariveles Shipping Lines, Inc.                                 |                                      |
| Phil. Asphalt Tech. Corp.                                      |                                      |
| Calpi and Deagan Ranches                                       |                                      |
| R & R Agricultural & Development Corp.                         |                                      |
| R & R Realty Co., Inc.                                         |                                      |
| R & R Sports Promo, Inc.                                       |                                      |

X-----X

|                                         |                                               |
|-----------------------------------------|-----------------------------------------------|
| Roman Super Cinerama, Inc.              |                                               |
| Silhouette Trading Inc.                 |                                               |
| Sarrat Museum                           | Barangay 2, San Agustin, Sarrat, Ilocos Norte |
| Sarrat Guest House                      | Barangay 2, San Agustin, Sarrat, Ilocos Norte |
| Batac Museum                            | Barangay 10, Lacub, Batac, Ilocos Norte       |
| Batac Guest House                       | Barangay 10, Lacub, Batac, Ilocos Norte       |
| Presidential Guest House in Agoo        | Sta. Rita Central, Agoo, La Union             |
| C1184-F-2                               | Hi-Tri/7R Dev. Corp.                          |
| Hacienda Bearing Planters Code 526-0100 | Ma-ao, Negros Occidental                      |
| National Art Center                     | Mt. Makiling, Laguna                          |
| National Museum                         | Manila                                        |
| Triple "A" Ranches                      |                                               |
| Real Properties                         | Intramuros, Manila                            |
| ER Ranch                                |                                               |
| RP-C 2663 CESSNA U206 Stationair        | Mactan, Cebu                                  |
| Liwayway Publishing, Inc.               | 2249 Pasong Tamo, Makati, M.M.                |


**C. Properties under the full control and supervision of the defendants**

The following properties which are under the full control and supervision of the defendants are hereby recognized:

| Companies, Radio and TV Stations<br>Aircrafts, Real Properties | Business Address                        |
|----------------------------------------------------------------|-----------------------------------------|
| Currimaos Beach House                                          | Currimaos, Ilocos Norte                 |
| 2898                                                           | Olot Rest House                         |
| 2899                                                           | Olot Rest House                         |
| 2900                                                           | Olot Rest House                         |
| 4067                                                           | Olot Rest House                         |
| N-2488                                                         | Olot Rest House                         |
| House                                                          | Pandacan, Manila                        |
| Batac Museum                                                   | Barangay 10, Lacub, Batac, Ilocos Norte |
| Batac Guest House                                              | Barangay 10, Lacub, Batac, Ilocos Norte |

**SO ORDERED.**

Quezon City, Philippines.

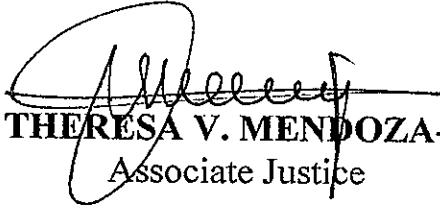
  
**MICHAEL FREDERICK L. MUSNGI**  
 Associate Justice  
 Chairperson



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**RESOLUTION**  
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**We concur:**



**MARIA THERESA V. MENDOZA-ARCEGA**  
Associate Justice



**MARYANN E. CORPUS-MAÑALAC**  
Associate Justice

