



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SECOND DIVISION

REPUBLIC OF THE
PHILIPPINES, REPRESENTED
BY THE OFFICE OF THE
OMBUDSMAN,

Petitioner,

-versus-

RENATO C. CORONA,
CRISTINA* ROCO CORONA,
AND THEIR DUMMIES,
TRUSTEES, ASSIGNEES,
TRANSFEREES, AND
SUCCESSORS-IN-INTEREST,

Respondents.

Civil Case No.: SB - 14 - CVL - 0001
For: Forfeiture of Unlawfully
Acquired Properties under Republic
Act No. 1379.

Present:

HERRERA, JR., J., Chairperson
CALDONA, J., Associate Justice
MALABAGUIO, J., Associate Justice

January 30, 2023
Promulgated

x-----x

RESOLUTION

MALABAGUIO, J.

For resolution of the Court is the *Omnibus Motion (For (a) Issuance of Certificate of Finality; and (b) direct this Honorable Court's Sheriff to cause the lifting of the Writ of Preliminary Attachment)*¹ dated November 29, 2022 filed by respondents.

To recall, in the course of the proceedings of the instant case, petitioner filed an *Amended Petition for Forfeiture*² and applied for the *ex parte* issuance of a writ of preliminary attachment against the properties, real and/or personal, of the respondents. Thereafter, the Court issued a *Writ of Preliminary Attachment*³ dated January 21, 2015. Consequently, in the *Decision*⁴ dated November 3, 2022, the Court dismissed petitioner's *Amended Petition for Forfeiture* against

* "Christina" in some parts of the record.

¹ Records (Vol. XII), pp. 6552-6556.

² Records (Vol. II), pp. 636-661. See also Records (Vol. V), p. 1568, *Resolution* of this Court dated August 15, 2014, granting petitioner's "Motion to Admit Amended Petition."

³ Records (Vol. III), pp. 1825-1827 & 1842-1844.

⁴ *Supra* Note 1 at pp. 6287-6333.

Handwritten signatures and initials at the bottom right of the page.

RESOLUTION

Republic vs. Corona, *et al.*

Civil Case No. SB-14-CVL-0001

Page 2 of 4

X- ----- X

respondents and lifted the *Writ of Preliminary Attachment*. The dispositive portion of the *Decision* reads:

WHEREFORE, premises considered, the instant *Amended Petition for Forfeiture* under Republic Act No. 1379, filed by petitioner Republic of the Philippines, represented by the Office of the Ombudsman, against respondents Renato C. Corona, now represented by his heirs, Ma. Carla Beatrice C. Castillo, Francis R. Corona, and Charina C. Salgado, and Cristina R. Corona, and their dummies, trustees, assignees, transferees, and successors-in-interest, is hereby **DISMISSED**.

Consequently, the *Writ of Preliminary Attachment* dated January 21, 2015 issued against the properties of the respondents is hereby **SET ASIDE** and **LIFTED**.

SO ORDERED.

The records show that the abovementioned *Decision* was received by petitioner, through electronic means on November 4, 2022⁵ and personal service on November 7, 2022.⁶ As of this date, no motion for reconsideration or appeal was filed by the petitioner.

We resolve to grant respondents' *Omnibus Motion*.

The failure of herein petitioner to file a motion for reconsideration or appeal from the dismissal of its *Amended Petition for Forfeiture* against respondents renders finality to the *Decision* dated November 3, 2022, which is executory by operation of law. In *Thomas v. Trono*,⁷ the Supreme Court elucidates:

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

⁵ Records (Vol. XII), p. 6282.

⁶ *Id.* at p. 6334.

⁷ G.R. No. 241032, March 15, 2021 (Resolution).

My
to
ad

RESOLUTION

Republic vs. Corona, *et al.*

Civil Case No. SB-14-CVL-0001

Page 3 of 4

X- ----- X

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

Considering the finality of judgment in the instant case, it has now become a ministerial duty of the Court to issue a *Certificate of Finality* and to cause its entry of the same to the Books of Judgments. Rule 36, Section 2 of the Rules of Court (*Rules*), in relation to Rule IX, Section 6,⁸ of the 2018 Revised Internal Rules of this Court, provides:

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

Anent the respondents' prayer for the order directing the sheriff to serve copies of the *Certificate of Finality of Judgment* to the relevant government agencies, parties, and other garnishees, who were notified of the subject writ of preliminary attachment, We rule to grant the same.

Under Rule 57, Section 1, of the Rules, a preliminary attachment is an ancillary remedy applied for not for its own sake but to enable the attaching party to realize upon the relief sought and expected to be granted in the main or principal action; it is a measure auxiliary or incidental to the main action. As such, it is available during its pendency which may be resorted to by a litigant to preserve and protect certain rights and interests during the interim, awaiting the ultimate effects of a final judgment in the case.⁹

Considering that the ancillary remedy of issuance of writ of preliminary attachment exists only as part or incident of an independent action, the dismissal of the instant *Amended Petition for Forfeiture* consequently results in the dissolution of the writ of

⁸ Rule IX, Section 6 of the 2018 Revised Internal Rules of the Sandiganbayan pertinently provides:
SECTION 6. *Execution of Judgment.* – xxx

Insofar as civil liability, if any, is concerned, the same shall be executed in accordance with Rule 39 of the [Rules on Civil Procedure].

⁹ *Lim, Jr. v. Spouses Lazaro*, G.R. No. 185734, July 3, 2013 (Resolution).

M

[Signature]

RESOLUTION

Republic vs. Corona, et al.

Civil Case No. SB-14-CVL-0001

Page 4 of 4

x- ----- x
preliminary attachment. Therefore, as provided for by Rule 57, Section 19, of the Rules, if the judgment be rendered against the attaching party, as in this case, all the proceeds of the sales and money collected or received by the sheriff, under the order of attachment, and all property attached remaining in any such sheriff's hands, shall be delivered to the party against whom attachment was issued and the order of attachment discharged.

WHEREFORE, premises considered, the instant *Omnibus Motion* (For (a) Issuance of Certificate of Finality; and (b) direct this Honorable Court's Sheriff to cause the lifting of the Writ of Preliminary Attachment) filed by respondents Cristina R. Corona and Renato C. Corona, now represented by his heirs, Ma. Carla Beatrice C. Castillo, Francis R. Corona, and Charina C. Salgado, is hereby **GRANTED**.

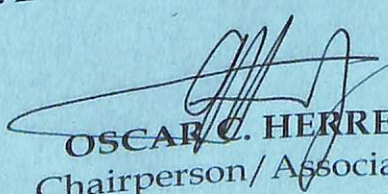
The Division Clerk of Court is **ORDERED** to issue a *Certificate of Finality* in Civil Case No. SB - 14 - CVL - 0001 and to enter the judgment thereof in the book of entries of judgments of this Court.

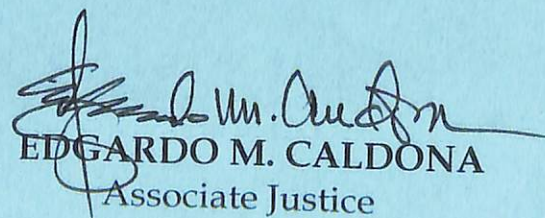
Consequently, the *Writ of Preliminary Attachment* dated January 21, 2015 and all other writ/s issued in connection with this case, are hereby permanently **SET ASIDE** and **LIFTED**. Accordingly, the Sheriff is **DIRECTED** to serve copies of this *Resolution* and the *Certificate of Finality* of the case to the concerned government agencies, parties, and other garnishees, who were notified of the subject *Writ of Preliminary Attachment*, and to implement the dissolution of the said writ/s and the discharge of the order of attachment against the subject properties attached, levied, and seized.

SO ORDERED.


ARTHUR O. MALABAGUIO
Associate Justice

WE CONCUR:


OSCAR C. HERRERA, JR.
Chairperson/ Associate Justice


EDGARDO M. CALDONA
Associate Justice