

****Title:**** Republic of the Philippines vs. Sandiganbayan, et al.: The Case of The Eastern Telecommunications Philippines, Inc. (ETPI) Shares

****Facts:****

This case began when the Republic of the Philippines, through the Presidential Commission on Good Government (PCGG), filed Civil Case No. 0009 against Jose L. Africa, Manuel H. Nieto, Jr., Ferdinand E. Marcos, Imelda R. Marcos, Ferdinand R. Marcos, Jr., Juan Ponce Enrile, and Potenciano Ilusorio for reconveyance, reversion, accounting, restitution, and damages. The complaint, filed on July 22, 1987, in the Sandiganbayan, alleged that these respondents illegally manipulated the purchase of major shareholdings of Cable and Wireless Limited in Eastern Telecommunications Philippines, Inc. (ETPI).

Civil Case No. 0009 generated various incidental cases, one of which was Civil Case No. 0130, filed by Victor Africa as an ETPI stockholder, seeking to nullify PCGG's resolutions regarding the exercise of voting rights over sequestered shares in ETPI's special stockholders' meeting.

Civil Case No. 0130 led to disputes over the legitimacy of ETPI board elections and management control. The Sandiganbayan, in one of its resolutions, allowed an annual stockholders' meeting under court supervision, but this was contested by PCGG in G.R. No. 107789. While G.R. No. 107789 was pending, the PCGG moved for authority to increase ETPI's authorized capital stock—resulting in the deposition of Maurice V. Bane in London, intended to prove PCGG's entitlement to vote the sequestered shares.

Despite the consolidation of Civil Case No. 0130 and Civil Case No. 0009 and the significance attributed to Bane's deposition, the Sandiganbayan denied the Republic's motion to admit the deposition as part of its evidence in Civil Case No. 0009, citing the finality of its 1998 resolution which previously excluded the deposition. The Republic contested this denial through a petition for certiorari, arguing that the denial was based on erroneous and technical grounds.

****Issues:****

1. Whether the denial of the petition to admit Bane's deposition was based on grave abuse of discretion by the Sandiganbayan.
2. Whether the Sandiganbayan improperly handled the motion to admit Bane's deposition into Civil Case No. 0009.

****Court's Decision:****

The Supreme Court denied the Republic's petition for lack of merit. It concluded that while the Sandiganbayan's refusal to reopen the case to admit the deposition was tainted with grave abuse of discretion, the petition ultimately failed because the deposition was not admissible under the rules of evidence. Specifically:

- The deposition's exclusion was not a mere technicality but was based on substantial due process concerns.
- The respondents were not given adequate opportunity to cross-examine Bane, as they were not parties to Civil Case No. 0130 where Bane's deposition was taken.
- The intended use of Bane's deposition in Civil Case No. 0009 failed to observe the requirements for admitting testimony given in a former case, including the necessity of the witness being deceased or unable to testify and the opportunity for the adverse party to cross-examine.

****Doctrine:****

This case reiterates the importance of procedural due process in the admission of evidentiary documents in court. A deposition taken in a different case cannot be admitted as evidence in another without satisfying the requisite conditions under the rules of evidence, including the need for the witness's unavailability and the opportunity for cross-examination by the adverse party.

****Class Notes:****

1. ****Rules on Civil Procedure****: Consolidation of cases does not automatically admit evidence from one case into another; specific requirements for evidence admission must still be met.
2. ****Depositions****: Depositions taken for one case may only be used in another under strict conditions outlined in Section 47, Rule 130 of the Rules of Court, emphasizing the unavailability of the witness and the opportunity for cross-examination.
3. ****Due Process****: The right to cross-examine witnesses is fundamental to due process and cannot be waived implicitly through non-participation in a deposition, especially when the parties were not identical across different but related cases.

****Historical Background:****

The case illustrates the complexities of legal battles involving alleged ill-gotten wealth during the Marcos regime in the Philippines. Through the Presidential Commission on Good Government (PCGG), the government sought to recover assets deemed unlawfully acquired during Marcos' presidency. This particular case touches on the strategic legal maneuvers employed by both the government and the defendants over control and ownership of

significant shares in ETPI, reflecting broader efforts to address past abuses and corruption.