

**MID-PASIG LAND DEVELOPMENT CORPORATION, REPRESENTED BY
THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT,
PETITIONER, VS. SANDIGANBAYAN, AND RICARDO C. SILVERIO FOR
AND IN BEHALF O...**

G.R. No. 110296. October 30, 1996

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

This case involves an adverse claim of ownership over 18.2 hectares of land located in Ortigas Center, Pasig City which Jose Y. Campos -- as nominee of former President Ferdinand Marcos -- turned over to the government.

On September 21, 1992, Ricardo C. Silverio filed a complaint docketed as Civil Case SB No. 0147 with the Sandiganbayan against the Presidential Commission on Good Government, Asset Privatization Trust, Mid-Pasig Land Development Corporation and Ortigas and Company Limited.

Said complaint alleged that on or about May 31, 1968, Anchor Estate Corporation purchased from Ortigas and Company Limited Partnership a 16-hectare parcel of land located in Pasig, Metro Manila for P6,400,000.00. However, on August 10, 1971, title to the property was transferred in favor of Mid-Pasig Land Development Corporation, instead of to Anchor. Later, thru a Deed of Transfer dated December 9, 1974, an additional 2.4 hectares was likewise sold by Ortigas to Mid-Pasig. Thus, Transfer Certificate of Title Nos. 337158 (for the 16-hectare lot) and 469702 were issued in the name of Mid-Pasig, to the prejudice of Anchor. Shortly after the February 1986 revolution, Jose Y. Campos, the then president and majority stockholder of both Anchor and Mid-Pasig turned over control of Anchor and Mid-Pasig as well as the two aforesaid certificates of title to the Presidential Commission on Good Government, on the ground that he and the other shareholders controlling 70% of Anchor were acting and holding said shares as nominees of former President Ferdinand E. Marcos. Silverio, who is allegedly the "actual beneficial and legal owner" of the balance of 30% in said company (Anchor), thus claims to have been prejudiced by such "fraudulent" cession of the two parcel of land totalling 18.2 hectares which are now valued in the billions of pesos, they being situated within the Ortigas Center in Pasig City. Thus, the complaint prayed for the reconveyance of said property to Silverio and/or Anchor, plus the payment of damages and attorney's fees.

On December 14, 1992, Ricardo Silverio filed a "Motion to Declare Mid-Pasig in Default" on the ground of failure to file its answer to the complaint. Subsequently, Silverio filed an Amended Complaint dated January 18, 1993. On February 17, 1993 the PCGG filed before the trial court its "Comment/opposition" to the motion to declare in default.

On April 2, 1993 the Sandiganbayan (First Division, composed of J. Jose S. Balajadia, ponente; P.J. Francis E. Gatchitoren and J. Cipriano A. Del Rosario, concurring) issued the herein assailed order declaring Mid-Pasig in default. Upon denial of its motion for reconsideration, petitioner PCGG lodged the instant petition for certiorari before this Court, on the following grounds:

"I Petitioner was not duty bound to file answer to the amended complaint pending resolution of respondent Ricardo C. Silverio's motion to declare defendant Mid-Pasig in default dated December 14, 1992.

II. Assuming petitioner was duty bound to file answer to the amended complaint its failure to file said answer was due to mistake regarding a difficult question of law or procedure."

On February 16, 1994, this Court gave due course to the petition. After the parties filed their respective memoranda, the Court heard oral argument on August 18, 1996 where two additional issues were raised at the instance of the Court itself, namely:

(1) Whether the Sandiganbayan has jurisdiction over the complaint for reconveyance considering that it (the complaint) does not involve the recovery of supposed ill-gotten wealth as the property (18.2 hectares of land) has already been ceded in favor of the government by Jose Y. Campos; and

(2) Whether Ricardo C. Silverio is the real party in interest in the suit a quo.

Hence, we required the parties to file supplemental memoranda on the above issues.

In compliance, petitioner filed a "Post Hearing Memorandum" dated September 9, 1996 contending "that the Sandiganbayan has no jurisdiction to hear and decide Sandiganbayan Civil Case No. 0147." For its part, private respondent submitted a "Manifestation and Confession of Judgment" dated August 29, 1996 alleging:

"1. After (a) considering the manifestation by counsel for petitioner Mid-Pasig at the hearing last Monday, 26 August 1996, that the answer to the amended complaint that he would file in Civil Case No. 0147 below, would be the same as the answer he had filed for the co-defendant PCGG, and (b) considering that said answer by the PCGG would inure to the benefit of Mid-Pasig even were barred from filing its own answer, since Mid-Pasig and the PCGG appear to represent the same interest, and (c) in order to avoid any further delay in this case and Civil Case No. 0147, private respondent respectfully manifests that he hereby withdraws his objections to the Petition and to his efforts to declare Mid-Pasig in default. The prayer for relief in the Petition may now be granted without further delay."

With the filing of the above "Manifestation and Confession of Judgment" by private respondent, there is no longer any necessity for this Court to pass upon the merits of the case. We simply grant the said motion and thus grant the petition.

WHEREFORE, the petition is hereby GRANTED. The assailed Resolutions of the Sandiganbayan declaring petitioner in default in Civil Case No. 0147 are SET ASIDE. Petitioner PCGG is given fifteen (15) days from receipt hereof within which to file its answer to the Amended Complaint. No costs.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Melo, and Francisco, JJ., concur.

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