

**Y REALTY CORPORATION, PETITIONER, VS. HONORABLE
SANDIGANBAYAN, REPUBLIC OF THE PHILIPPINES, PRESIDENTIAL
COMMISSION ON GOOD GOVERNMENT, ESTATE OF FERDINAND E.
MARCOS, PRIME HOLD...**

G.R. No. 131530. March 13, 2001

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Petition for certiorari assailing the Resolution dated October 9, 1996 of respondent Sandiganbayan dismissing the amended complaint-in-intervention of Alfonso Yuchengco in Civil Case No. 0002; and Resolution dated October 6, 1997 denying his motion for reconsideration.

The factual setting of this case is narrated in the Decision of this Court in G.R. No. 131127,[1] thus:

"On July 16, 1987, the Republic of the Philippines (hereinafter, the Republic) filed with the Sandiganbayan a complaint for Rescission, Reconveyance, Restitution, Accounting and Damages against Ferdinand E. Marcos, Imelda Marcos and Prime Holdings, Inc. (hereinafter, PHI), docketed as Civil Case No. 0002. Alleging ownership of the properties of the Marcoses sought to be forfeited by the Republic, petitioner Yuchengco filed a motion for intervention and complaint-in-intervention on August 11, 1998, impleading the Republic, the Presidential Commission on Good Government (PCGG), Ferdinand E. Marcos, Imelda Marcos and PHI as defendants-in-intervention. Petitioner paid a docket fee of P400.00.

On February 17, 1989, the Sandiganbayan issued a Resolution granting the motion for intervention and admitting the complaint-in-intervention. The Republic filed a motion for reconsideration on March 14, 1989, which petitioner opposed.

On February 9, 1990 the Sandiganbayan denied the Republic's motion for reconsideration. Hence, the Republic and the PCGG, on behalf of PHI, filed an answer to the complaint-in-intervention dated June 19, 1990 and November 2, 1990, respectively.

Meanwhile, PHI filed a Manifestation and Motion, stating that Imelda Cojuangco and the Estate of Ramon U Cojuangco claim ownership of PHI. Thus, on May 31, 1993, petitioner moved for leave to admit amended complaint-in-intervention to implead the said claimants.

On June 11, 1993, the Sandiganbayan, in open court admitted the amended complaint-in-intervention. Consequently, amended answers-in-intervention were filed by the Republic and the PHI on July 2, 1993.

On the other hand, the Estate of Ramon Cojuangco and Imelda O. Cojuangco (hereinafter, the Cojuangcos) filed a motion to dismiss the amended complaint-in-intervention, dated August 25, 1993, on the ground of failure to state a cause of action and lack of jurisdiction of the Sandiganbayan over the case, inasmuch as petitioner did not pay the correct docket fees. They argued that the amended-complaint-in-intervention failed to state the amount of the claim or the value of the property subject of the complaint, in violation of the doctrine laid down in *Manchester Development Corporation, et al. v. Court of Appeals*.

On September 6, 1993, petitioner filed a second amended complaint-in-intervention with motion for leave. Later, on September 28 1993, he also opposed the motion to dismiss filed by PHI and the Cojuangcos on September 28, 1993.

PHI and the Cojuangcos filed a reply alleging that since the amended complaint-in-intervention is substantially an action for the recovery of ownership and possession of shareholdings in the Philippine Telecommunications Investment Corporation (PTIC), Section 7 (a) of Rule 141 of the Rules of Court of Appeals, to wit:
Sec. 7. Clerks of Regional Trial Courts. ----

(a)

For filing an action or a permissive counter-claim or money claim against an estate not based on judgment, or for filing with leave of court a third-party, fourth-party, etc. complaint, or a complaint in intervention xxx if xxx the stated value of the property in litigation is:

1. Not more than P20,000.00 120.00

2.

More than P20,000.00 but less than P40,000.00

150.00

3.

P40,000.00 or more but less than P60,000.00

200.00

4.

P60,000.00 or more but less than P80,000.00

250.00

5.

P80,000.00 or more but less than 100,000.00

400.00

6.

P100,000.00 or more but less than P150,000.00

600.00

6. For each P1,000.00 on excess of 150,000.00 5.00

Further, respondents PHI and the Cojuangcos contend that as the action seeks to litigate the ownership and disposition of properties consisting of subject shares, the amount of docket fees must be based on the total value of the same.

Petitioner filed a rejoinder dated November 29, 1993, maintaining that no docket fees are payable to the Sandiganbayan, pursuant to Section 11 of Presidential Decree No. 1606, as amended, which provides:

Proceedings free of charge. --- All proceedings in the Sandiganbayan shall be conducted at no cost to the complainant and/or his witnesses.

In their sur-rejoinder filed on January 28, 1994, respondents PHI and the Cojuangcos countered that the reason for the above-quoted Section 11 of P.D. 1606 is that the jurisdiction of the Sandiganbayan at the time of its enactment was limited to criminal actions. With the expansion of the Sandiganbayan's jurisdiction to include civil cases, the payment of docket fees has become a jurisdictional requirement.

On February 8, 1994, petitioner replied that the Sandiganbayan has no power or discretion to amend the provision in Section 11 of P.D. 1606 simply on the basis of public policy. Petitioner points out that Executive Order No. 14 issued by President Corazon C. Aquino did not amend the said provision, hence, payment of docket fees in the Sandiganbayan is legally without basis.

On September 21, 1994, petitioner re-filed his second amended complaint-in-intervention with motion to admit, wherein he sought to include Y Realty Corporation as co-plaintiff-in-intervention and to join Imelda R. Marcos as the representative of the Estate of Ferdinand Marcos." (Underscoring supplied).

It was at this point when petitioner in this case, Y Realty Corporation (Y Realty) came into the picture. Alfonso Yuchengco, petitioner in G.R. No. 131127 and Y Realty share identical interests. Yuchengco is the majority stockholder of petitioner Y Realty. Thus, Yuchengco deemed it logical and proper to include Y Realty as his co-plaintiff. Hence, they both filed with respondent Sandiganbayan a joint motion to admit a "Second Amended Complaint-in-Intervention" in Civil Case No. 0002.

The facts and circumstances which followed are further summarized by this Court in G.R. No. 131127 as follows:

"On October 11, 1994, PHI and the Cojuangcos opposed the motion to admit second amended complaint-in-intervention, contending that jurisdictional issues should first be resolved before the most recent motion is considered.

A motion for early resolution was filed by petitioner on October 27, 1994. He averred that since the main issues in the motion to dismiss filed by PHI and the Cojuangcos dwell on payment of docket fees and the amount thereof, which may possibly involve the jurisdiction of the Sandiganbayan, and it is unclear whether the filing of the complaint-in-intervention tolled the running of the 10-year prescriptive period, there is a need for the Sandiganbayan to resolve the motion to dismiss as soon as possible.

On March 31, 1995, petitioner moved that he be allowed to post a bond, to answer for whatever docket fees he may be held to pay, with the prayer that the running of the prescriptive period be deemed tolled pending the resolution by the Sandiganbayan of the motion to dismiss.

In a Resolution dated April 17, 1995, the Sandiganbayan deferred the resolution of the motion to dismiss until trial, as the grounds raised therein do not appear to be indubitable.

Meanwhile, PHI and the Cojuangcos opposed petitioner's motion to post bond on the ground that the same should not be construed as a substitute for the actual payment of the proper docket fees, because payment of docket fees should not be subject to any contingency.

On the other hand, petitioner moved for the partial reconsideration of the Resolution dated April 17, 1995 insofar as the deferment of the issue on payment of docket fees and the amount thereof. In the alternative, petitioner prayed that his motion to post bond be granted. PHI and the Cojuangcos also moved for the reconsideration of the April 17, 1995 Resolution.

Meanwhile, petitioner prayed for the denial of the motion to dismiss in view of the passage of Republic Act No. 7975 which, like Executive Order 14, did not amend Section 11, of P.D. 1606.

In the meantime, petitioner filed a petition for certiorari before this Court, docketed as G.R. No. 123264, assailing public respondent's decision to defer adjudication on the issues raised in PHI's and the Cojuangco's

motion to dismiss. The petition for certiorari was dismissed by this Court for being premature.

On March 29, 1996, the Sandiganbayan issued a Resolution denying petitioner's motion to post bond and ordering petitioner (plaintiff-in-intervention therein) to pay the balance of the docket fee in the amount of P14,425.00. Petitioner paid with reservation.

Phi and the Cojuangcos filed a motion for reconsideration, arguing that the Sandiganbayan erred in the computation of the docket fees and in allowing petitioner to pay additional docket fees beyond the prescriptive period. They again invoked Rule 141, Section 7 (a) of the Rules of Court and averred that the PTIC, registered in the name PHI, has a stated value of P1.6 billion. Accordingly, as petitioner claims to own 31% of PTIC, which has a more recent value of P1,078,260,896.56, he should be made to pay at least the sum of P5,391,154.35.

On May 7, 1996, the Sandiganbayan denied PHI's and the Cojuangcos motion for reconsideration of its April 17, 1995 Resolution.

Thereafter, respondents PHI and the Cojuangcos filed their answer to the amended complaint-in-intervention.

On June 11, 1996, petitioner moved that the amount of P14,425.00 be refunded to him, insisting that proceedings in the Sandiganbayan should be free of charge.

The Sandiganbayan, on October 9, 1996, issued the assailed resolution granting the motion to dismiss and denying petitioner's motion to admit second amended complaint-in-intervention.

Petitioner filed a motion for reconsideration dated October 30, 1996, and PHI and the Cojuangcos filed their opposition. The Republic filed a manifestation dated December 24, 1996 adopting the arguments raised by PHI and the Cojuangcos.

On October 6, 1997, the Sandiganbayan denied petitioner's motion for reconsideration. Hence this petition."

In his petition in G.R. No. 131127, Alfonso Yuchengco assailed respondent Court's Resolutions dated October 9, 1996 and October 6, 1997 dismissing his amended complaint-in-intervention for his failure to pay the correct amount of docket fee on time.

In setting aside the twin Resolutions, this Court held:

"As earlier stated, the main issue to be resolved in the case at bar is whether or not petitioner (Alfonso Yuchengco) is barred from asserting his alleged causes of action against respondents by reason of non-payment of the proper docket fees."

xxx xxx xxx

"It should be noted that when the issue on docket fees was raised, petitioner submitted the determination of the same to the sound discretion of the Sandiganbayan. As earlier stated, he sought for the immediate resolution of this issue as early as October 27, 1994. In the alternative, petitioner proposed to post a bond to answer for the docket fees, if such are payable. He even filed a petition for certiorari, docketed as G.R. No. 123264, to seek an early resolution of this issue.

Clearly, petitioner did not sleep on his rights, and prescription has not set in to bar his right to seek judicial relief. The essence of the statute of limitations is to prevent fraudulent claims arising from unwarranted length of time and not to defeat actions asserted on the honest belief that they were sufficiently submitted for judicial determination.

To punish petitioner for public respondent's failure to timely decide an issue pivotal to the success of his case would be setting a bad precedent. It would give trial courts unbridled power and an unfair weapon to frustrate

the filing of actions. We hold that public respondent's belated action after prolonged inaction on the issue of petitioner's payment of docket fees is a supervening event beyond the independent will and control of petitioner that tolled the running of the prescriptive period."

xxx xxx xxx

"While it may be argued that petitioner could have very well amended his complaint and alleged the monetary values of the properties he seeks to recover to comply with Rule 141, Section 7 (a) of the Rules of Court, we find, *pro hac vice*, that petitioner acted in good faith when he contended that proceedings before the Sandiganbayan are free of charge. The present rule must, however, be stressed: parties filing civil actions before the Sandiganbayan are liable to pay the required docket fees. The situation only differs in the case at bar because of petitioner's honest conviction manifested in his filing of a reservation for the payments he made, after having been ordered by the Sandiganbayan on March 29, 1996 to pay the balance of P14,425.00 and after the court denied his motion to post bond pending final resolution of the motion to dismiss."

The dispositive portion of this Court's Decision in G.R. No. 131127 reads:

"WHEREFORE, premises considered, the petition is partially GRANTED. The questioned Resolutions are SET ASIDE. Petitioner is ordered to submit to public respondent Sandiganbayan the value of the properties he seeks to recover and to pay the proper docket fees therefor within thirty (30) days upon determination thereof either by the Sandiganbayan or its clerk of court, which in turn is directed to act with dispatch on the matter.

SO ORDERED."

The basic issue raised in this petition is similar to that raised in G.R. No. 131127. However, the petitioners in the two cases are two distinct persons but with identical and common interest; one is an individual (Alfonso Yuchengco), while the other is a corporation (Y Realty). Herein petitioner Y Realty could not join Yuchengco in the latter's petition for review filed with this Court in G.R. No. 131127 because when the challenge Resolutions were rendered by the Sandiganbayan, Y Realty was not yet a formal party in Civil Case No. 0002 considering that its motion (to intervene as co-plaintiff of Yuchengco in the second amended complaint-in-intervention) was still unresolved.

It bears stressing that the dismissal of Yuchengco's amended complaint-in-intervention in Civil Case No. 0002 led to the denial of the motion to admit the second amended complaint-in-intervention jointly filed by Yuchengco and Y Realty in the same case. As mentioned earlier, in G.R. No. 131127, this Court set aside respondent Court's assailed Resolutions dismissing Yuchengco's amended complaint-in-intervention. In effect, this amended complaint-in-intervention can be reinstated by the Sandiganbayan should Yuchengco pay the correct docket fee. And upon such reinstatement, there is no more procedural obstacle for respondent Sandiganbayan to rule on his and petitioner Y Realty's motion to admit their second amended complaint-in-intervention.

WHEREFORE, in light of this court's Decision in G.R. No. 131127, the petition is hereby GRANTED. Respondent Sandiganbayan is directed to resolve with dispatch, upon payment of the correct docket fee mandated by this Court in G.R. No. 131127, the motion to admit the second amended complaint-in-intervention filed by Yuchengco an petitioner Y Realty. No costs.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

[1] Penned by Justice Consuelo Ynares-Santiago of the First Division of this Court.

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