

**PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT, PETITIONER,
VS. SANDIGANBAYAN (FIFTH DIVISION), LUCIO TAN, MARIANO
TANENGLIAN, ALLIED BANKING CORPORATION, IRIS HOLDINGS
& DEVELOPMEN...**

G.R. NO. 153051. October 18, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-153051/>

SANDOVAL-GUTIERREZ, J.:

For our resolution is the instant Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended, seeking to set aside the Resolutions dated December 5, 2001 and March 6, 2002 issued by the Sandiganbayan (Fifth Division), public respondent, in Civil Case No. 0096.

The petition in Civil Case No. 0096 seeks the nullification of the Sequestration Order dated June 19, 1986 which covers the shares of stock of Lucio C. Tan, Iris Holdings and Development Corporation, Mariano Tanenglian, Virgo Holdings and Development Corporation, Ignacio Jimenez and Jewel Holdings, Inc. in Allied Banking Corporation.

The same petition in Civil Case No. 0096 also assails the Writ of Sequestration, likewise dated June 19, 1986, involving two aircrafts owned by the Allied Banking Corporation.

The above-named private respondents alleged in the present petition that in order to enable them to determine whether the said Sequestration Order and Writ of Sequestration were validly issued by the Presidential Commission on Good Government (PCGG), herein petitioner, it is necessary that the evidence, on the basis of which such Sequestration Order and Writ of Sequestration were issued, be produced before the Sandiganbayan for their inspection and copying.

Consequently, they filed with the Sandiganbayan a Motion for Production and Inspection of the following:

- The documents, records and other evidence considered by the PCGG and on the basis of which the PCGG issued the Sequestration Order dated June 19, 1986 (Annex “A,” hereof) and the Writ of Sequestration dated June 19, 1986 (Annex “B,” hereof); and
- The minutes of the meeting(s) of the PCGG at which the Sequestration Order dated June 19, 1986 (Annex “A” hereof) and Writ of Sequestration dated June 19, 1986 (Annex “B” hereof) was authorized to be issued and which chronicles the discussion (if any) and the decision (of the PCGG Chairman and Commissioners) to issue the Sequestration Order dated June 19, 1986 (Annex “A,” hereof) and the Writ of Sequestration dated June 19, 1986 (Annex “B,” hereof).

Petitioner PCGG opposed the motion on the ground, among others, that the description of the documents sought to be produced and inspected is vague.

On March 26, 2001, the Sandiganbayan issued a Resolution granting private respondents’ motion and setting the

production, inspection and photocopying of the documents on July 20, 2001.

Petitioner then made available certain documents to private respondents despite the fact that it could not exactly determine what documents they were referring to.

Upon request of counsel for private respondents, petitioner prepared certified true copies of the documents. But said counsel instead of accepting the documents, requested that they be brought to the Sandiganbayan during the hearing.

The parties then agreed that private respondents' representatives would go back to petitioner's Office with a photocopying machine and that petitioner will certify all the documents. But they did not return.

Instead, private respondents filed with the Sandiganbayan a Request for Subpoena Ad Testificandum and Duces Tecum dated September 6, 2001 asking the court to issue a subpoena to Lourdes Magno, petitioner's Records Officer, and to require her to produce the documents specified in their motion for production and inspection of documents.

On September 7, 2001, the Sandiganbayan granted private respondents' request and issued a subpoena to Lourdes Magno.

Hence, on September 27, 2001, petitioner filed with the Sandiganbayan a Motion to Quash Subpoena. Private respondents submitted an Opposition dated October 4, 2001.

On December 5, 2001, the Sandiganbayan issued the questioned Resolution denying petitioner's Motion to Quash Subpoena.

Petitioner seasonably filed a motion for reconsideration, but it was denied by the Sandiganbayan in its Resolution of March 6, 2002.

Hence, this petition for certiorari. Petitioner alleged that in issuing the Resolution dated December 5, 2001 and Resolution dated March 6, 2002, the Sandiganbayan acted with grave abuse of discretion tantamount to lack or excess of jurisdiction considering that:

- SECTION 4(b) OF EXECUTIVE ORDER NO. 1 SPECIFICALLY STATES THAT NO MEMBER OR STAFF OF THE PCGG SHALL BE REQUIRED TO TESTIFY OR PRODUCE EVIDENCE IN ANY JUDICIAL, LEGISLATIVE OR ADMINISTRATIVE PROCEEDINGS CONCERNING MATTERS WITHIN ITS OFFICIAL COGNIZANCE. MS. LOURDES MAGNO, WHO IS A STAFF OF PETITIONER PCGG, CANNOT, THUS, BE COMPELLED BY A SUBPOENA TO TESTIFY IN CIVIL CASES NOS. 0096 TO 0099.
- PRIVATE RESPONDENTS' REQUEST FOR THE ISSUANCE OF A SUBPOENA TO MS. MAGNO IS UNREASONABLE AND OPPRESSIVE, DESIGNED MERELY TO HARASS HEREIN PETITIONER.

In their comment on the petition, private respondents averred inter alia that they are unaware that petitioner and members of its staff are immune from the subpoena processes of the Sandiganbayan; that in *PCGG v. Peña*,^[1] the Supreme Court ruled that Section 4(b), Executive Order No. 1 does not bestow on the PCGG or its staff any right or privilege superior to that of other government officials or place the PCGG or its staff on a plane higher than that of any other official of the Republic; and that the challenged subpoena is not unreasonable and oppressive since the documents sought are properly described and identified and material and relevant to the issues involved in Civil Case No. 0096.

We shall now discuss the two grounds raised by petitioner:

The Sandiganbayan may not issue a subpoena to compel Lourdes Magno, petitioner's Records Officer, to testify and bring certain documents pursuant to Section 4(b) of Executive Order No. 1 which provides:

Section 4. (a) No civil action shall lie against the commission or any member thereof for anything done or omitted in the discharge of the task contemplated by this order.

(b) No member or staff of the commission shall be required to testify or produce evidence in any judicial, legislative or administrative proceedings concerning matters within its official cognizance.

In *Sabio v. Gordon*,^[2] we held that Section 4(b) of Executive Order No. 1 was repealed by the 1987 Constitution, thus:

A statute may be declared unconstitutional because it is not within the legislative power to enact; or it creates or establishes methods or forms that infringe constitutional principles; or its purpose or effect violates the Constitution or its basic principles. As shown in the above discussion, Section 4(b) is inconsistent with Article VI, Section 21 (Congress' power of inquiry), Article XI, Section 1 (principle of public accountability), Article II, Section 28 (policy of full disclosure) and Article III, Section 7 (right to public information).

Significantly, Section 3, Article VIII of the Constitution provides:

All existing laws, decrees, executive orders, proclamations, letters of instructions, and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

The clear import of this provision is that all existing laws, executive orders, proclamations, letters of instructions and other executive issuances inconsistent or repugnant to the Constitution are repealed.

Accordingly, petitioner cannot shield Lourdes Magno, its Records Officer, from complying with the subpoena by invoking the provision of Section 4(b) of Executive Order No. 1.

We likewise emphasized that:

It would seem constitutionally offensive to suppose that a member or staff member of the PCGG could not be required to testify before the Sandiganbayan or that such members were exempted from complying with orders of this Court.

As to the second ground, suffice it to state that we cannot discern from the records that the assailed subpoena is unreasonable or oppressive. As aptly stated by private respondents, the documents sought are material and relevant to the issues and are properly described and identified in their motion for its issuance.

Verily, the Sandiganbayan, in issuing the challenged Resolutions, did not commit grave abuse of discretion amounting to lack or excess of jurisdiction.

WHEREFORE, we DISMISS the petition.

SO ORDERED.

Puno, C.J. (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] No. L-77663, April 12, 1998, 159 SCRA 556.

[2] 504 SCRA 704 (2006).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.