

**DIONISIO L. TORRES AND ENRICO M. ALVAREZ, PETITIONERS, VS.
HON. FRANCIS F. GARCHITORENA, HON. CATALINO R. CASTANEDA
AND HON. GREGORY S. ONG (IN THEIR CAPACITIES AS CHAIRMAN
AND ...**

G.R. No. 153666. December 27, 2002

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is a petition for certiorari with a plea for preliminary injunction or temporary restraining order under Rule 65 of the 1997 Rules of Civil Procedure, as amended, filed with the Court on June 11, 2002 for the nullification of the following resolutions of the Sandiganbayan, to wit:

- Resolution dated January 7, 2002 denying petitioners' omnibus motion to quash the Information and/or to suspend trial (with opposition to motion to suspend accused pendete lite) in SB Criminal Case No. 24864;[1]
- Resolution dated March 20, 2002 preventively suspending petitioners for a maximum of ninety (90) days;[2]
- Resolution dated April 4, 2002 denying petitioners' motion for reconsideration of the January 7, 2002 Resolution;[3] and
- Resolution dated May 22, 2002 denying petitioners' motion for reconsideration of the April 4, 2002 Resolution.[4]

The antecedent facts are as follows:

Susana Realty, Incorporated (SRI for brevity) is the registered owner of two (2) parcels of land located at Noveleta, Cavite, covered by Transfer Certificate of Title Nos. (T-5344) RT-19732[5] and (T-5345) RT-19733[6] issued on May 15, 1952. The said titles cancelled Original Certificate of Title Nos. 2320 and 137 in 1934 and 1911, respectively. These parcels of land are adjacent to the sea and over time portions thereof were submerged by sea water. SRI installed Domingo Fernandez as its caretaker on the property.

On October 10, 1997, Mayor Dionisio Torres of Noveleta, Cavite caused the leveling and reclamation of the submerged portion of SRI's property for the relocation of displaced squatters from Tirona, Cavite who were living along river banks and esteros. Domingo Fernandez protested to the Mayor informing him that his employer owned the property being levelled and reclaimed at the instance of the Mayor. However, the latter ignored the protests of Fernandez and continued with the leveling and reclamation of the property. On October 16, 1997, representatives of SRI conferred with the Mayor and furnished him with copies of its titles over the property. The SRI had the property surveyed to confirm that the portions of the land reclaimed by the Mayor were within the perimeter of its titled property. On October 27, 1997, SRI sent a letter[7] to the Mayor formally protesting the leveling and reclamation of the submerged portion of its property and demanding that the Mayor desist from continuing with said reclamation. On October 31, 1997, the Mayor and representatives of SRI had a conference

during which the Mayor informed SRI that he had already spent P1,000,000.00 for the reclamation and offered to help SRI in connection with its other projects in Cavite provided that SRI will no longer file the suit to enjoin the reclamation. SRI requested for the deferment of the reclamation project until November 7, 1997 to enable it to study the offer of the Mayor. However, SRI learned that in the interim, five families of squatters had already occupied portions of the reclaimed area; and that more squatters were due to arrive.

On January 7, 1998, SRI filed a petition[8] with the Regional Trial Court for prohibition with a plea for injunctive relief against the Mayor, the Municipal Building Official and Municipal Engineer Enrico Alvarez to enjoin them from reclaiming and leveling the property and for damages and attorney's fees. The case was docketed as Special Civil Case No. N-6639. In their Answer to the petition, Torres and Alvarez alleged inter alia that they were not aware that the subject property was titled in the name of SRI and that the records of the Assessor's Office failed to show that the property had been declared for taxation purposes under the name of SRI. The Mayor insisted that SRI abandoned the property[9] and justified his acts on the ground that the reclamation of the property was for the socialized housing program of his constituents.

On April 16, 1998, SRI filed with the Ombudsman a criminal complaint against Torres and Alvarez for violation of Section 3(e) of Republic Act 3019 (the Anti-Graft and Corrupt Practices Act). After due preliminary investigation, the Ombudsman found probable cause against the two for violation of said law. He filed with the Sandiganbayan an Information dated August 27, 1998 for violation of Section 3(e) of Republic Act 3019 which reads:

Undersigned Graft Investigation Officer II of the Office of the Deputy Ombudsman for Luzon, hereby accuses MAYOR DIONISIO TORRES and MUNICIPAL ENGINEER ENRICO M. ALVAREZ, of violation of Section 3(e) of R.A. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, committed as follows:

That on or about October 10, 1997, or sometime prior or subsequent thereto, in the Municipality of Noveleta, Province of Cavite, Philippines and within the jurisdiction of the Honorable Court, above-named accused DIONISIO TORRES and ENRICO M. ALVAREZ, public officers being then the Municipal Mayor and Municipal Engineer, respectively of Noveleta, Cavite, committing the crime herein charged in relation to and taking advantage of their official functions and through evident bad faith and gross inexcusable negligence, did then and there wilfully, unlawfully and feloniously cause the filling up of a submerged portion of a lot owned by and registered in the name of Susana Realty Corp., without first verifying the existence of its owner and despite showing proof of its ownership, with the intention to reclaim it for the municipality's housing program to the damage and prejudice of the registered owner as squatters now occupy the area.

CONTRARY TO LAW.[10]

The case was docketed as Criminal Case No. 24864.

On September 1, 1998, the Republic of the Philippines, through the Solicitor General, filed with the Regional Trial Court (RTC) of Cavite City a complaint against SRI and the Register of Deeds of Cavite for the reversion of the property covered by Transfer Certificate of Title Nos. 5344 and 5345 issued in favor of SRI. The case was docketed as Civil Case No. 7160. The Republic alleged inter alia that said property had been ascertained by the Department of Environment and Natural Resources (DENR) as part of the Manila Bay per Classification Map 2736 dated February 21, 1972. Hence, it formed part of the inalienable mass of the public domain owned by the State. The Republic prayed that after due proceedings judgment be rendered in its favor, thus:

WHEREFORE, it is respectfully prayed that, after trial, this Honorable Court render judgment:

- Declaring the reversion of the subject parcels of land into mass of inalienable public domain;

- Ordering the Register of Deeds to cancel any existing title over the said properties;
- Enjoining the Register of Deeds from issuing any title over the subject properties.

Such other reliefs just and equitable under the premises are likewise prayed for.[11]

In the meantime, negotiations for an amicable settlement ensued. Torres wrote a letter to SRI dated March 3, 1999 offering to acquire a portion of the reclaimed area with an area of 350 square meters at the price of P100.00 per square meter, excluding the 260-square meter portion of the property developed as a road right of way, without prejudice to the outcome of the prohibition case filed by SRI.[12] However, no settlement materialized between the parties. Torres and Alvarez filed with the Office of the Ombudsman a motion for reinvestigation of Criminal Case No. 24864 but the Ombudsman issued a Resolution dated January 5, 2001 denying said motion. Earlier, Torres and Alvarez filed with the Sandiganbayan a motion dated December 23, 2000 for the suspension of the proceedings in said criminal case on the ground of the existence of a prejudicial question in Civil Case No. 7160. On January 15, 2001, the Sandiganbayan issued a Resolution denying the motion for suspension of the proceedings. Upon receipt of said resolution, Torres and Alvarez filed with the Sandiganbayan a motion for a reconsideration thereof. However, on March 9, 2001, the Sandiganbayan issued a resolution denying their motion for reconsideration.

Torres and Alvarez forthwith filed a petition for certiorari on April 25, 2001 with this Court for the nullification of the March 9, 2001 Resolution of the Sandiganbayan. The case was docketed as G.R. No. 147726. On May 16, 2001, the Court issued a Resolution dismissing the petition for certiorari. On June 1, 2001, Torres and Alvarez filed with the Sandiganbayan another motion to suspend the proceedings in Criminal Case No. 24864 on the ground of the existence of a prejudicial question, namely, the pendency of Civil Case No. 7160, but the court denied said motion in open court on August 1, 2001. The Sandiganbayan proceeded with the arraignment of Torres and Alvarez. Both entered a plea of not guilty.

The prosecution in Criminal Case No. 24864 filed a motion with the Sandiganbayan for the mandatory suspension pendente lite of Torres and Alvarez. On September 13, 2001, the two filed an omnibus motion for the quashal of the information on the ground that the facts alleged therein do not constitute the offense of violation of Section 3(e) of R.A. 3019 and hence, there was no legal basis for their suspension from office pendente lite. They further prayed that should their motion to quash the information be denied, the criminal proceedings be suspended on the ground of the existence of a prejudicial question in Civil Case No. 7160. Torres and Alvarez claimed that the issue in Civil Case No. 7160 for reversion filed by the State constituted a prejudicial question under Sections 6 and 7, Rule 111 of the Rules of Criminal Procedures, as amended, warranting the suspension of the proceedings in Criminal Case No. 24864.[13] The prosecution opposed the omnibus motion of Torres and Alvarez. On January 7, 2002, the Sandiganbayan issued a Resolution denying the motion to quash filed by Torres and Alvarez.[14] The latter filed a motion for reconsideration of said resolution dated January 27, 2002 but the Sandiganbayan issued a Resolution dated April 21, 2002 denying said motion.[15]

Earlier, the Court issued a Resolution dated March 20, 2002 granting the motion of the prosecution for the suspension of Torres and Alvarez pendente lite. Torres and Alvarez filed a motion for the reconsideration of the March 20, 2002 resolution. On May 22, 2002, the Court issued a Resolution denying the motion of Torres and Alvarez.

Hence, this petition.

Torres and Alvarez (petitioners, for brevity) allege that:

- THE PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO

LACK OR EXCESS OF JURISDICTION IN DENYING PETITIONERS' MOTION TO QUASH THE INFORMATION DESPITE SUBSTANTIAL EVIDENCE SHOWING THAT THERE IS NO SUFFICIENT BASIS, IN FACT AND IN LAW, TO CHARGE PETITIONERS OF VIOLATING SEC. 3(E) OF THE ANTI-GRAFT AND CORRUPT PRACTICES ACT (R.A. 3019).

- THE PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN DENYING PETITIONERS' MOTION TO SUSPEND FURTHER PROCEEDINGS DESPITE SUBSTANTIAL EVIDENCE SHOWING THAT ALL THE ELEMENTS FOR A PREJUDICIAL QUESTION ARE PRESENT IN THIS CASE.

- THE PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN RULING THAT THE DEFENSES RAISED BY THE PETITIONERS ARE EVIDENTIARY MATTERS THAT SHOULD BE PROPERLY RAISED DURING THE TRIAL PROPER DESPITE SUBSTANTIAL EVIDENCE TO THE CONTRARY.

- THE PUBLIC RESPONDENTS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN GRANTING THE PROSECUTION'S REQUEST FOR THE SUSPENSION PENDENTE LITE OF THE PETITIONERS DESPITE SUBSTANTIAL EVIDENCE SHOWING THAT THERE IS NO SUFFICIENT BASIS, IN FACT AND IN LAW, FOR SUCH SUSPENSION.[16]

Petitioners aver that the Sandiganbayan committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying their motion to quash the information on their claim that the material averments contained therein do not constitute the offense of violation of Section 3(e) of Republic Act 3019. They insist that the information specifically alleges that the submerged portion of private respondent's titled property is actually part of the foreshore area of Noveleta, Cavite as alleged in the complaint for reversion of the Republic of the Philippines in Civil Case No. 7160 filed with the RTC against respondent SRI. The Republic's claim in said civil case is based on the Verification of Status of Land issued by the DENR stating that the property forms part of the public domain. Petitioners likewise argue that even if inceptually, the submerged portion was indeed SRI's property, the same became part of the shore and of the public domain, as a consequence of its invasion by the sea. This natural phenomenon is a de facto case of eminent domain and not subject to indemnity. Petitioners further contend that since the material allegations in the information do not constitute the offense of violation of Section 3(e) of R.A. 3019, there is no legal basis for their suspension from office pendente lite. Moreover, since SRI is not the owner of the submerged portion of its titled property, it has no proprietary interest over the same and hence cannot be deemed to have sustained any damage or injury by reason of the reclamation of subject property an element of the crime penalized by Section 3(e) of R.A. 3019.

For its part, the Sandiganbayan ruled under its assailed Resolutions that the precise nature of the subject property is a factual issue which should properly be ventilated during trial of the criminal case on its merits; hence, a motion to quash the information on the ground that the material averments thereof do not constitute a violation of Section 3(e) of R.A. 3019 is improper. Furthermore, the petitioners had already been arraigned before they filed their motion to quash. Thus, the quashal of the information could no longer be made.

SRI on the other hand insists that the submerged area forms part of its private property, and that petitioner Torres is estopped from claiming that said area is foreshore land because in his letter to SRI dated March 3, 1999, Torres offered to buy a portion of the submerged area, thus implicitly recognizing that said area belongs to SRI.

The contention of petitioners has no merit.

Case law has it that a resolution of the Sandiganbayan denying a motion to quash the information is an

interlocutory order and hence, not appealable. Nor can it be the subject of certiorari. The remedy available to petitioners after their motion to quash was denied by the Sandiganbayan was to proceed with the trial of the case, without prejudice to their right to raise the question on appeal if final judgment is rendered against them.[17] Moreover, the petitioners failed to prove that the Sandiganbayan committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying the motion to quash.

Fundamental is the rule that a criminal complaint or information must state every single fact necessary to constitute the offense charged; otherwise, the information or complaint may be quashed on the ground that it charges no offense. If an accused files a motion to quash an information on this ground, he thereby hypothetically admits the truth of the averments therein. The test in resolving a motion to quash on the ground that the information charges no offense is whether the material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined in the law.[18] The trial court may not consider a situation contrary to that set forth in the criminal complaint or information. Facts which constitute the defense of the petitioners against the charge under the information must be proved by them during trial. Such facts or circumstances do not constitute proper grounds for a motion to quash the information on the ground that the material averments do not constitute the offense. Although the court may consider facts or circumstances extraneous to the information or complaint if admitted by the prosecution or not denied by it, this rule does not apply because in this case, the prosecution even opposed the motion to quash of the petitioners, insisting that contrary to the latter's claim, the disputed area is private property covered by titles issued in the name of SRI.

Under the information, the disputed area is alleged to be the submerged portion of the lot owned by SRI. Thus, in resolving the motion to quash on the ground that the allegations in the information do not constitute an offense, said factual allegations must be hypothetically admitted, and the subject property under the information must be considered private property of SRI.

The barefaced fact that under the information, the subject property is alleged to be submerged in sea water does not necessarily make the said property foreshore land and hence part of the public domain that can be reclaimed by the Municipality of Noveleta, Cavite.

In *People vs. Melitona Alagad, et al.*, [19] we held that submerged land is not necessarily foreshore land. Where the rise in water level is due to ordinary action of nature, rainfall for instance, the portions inundated thereby are not considered part of the bed or basin of the body of water in question. Said portions are outside of public domain and hence, capable of registration as private property. We defined foreshore land in said case as part of the land which is between the high and low water and left dry by the flux and reflux of the tides. If the submergence of the land is due to precipitation, it does not become a foreshore land despite its proximity to the waters. The issue of whether the submerged property is foreshore land or not is an issue of fact, which can be resolved by the Sandiganbayan only after trial. But for the present, the submerged portion is titled to SRI. Until the subject property is declared foreshore land by a competent court in an appropriate proceeding and the title of SRI over said property is declared null and void, the subject property remains the private property of SRI, and the latter is entitled to the possession thereof.

Petitioners contend that the Sandiganbayan committed grave abuse of discretion in ordering their suspension from office pendente lite without the conduct of a full-blown hearing. By so doing, the petitioners argue, the people of Noveleta, Cavite were deprived of the services of the petitioners as the duly elected Mayor and appointed Municipal Engineer. The Sandiganbayan for its part ruled on petitioners' contentions, thus:

Finally, as to the submission of the accused that a full-blown pre-suspension hearing be first conducted before the resolution of the motion to suspend accused, suffice it to state that the requisite pre-suspension hearing is precisely intended solely to determine the applicability of Section 13, of R.A. 3019, and this we now do. What

is required only is that the accused be given a fair and adequate opportunity to challenge the validity of the criminal proceedings against him (People vs. Albano, et al., 163 SCRA 511) and this requirement has been complied with when the accused was heard on the matter through various pleadings as heretofore stated. The pronouncement of the Supreme Court in the case of Albano is clear on this point, thus:

Considering the mandatory suspension of the accused under a valid information, the law does not contemplate a proceeding to determine (1) the strength of the evidence of culpability against him, (2) the gravity of the offense charged, or (3) whether or not his continuance in office could influence the witnesses or pose a threat to the safety and integrity of the records and other evidence, so that a court can have a valid basis in evaluating the advisability of his suspension pending the trial proper of the case filed against him. Besides, a requirement that the guilt of the accused must first be established in the pre-suspension proceeding before trial proper can proceed would negate the ruling of the court that the 'xxx mandatory suspension requires at the same time that the hearing be expeditious, and not unduly protracted such as to thwart the prompt suspension envisioned by the Act' and make the trial proper a surplusage.' xxx.[20]

Likewise untenable is the contention of the accused that should they be suspended, the people of the Municipality of Noveleta, Cavite would be deprived of the services of the man they elected as Municipal Mayor and their Municipal Engineer. To begin with, nobody is indispensable in a public office. There will always be other persons who can be appointed to the temporarily vacated offices and the law has seen to that in many instances with due regard to the situation cited by the accused therein.

The Supreme Court in the case of Bunye vs. Escareal, 226 SCRA 332, upheld the order of suspension issued against the accused and disposed of this issue in this wise:

The fear of the petitioners that the municipal government of Muntinlupa will be paralyzed for ninety (90) days when they (petitioners) are preventively suspended is remote. There will still remain eight (8) councilors who can meet as the Sangguniang Bayan. The President or his alter ego, the Secretary of Interior and Local Government, will surely know how to deal with the problem of filling up the temporary vacant positions of mayor, vice-mayor and six councilors in accordance with the provisions of the Local Government Code, Republic Act No. 7160. xxx[21]

We are in full accord with the disquisitions and ratiocinations of the Sandiganbayan. The suspension pendente lite by the Sandiganbayan of petitioners who were accorded full opportunity to ventilate the issue of the insufficiency of the information for said court, through the filing of pleadings, is inevitable and unassailable, considering our affirmation of the validity of the information filed against them.

On the last issue, petitioners contend that it behooved the Sandiganbayan to have suspended the proceedings pending final judgment in Civil Case No. 7160 by the RTC on their claim that the issue of ownership over the property subject is so intimately related to the issues raised in the civil case and is determinative of their guilt or innocence of the crime charged in Criminal Case No. 24864. A judgment of the RTC in Civil Case No. 7160 that the property subject of the charge before the Sandiganbayan is foreshore land will belie its claim that its proprietary right over the subject property had been violated by petitioners when they had the subject property reclaimed; hence, SRI cannot claim that it sustained damages or injury, an essential element of the crime defined in Section 3(e) of Republic Act 3019. The Sandiganbayan, for its part, held that:

Regardless of whether or not the Republic wins the suit for reversion of the property subject of the action herein, to the State, and until the reversion itself is ordered the present registered owner of the property (Susana Realty) has rights flowing from ownership and possession which public officers have a duty to respect and protect.

The pendency of the reversion case, CA. G.R. SP No. 54494 before the Court of Appeals entitled 'Republic

vs. Susana Realty, et al.’ is of no moment to these proceedings since this does not diminish the rights and obligation with regard to the property at the time of the incident in question.’[22]

The Sandiganbayan further pointed out that petitioners first filed a motion to suspend proceedings on December 3, 2000 and that the same was denied per its Resolution dated January 15, 2001. The petitioners filed a second motion to suspend proceedings dated June 11, 2001, which motion was denied in open court on August 1, 2001 after which, petitioners were duly arraigned. Petitioners again prayed in their omnibus motion for the suspension of the proceedings, which motion was in effect a second motion for reconsideration of the Resolution of the Sandiganbayan dated January 7, 2002 without leave of court. In its exasperation, the Sandiganbayan declared that “the record is replete with efforts of the accused to delay the proceedings herein. No more. There is nothing to reconsider.”[23]

SRI contends that the action for reversion filed by the State in Civil Case No. 7160 does not constitute a prejudicial question to the proceedings before the Sandiganbayan under Section 7, Rule 111 of the Revised Rules on Criminal Procedure because the said action was filed after the institution of the criminal action before the Respondent SB and because:

Even assuming the contrary were true, petitioners cannot still escape culpability. Notwithstanding the action for reversion, the fact remains that Susana Realty is the owner of the subject properties at the time petitioners committed the acts complained of. The fact remains that Susana Realty was thereby injured by their acts. The action for reversion will not obliterate such fact. There is no necessity therefore to await the outcome of the reversion suit before the criminal charges against petitioners should proceed.[24]

We agree with the Respondents. Under Rule 65 of the 1997 Rules of Civil Procedures, as amended, petitioners must show that they had no plain, speedy and adequate remedy in the ordinary course of law against their perceived grievance.[25] Petitioners are not entitled to a writ of certiorari if they seek said relief to make up for the loss, through their oversight or omission, of their right to file their petition for certiorari within the period therefor. The record shows that petitioners’ motion to suspend proceedings had already been denied by the Sandiganbayan on January 15, 2001. Petitioners’ motion to suspend proceedings dated June 11, 2002, which was for all intents and purposes a motion for reconsideration of the Resolution of the Sandiganbayan dated January 15, 2001, was denied by Sandiganbayan on August 1, 2001. However, petitioners did not file a petition for certiorari with the Court within the period therefor. Indeed, petitioners filed an omnibus motion with leave of court on September 13, 2001, praying inter alia for the suspension of the proceedings. The omnibus motion was denied by the respondent court on April 4, 2002. It was only on June 11, 2002 that petitioners filed the petition at bench. By then, the period for them to file the same had long lapsed. Why the petitioners waited for almost a year from August 1, 2001 to file their petition for certiorari with the Court they did not bother to justify. It bears stressing that the rule on prejudicial questions was conceived to afford parties an expeditious and just disposition of cases.[26] Indeed, the amendment under the Rules on Criminal Procedure was designed to avert the deleterious practice foisted on the judicial system by unscrupulous parties to derail the placid flow of criminal cases. The Court has said that it will not countenance the misuse of the rules of procedures to frustrate or delay the delivery of justice.[27]

Even if we ignored petitioners’ procedural lapse and resolved their petition on the merits, we hold that Sandiganbayan did not abuse its discretion amounting to excess or lack of jurisdiction in denying their omnibus motion for the suspension of the proceedings pending final judgment in Civil Case No. 7160. Section 6, Rule III of the Rules of Criminal Procedure, as amended, reads:

Sec. 6. Suspension by reason of prejudicial question. - A petition for suspension of the criminal action based upon the pendency of a prejudicial question in a civil action may be filed in the office of the prosecutor or the

court conducting the preliminary investigation. When the criminal action has been filed in court for trial, the petition to suspend shall be filed in court for trial, and shall be filed in the same criminal action at any time before the prosecution rests.

Sec. 7. Elements of prejudicial question. - The elements of a prejudicial question are: (a) the previously instituted civil action involves an issue similar or intimately related to the issue raised in the subsequent criminal action, and (b) the resolution of such issue determines whether or not the criminal action may proceed.

Under the amendment, a prejudicial question is understood in law as that which must precede the criminal action and which requires a decision before a final judgment can be rendered in the criminal action with which said question is closely connected.[28] The civil action must be instituted prior to the institution of the criminal action. In this case, the Information was filed with the Sandiganbayan ahead of the complaint in Civil Case No. 7160 filed by the State with the RTC in Civil Case No. 7160. Thus, no prejudicial question exists.

Besides, a final judgment of the RTC in Civil Case No. 7160 declaring the property as foreshore land and hence, inalienable, is not determinative of the guilt or innocence of the petitioners in the criminal case. It bears stressing that unless and until declared null and void by a court of competent jurisdiction in an appropriate action therefor,[29] the titles of SRI over the subject property are valid. SRI is entitled to the possession of the properties covered by said titles.[30] It cannot be illegally deprived of its possession of the property by petitioners in the guise of a reclamation until final judgment is rendered declaring the property covered by said titles as foreshore land.

IN THE LIGHT OF ALL THE FOREGOING, the petition is DENIED. The Resolutions of the Sandiganbayan subject of the petition are AFFIRMED.

SO ORDERED.

Bellosillo (Chairman), Mendoza, Quisumbing, and Austria-Martinez, JJ., concur.

[1] Rollo, p. 37.

[2] Id., at 42.

[3] Id., at 43.

[4] Id., at 49.

[5] Id., at 113.

[6] Id., at 115.

[7] Id., at 75, Annex "F."

[8] Id., at 76-84.

[9] Id., at 85-87.

[10] Id., at 93.

[11] Id., at 109.

[12] Id., at 222.

[13] Id., at 94-109.

[14] Id., at 37, Annex “A,” Petition.

[15] Id., at 41, Annex “B,” Petition.

[16] Id., at 14-15.

[17] Teodoro B. Cruz, Jr. vs. Court of Appeals, et al., 194 SCRA 145 (1991).

[18] Supra.

[19] 169 SCRA 455 (1989).

[20] Id., at 46.

[21] Id., at 45.

[22] Id., at 122.

[23] Id., at 53.

[24] Id., at 218-219.

[25] National Irrigation Administration vs. Court of Appeals, et al., 318 SCRA 255 (1999).

[26] First Producers Holdings Corporation vs. Luis Co, 336 SCRA 561 (2002).

[27] Supra.

[28] REGALADO, REMEDIAL LAW COMPENDIUM, Vol. II, 9th ed., p. 307.

[29] Pablo Ocampo, et al. vs. Hon. Tiburcio Tansinco, et al., 96 Phil. 459.

[30] Gregoria Javelosa vs. Court of Appeals, et al., 265 SCRA 493 (1996).

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