REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. THE HON. SANDIGANBAYAN (SECOND DIVISION), RICARDO C. SILVERIO, FERDINAND E. MARCOS (NOW SUBSTITUTED BY HIS HEIRS), IMELDA R. MARCOS ...

G.R. No. 159275. August 25, 2010

Ponente: VILLARAMA, JR., J.

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VILLARAMA, JR., J.:

This petition for certiorari seeks to annul and set aside the June 9, 2003 Resolution[1] of public respondent Sandiganbayan (Second Division) which denied the motion to reopen for presentation of plaintiff's additional evidence filed by the Republic of the Philippines.

The factual antecedents:

On July 22, 1987, petitioner through the Presidential Commission on Good Government (PCGG), instituted SB Civil Case No. 0011 for reconveyance, reversion, accounting, restitution and damages, entitled "Republic of the Philippines v. Ferdinand E. Marcos, Imelda R. Marcos, Ricardo C. Silverio and Pablo P. Carlos, Jr." Petitioner seeks to recover ill-gotten wealth acquired or accumulated by the said respondents either singly or collectively, and includes charges of misappropriation and theft of public funds; plunder of the nation's wealth; extortion; blackmail; bribery; embezzlement and other acts of corruption; betrayal of public trust; and abuse of power, to the grave and irreparable damage of petitioner.

Private respondents Silverio and Carlos, Jr. were specifically charged with the following acts:

> a) gave to above Defendant spouses improper payments such as kickbacks and/or commissions in hundreds of thousands of US dollars in exchange for an award to Defendant Ricardo C. Silverio of Kawasaki Scrap Loaders and Toyota Rear Dump Trucks, respectively;
>
> b) received annually, for three consecutive years, special accommodations, privileges and exemptions by the Central Bank in the form of (i) increased dollar import quota allocation for the importation of Toyota vehicles for Delta Motors[,] Inc., and airconditioning and refrigerating equipment in excess of the limits prescribed under applicable Central Bank Rules and Regulations, and (ii) a more liberal mode of payment (i.e., documents against acceptance (D/A) vs. letter of credit (L/C) arrangement) contrary to Central Bank Rules and Regulations and to the manifest disadvantage of Plaintiff and the Filipino people;
>
> c) obtained huge amounts in loans, guarantees and other types of credit accommodations under favored and very liberal terms of credit from government financial institution, such as the Philippine National Bank, to finance the establishment, operation and working capital requirements of his various business/financial ventures, more particularly, the Delta Motors Corporation, to the serious detriment of Plaintiff and the Filipino people;
>
> d) was extended preferential status and treatment in the implementation of the Government's Progressive Car

Manufacturing Program (PCMP) resulting in (i) unfair advantage to Defendant Ricardo C. Silverio, (ii) unjust and improper discrimination against the other participants in the PCMP, and (iii) the ultimate demise of PCMP, to the grave damage and prejudice of Plaintiff and the Filipino people;

e) obtained from the Central Bank multi-million peso emergency loans as additional capital infusion to Filipinas Bank, a commercial banking institution owned and/or controlled by Defendant Ricardo C. Silverio;

f) acted as dummy, nominee or agent of Defendants Ferdinand E. Marcos and Imelda R. Marcos in several corporations where said Defendants have substantial interests such as the Meralco Securities and the First Philippine Holdings Corporation and, with the active collaboration, knowledge and willing participation of Fe Roa Gimenez and Hector Rivera who served as conduit for the receipt of funds from said corporations. Defendants Fe Roa Gimenez and Hector Rivera are subjects of separate suits.[2]

After the presentation of its witnesses Godofredo dela Paz (Bank Officer III, Bangko Sentral ng Pilipinas) and Ma. Lourdes O. Magno (PCGG Librarian), petitioner rested its case. In its Formal Offer of Evidence dated October 18, 2001, petitioner submitted only the following documents:

EXH. A - Resolution of the Supreme Court promulgated on October 26, 1987, in G.R. No. 77645 entitled "Ricardo Silverio, petitioner, versus Presidential Commission on Good Government, respondent."

Purpose: To show that there is a prima facie case against the defendant Ricardo Silverio, i.e., defendant has acquired assets and properties manifestly out of proportion to his usual and normal income.

EXH. B - Memorandum dated April 27, 1987, of Godofredo dela Paz, re: Import Quota Allocations Granted to Delta Motors Corporation (DMC)

EXH. B-1 - Signature of Godofredo dela Paz appearing on page 3 of Exh. B.

Purpose: To show that Delta Motors Corporation, a corporation 96% owned by defendant Ricardo Silverio, was granted exemptions by the Central Bank in the matter of importing motor vehicles and air conditioning and refrigeration equipment because of said defendant's close association with former President Ferdinand Marcos.

EXH. C - A certification dated August 25, 1967, signed by defendant Ricardo Silverio whereby defendant committed himself to pay $499,500.00 to someone, in consideration of his arrangements for making possible the award to defendant of 1,000 units of Toyota rear dump trucks.

EXH. C-1 - Signature of defendant Ricardo Silverio appearing at the bottom of Exh. C-1.

Purpose: To show that defendant Ricardo Silverio gave to former President Marcos improper payments in exchange for an award to defendant of Toyota rear dump trucks.

EXH. D - A certification dated August 25, 1967, signed by defendant Ricardo Silverio whereby defendant committed himself to pay $290,000.00 to someone, in consideration of his arrangements for making possible the award to defendant of 200 units Kawasaki Scoop loaders.

EXH. D-1 - Signature of defendant Ricardo Silverio appearing at the bottom of Exh. D.

Purpose: To show that defendant Ricardo Silverio gave to former President Marcos improper payments in exchange for an award to defendant of Kawasaki Scoop loaders.

EXH. E - Letter dated May 10, 1980, of Ricardo Silverio addressed to President Ferdinand E. Marcos.

Purpose: To show that the enterprises ostensibly owned by Ricardo Silverio, e.g. Filipinas Bank and Delta Motors Corp., are beneficially owned and controlled by former President Ferdinand Marcos.[3]

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Acting on the formal offer of evidence by the petitioner, as well as the comments/oppositions respectively filed by respondents Silverio, Carlos, Jr. and Marcos, public respondent issued a Resolution[4] on January 10, 2002 admitting only Exhibit "A" and denying admission of Exhibits "B" to "E" for being mere photocopies and irrelevant to the purpose for which they were offered, and failure to prove the due execution and authenticity of private writings. Nonetheless, the documents not admitted were allowed to remain on the records.

On February 4, 2002, petitioner filed a Motion for Extension of Time to File Motion for Reconsideration,[5] expressing its intention to file a Consolidated Motion for Reconsideration with Motion to File Supplement to Formal Offer of Evidence.

On February 26, 2002, petitioner filed a Motion to Admit Herein Motion for Reconsideration with Supplement to Formal Offer of Evidence[6] setting forth the following arguments: (a) Technical rules should be set aside when necessary to achieve the purposes behind PCGG's creation; (b) The best evidence rule does not apply since the contents of the writings are not in issue; (c) Assuming arguendo that the best evidence rule applies, then secondary evidence may be availed of when the original writing itself is unavailable and cannot be produced in court; and (d) Exhibits "B" and "B-1" are admissible because they are relevant in establishing the fact that defendant Silverio was granted accommodations by reason of his close association with former President Marcos.[7]

In a Resolution[8] dated May 21, 2002, public respondent denied petitioner's Motion to Admit Herein Motion for Reconsideration with Supplement to Formal Offer of Evidence. It held that the petitioner was unable to establish the loss or destruction of the original documents and hence it cannot be permitted to present secondary evidence as required under Rule 130 of the Rules of Court. That the best evidence rule applies in this case is demonstrated by petitioner's own purpose in offering the rejected documentary exhibits for how then can it intend to prove the defendants' close business/personal relationship with defendant Ferdinand E. Marcos without inquiring into the contents thereof. Moreover, citing Section 19 of Rule 132, public respondent declared that the mere fact that the subject documents "form part of the public records of private documents in the possession of PCGG, [which were] required by law to be entered therein," does not necessarily make them public documents; none of the exhibits offered by the petitioner is required by any law to be entered in a public record. As to Exhibits "B" and "B-1", even if properly identified by Godofredo dela Paz, the one (1) who executed the same, still the court rejected these evidence on the ground that the same were mere photocopy and the offeror failed to lay the basis for the introduction of secondary evidence, again in violation of the best evidence rule.[9]

On September 25, 2002, petitioner filed a Motion to Reopen Plaintiff's Presentation of Evidence[10] stating thus:

> 7. That on July 11, 2002, while preparing the files of PCGG documentary evidence for computer scanning, PCGG Librarian Ma. Lourdes Magno discovered the original copies of certain documentary evidence relevant to this case misfiled in a different case folder, thus, their availability now for presentation. The affidavit of Ma. Lourdes Magno dated September 23, 2002 is hereto attached as Annex "A". Considering the voluminous records and documents involved in the numerous ill-gotten wealth cases initiated by the PCGG, such incident should understandably be unavoidable. It bears emphasis that these documents were among those enumerated in the Pre-Trial Brief.
>
> Attached herewith are certified true copies of the said documents, the originals of which will be presented in the course of the proceedings, to wit:
>
> (a) Memorandum of Godofredo dela Paz dated 27 April 1987 (Annex "B" hereof) which was marked as plaintiff's Exhibit "B" in its Formal Offer of Evidence;
>
> (b) Delta Motor[s] Corporation stock certificate for 10,000 shares issued to defendant Silverio; (Annex "C"

hereof) which was marked as plaintiff's Exhibit "J" in its Pre-Trial Brief;

(c) Philippine American Investments Corporation stock certificate for 10,000 shares issued to Jose P. Madrigal (Annex "D" hereof) which was marked as plaintiff's Exhibit "I" in its Pre-Trial Brief;

(d) Lepanto Consolidated Mining stock certificate for 3,183,750 shares issued to Fairmont Real Estate[,] Inc. (Annex "E" hereof) which was marked as plaintiff's Exhibit "H" in its Pre-Trial Brief;

(e) Meralco stock certificate for 1,566 shares issued to defendant Silverio (Annex "F" hereof) which was marked as plaintiff's Exhibit "C" in its Pre-Trial Brief;

(f) Meralco stock certificate for 1,175 shares issued to defendant Silverio (Annex "G" hereof) which was marked as plaintiff's Exhibit "D" in its Pre-Trial Brief;

(g) Meralco stock certificate for 1,175 shares issued to defendant Silverio (Annex "H" hereof) which was marked as plaintiff's Exhibit "C" in its Pre-Trial Brief; and

(h) letter of Silverio to former President Ferdinand E. Marcos dated 10 May 1980 (Annex "I" hereof) which was marked as plaintiff's Exhibit "E" in its Formal Offer of Evidence.

Attached also as Annexes are certified photocopies of Silverio's Letter dated 2 January 1974 (Annex "J") and an Insular Minerals Exploration Hinobaan Copper Project Timetable (Annex "K" hereof).

Plaintiff intends to recall Ma. Lourdes O. Magno as its witness to testify on the existence of the foregoing documents.

8. Further to prove its case against defendants, plaintiff also intends to present as additional evidence the relevant contents of the transcript of defendant Silverio's direct testimony in the case of US v. Imelda Marcos and Adnan Kashoggi, before the US District Court, Southern District of New York (SSS87, Cr 0598 [JFK]), particularly on the following facts:

a. The personal help given by Ferdinand Marcos to defendant Silverio regarding the approval of an SSS loan;

b. The corresponding transfer of shares of Delta Motors Corporation from defendant Silverio to Ferdinand Marcos then valued at $900,000;

c. Defendant Silverio's receipt and endorsement in blank of shares of Meralco Securities and First Philippine Holdings Corp. which were then given to a certain Mr. Fontanilla, one of the secretaries of Mr. Roberto Benedicto, and which were then delivered to Mr. Marcos;

d. Delivery of cash dividends to Fe Roa Gimenez in Malacañang Palace; and,

e. The 15% commission of Mr. Marcos out of the $6,000,000 from the Reparations Commission, among others.

Plaintiff intends to make the necessary request for admission of such additional vital evidence, since the purpose of the rule governing requests for admissions of facts and genuineness of documents is to expedite trial and to relieve parties of the costs of proving facts which will not be disputed on trial and the truth of which can be ascertained by reasonable inquiry.

Attached herewith as Annex "L" is the letter dated August 27, 2002 of the Presidential Commission on Good Government addressed to Monger, Tolles and Olsen, its counsel in the aforementioned case, requesting for authenticated and certified true copy of the transcript of stenographic notes in the said case.

On the basis of the foregoing, plaintiff respectfully seeks to reopen the case for the presentation of its additional

evidence.[11] (Emphasis supplied.)

Respondent Silverio filed his Opposition[12] asserting that the grounds cited by petitioner do not warrant a reopening of the presentation of evidence. Assuming that petitioner identified the "misfiled" documents in its pre-trial brief, still petitioner's failure to present the same was due to gross and inexcusable negligence. He further pointed out that Atty. Edgardo L. Kilayko of the PCGG categorically declared at the September 18, 2001 hearing that petitioner had no other evidence apart from those already marked. He claimed that the timing of the discovery of the "misfiled" documents is highly suspect, after the court rejected these "certain documents" and only after fourteen (14) years since the case was filed when petitioner should have already gathered, prepared and presented its evidence.

In its Reply[13] to Opposition, petitioner argued that the paramount interest of justice, the recovery of ill-gotten wealth declared as an overriding policy of State under Executive Order Nos. 1, 2, 14 and 14-A, requires that petitioner Republic be granted the opportunity to present the originals of the exhibits it earlier presented, in compliance with the court's lawful order when it denied admission of mere photocopies of the same when they were first formally offered. Petitioner also stressed that respondent Silverio's right to speedy trial was not violated as there was no unreasonable request for postponement of the trial but a supplication for the reopening of the case to present additional evidence to protect the State's interest, the additional evidence sought to be offered being relevant and material to petitioner's case. Aside from the originals of the exhibits earlier formally offered, as well as documents listed in the Pre-Trial Brief, petitioner seeks to present in evidence respondent Silverio's own testimony in the case of US v. Imelda Marcos and Adnan Kashoggi wherein he testified to matters referred to in petitioner's Motion to Reopen the presentation of evidence in this case; these are very material as they contain statements given by respondent Silverio under oath in a US District Court referring to acts and documents concerning the very allegations sought to be established by petitioner in this case. There can be no cries of surprise on the part of respondent Silverio since everything sought to be introduced are of public records, and as for aforementioned testimony, based on his own personal knowledge.

On June 9, 2003, public respondent issued the assailed Resolution[14] denying the Motion to Reopen Plaintiff's Presentation of Evidence, as follows:

> WE view the motion more of the nature of a plea to reconsider our resolution denying the admission of Exhibits "B" to "E". Thus, the prayer is to allow to present additional witness and/or to recall witness to establish the existence and execution of the original copies of Exhibits "B" to "E". If we afford affirmative relief to the motion, it will render completely ineffective and totally at naught our Resolution denying the admission of these exhibits with all the grounds redoubtable as they are, spelled out in our Resolution. Our Resolution admitting only Exhibits "B" to "E" (sic) has long become final and executory and the issues in connection thereto has long been laid to rest. WE cannot allow it to be revived on the pretext of another motion captioned differently without doing violence to the settled rule of finality of orders or decision. Worse everything would be an endless rigmarole without any end of the proceedings on sight.
>
> Moreover, the documents and proofs alleged in the plaintiffs motion have been existing all along, some in fact as early as fourteen (14) years ago, and after these years of hearing, the Court cannot just simply brush aside what had been taken up, and on the mere claim that those documents were "misfiled" and are now ready to be presented, reopen again the proceedings with all the adverse consequences to the time honored orderly presentation of evidence and the universally acclaimed expeditious, speedy and inexpensive disposition of all action[s] and proceedings.
>
> WHEREFORE, for lack of merit, plaintiff's Motion to Reopen Plaintiff's Presentation of Evidence is denied.
>
> SO ORDERED.[15] (Italics supplied.)

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Hence, this recourse via certiorari alleging grave abuse of discretion in the denial of petitioner's motion to reopen presentation of plaintiff's evidence.

On November 10, 2003, we granted petitioner's urgent motion for issuance of a temporary restraining order and directed public respondent to refrain from acting on and/or taking cognizance of the Motion to Dismiss by way of Demurrer to Evidence (Motion to Dismiss) filed by respondent Silverio, and from enforcing its June 9, 2003 Resolution denying petitioner's motion to reopen for presentation of additional evidence and its Order given in open court on August 1, 2003 submitting SB Civil Case No. 0011 for resolution, until further orders from this Court.[16]

Petitioner submits that contrary to the ruling of public respondent, resolutions denying admissibility to petitioner's documentary exhibits, as well as the subject resolution denying the motion to present additional evidence, were not final orders which may no longer be disturbed. Citing the case of Looyuko v. Court of Appeals,[17] petitioner points out that before judgment is rendered and for good cause shown, the court may still allow the introduction of additional evidence, and that is still within a liberal interpretation of the period for trial. Since no judgment has yet been rendered in SB Civil Case No. 0011, the presentation of additional evidence may still be resolved by public respondent and integrated in the judgment disposing of all the claims in the said case.[18]

As to the length of time for the trial of the case, petitioner maintains that it is not fair to attribute delay solely to it; presentation of plaintiff's evidence was only terminated in 2002 when petitioner filed its formal offer of evidence, which public respondent denied. The presentation of additional evidence will not cause substantial injustice to respondent Silverio as these documents and the witnesses to be recalled were all declared in petitioner's Pre-Trial Brief, while the testimony in a foreign court is none other than that of respondent Silverio, confirming material facts, which are the subject of SB Civil Case No. 0011. On the other hand, disallowing the presentation of additional evidence would cause undue prejudice to petitioner's case.[19]

Respondent Silverio reiterates that public respondent did not gravely abuse its discretion in denying petitioner's motion which it claims will enable it to present the originals of the exhibits earlier offered for admission but only two (2) actually relates to the exhibits it had already offered in evidence. Public respondent court had denied admission to these two (2) exhibits not only because they violated the Best Evidence Rule but also because they are irrelevant and not properly authenticated. It is argued that the policy of relaxing the technical rules of procedure in cases of recovery of ill-gotten wealth is not a license to disregard the fundamental Rules of Evidence. As to the testimony given by respondent Silverio, petitioner had said that the same was given wayback in 1990 or twelve (12) years ago. Hence, it was available to the Republic long before it drafted its Pre-trial Brief and before it commenced presentation of evidence. Petitioner's failure to present the alleged testimony of respondent Silverio is gross and inexcusable negligence and therefore cannot be a ground to reopen the case. Petitioner's asseveration that to reopen the proceedings to allow it to present additional evidence would not cause substantial injustice to respondent Silverio cannot be serious. If twenty (20) years of long litigation is not harassment and injustice, respondent Silverio does not know what is. Respondent Silverio also points out that the Republic's pre-trial brief dated September 1990 was superseded by the February 23, 1996 Pre-Trial Brief wherein petitioner makes no reference to any of the "misfiled" documents, and hence petitioner is now precluded from presenting such "misfiled" documents.[20]

We grant the petition.

First, on petitioner's immediate resort to this Court without filing a motion for reconsideration with the public respondent of the assailed resolution denying its motion to reopen for presentation of additional evidence.

As a rule, the special civil action of certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended,

lies only when the lower court has been given the opportunity to correct the error imputed to it through a motion for reconsideration of the assailed order or resolution.[21] This rule, though, has certain exceptions: (1) when the issue raised is purely of law, (2) when public interest is involved, or (3) in cases of urgency. As a fourth exception, the Court has also ruled that the filing of a motion for reconsideration before availment of the remedy of certiorari is not a sine qua non, when the questions raised are the same as those that have already been squarely argued and exhaustively passed upon by the lower court.[22]

Aside from the public interest involved in the recovery of alleged ill-gotten wealth by the Government, it was shown that the issue herein raised by petitioner had already been squarely argued by it and amply discussed by public respondent in its assailed resolution. Hence, the requirement of prior filing of a motion for reconsideration may be dispensed with.

Contrary to public respondent's posture, its order denying admission to petitioner's documentary exhibits, as well as the denial of the motion to reopen for presentation of additional evidence for plaintiff, was merely interlocutory. An order that does not finally dispose of the case, and does not end the Court's task of adjudicating the parties' contentions and determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the Court, is interlocutory.[23]

Certiorari is an appropriate remedy to assail an interlocutory order (1) when the tribunal issued such order without or in excess of jurisdiction or with grave abuse of discretion; and (2) when the assailed interlocutory order is patently erroneous, and the remedy of appeal would not afford adequate and expeditious relief.[24] Recourse to a petition for certiorari to assail an interlocutory order is now expressly recognized in the ultimate paragraph of Section 1, Rule 41 of the Revised Rules of Court on the subject of appeal, which states:[25]

> In all the above instances where the judgment or final order is not appealable, the aggrieved party may file an appropriate special civil action under Rule 65.

Public respondent seriously erred in denying the motion to reopen for presentation of additional evidence on the basis of the supposed "final and executory" ruling which denied admission of Exhibits "B" to "E" in the Formal Offer of Evidence filed by the petitioner. Admission of additional evidence is addressed to the sound discretion of the trial court. Indeed, in the furtherance of justice, the court may grant the parties the opportunity to adduce additional evidence bearing upon the main issue in question.[26] The remedy of reopening a case for presenting further proofs was meant to prevent a miscarriage of justice.[27]

While it is true that the 1997 Rules of Civil Procedure, as amended, prescribed an order of trial (Section 5, Rule 30), relaxation of the rule is permitted in sound discretion of the court. According to Justice Jose Y. Feria in his annotations on civil procedure:

> After the parties have produced their respective direct proofs, they are allowed to offer rebutting evidence only, but, it has been held, the court, for good reasons in the furtherance of justice, may permit them to offer evidence upon their original case, and its ruling will not be disturbed in the appellate court where no abuse of discretion appears. So, generally, additional evidence is allowed when it is newly discovered, or where it has been omitted through inadvertence or mistake, or where the purpose of the evidence is to correct evidence previously offered.[28]

Considering that petitioner, in requesting to reopen the presentation of additional evidence after it has rested its case, sought to present documentary exhibits consisting of certified copies which had earlier been denied admission for being photocopies, additional documents previously mentioned in its pre-trial brief and new additional evidence material in establishing the main issue of ill-gotten wealth allegedly amassed by the private respondents, singly or collectively, public respondent should have, in the exercise of sound discretion, properly

allowed such presentation of additional evidence. Bearing in mind that even if the originals of the documentary exhibits offered as additional evidence have been in the custody of the PCGG since the filing of the complaint or at least at the time of the preparation of its original pre-trial brief in September 1990, public respondent should have duly considered the explanation given by PCGG Commissioner Ruben C. Carranza and PCGG Librarian Ma. Lourdes O. Magno in their respective affidavits[29] attached to the motion, as to the belated discovery of the original documentary evidence which had long been in the possession of PCGG. Given the voluminous documents and papers involved in ill-gotten wealth cases, it was indeed unavoidable that in the course of trial certain documentary exhibits were omitted or unavailable by inadvertence, as what had happened in this case where the subject original documentary evidence were found misfiled in a different case folder.

Lamentably, public respondent peremptorily denied petitioner's plea for a chance to present additional evidence vital to its case, saying that it cannot "just simply brush aside what had been taken up [after these years of hearing]," and even alluding to the supposed "adverse consequences to the time honored orderly presentation of evidence and the universally acclaimed expeditious, speedy and inexpensive disposition of all action[s] and proceedings." On the other hand, respondent Silverio contended that allowing the motion to reopen would only cause him to suffer further "harassment and injustice." However, perusal of the records plainly reveals that petitioner was not responsible for the delay in the prosecution of this case. The protracted litigation was due to the numerous pleadings, postponements and various motions filed by respondents Marcoses. Clearly, public respondent's rigid application of the rule on order of trial was arbitrary, improper and in utter disregard of the demands of substantial justice.

Executive Order No. 14, series of 1986, issued by former President Corazon C. Aquino, provided that technical rules of procedure and evidence shall not be strictly applied to cases involving ill-gotten wealth. Apropos is our pronouncement in Republic v. Sandiganbayan (Third Division):[30]

> In all cases involving alleged ill-gotten wealth brought by or against the Presidential Commission on Good Government, it is the policy of this Court to set aside technicalities and formalities that serve merely to delay or impede their judicious resolution. This Court prefers to have such cases resolved on the merits before the Sandiganbayan. Substantial justice to all parties, not mere legalisms or perfection of form, should now be relentlessly pursued. Eleven years have passed since the government started its search for and reversion of such alleged ill-gotten wealth. The definitive resolution of such cases on the merits is thus long overdue. If there is adequate proof of illegal acquisition, accumulation, misappropriation, fraud or illicit conduct, let it be brought out now. Let the titles over these properties be finally determined and quieted down with all reasonable speed, free of delaying technicalities and annoying procedural sidetracks. (Emphasis supplied.)

It was incumbent upon the public respondent to adopt a liberal stance in the matter of procedural technicalities. More so in the instant case where the showing of a prima facie case of ill-gotten wealth was sustained by this Court in Silverio v. Presidential Commission on Good Government in No. L-77645 under the Resolution dated October 26, 1987.[31] Petitioner should be given the opportunity to fully present its evidence and prove that the various business interests of respondent Silverio "have enjoyed considerable privileges obtained from [respondent] former President Marcos during [the latter's] tenure as Chief Executive in violation of existing laws; privileges which could not have been so obtained were it not for the close association of [Silverio] with the former President."[32] No element of surprise could have been intended in the motion to reopen considering that these documentary exhibits were either certified copies of the originals in the custody of the PCGG, properly identified by the witness who prepared the same (Godofredo dela Paz) and statements under oath from a testimony given before the US District Court by respondent Silverio himself.

The term "grave abuse of discretion" connotes capricious and whimsical exercise of judgment as is equivalent to excess, or a lack of jurisdiction. The abuse must be so patent and gross as to amount to an evasion of a positive

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duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[33]

Public respondent gravely abused its discretion in disallowing the presentation of additional evidence by the petitioner after the latter made a formal offer of documentary evidence, at the time the respondents had not even commenced the presentation of their evidence. Such arbitrary denial of petitioner's motion to reopen for presentation of additional evidence would result in serious miscarriage of justice as it deprives the Republic of the chance to fully prove its case against the respondents and recover what could be "illegally-gotten" wealth.

WHEREFORE, the petition is hereby GIVEN DUE COURSE and the writ prayed for accordingly GRANTED. The Resolution dated June 9, 2003 of the Sandiganbayan (Second Division) in SB Civil Case No. 0011 is hereby ANNULLED and SET ASIDE. Said court is hereby DIRECTED to ALLOW the Republic of the Philippines to present additional evidence and recall witnesses as prayed for in its Motion to Reopen Plaintiff's Presentation of Evidence with utmost dispatch.

The Temporary Restraining Order issued by this Court on November 10, 2003 is hereby LIFTED and SET ASIDE.

No pronouncement as to costs.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Bersamin, and Sereno, JJ., concur.

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[1] Rollo, pp. 32-35. Penned by Associate Justice Edilberto G. Sandoval and concurred in by Associate Justices Godofredo L. Legaspi and Raoul V. Victorino.

[2] Sandiganbayan records, Vol. I, pp. 11-14.

[3] Rollo, pp. 51-52.

[4] Id. at 56-62.

[5] Id. at 63-65.

[6] Id. at 66-75.

[7] Id. at 66-67.

[8] Id. at 77-83. Penned by Associate Justice Godofredo L. Legaspi and concurred in by Associate Justices Edilberto G. Sandoval and Raoul V. Victorino.

[9] Id. at 80-82.

[10] Id. at 84-101.

[11] Id. at 89-92.

[12] Id. at 365-375.

[13] Id. at 376-382.

[14] Id. at 32-35.

[15] Id. at 34-35.

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[16] Id. at 160-161.

[17] G.R. Nos. 102696, 102716, 108257 & 120954, July 12, 2001, 361 SCRA 150.

[18] Rollo, p. 24.

[19] Id. at 25.

[20] Id. at 505-506, 520, 527.

[21] Republic v. Sandiganbayan, G.R. Nos. 141796 & 141804, June 15, 2005, 460 SCRA 146, 158, citing Yau v. Manila Banking Corporation, G.R. Nos. 126731 & 128623, July 11, 2002, 384 SCRA 340, 348.

[22] Government of the United States of America v. Purganan, G.R. No.148571, September 24, 2002, 389 SCRA 623, 650, citing Phil. Air Lines Employees Association v. Phil. Air Lines, Inc., No. L-31396, January 30, 1982, 111 SCRA 215, 219 and Progressive Development Corporation, Inc. v. Court of Appeals, G.R. No. 123555, January 22, 1999, 301 SCRA 637, 647.

[23] Investments, Inc. v. Court of Appeals, No. L-60036, January 27, 1987, 147 SCRA 334, 340, cited in United Overseas Bank (formerly Westmont Bank) v. Ros, G.R. No. 171532, August 7, 2007, 529 SCRA 334, 344.

[24] Santos v. People, G.R. No. 173176, August 26, 2008, 563 SCRA 341, 361-362, citing Casil v. CA, 349 Phil. 187, 196-197 (1998).

[25] Id. at 362.

[26] Valencia v. Sandiganbayan, G.R. No. 165996, October 17, 2005, 473 SCRA 279, 290, citing United States v. Gallegos, 37 Phil. 289, 293-294 (1917). See also People v. Tee, G.R. Nos. 140546-47, January 20, 2003, 395 SCRA 419, 444.

[27] See Cabarles v. Maceda, G.R. No. 161330, February 20, 2007, 516 SCRA 303, 315, citing II F. Regalado, Remedial Law Compendium 551 (10[th] ed., 2004).

[28] Jose Y. Feria and Maria Concepcion S. Noche, Civil Procedure Annotated, 2001 Edition, Vol. I, p. 574, citing Lopez v. Liboro, 81 Phil. 429, 434 (1948). See also Rivera v. Palattao, G.R. No. 157824, January 17, 2005, 448 SCRA 623, 635.

[29] Rollo, pp. 339-343.

[30] G.R. No. 113420, March 7, 1997, 269 SCRA 316, 334-335.

[31] 155 SCRA 60.

[32] Id. at 65-66.

[33] Republic v. Sandiganbayan (Second Division), G.R. No. 129406, March 6, 2006, 484 SCRA 119, 127, citing Litton Mills, Inc. v. Galleon Trader, Inc., No. L-40867, July 26, 1988, 163 SCRA 489, 494 and Duero v. Court of Appeals, G.R. No. 131282, January 4, 2002, 373 SCRA 11, 17.

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