

THE HEIRS OF JOLLY R. BUGARIN, NAMELY MA. AILEEN H. BUGARIN, MA. LINDA B. ABIOG AND MA. ANNETTE B. SUMULONG, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. No. 174431. August 06, 2012

Ponente: MENDOZA, J.

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MENDOZA, J.:

This petition for review on certiorari under Rule 45 seeks to annul and set aside the April 3, 2006 Resolution[1] of the Sandiganbayan which ordered the forfeiture of some of the properties of the. late NBI Director, Jolly R. Bugarin (Bugarin); pursuant to the January 30, 2002 Decision of this Court in *Republic of the Philippines v. Sandiganbayan*,[2] and its August 30, 2006 Resolution which denied the motion for reconsideration.

This petition, filed by the heirs of Bugarin (petitioners) prays that the Sandiganbayan be compelled to conduct hearings “for the purpose of properly determining the properties of the late Jolly R. Bugarin that should be forfeited in favor of the respondent, Republic of the Philippines.”[3]

The Facts:

The late Bugarin was the Director of the National Bureau of Investigation (NBI) when the late Ferdinand E. Marcos was still the president of the country from 1965-1986. After the latter’s downfall in 1986, the new administration, through the Presidential Commission on Good Government (PCGG), filed a petition for forfeiture of properties under Republic Act (R.A.) No. 1379 against him with the Sandiganbayan. The latter dismissed the petition for insufficiency of evidence in its August 13, 1991 Decision.

After the Sandiganbayan denied its motion for reconsideration, the PCGG sought a review of the dismissal before the Court on December 18, 1991. Sitting En Banc, the Court found manifest errors and misapprehension of facts leading it “to pore over the evidence extant from the records,” including Bugarin’s very own summary of his property acquisitions. Thereafter, the Court found Bugarin to have amassed wealth totaling P2,170,163.00 from 1968 to 1980 against his total income for the period 1967 to 1980 totaling only P766,548.00. With this, the Court held that Bugarin’s properties, which were visibly out of proportion to his lawful income from 1968 to 1980, should be forfeited in favor of the government.[4] The fallo of the January 30, 2002 Decision of this Court in the Republic case,[5] reads:

WHEREFORE, the appealed decision of the Sandiganbayan is hereby REVERSED and SET ASIDE. The petition is GRANTED , and the properties of respondent JOLLY BUGARIN acquired from 1968 to 1980 which were disproportionate to his lawful income during the said period are ordered forfeited in favor of petitioner Republic of the Philippines. Let this case be REMANDED to the Sandiganbayan for proper determination of properties to be forfeited in petitioner’s favor. [6]

Bugarin moved for a reconsideration and while his motion was pending, he passed away in September 2002. With this development, his heirs, the petitioners herein, moved to have the case dismissed. The Court denied both

Bugarin's Motion for Reconsideration and petitioners' Motion to Dismiss. Petitioners sought reconsideration but the same was likewise denied. Still, they filed their Motion for Leave to File a Second Motion for Reconsideration and its Admission with the attached Second Motion for Reconsideration, but it was likewise denied on July 27, 2004 for being a prohibited pleading while the attached motion was merely noted without action.[7] On June 25, 2004, the January 30, 2002 Decision of the Court became final and executory and was entered in the Entry of Judgment.[8]

With the case back at the Sandiganbayan, hearing was set for January 12, 2005 to determine which properties of the late Bugarin would be forfeited in favor of the government. On the said date, only the counsels of the PCGG appeared. Upon motion, the Sandiganbayan gave the PCGG thirty (30) days within which to submit "a list of properties more or less equivalent to the amount of P1,403,615.00 and still remaining in the name of defendant Bugarin." [9]

Pursuant to this order, the PCGG filed its Partial Compliance, dated March 3, 2005, and Amended Partial Compliance, dated April 4, 2005. The latter contained a list of properties and investments found by the Court in the Republic case to have been acquired by Bugarin from 1968 to 1980 at P1,697,333.00. The PCGG, in a manifestation, informed the Sandiganbayan of its earnest efforts in verifying the status of Bugarin's other business investments not included in their Amended Partial Compliance but only one replied to inform them that Bugarin was "not a stockholder of nor has he any investment in this company." Thus, in the same manifestation, the PCGG prayed that its latest compliance be considered sufficient conformity to the Sandiganbayan's Order of January 12, 2005.[10] No comment was filed by petitioners.

In the hearing of May 5, 2005, petitioners moved to cancel the hearings on the ground that they had filed a motion for leave to file a motion to dismiss. The Sandiganbayan, thus, reset the hearing to August 29 and 30, 2005 and gave the PCGG time to comment on the motion and petitioners corresponding time to reply.

On May 10, 2005, instead of a copy of their motion for leave to file motion to dismiss, petitioners served upon PCGG their Manifestation and Ad Cautelam Motion to Dismiss dated May 5, 2005, to which PCGG filed a comment/opposition. On August 8, 2005, the Sandiganbayan denied petitioners' Motion for Leave to File Motion to Dismiss, on the ground that the case sought to be dismissed had already been decided by the Court and which decision has, in fact, attained finality on June 25, 2004. As a result, the Manifestation and Ad Cautelam Motion to Dismiss subsequently filed by petitioners was ordered stricken off the record by the Sandiganbayan on September 1, 2005.[11]

Two days prior to the next hearing date on September 29, 2005, petitioners moved for a reconsideration of the denial of the motion for leave of court. With this development, the hearing on the motion was set for September 30, 2005, while the hearing to determine the properties for forfeiture was reset to a later date. On March 21, 2006, petitioners' motion for reconsideration was eventually denied and the hearing to determine the properties for forfeiture was held.[12] The Sandiganbayan ruled,

At the hearing this afternoon, only Attys. Crisostomo A Quizon and Joshua Gilbert F. Paraiso, counsels for the heirs of Jolly Bugarin, appeared. There was no appearance for the plaintiff (respondent Republic of the Philippines).

WHEREFORE, let this case be considered submitted for resolution and the Court shall determine which properties shall be forfeited in favor of the plaintiff, pursuant to the decision of the Supreme Court dated January 30, 2002.

SO ORDERED.[13]

Petitioners moved for the reconsideration of this order arguing that the Sandiganbayan could not determine the properties to be forfeited on its own, and further prayed that the parties be allowed to present evidence to determine what properties of Bugarin would be subject to forfeiture.[14]

Finally, on April 3, 2006, the Sandiganbayan issued its assailed Resolution ordering the forfeiture of certain properties of Bugarin. Thus,

WHEREFORE, this Court RESOLVES to:

- ORDER the forfeiture of the properties listed in page 3 hereof;
- ORDER the immediate issuance of a Writ of Execution pertinent to the Honorable Supreme Court's Decision, dated January 30, 2002, and the instant Resolution;
- ORDER the concerned Register of Deeds to effect the immediate transfer of the titles of the forfeited real properties of Bugarin and/or his transferees in favor of the Republic of the Philippines; and,
- ORDER the Corporate Secretary of Makati Sports Club and of Manila Polo Club to effect the transfer of forfeited shares of Bugarin and/ or his transferees in favor of the Republic of the Philippines.

SO ORDERED.[15]

Page 3[16] referred to in the above dispositive portion of the assailed Resolution is reproduced below:

Honorable Supreme Court's Decision dated January 30, 2002

REAL PROPERTY

YEAR ACQUIRED

ACQUISITION

COST

TO BE

FORFEITED

PROPERTIES

1. Residential lot in Damarinas Village, Makati [TCT No. 247560]

1968

91,140.00

2. Nine (9) Residential lots, Tagaytay City [TCT No. 8695-8703]

1968

9,340.00

9,340.00

3. Residential House, Dasmarinas Village, Makati

1969

175,900.00

4. Residential Lot, Greenhills, San Juan, MM [TCT No. 7765]

1973

87,288.00

87,288.00

5. Residential lot, Capitol District, Quezon City [TCT No. 189558]

1972

72,750.00

72,750.00

6. Condominium Unit, Montepino Condominium, Baguio City

1973

100,000.00

7. Residential lot, Valle Verde, Pasig City, MM [TCT No. (491374)10848]

1976

263,165.00

263,165.00

8. Residential House, Valle Verde, Pasig City

1978

250,000.00

250,000.00

9. Residential lot, Calapan, Oriental Mindoro [TCT No. 2887]

1978

5,000.00

5,000.00

10. Orchard and Cocoland, Puerto Galera, Oriental Mindoro [TCT No. 10926]

1978

1,000.00

1,000.00

11. Residential House, Greenhills, San Juan

1980

650,000.00

650,000.00

OTHER INVESTMENTS

A.Philippine Columbian Club

1968-75

24,750.00

B.Makati Sports Club [Stock Certificate No. A-2271]

1975

25,000.00

25,000.00

C.Manila Polo Club [Membership Certificate No. 0125]

1978

32,000.00

32,000.00

D.Baguio Country Club

1985

60,000.00

TOTAL

1,395,543.00

On April 6, 2006, a writ of execution was issued by the Sandiganbayan pursuant to the above resolution.[17]

On August 30, 2006, the Sandiganbayan denied petitioners' motion for reconsideration of the April 3 Resolution.[18]

Meanwhile, during the pendency of this petition before this Court, the Sandiganbayan issued its December 11, 2006 Resolution granting petitioners' Motion To Quash Writ on the ground that its April 3, 2006 Resolution, executing this Court's Judgment, had not yet attained finality due to the timely filing by petitioners of a motion for reconsideration. Accordingly, it ordered the Writ of Execution, dated April 6, 2006, quashed.[19]

In this present petition for review on certiorari, petitioners present the following:

STATEMENT OF ISSUES

A

WHETHER OR NOT BUGARIN'S HEIRS SHOULD BE ACCORDED THEIR RIGHT TO DUE PROCESS.

B

WHETHER OR NOT THE ASSAILED RESOLUTIONS ARE IN ACCORDANCE WITH THE DECISION OF THE SUPREME COURT IN THE REPUBLIC CASE.

C

WHETHER OR NOT THE REPUBLIC CASE SHOULD BE SATISFIED BY FIRST EXHAUSTING ALL OF THE JUDGMENT DEBTOR'S PERSONAL PROPERTIES BEFORE PROCEEDING AGAINST ANY REAL PROPERTY PURSUANT TO SECTION 8(D), RULE 39 OF THE RULES OF COURT.[20]

Foremost in petitioners' arguments is their claim that they have been deprived of their right to due process of law when the Sandiganbayan, in its April 3, 2006 Resolution, ordered for the forfeiture of Bugarin's properties pursuant to the January 30, 2002 Decision of this Court in the Republic case. They fault the selection process laid down in the said case which purportedly denied them the opportunity to show that "not all of the late Bugarin's properties may be forfeited." [21] Petitioners accuse the Sandiganbayan of allegedly reducing their rights to a simple mathematical equation of subtracting the late Bugarin's amassed wealth against his lawful income for the same period and using the difference as basis for choosing the properties to be forfeited for the sole reason that their total acquisition cost was closest to said difference. [22] They, thus, want that another round of trial or hearing be conducted for "further reception of evidence" [23] to determine which among the properties enumerated in the Republic case [24] are ill-gotten wealth.

The Court finds no merit in the petition.

Section 2 of R.A. No. 1379, or the "Act declaring forfeiture in favor of the state any property found to have been unlawfully acquired by any public officer or employee providing for the proceedings therefor," provides:

SEC 2. Filing of Petition. Whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed prima facie to have been unlawfully acquired. x x x.

Thus, when the government, through the PCGG, filed forfeiture proceedings against Bugarin, it took on the burden of proving the following:

- The public official or employee acquired personal or real properties during his/her incumbency;
- This acquisition is manifestly disproportionate to his/her salary or other legitimate income; and
- The existence of which gives rise to a presumption that these same properties were acquired prima facie unlawfully.

After the government had established these, the burden to debunk the presumption was shifted to Bugarin. He had to explain and adequately show that his acquisitions, even though they might appear disproportionate, were nonetheless lawfully acquired. Section 6 of RA No. 1379 reads:

SEC.6. Judgment. If the respondent is unable to show to the satisfaction of the court that he has lawfully acquired the property in question, then the court shall declare such property, forfeited in favor of the State, and by virtue of such judgment the property aforesaid shall become property of the State, x x x.

It is evident in the case of Republic that upon filing the petition for forfeiture before the Sandiganbayan, the government through the PCGG offered evidence to establish that the properties acquired by Bugarin during his incumbency as NBI Director were manifestly disproportionate to the income he derived for the same period establishing that presumption of prima facie unlawful acquisitions. For his part, Bugarin also offered his evidence. This included no less than 15 witnesses and documentary evidence consisting of 48 exhibits. As earlier stated, the Sandiganbayan dismissed the petition for insufficiency of evidence. On review, this Court assessed that the dismissal was plagued with manifest errors and misapprehension of facts, thus, impelling this Court to once more "pore over the evidence." In the end, it concluded that "respondent's (Bugarin's) properties acquired from 1968

to 1980 which were out of proportion to his lawful income for the said period should be forfeited in favor of the government for failure of the respondent to show, to the Court's satisfaction, that the same were lawfully acquired.”[25]

In this case, petitioners point out that “realizing that it did not have the power to receive evidence and to try facts, this Honorable Court remanded the case to the Sandiganbayan for further reception of evidence as to what properties should be forfeited in favor of the State.”[26]

Nothing can be farther from the truth. In the Republic case, the Court already made a determination of what properties were to be ordered forfeited. There were tables showing summaries of Bugarin’s real property acquisitions, business investments, as well as shares in exclusive clubs, which were laid out and evaluated. Proceeds of sales, rentals, fees and pensions were likewise enumerated and studied. The case was ordered remanded to the Sandiganbayan to determine which properties, among those enumerated as forfeited, were to be actually seized or taken in favor of the government and which were to remain with petitioners.

The Court pored over the evidence adduced during the hearing at the Sandiganbayan. In the Republic case, Bugarin argued that some of the properties that were subject of the forfeiture proceedings were acquired by him and his wife before he became the NBI Director; that the acquisition cost of the properties he acquired during his incumbency was only P2.79 million; that in addition to his salaries as NBI Director, he received allowances from both government and private entities; and lastly, that his income was also derived from his and his wife’s investments.[27]

The Court then took account of, and then valuated, all of Bugarin’s claims regarding his income from several sources. The professional fee Bugarin received from a private law firm, although such act could have earned him an administrative sanction, was nonetheless included but not the proceeds of his GSIS loan granted sometime in 1983. Some rentals were similarly excluded from his lawful income because these were earned from 1981 to 1986, which was beyond the period in question (1968 to 1980). The Court reasoned that the income from these rentals could not have been used to finance the purchase of real properties and shareholdings prior to 1981. Besides, the legality of said rentals is in itself of serious doubt since the source (the real property) from where it was derived was not wholly acquired from lawful income.[28] From the incomes that remained or were not excluded, the Court proceeded to deduct the total personal expenses of Bugarin and his family based on an “extremely” conservative computation by the Sandiganbayan in order to arrive at the difference which represented Bugarin’s lawful or disposable income that, in turn, could have been used in acquiring his properties. Against this amount, the Court then compared his acquired properties, and to quote:

From the summary of Bugarin’s assets, it can readily be seen that all of his real properties were purchased or constructed, as the case may be, from 1968 to 1980. The total acquisition cost thereof was P1,705,583.00. With the exception of those that had been liquidated, those acquired from 1981 onward, and those whose year of acquisition could not be determined, his shareholdings in various corporations and other investments amounted to P464,580.00 Hence, for the period from 1968 to 1980, he amassed wealth in the amount of P2,170,163.00.

On the other hand, his total income from 1967 to 1980 amounted only to P766,548.00, broken down as follows:

Professional fees reflected in his Statement of Assets and Liabilities for December 1969

P

55,000.00

Professional fees from the Law Firm of San Juan, Africa, Gonzales and San Agustin from 1978 to 1980 at the

rate of P70,000 per annum

210,000.00

Proceeds from the sale of his lot in Iloilo City in 1968

15,000.00

Salaries and Allowances from the NBI as reflected in his Income Statement (assuming that this is accurate)[29]

486,548.00

Total

P

766,548.00

It bears repeating that the proceeds of the loan granted to him by the GSIS in 1983 and the rental income from 1981 to 1986, as well as the proceeds of the sale of his real property in 1984, could not have been utilized by him as his funds for the real properties and investment he acquired in 1980 and in the preceding years. His lawful income for the said period being only P766,548.00, the same was grossly insufficient to finance the acquisition of his assets for the said period whose aggregate cost was P2,170,163.00. This gross disparity would all the more be emphasized had there been evidence of his actual family and personal expenses and tax payments.

Premises considered, respondent's (Bugarin's) properties acquired from 1968 to 1980 which were out of proportion to his lawful income for the said period should be forfeited in favor of the government for failure of the respondent to show, to the Court's satisfaction, that the same was lawfully acquired.[30]

Based on the assiduous reassessment of evidence in the Republic case, and after finding that Bugarin's properties acquired during the period in question were grossly disproportionate to his lawful income during the same period without any satisfactory explanation as to how this came to be, the Court granted the petition, reversed and set aside the Sandiganbayan's dismissal of the forfeiture proceedings, and ordered forfeited in favor of the government Bugarin's properties acquired from 1968 to 1980 that were disproportionate to his lawful income earned during the same period. The case was then remanded to the Sandiganbayan "for proper determination of properties to be forfeited"[31] in favor of the government.

The preceding summary of the Republic case, readily shows that Bugarin was accorded due process. He was given his day in court to prove that his acquired properties were lawfully attained. A review of the full text of the said case will reveal that the summary of properties acquired by Bugarin during his tenure as NBI Director was based on his very own exhibits. From this enumeration, the Court set aside those properties that had been liquidated or those that had been obtained in 1981 onwards. Even those properties whose acquisition dates could no longer be determined were also excluded, all to the benefit of Bugarin. What remained was a trimmed down listing of properties, from which the Sandiganbayan may choose in executing the order of forfeiture of the Court.

Moreover, in arriving at the amount representing his lawful income or disposable income during his incumbency as NBI Director, the Court subtracted from Bugarin's income as stated in "Exhibit -'38," the personal expenses of his family, which according to the Court was quite conservative, again redounding to the benefit of Bugarin.

The essence of due process is the right to be heard.³² Based on the foregoing, Bugarin or his heirs were certainly not denied that right. Petitioners cannot now claim a different right over the reduced list of properties in order to prevent forfeiture, or at the least, justify another round of proceedings.

This Court continues to emphasize that due process is satisfied when the parties are afforded a fair and reasonable opportunity to explain their respective sides of the controversy.[33] Thus, when the party seeking due process was in fact given several opportunities to be heard and air his side, but it is by his own fault or choice he squanders these chances, then his cry for due process must fail.[34]

When the case was remanded to the Sandiganbayan for execution, petitioners were likewise accorded due process. Records of this case reveal that every motion by petitioners for resetting of hearing dates was granted, and every motion filed, either for reconsideration or leave of court, was heard. Although their counsel claimed that he did not receive the notice for the first hearing set on January 12, 2005 because it seemed that it was “sent to the wrong address,”[35] the fact remains that by March 3, 2005, he had informed the Sandiganbayan of the mistake and, in fact, provided it with the correct address.[36] More importantly though, after the January 12, 2005 setting, five (5) more hearings were set – May 5 and 6, September 29 and 30, and November 10, 2005.[37] This time, petitioners were represented. Instead of questioning the order of January 12, 2005, which required the government to submit its list of properties to be forfeited from the delimited list found in the Republic decision, or seek leave to provide that court with their own alternative list of properties from the same delimited list, petitioners chose to pursue the course of seeking for the nth time the dismissal of the case altogether, an issue that had long been resolved and settled by this Court in Republic.

In that hearing set on May 5, 2005, petitioners’ collaborating counsel, in open court, sought leave to file a motion to dismiss. Necessarily, the hearing for that day and the following day were cancelled. On May 10, petitioners filed a Manifestation and Ad Cautelam Motion to Dismiss, dated May 5, 2005.[38] The OSG pointed out that, save for the caption and the appellation of the parties, the above motion to dismiss was an exact replica of motion to dismiss filed and eventually dismissed by the Court in Republic.[39] Eventually petitioners’ motion for leave to file a motion to dismiss was denied on August 8, 2005.[40] The said Manifestation and Ad Cautelam Motion to Dismiss was subsequently ordered stricken off the record by the Sandiganbayan on September 1, 2005.[41] Unrelenting, petitioners sought reconsideration which again resulted in the cancellation of the September 29 and 30 settings. Hearing was next reset to November 10, 2005 but this also did not push through because petitioners’ motion for reconsideration had not been resolved at that point. Hearing was eventually held on March 21, 2006. With petitioners duly represented and despite the absence of the counsels for the government, the Sandiganbayan issued an order declaring the case submitted for resolution and that it would determine which properties shall be forfeited.[42] And as expected, petitioners also sought reconsideration for this.

In the case of *Philippine Guardian’s Brotherhood, Inc. v. COMELEC*,[43] this Court elucidated on this all too important right to due process,

On the due process issue, we agree with the COMELEC that PGBI’s right to due process was not violated for PGBI was given an opportunity to seek, as it did seek, a reconsideration of Resolution No. 8679. The essence of due process, we have consistently held, is simply the opportunity to be heard; as applied to administrative proceedings, due process is the opportunity to explain one’s side or the opportunity to seek a reconsideration of the action or ruling complained of. A formal or trial-type hearing is not at all times and in all instances essential. The requirement is satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy at hand. What is frowned upon is absolute lack of notice and hearing x x x. We find it obvious under the attendant circumstances that PGBI was not denied due process. x x x. (Emphasis supplied)

Petitioners should have realized in the fallo, as well as in the body of the Republic decision, that the properties listed by this Court were all candidates for forfeiture. At that point, no additional proof or evidence was required. All that was needed was for the Sandiganbayan, as the court of origin, to make sure that the aggregate sum of the acquisition costs of the properties chosen remained within the amount which was disproportionate to the income

of Bugarin during his tenure as NBI Director. To reiterate, the case was only remanded to the Sandiganbayan to implement the Court's ruling in the Republic case.

To grant the petition and order the Sandiganbayan to receive evidence once again would be tantamount to resurrecting the long-settled disposition in the Republic case. This cannot be permitted. In settling this once and for all, Section 10 of R.A. No. 1379 is instructive.

SEC. 10. Effect of Record of Title. The fact that any real property has been recorded in the Registry of Property or office of the Registry of Deeds in the name of respondent or of any person mentioned in paragraph (1) and (2) of subsection (b) of section one hereof shall not prevent the rendering of the judgment referred to in section six of this Act.

And paragraphs (1) and (2) referred to provide,

- Property unlawfully acquired by the respondent, but its ownership is concealed by its being recorded in the name of, or held by, the respondent's spouse, ascendants, descendants, relatives, or any other person.
- Property unlawfully acquired by the respondent, but transferred by him to another person or persons on or after the effectivity of this Act.

It is equally clear in the earlier quoted fallo of the Republic that this Court had already made a determination, nay, a declaration that the properties of the late Bugarin acquired from 1968 to 1980 which were disproportionate to his lawful income were ordered forfeited in favor of the State. Following Section 6 of R.A. No. 1379, this means that the late Bugarin, now being represented by the petitioners, failed to convince the Court that the delimited list of properties were lawfully acquired. With this failure, the said properties have been ordered forfeited to the extent or up to that which is disproportionate to his lawful or disposable income which was likewise determined by the Court in that case.

The properties, consisting of real and other investments, acquired within the subject period were identified and listed down in the case of Republic. Both the acquisition dates which were likewise indicated there were reckoned. Still in Republic, the lawful income of Bugarin during the same period was also determined by the Court based on his very own "Exhibit '38'" minus that tempered amount representing his as well as his family's personal expenses. Therefore, when the case was returned to the Sandiganbayan, it was not, as petitioners ardently claim – to conduct another full blown trial or proceeding to determine or establish the very same things that this Court had long decided in Republic. Rather, it was to choose from among the Court's identified and declared reduced list of properties that would approximate the amount which was beyond or out of proportion to Bugarin's lawful income also identified and declared by the High Tribunal in the same case.

The immutability of judgment that has long become final and executory is the core, the very essence of an effective and efficient administration of justice. Thus, in *Labao v. Flores*,^[44] this Court reiterated the importance of the doctrine:

Needless to stress, a decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land. All the issues between the parties are deemed resolved and laid to rest once a judgment becomes final and executory; execution of the decision proceeds as a matter of right as vested rights are acquired by the winning party. Just as a losing party has the right to appeal within the prescribed period, the winning party has the correlative right to enjoy the finality of the decision on the case. After all, a denial of a petition for being time-barred is tantamount to a decision on the merits. Otherwise, there will be no end to litigation, and this will set to naught the main role of courts of justice to assist in the enforcement of the rule of law and the maintenance of peace

and order by settling justiciable controversies with finality.

As regards the third issue, petitioners argue that since proceedings in the Republic case are civil in nature, the Sandiganbayan, in executing the Republic decision, the late Bugarin's personal properties should have been exhausted before resorting to the forfeiture of real properties following Section 8, Rule 39 of the Rules of Court.

Once again, petitioners are mistaken. Categorizing forfeiture proceedings as civil rather than criminal is all too simple. Petitioners, who at one point already took the opposite view, should know better. Forfeiture proceedings under R.A. No. 1379 is a peculiarity.

In the Republic case, this Court held that it is civil in nature because the proceeding does not terminate in the imposition of a penalty but merely in the forfeiture of the properties illegally acquired in favor of the government. In addition, the procedure followed was that provided for in a civil action. Yet, in the case of *Cabal v. Kapunan*,^[45] the Court also declared that forfeiture partakes the nature of a penalty. Thus, while the procedural aspect of these proceedings remain civil in form, the very forfeiture of property found to be unlawfully acquired is inescapably in the nature of a penalty.^[46]

Necessarily, petitioners' position must fail. In forfeiting the properties of Bugarin enumerated in the list, the ultimate end was to abandon and surrender the properties unlawfully acquired in favor of the government. It is not to simply satisfy some certain or specific amount which can be done by merely proceeding with the personal properties first and real properties next. More than the amount, it is the property, whether real or personal, that is illegally acquired that is being sought to be seized or taken in favor of the government.

The properties of Bugarin in the list have been found unlawfully acquired. The same have been ordered forfeited in favor of the government a decade ago. It is high time that the Republic decision be finally carried out.

WHEREFORE, the petition is DENIED, The Resolutions of the Sandiganbayan dated April 3, 2006 and August 30, 2006, implementing the January 30, 2002 Decision of the Court in *Republic v. Sandiganbayan*, are hereby AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Abad, and Reyes,^[*] JJ., concur.

[*] Designated Additional Member in lieu of Associate Justice Estela M. Perlas-Bemabe, per Special Order No. 1283 dated August 6, 2012.

[1] Rollo, pp. 47-52. Penned by Justice Norberto Y. Germaldez with Associate Justice Godofredo L. Legaspi and Associate Justice Efren N. De La Cruz, concurring.

[2] 425 Phil. 752, 761 (2002)..

[3] Rollo, p. 42.

[4] *Republic v. Sandiganbayan*, supra note 2 at 757-761.

[5] Id. at 752.

[6] Id. at 771.

[7] Rollo, pp. 165-166, 508-509.

[8] Id. at 509.

- [9] Id. at 138.
- [10] Id. at 510-511, 595-596.
- [11] Id. at 225, 513-514.
- [12] Id. at 235.
- [13] Id. at 239.
- [14] Id. at 241 and 243.
- [15] Id. at 52.
- [16] Id. at 49.
- [17] Id. at 518.
- [18] Id. at 58.
- [19] Id. at 519, 656-657, 718-719.
- [20] Id. at 692.
- [21] Id. at 693.
- [22] Id. at 693-694.
- [23] Id. at 694.
- [24] Supra note 2.
- [25] Id.
- [26] Rollo, p. 37.
- [27] Republic v. Sandiganbayan, supra note 2 at 758.
- [28] Id. at 767-769.
- [29] The said Income Statement is based on Bugarin's "Exhibit 38."
- [30] Republic v. Sandiganbayan, supra note 2 at 770-771.
- [31] Id. at 771.
- [32] Lacson v. Executive Secretary, G.R. Nos. 165399, 165475, 165404 and 165489, May 30, 2011, 649 SCRA 142, 155.
- [33] Estrada v. People, 505 Phil. 339, 353 (2005).
- [34] Id. at 354.
- [35] Rollo, p. 139.
- [36] Id. at 290.
- [37] Id. at 695.
- [38] Id. at 513.

[39] Id. at 742.

[40] Id. at 225, 514.

[41] Id. at 227, 514.

[42] Id. at 733-734.

[43] Philippine Guardian's Brotherhood, Inc. v. COMELEC, G.R. No. 190529, April 29, 2010, 619 SCRA 585, 596-597.

[44] G.R. No. 187984, November 15, 2010, 634 SCRA 723, 734-735.

[45] Cabal v. Kapunan, 116 Phil. 1361, 1366 (1962).

[46] Ong v. Sandiganbayan, 507 Phil. 6, 21-23 (2005).

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