

REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SANDIGANBAYAN (SECOND DIVISION) AND BLMMM VENTURES, INC., RESPONDENTS.

G.R. No. 222364. September 05, 2018

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for certiorari[1] assailing the (1) Amended Resolution[2] dated 18 June 2015 and (2) Resolution[3] dated 11 January 2016 of the Sandiganbayan, Second Division, in Civil Case No. 0004 entitled "Republic of the Philippines v. Andres Genito, Jr., Ferdinand E. Marcos, Imelda R. Marcos, Ludivina Leonardo, Elesia Vargas, Raul Genito, Yoshio Kotake, Abundio P. Garrido, Asuncion Castillo, Norma Canonigo, Andres L. Genito III, "Nenita Genito" a.k.a. "Nita Genito" Legal Representative of Benito Genito."

The Facts

On 17 July 1987, petitioner Republic of the Philippines, through the Presidential Commission on Good Government (PCGG), filed with the Sandiganbayan a Complaint for Reversion, Reconveyance, Restitution, Accounting, and Damages, docketed as Civil Case No. 0004, against Andres Genito, Jr., Ferdinand E. Marcos, Imelda R. Marcos, Ludivina Leonardo, Elesia Vargas, Raul Genito, Yoshio Kotake, Abundio P. Garrido, Asuncion Castillo, Norma Canonigo, Andres Genito III, and Rolando Ligon. Andres Genito, Jr. was a close associate of President Marcos while the other defendants were the alleged dummies, nominees, or agents who allegedly allowed themselves to be incorporators, directors, board members and/or stockholders of corporations beneficially held and/or controlled by President Marcos, Mrs. Imelda Marcos, and Andres Genito, Jr.

Petitioner seeks to recover two parcels of land in the names of Andres V. Genito, Jr. and Ludivina L. Genito located in Tandang Sora (Old Balara), Quezon City and covered by Transfer Certificate of Title (TCT) Nos. RT-94016 (266423)[4] and RT-94015 (266588).[5] Both of these TCTs were the subject of a Notice of Lis Pendens[6] dated 22 March 1989, directed to the Register of Deeds of Quezon City, by then PCGG Commissioner Augusto E. Villarín. The Notice of Lis Pendens in the Memorandum of Encumbrances in each TCT, however, refers to "Civil Case No. 0003."

On 24 October 1989, Commissioner Villarín executed a Sworn Statement addressed to the Register of Deeds of Quezon City informing the latter that the PCGG had lifted the Notice of Lis Pendens dated 22 March 1989 specifically on TCT Nos. 266423 and 266588 of the Spouses Genito on the ground that there were other sufficient properties which may answer for a favorable judgment that may be rendered against the defendants.

Sometime in 1999, Asian Bank Corporation (Asian Bank) acquired in its name two certificates of title - TCT Nos. N-201383[7] and N-201384[8] covering the subject properties of Andres V. Genito, Jr. These new titles were again the subject of a Notice of Lis Pendens[9] dated 23 February 2001, directed to the Register of Deeds of Quezon City, issued by PCGG through Manuel P. Parras, Director - Legal Department. The Register of Deeds

annotated a Notice of Sequestration in the Memorandum of Encumbrances at the back of Asian Bank's titles. The annotations in TCT Nos. N-201383 and N-201384 state:

P.E.-4174/T-201383 - MEMORANDUM - NOTICE OF SEQUESTRATION

Executed by Manuel P. Pan-as, Director Legal Dep. stating that the properties listed Nos. TCT No. 201383 and N-201384 in the name of the ASIANBANK CORP., are deemed sequestered and are the subject of the Civil Case No. 0004, entitled Republic of the Phils, vs. Andres Genito Jr. et al. and Asian Bank Corp., for Reconveyance, Reversion, Accounting, Restitution and Damages pending before the Sandiganbayan. Date of Instrument - Feb. 22, 2001 Date of Inscription - 2-27-2001[10]

P.E.-4174/T-201384 - MEMORANDUM - NOTICE OF SEQUESTRATION

Executed by Manuel P. Parras, Director Legal Dep. stating that the properties listed Nos. TCT No. 201383 and N-201384 in the name of the ASIANBANK CORP., are deemed sequestered and are the subject of the Civil Case No. 0004, entitled Republic of the Phils, vs. Andres Genito Jr. et al. and Asian Bank Corp., for Reconveyance, Reversion, Accounting, Restitution and Damages pending before the Sandiganbayan. Date of Instrument - Feb. 22, 2001 Date of Inscription - 2-27-2001[11]

On 5 February 2001, petitioner filed a Second Amended Complaint impleading Asian Bank as additional defendant. Petitioner also filed a Motion for Separate Trial dated 29 April 2002 since the claim against Asian Bank is distinct and separate from the original defendants.

On 25 June 2004, the Sandiganbayan granted petitioner's motion. Asian Bank questioned this grant before this Court and filed on 21 September 2005 a Petition[12] for Certiorari with Application for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction, entitled "Metropolitan Bank and Trust Company v. Hon. Sandoval." [13] In a Decision[14] dated 18 February 2013, this Court held that the Sandiganbayan gravely abused its discretion in granting the Republic's motion for separate trial, but was correct in upholding its jurisdiction over the Republic's claim against Asian Bank. The Court stated that "the Sandiganbayan has original and exclusive jurisdiction not only over principal causes of action involving recovery of ill-gotten wealth, but also over all incidents arising from, incidental to, or related to such cases." [15] Thus, the Court declared that the Sandiganbayan has original exclusive jurisdiction over the amended complaint in Civil Case No. 0004 as against Asian Bank/Metropolitan Banking and Trust Corporation (Metrobank).

On 1 March 2013, respondent BLMMM Ventures, Inc. (BVI) filed a Motion for Substitution of Party with Entry of Appearance. BVI used as basis the fact that on 8 June 2012, BVI purchased from Global Business Holdings, Inc. (GBHI) the subject two parcels of land located in Tandang Sora (Old Balara), Quezon City. GBHI's predecessors in interest over the parcels of land were Asian Bank and Metrobank. TCT Nos. 004-2013010452 and 004-2013010453 pertaining to the subject parcels of land were issued in the name of BVI.

On 12 March 2013, BVI filed a Motion to Dismiss citing as basis the Decision dated 19 April 2012[16] and Resolution dated 21 February 2013 of the Sandiganbayan dismissing Civil Case No. 0004. The Sandiganbayan declared that the monies and properties subject matter of the case were not ill-gotten and were probable fruits of purely private transactions in which the Republic took no part. Thus, since the Republic failed to establish its causes of action by the quantum of proof required, the Sandiganbayan dismissed the case.

Petitioner opposed the Motion to Dismiss and the Motion for Substitution of Party in its Comment/Opposition dated 26 March 2013.

On 30 September 2013, BVI filed a Motion to Cancel and/or Remove Annotation on its titles, TCT Nos. 004-2013010452 and 004-2013010453, which was carried over from the notice of sequestration found on Asian

Bank's titles, TCT Nos. N-201383 and N-201384, involving the same properties, arguing that the annotation has absolutely no legal or factual basis since there was no order or writ of sequestration issued by the PCGG or the Sandiganbayan, and the notice of sequestration is void ab initio.

Petitioner filed a Comment/Opposition on 24 October 2013 asserting that the assets acquired by BVI are in custodia legis, and that BVI merely reiterated the same relief sought by its predecessors which has been denied twice.

In a Resolution dated 3 December 2013, the Sandiganbayan denied BVI's Motion for Substitution of Party filed on 1 March 2013 and Motion to Dismiss filed on 12 March 2013.

On 7 January 2014, BVI filed a motion for reconsideration.

In a Resolution dated 15 April 2015, the Sandiganbayan granted the motion for reconsideration and allowed BVI to substitute for Asian Bank or Metrobank as party defendant. The Sandiganbayan also cancelled and/or removed the Notice of Sequestration annotated under the Memorandum of Encumbrances on BVI's two transfer certificates of title - TCT Nos. 004-2013010452 and 004-2013010453.

Petitioner moved for partial reconsideration of the Resolution dated 15 April 2015 in so far as the court ordered the cancellation and/or removal of the notice of sequestration on the two transfer certificates of title registered under BVI. On 5 June 2015, BVI filed its Comment/Opposition.[17]

In an Amended Resolution dated 18 June 2015, the Sandiganbayan jointly resolved, in favor of BVI, the Motion to Cancel and/or Remove the Annotation and the Motion for Reconsideration filed by BVI on 30 September 2013 and 7 January 2014, respectively. The relevant portions of the Amended Resolution state:

Re: Motion to Cancel and/or Remove Annotation

Based on the foregoing incidents showing that BLMMM (BVI in this case) was recognized by the Supreme Court to substitute for Asian Bank or Metrobank, this Court can and should do no less by consequently allowing BLMMM to substitute for Asian Bank/Metrobank in order to instill some stability to the parties in the resolution of all incidents and issues in relation to Civil Case No. 0004. On this score, BLMMM now stands as party defendant who may ask affirmative relief or action from this Court. Its Motion for Reconsideration is thus GRANTED, and BLMMM Ventures, Inc. may substitute for Asian Bank in this case.[18]

Re: Motion to Cancel and/or Remove Annotation

x x x [I]n resolving whether or not to cancel and/or remove the said annotation, the so-called Notice of Lis Pendens issued by Director Parras must comply with the requirements provided by law on sequestration. x x x.

x x x x

An incisive scrutiny of the Notice of Lis Pendens issued by Director Parras reveals that the same suffers from fatal defects, and is therefore void x x x.

x x x x

x x x [I]t is therefore conclusive that the annotation found on the titles of BLMMM has no factual and legal basis and must consequently be removed and/or cancelled.

WHEREFORE, premises considered, the Court hereby:

1. GRANTS the Motion for Reconsideration filed by BLMMM Ventures, Inc. on January 7, 2014 and accordingly allows BLMMM Ventures, Inc. to substitute for Asian Bank or Metropolitan Banking and Trust Corporation as party defendant to this case; and

2. CANCELS AND/OR REMOVES the Notice of Sequestration annotated under the Memorandum of Encumbrances on TCT Nos. 004-2013010452 and 004-2013010453 registered under BLMMM Ventures, Inc. for lack of legal or factual basis.

SO ORDERED.[19]

Petitioner moved for partial reconsideration which was denied by the Sandiganbayan in a Resolution dated 11 January 2016.

Hence, this petition.

The Issue

Whether or not the Sandiganbayan acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the questioned resolutions holding that the notice issued by the PCGG and annotated on the two certificates of title in question was not a notice of lis pendens but a notice of sequestration, which must strictly comply with the requirements of the Constitution and the PCGG's own rules on sequestration.

The Court's Ruling

The petition lacks merit.

Petitioner Republic contends that the Sandiganbayan incorrectly ruled that what was annotated on the certificates of title of Asian Bank (BVI's predecessor-in-interest) was a notice of sequestration and not a notice of lis pendens. Petitioner asserts that the Sandiganbayan restrictively focused on the words "deemed sequestered" as written in the body of the notice of lis pendens when the use of the phrase "deemed sequestered" merely signifies that the assets mentioned therein are subject of litigation in Civil Case No. 0004. Also, petitioner states that the notice was addressed to the Register of Deeds and not to the registered owners of the properties subject of recovery in Civil Case No. 0004, and the notice does not contain a command or directive to the property owners to desist from transferring, encumbering, or concealing the sequestered properties without written authority from the PCGG. Thus, petitioner insists that being a notice of lis pendens and not a writ or notice of sequestration then the notice does not have to meet the specific requisites under PCGG's Rules and Regulations (PCGG Rules), as well as the Constitution, to be valid.

Private respondent BVI, on the other hand, maintains that the notices annotated on both TCT Nos. 004-2013010452 and 004-2013010453 are notices of sequestration and not notices of lis pendens. BVI asserts that the annotations are clear and unequivocal as they use the words and phrases "Notice of Sequestration" and "are deemed sequestered." Thus, there should be no room for interpretation or construction. BVI states that if indeed there was an error, then petitioner should have asked to rectify the error since 27 February 2001 when the annotations were recorded in the titles, or even within a reasonable time thereafter. However, petitioner failed to do so.

Also, BVI insists that petitioner, in its very own petition and in earlier pleadings filed in Civil Case No. 0004, had always taken the position that the properties in question were actually sequestered properties. Thus, the notice should conform to the Constitution and the PCGG Rules. BVI asserts that the notice failed to comply with the necessary requirements of sequestration and is void ab initio for the following reasons: (1) it was only signed by one PCGG Commissioner; (2) it was only issued on 22 March 1989, or long after the power of the PCGG to sequester properties had expired on 2 August 1987; and (3) Director Parras had no authority to issue the notice since he was not a PCGG Commissioner at that time and any delegation made to him, as the representative of the PCGG, was invalid and ineffective.

Former President Corazon C. Aquino created the PCGG through Executive Order No. 1.[20] Executive Order No. 1 refers to cases of recovery and sequestration of ill-gotten wealth amassed by former President Ferdinand E. Marcos, Mrs. Imelda R. Marcos, the Marcos family, their relatives, subordinates, and close associates, directly or through nominees, by taking undue advantage of their public office and/or by using their powers, authority, influence, connections, or relationships. Executive Order No. 2,[21] issued on 12 March 1986, states that ill-gotten wealth includes assets and properties in the form of estates and real properties in the Philippines and abroad.[22]

The PCGG Rules, which took effect on 11 April 1986, followed suit after Executive Order Nos. 1 and 2 were issued. Section 1 of the PCGG Rules defines "ill-gotten wealth" as any asset, property, business enterprise, or material possession of persons within the purview of Executive Order Nos. 1 and 2, acquired by them directly, or indirectly thru dummies, nominees, agents, subordinates, and/or business associates by any of the following means or similar schemes listed down in Section 1(A).[23]

In the present case, petitioner filed a civil case to recover two parcels of land, which are allegedly "ill-gotten wealth" and owned by a close associate of President Marcos. In the course of the said civil case, PCGG issued a notice, denominated as a "Notice of Lis Pendens" and addressed to the Register of Deeds of Quezon City. The Register of Deeds, in the Memorandum of Encumbrances, annotated the said notice of the PCGG as a Notice of Sequestration stating that the properties in the name of Asian Bank are deemed sequestered and are the subject of Civil Case No. 0004.

The issue now lies on whether the Sandiganbayan correctly ruled that the notice annotated in the Memorandum of Encumbrances placed at the back of the TCTs of the subject parcels of land was one of sequestration and not lis pendens.

We agree with the Sandiganbayan.

The Notice of Lis Pendens[24] dated 23 February 2001, directed to the Register of Deeds of Quezon City and issued by the PCGG, through Manuel P. Parras, Director - Legal Department, on the two properties of Asian Bank, states:

THE REGISTER OF DEEDS

Quezon City, Metro Manila

NOTICE OF LIS PENDENS

Greetings:

Notice is hereby given that the properties hereunder are deemed sequestered and are the subject of Civil Case No. 0004 entitled "Republic of the Philippines versus Andres Genito, Jr. et al. and ASIAN BANK CORPORATION" for Reconveyance, Reversion, Accounting, Restitution and Damages pending before the Sandiganbayan.

TCT NO.

LOCATION

1. A parcel of Commercial Land TCT No. N-201383 in the name of ASIANBANK CORPORATION

Culiat, Quezon City

2. A parcel of Commercial Land TCT No. N-201384 in the name of ASIANBANK CORPORATION

Culiat, Quezon City

Likewise, let this notice of lis pendens serve as sufficient notice to the whole world, particularly your office, not to entertain any transaction that may cause the sale, transfer, conveyance, encumbrance or any other acts of disposition over said properties.

Kindly cause the annotation of this lien at the back of the titles of the subject properties. Attached herewith are certified true copies of [the] motion and Amended Complaint. (Emphasis supplied)

The Notice mentions "the properties hereunder are deemed sequestered" and pertains to Civil Case No. 0004 filed by PCGG against the former president and his associates. It also states that this "serve[s] as sufficient notice to the whole world, particularly your office, not to entertain any transaction that may cause the sale, transfer, conveyance, encumbrance or any other acts of disposition over said properties" and this "lien" should be annotated at the back of the titles. Clearly, this is not a simple case involving a notice of lis pendens.

Lis pendens - which literally means pending suit - refers to the jurisdiction, power, or control which a court acquires over the property involved in a suit, pending the continuance of the action, and until final judgment.[25] It is an announcement to the whole world that a particular property is in litigation and serves as a warning that one who acquires an interest over said property does so at his own risk, or that he gambles on the result of the litigation over said property.[26]

A notice of lis pendens simply means that a certain property is involved in a litigation and serves as a notice to the whole world that one who buys the same does so at his own risk.[27]

Here, the notice issued by Director Parras had a directive to annotate the "lien" at the back of the titles. The effect of a notice of lis pendens is not to establish an actual lien on the property affected. All that it does is to give notice to third persons and to the whole world that any interest they may acquire in the property pending litigation will be subject to the eventuality or result of the suit.[28]

Also, the notice uses the wording that "the properties are deemed sequestered." "Deemed sequestered" involves a more serious undertaking on a pending litigation concerning "ill-gotten wealth" between the government and the former president and his known allies as opposed to a mere civil case filed in court.

The notice states further "not to entertain any transaction that may cause the sale, transfer, conveyance, encumbrance or any other acts of disposition over said properties." This is a command or directive by the PCGG akin to a sequestration[29] or freeze order[30] directed at the Register of Deeds to prevent any act which may affect the title or disposition of the properties. In Executive Order No. 2, the PCGG, under its mandate to recover ill-gotten wealth, has the power to "prohibit all persons from transferring, conveying, encumbering or otherwise depleting or concealing such assets and properties or from assisting or taking part in their transfer, encumbrance, concealment, or dissipation under pain of such penalties as are prescribed by law."

Surely, from the contents of the PCGG's purported "notice of lis pendens" it can be gleaned that this notice is one of sequestration and not lis pendens as what the Sandiganbayan declared in the assailed Resolutions dated 18 June 2015 and 11 January 2016. As correctly observed by the Sandiganbayan in its Resolution dated 11 January 2016:

The Court upholds its ruling that what is involved in this case is a Notice of Sequestration and not a Notice of Lis Pendens. In construing the questioned Notice as such, the Court is guided not by its caption but by looking into the purpose or intent of its issuance and taking the text of the Notice as a whole. Jurisprudence is clear and

consistent on the nature of a Notice of Lis Pendens, the only purpose of which is to warn third persons that the property is subject to a pending litigation, x x x.

x x x x

It is but a signal to the intending buyer or mortgagee to take care or beware and to investigate the prospect or non-prospect of the litigation succeeding before he forks down his money. As such, it is at once clear that a Notice of Lis Pendens is not intended for the owner at all but for third persons. Therefore, it should not affect the property rights of the owner or be used to place any limit, burden or restriction thereon.

x x x x

The Register of Deeds of Quezon City was therefore correct when it denominated the annotation on the subject titles as a "Notice of Sequestration" instead of a "Notice of Lis Pendens". A "lien" as clearly set forth in the Notice of Director Parras is not synonymous with a simple notice to third persons and cannot be categorized merely as a Notice of Lis Pendens. In fine, when the properties are treated as "deemed sequestered" with prohibition on any disposition or transfer, it is, in the eyes of the Court, no less than a sequestration, which must strictly comply with the requirements provided by law. x x x.[31]

In *Republic of the Philippines v. Sandiganbayan*,^[32] we held that sequestration is an extraordinary, harsh, and severe remedy. Since sequestration tends to impede or limit the exercise of proprietary rights by private citizens, it should be construed strictly against the State, pursuant to the legal maxim that statutes in derogation of common rights are in general strictly construed and rigidly confined to cases clearly within their scope and purpose.

Thus, being a notice of sequestration despite the title given to it by the PCGG, such order or notice must comply with the requirements provided by the law on sequestration.

We agree with the ruling of the Sandiganbayan that the notice sent by the PCGG to the Register of Deeds suffers from fatal defects and is therefore void. In its Amended Resolution dated 18 June 2015, the Sandiganbayan explained:

An incisive scrutiny of the Notice of Lis Pendens issued by Director Parras reveals that the same suffers from fatal defects, and is therefore void x x x.

First Ground:

Section 26, Article XVIII of the Constitution in part provides:

Section 26. The authority to issue sequestration or freeze orders under Proclamation No. 3 dated March 25, 1986 in relation to the recovery of ill-gotten wealth shall remain operative for not more than eighteen months after the ratification of this Constitution. However, in the national interest, as certified by the President, the Congress may extend such period. x x x

The 1987 Constitution was ratified on February 2, 1987. The date of issuance of the Notice of Lis Pendens by Director Parras, which is February 22, 2001, is certainly beyond the eighteen-month period from February 2, 1987. Clearly, the authority of PCGG to issue the same had already expired by then.

Second Ground:

The Notice of Sequestration was issued by only one PCGG Commissioner, in violation of Section 3 of the Rules and Regulations Implementing Executive Order Nos. 1 and 2 x x x.

x x x x

Third Ground:

Director Parras was not a PCGG Commissioner at the time that he issued the Notice of Lis Pendens, and any delegation made to him as the representative of PCGG is invalid and ineffective. x x x.

x x x x

At this juncture, it may not be amiss to point out that even the Notice of Lis Pendens issued by PCGG Commissioner Villarin, although already lifted, was also void and fatally defective and could not be a valid basis for the encumbrance on BLMMM's titles on the same grounds that firstly, its issuance on March 22, 1989 was also beyond the eighteen-month period from February 2, 1987, and secondly, it violated the two-Commissioner rule under Section 3 of the Rules and Regulations Implementing Executive Order Nos. 1 and 2.[33]

The PCGG promulgated its own rules and regulations pursuant to Executive Order No. 1 stating that a writ of sequestration or a freeze or hold order may be issued by the PCGG only upon the authority of at least two Commissioners when there are reasonable grounds to believe that such issuance is warranted.[34] Here, the Notice of Lis Pendens was issued by the PCGG through its Legal Department Director Manuel Parras. Clearly, Director Parras, not being a PCGG Commissioner, has no authority to issue the sequestration notice without the concurrence of at least two PCGG Commissioners. In *PCGG v. Judge Peña*,^[35] we held that the powers, functions, and duties of the PCGG amount to the exercise of quasi-judicial functions, and the exercise of such functions cannot be delegated by the Commission to its representatives or subordinates or task forces because of the well established principle that judicial or quasi-judicial powers may not be delegated.

Also, the annotation in the Memorandum of Encumbrances indicated at the back of the two certificates of title states "Notice of Sequestration" and not "Notice of Lis Pendens." Such annotation was placed there by the Register of Deeds of Quezon City since February 2001. If indeed there had been a mistake in the annotation made, the PCGG should have asked the Register of Deeds to amend the annotation at a reasonable time after the annotation was placed. However, the PCGG failed to do so.

While it is true that the PCGG may still avail of other ancillary writs, other than sequestration, hold or freeze orders, as mentioned in *Republic of the Philippines v. Sandiganbayan*,^[36] the PCGG still has to abide by its own rules and the Constitution to ensure the principles of fair play, justice, and due process.

Thus, due to the PCGG's failure to comply with the requirements laid down by the Constitution and its own rules on sequestration, we hold that the Sandiganbayan did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the questioned resolutions ordering the cancellation and/or removal of the Notice of Sequestration annotated in the Memorandum of Encumbrances on TCT Nos. 004-2013010452 and 004-2013010453 registered under BVI.

WHEREFORE, we DISMISS the petition. We AFFIRM the Amended Resolution dated 18 June 2015 and Resolution dated 11 January 2016 of the Sandiganbayan, Second Division in Civil Case No. 0004.

SO ORDERED.

Perlas-Bernabe, Caguioa, A. Reyes, Jr., and J. Reyes, Jr.,[*] JJ., concur.

[*] Designated additional member per Special Order No. 2587 dated 28 August 2018.

[1] Under Rule 65 of the 1997 Revised Rules of Civil Procedure.

[2] Rollo, pp. 54-66.

[3] Id. at 68-75.

[4] Id. at 76-78.

[5] Id. at 79-81.

[6] Id. at 82-83.

[7] Id. at 84-86.

[8] Id. at 87-88.

[9] Id. at 89.

[10] Id. at 88.

[11] Id. at 86.

[12] Docketed as G.R. No. 169677.

[13] 704 Phil. 98 (2013).

[14] Id.

[15] Id. at 119.

[16] Rollo, pp. 286-316.

[17] Id. at 179-189.

[18] Id. at 58.

[19] Id. at 62, 65.

[20] Creating the Presidential Commission on Good Government; issued on 28 February 1986.

[21] Regarding the funds, moneys, assets, and properties illegally acquired or misappropriated by former President Ferdinand Marcos, Mrs. Imelda Romualdez Marcos, their close relatives, subordinates, business associates, dummies, agents, or nominees.

[22] Metropolitan Bank and Trust Company v. Hon. Sandoval, *supra* note 13, at 118.

[23] (1) Through misappropriation, conversion, misuse or malversation of public funds or raids on the public treasury;

(2) Through the receipt, directly or indirectly, of any commission, gift, share, percentage, kickbacks or any other form of pecuniary benefit from any person and/or entity in connection with any government contract or project or by reason of the office or position of the official concerned.

(3) By the illegal or fraudulent conveyance or disposition of assets belonging to the government or any of its subdivisions, agencies or instrumentalities or government-owned or controlled corporations;

(4) By obtaining, receiving or accepting directly or indirectly any shares of stock, equity or any other form of interest or participation in any business enterprise or undertaking;

(5) Through the establishment of agricultural, industrial or commercial monopolies or other combination and/or by the issuance, promulgation and/or implementation of decrees and orders intended to benefit particular persons or special interests; and

(6) By taking undue advantage of official position, authority, relationship or influence for personal gain or benefit.

[24] Rollo, p. 89.

[25] J. Casim Construction Supplies, Inc. v. Registrar of Deeds of Las Piñas, 636 Phil. 725, 733 (2010).

[26] Seveses v. Court of Appeals, 375 Phil. 64, 74 (1999).

[27] People v. Regional Trial Court of Manila, 258-A Phil. 68, 77 (1989).

[28] Id.

[29] "Sequestration", as defined in Section 1 (B) of the PCGG Rules, means the taking into custody or placing under the PCGG's control or possession any asset, fund or other property, as well as relevant records, papers and documents, in order to prevent their concealment, destruction, impairment or dissipation pending determination of the question whether the said asset, fund or property is ill-gotten wealth under Executive Order Nos. 1 and 2.

[30] "Freeze Order", as defined in Section 1(C) of the PCGG Rules, is an order intended to stop or prevent any act or transaction which may affect the title, possession, status, condition, integrity or value of the asset or property which is or might be the object of any action or proceeding under Executive Order Nos. 1 and 2, with a view to preserving and conserving the same or to preventing its transfer, concealment, disposition, destruction or dissipation.

[31] Rollo, pp. 71-72, 74.

[32] 355 Phil. 181, 195-196 (1998).

[33] Rollo, pp. 62-65.

[34] See Section 3, PCGG Rules.

[35] 243 Phil. 93 (1988).

[36] Supra note 32, at 207, citing Republic v. Sandiganbayan, G.R. No. 88228, 27 June 1990, 186 SCRA 864, 871.

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