

PALM AVENUE HOLDING CO., INC. AND PALM AVENUE REALTY DEVELOPMENT CORPORATION, PETITIONERS, VS. REPUBLIC OF THE PHILIPPINES, RESPONDENT.

G.R. No. 279225, August 26, 2026

Ponente: HERNANDO, J.

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HERNANDO, J.:

Sequestration is a police power measure intended to aid the State in the recovery and preservation of properties that were stolen to the grave prejudice of the nation and the Filipino people. It was never intended to be a commercial or investment undertaking run by the government for the benefit of those suspected to have accumulated ill-gotten wealth. To rule otherwise would unduly burden the State's resources, undermine the provisional and preservative nature of sequestration, and adulterate the very purpose of the PCGG to recover ill-gotten wealth.

This is a Petition for Review on Certiorari[2] assailing the Resolution[3] dated February 6, 2025 and the Resolution[4] dated March 18, 2025 of the Sandiganbayan in Civil Case No. 0035. The assailed issuances of the Sandiganbayan set aside its Resolution[5] dated October 28, 2009, denied the petitioners Palm Avenue Holding Co., Inc. and Palm Avenue Realty Development Corporation's (Palm Companies) Motion to Order Payment of Interest in Balance of the Sequestered Funds, and ruled that the Palm Companies are not entitled to interest on the sequestered funds as the Presidential Commission on Good Government (PCGG) had no obligation to guarantee that the sequestered funds would earn certain amounts of interest.[6]

The Antecedents

The PCGG, through a Writ of Sequestration dated October 27, 1986, sequestered all the assets, properties, records, and documents of the Palm Companies. Among the assets sequestered were 16,237,339 Common Class A shares of stock in Benguet Corporation that are registered in the name of the Palm Companies. The sequestration was based on a letter from the Palm Companies' attorney-in-fact, which identified Benjamin "Kokoy" Romualdez (Romualdez) as the beneficial owner of said shares.[7]

On July 31, 1987, the Republic, represented by the PCGG, filed before the Sandiganbayan a complaint against Romualdez for reconveyance, reversion, accounting, restitution, and damages, docketed as Civil Case No. 0035. The Palm Companies were initially not impleaded as defendants but were later ordered to be impleaded by the Sandiganbayan. Hence, the PCGG filed an Amended Complaint dated January 17, 1997, impleading the Palm Companies as defendants, which the Sandiganbayan admitted on October 15, 2021.[8]

The sequestered shares of Benguet Corporation that were registered in the name of the Palm Companies generated cash dividends, and some of the shares were also sold between the years 1988 to 1990. Thus, the Palm Companies' sequestered assets included funds amounting to PHP 198,192,002.65, consisting of cash dividends and proceeds from the sale of the sequestered shares. These funds were placed in the following respective accounts:

Account

Sequestered Funds

Escrow account PHP 91,883,576.68

CARP account PHP 106,308,425.97[9]

The funds placed in the escrow account earned a total interest of PHP 273,425,965.37, while the funds placed in the CARP account earned interest of PHP 4,477,607.20 prior to its transfer to the CARP account. After transfer to the CARP account, the said fund in the CARP account no longer earned interest.[10]

On September 22, 2006, the Palm Companies filed a Motion to Release Sequestered Funds[11] with the Sandiganbayan. The Sandiganbayan later promulgated Resolutions[12] dated January 18, 2007 and March 15, 2007, which ordered the release of the sequestered funds of the Palm Companies pending the resolution of the issue on whether the funds were ill-gotten.[13]

Pursuant to the order of the Sandiganbayan, the Bureau of Treasury released to the Palm Companies the funds placed in the escrow account, amounting to PHP 331,145,012.05, inclusive of interest earnings.[14] On September 9, 2008, the sequestered funds that were placed in the CARP account, along with the interests earned amounting to PHP 4,477,607.20, was also remitted to the Palm Companies.[15]

In its Motion to Order Payment of Interest in Balance of the Sequestered Funds[16] dated August 5, 2008, the Palm Companies moved that the PCGG pay interest on the funds placed in the CARP account at 12% per annum, compounded, from the time the PCGG received the funds until full payment thereof. To support its claim for payment of interest, the Palm Companies contend that: (a) the PCGG has no authority to place the sequestered funds and property under the CARP account, unless and until there is a judicial declaration that the same are ill-gotten and that ownership thereof belongs to the government; and (b) the PCGG merely holds the funds in custodia legis and, in view of its mandate to preserve, enhance, and protect the funds, should have placed them in an escrow account to earn interest for the benefit of whoever shall be adjudged owner thereof.[17]

In its Comment,[18] the PCGG averred that the relief sought has no basis in law or jurisprudence, inequitable, and unconscionable. PCGG asserts that its role with respect to sequestered assets is that of a conservator and administrator, that its goal as conservator is essentially the maintenance of the status quo, and that a yield of interest on the assets is not an essential feature of an escrow account.[19]

In its Reply,[20] the Palm Companies averred the following: (a) the PCGG has no power to turnover the sequestered fund to the government for CARP purposes, and the PCGG's act of placing the funds in the CARP account in the amount of PHP 110,786,033.17 is an act of ownership and is prohibited by and contrary to law, because it violates Palm Companies' right to due process; and (b) a yield of interest is not alien to an escrow account particularly where money is involved, and the PCGG's mandate is not only to preserve but also to enhance the value of all assets and properties that come into hand through sequestration.[21]

Ruling of the Sandiganbayan

In a Resolution[22] dated October 28, 2009, the Sandiganbayan Fifth Division granted the Palm Companies' Motion to Order Payment of Interest in Balance of the Sequestered Funds and directed the Republic to pay legal interest on the balance of the sequestered funds that was remitted to the CARP account in the amount of PHP 110,786,033.17.[23] The fallo thereof reads:

WHEREFORE, the foregoing premises considered, [Palm Companies]' Motion to Order Payment of Interest on Balance of the Sequestered Funds, is hereby GRANTED. The PCGG is directed to pay interest on the

balance of the sequestered funds of[Palm Companies], which it erroneously remitted to CARP Fund and placed in the General Fund, to be reckoned from the time the Court in its Resolution dated June 20, 1989 declared that its transfer for CARP purposes was an act of ownership thus unauthorized until the promulgation of this Resolution, at the rate of [6%] per annum pursuant to Article 2209 of the Civil Code of the Philippines.

The interest payments shall accrue to the sequestered funds and remain to be so until the Court declares whether the funds are ill-gotten or not.

SO ORDERED.[24]

In arriving at this decision, the anti-graft court emphasized the following: (a) the PCGG has no power to exercise acts of ownership over the sequestered funds pending the resolution of whether the funds are ill-gotten or not, and the PCGG may invest funds in its hand only upon order of the Court and upon written consent of all the parties to the action; (b) the PCGG's mission as conservator and administrator does not mean that the PCGG shall merely keep and hide the funds thereby and cripple the funds' capacity to earn reasonable and ordinary interest; it is the obligation of the PCGG as receiver to preserve and administer the funds, and not to allow them to materially diminish where the fund may ordinarily increase or improve; and (c) the PCGG as sequestrator-receiver is duty bound to exercise the diligence of a good father of a family.[25]

Aggrieved, the Republic moved for reconsideration of the Resolution dated October 28, 2009. On May 14, 2010, the Palm Companies also filed a motion to order PCGG to release all the companies' shares of stock and funds in its custody, which was granted by the Sandiganbayan Fifth Division in a Resolution dated October 21, 2010.[26]

While the motion for reconsideration to the Resolution dated October 28, 2009 was pending, the anti-graft court, in its August 6, 2014 Decision, lifted the writ of sequestration against the assets and properties of the Palm Companies.[27]

In its Resolution[28] dated February 6, 2025, the Sandiganbayan Sixth Division set aside its previous imposition of interest. The dispositive portion reads:

ACCORDINGLY, plaintiff's Motion for Reconsideration is hereby GRANTED. The Fifth Division's Resolution dated October 28, 2009 is SET ASIDE.

SO ORDERED.[29]

In so ruling, the Sandiganbayan observed the following: (a) the Palm Companies are not entitled to monetary interest on the sequestered funds previously transferred to the CARP account, as these funds came into the PCGG's custody by virtue of a sequestration order and not by virtue of a contractual relationship between the PCGG and the Palm Companies; (b) the Palm Companies are also not entitled to compensatory interest, as PCGG was never a debtor to the Palm Companies; and (c) the funds were in PCGG's custody for the purpose of conserving, preserving, and preventing the destruction, concealment, or dissipation of the same; PCGG had no obligation to guarantee that the said funds would earn certain amounts of interest.[30]

The Palm Companies moved for reconsideration, which was denied by the Sandiganbayan in its March 18, 2025 Resolution.[31]

Hence, petitioners elevated the matter to the Court. In their Petition,[32] petitioners argue that they are entitled to actual or compensatory damages for the illegal deprivation of use of property by the PCGG, since petitioners suffered actual injury from the PCGG's improper transfer of the sequestered funds to the CARP account. They assert that in moving the sequestered funds to the CARP account, the PCGG exceeded its role as a mere conservator and assumed full control and ownership rights, and deprived the PALM Companies rightful use of the funds for a substantial period and the use of the same for legitimate business purposes.[33]

Petitioners further contend that the award of compensatory damages is not exclusively applicable to debtor-creditor relationships, and may arise by virtue of a quasi-delict. They aver that the PCGG's act of transferring the sequestered funds to the CARP account is akin to a quasi-delict, which justifies the award of damages.[34]

Petitioners also liken sequestration to the provisional remedy of preliminary attachment. As the Rules of Court allows a claimant to recover damages against the attaching party in case of improper, irregular, or excessive attachment, any irregularity or excessiveness in sequestration should entitle the deprived party to damages. Moreover, they cite eminent domain cases, wherein interest is included in the payment of just compensation, to compensate the property owner for the income they would have earned if they had been properly compensated at the time of the taking of the property. They assert that the underlying principle of compensating for the loss of the use of property should also apply to sequestration.[35]

Finally, petitioners contend that the Republic unjustly enriched itself at the expense of petitioners for an extended period of time, and assert that legal interest provides a fair and equitable means to measure the amount of damages suffered by petitioners, who are entitled to the fruits and gains of the property. Petitioners maintain that they are entitled to other reliefs, including temperate and exemplary damages.[36]

In their Comment,[37] the Republic asserts that the Petition raises questions of fact beyond the scope of a Rule 45 Petition, as it essentially requests the Court to reexamine whether petitioners suffered actual pecuniary loss, whether the PCGG acted with fault or negligence in transferring the sequestered funds and such transfer caused damage to petitioners, and whether they are entitled to interest, fruits, or other forms of damages.[38]

Moreover, even if the Court were to overlook this procedural lapse, the OSG asserts that the Sandiganbayan correctly denied petitioners' claim for damages, legal interest, and fruits or unrealized profits. The OSG invokes the PCGG's immunity from damages for acts done in the lawful discharge of its mandate to sequester ill-gotten wealth and preserve the same. In addition, petitioners failed to substantiate their claim that they suffered actual pecuniary loss, and their claim for damages in the nature of unrealized profits must fail considering the uncertainty of the alleged injury the petitioners suffered.[39]

The OSG also contends that the petitioners failed to establish the requisites to claim damages under quasi-delict, or validly claim damages under the theory that sequestration is similar to eminent domain or that the Republic was unjustly enriched at petitioners' expense. Moreover, petitioner is not entitled to interests, fruits, or gains allegedly accruing from the sequestered funds as the duty of the government is to preserve the funds in exercise of the State's police power; it is not a commercial undertaking to generate profits or maximize gains. Finally, the OSG contends that petitioners are not entitled to temperate and exemplary damages.[40]

The Issue

The Court is called upon to resolve whether the Republic should be held liable for interest, temperate, and exemplary damages for the PCGG's transfer of the Palm Companies' sequestered funds to the CARP account.

Our Ruling

The Petition is denied for lack of merit.

At the outset, whether or not a party has proven its claim for damages is a question of fact that is generally not allowed in a Rule 45 Petition. Questions of fact involve the correctness of the lower courts' appreciation of the evidence presented by the parties. Factual findings by the lower courts are generally binding and conclusive upon this Court, save upon certain exceptions.[41] One exception is when the factual findings of the lower courts are conflicting.[42] In view of the conflicting findings of the Sandiganbayan's Fifth Division and Sixth Division, the

review of the issue of damages raised by petitioners is proper.

Moreover, respondent cannot invoke state immunity from suit in this case to avoid liability. It is settled that the State's immunity from suit cannot be used as a bar when the State itself, through its duly authorized officers, takes the initiative in a suit against a private party. In pursuing the suit, the State descends to the level of a private individual and opens itself to whatever counterclaims or defenses the latter may have against it.[43]

Hence, in *Republic v. Sandiganbayan*,[44] the Republic argued that ordering it to pay the value of the sequestered delinquent shares would fix monetary liability on a government agency and would necessitate the appropriation of public funds. The Court dismissed this assertion, stating that state immunity is waived by the government when the government itself is the suitor, as in this case, where as plaintiff, the Republic filed a complaint for reconveyance, reversion, accounting, reconstitution and damages against private respondent therein.[45]

This notwithstanding, the Court finds that petitioners failed to establish a legal right to damages against respondent for the transfer of the sequestered funds to the CARP account. In reaching this conclusion, a discussion on the nature of sequestration is in order.

Sequestration is a conservatory writ and interim measure that capacitates the PCGG to perform acts of administration over assets suspected to be ill-gotten wealth, to preserve and prevent the dissipation of these assets pending a judicial determination on whether the assets are ill-gotten

The power of sequestration is but one of a set of powers specifically vested on the PCGG for one purpose: to swiftly and effectively recover all of the ill-gotten wealth amassed by former President Marcos, Sr. and his cronies.[46] In pursuit of this colossal mandate, the PCGG was granted not only the power of sequestration, but also the authority to conduct investigations, provisionally take over or freeze suspected ill-gotten wealth, issue subpoenas, and hold persons in contempt.[47]

At its core, sequestration is a conservatory writ. Its purpose is to preserve properties in custodia legis to avert the dissipation and concealment of the ill-gotten wealth the former President Marcos, Sr. and his allies may resort to, pending the final disposition of the concerned properties.[48] It is defined as the means to place or cause to be placed under the PCGG's possession or control assets, funds, or properties, including business enterprises and entities, for the purpose of preventing the destruction, concealment or dissipation of, and otherwise conserving and preserving the same until it can be determined through appropriate judicial proceedings, whether the property was in truth ill-gotten.[49] The Court explained, thus:

[W]hen a property is claimed to be ill-gotten and is placed under the custody of the [PCGG], its possession is only "for the purpose of preventing its destruction, concealment or dissipation, and otherwise conserving and preserving the [property]." While the property is sequestered, a judicial proceeding is conducted to determine whether it was ill-gotten. Only after judicial proceedings, where there is a clear finding that such property is ill-gotten, would the takeover and acts of strict ownership be justified. Clearly, the [PCGG] by itself "cannot perform acts of strict ownership of sequestered property. It is a mere conservator." [50]

A sequestration order is premised on a prima facie case that the properties sought to be sequestered were ill-gotten wealth, based on evidence presented when the writ of sequestration was issued. Sequestration ends when a final disposition has been made in the appropriate judicial proceedings on the issue of whether the sequestered properties were ill-gotten. Upon the final disposition of the sequestered properties, the sequestration is rendered *functus officio*. [51]

As it is always ancillary to a main action, a writ of sequestration is also provisional in nature. This is supported by Section 26 of the Transitory Provisions of the Constitution, which mandates that a sequestration order will be automatically lifted if no subsequent judicial action has commenced.[52] It is in this context that sequestration has been likened to other provisional remedies in the Rules of Court:

As thus described, sequestration, freezing and provisional takeover are akin to the provisional remedy of preliminary attachment, or receivership. By attachment, a sheriff seizes property of a defendant in a civil suit so that it may stand as security for the satisfaction of any judgment that may be obtained, and not disposed of, or dissipated, or lost intentionally or otherwise, pending the action. By receivership, property, real or personal, which is subject of litigation, is placed in the possession and control of a receiver appointed by the Court, who shall conserve it pending final determination of the title or right of possession over it. All these remedies—sequestration, freezing, provisional takeover, attachment and receivership—are provisional, temporary, designed for particular exigencies, attended by no character of permanency or finality, and always subject to the control of the issuing court or agency.[53] (Emphasis supplied)

As an extraordinary and harsh remedy, the Court has stressed that sequestration must be kept within its lawful parameters and exercised with due regard to the requirements of fairness, due process, and justice.[54] Hence, in a wealth of cases, the Court has demarcated the limits of the PCGG's ability to sequester properties suspected to be ill-gotten.

Given its nature as an interim and conservatory writ, sequestration is not intended to deprive the owner or possessor of his or her title or any right to the property sequestered, frozen or taken over and vest it in the sequestering agency, the government, or another person. This can be done only for the causes and by the processes laid down by law.[55] While sequestration is the means to revert the amassed ill-gotten wealth back to the coffers of our government, the Court has stressed that it must still safeguard the protection of property rights from overzealousness.[56] In connection with sequestered businesses, while judicial proceedings are pending, the custody of sequestered properties must entail the least possible interference with business operations or activities so that in the event that the accusation of the business enterprise being ill-gotten is not proven, it may be returned to its rightful owner as far as possible in the same condition as it was at the time of sequestration.[57]

Moreover, as the PCGG is not the owner of the sequestered funds, it may not exercise powers of dominion over the sequestered property. Its role is confined to being an administrator and conservator of properties.[58] Hence, the Court has previously ruled that the sale of a sequestered aircraft is an act of strict ownership, and not within its limited administrative powers ordinarily nor is it ordinarily in pursuit of the objectives of the PCGG to preserve and conserve the sequestered property.[59] Case law also shows that save for a few exceptions, the PCGG cannot sell sequestered properties.[60]

As administrator, the PCGG may perform only acts and things necessary to fulfill its mission to conserve and preserve sequestered assets.[61] These include the authority to bring and defend actions in its own name, receive rents, collect debts due, pay outstanding debts, and generally do such other acts and things as may be necessary to fulfill its mission as conservator and administrator.[62] In this aspect, the Court has likened sequestration to the provisional remedy of receivership, insofar as the receiver can only exercise powers of administration over the property.[63]

Pursuant to the foregoing legal precepts, the Court denies petitioners' claim for damages against respondent for the latter's alleged improper transfer of the Palm Companies' sequestered funds to the CARP account.

Petitioners failed to establish the elements required to sustain a claim for damages based on quasi-delict against the Republic

In this case, petitioners contend that the PCGG's act of transferring the sequestered funds to the CARP account is akin to a quasi-delict, which justifies the award of compensatory damages. They aver that they incurred damages when the PCGG illegally deprived them the use of the sequestered funds for business purposes, resulting in actual injury.[64]

Moreover, petitioners assert that in transferring the sequestered funds to the CARP account, the PCGG exceeded its role as a mere conservator and assumed full control and ownership, thereby depriving the Palm Companies rightful use of the funds for a substantial period and the use of the same for legitimate business purposes. The PCGG also breached its legal and fiduciary duty to exercise due diligence and care to prevent any damage to the owner of said funds, and thereby deprived the Palm Companies from the use, enjoyment, and fruits of the sequestered funds. Even after the Sandiganbayan stated in its Resolution dated June 20, 1989 that the PCGG cannot turn over to the CARP account the excess of the proceeds of the sale, the PCGG even transferred an additional amount of PHP 29,724,530.00 from the escrow account to the CARP account.[65]

In arguing that the Republic may not be held liable for damages, the OSG asserts that the State has no obligation to generate income, interest, or profits from sequestered assets.[66] The OSG contends that petitioners failed to substantiate their claim that they suffered actual pecuniary loss, and their claim for damages in the nature of unrealized profits must fail considering the uncertainty of the alleged injury the petitioners suffered.[67]

The Court agrees with the OSG.

A quasi-delict is a wrongful or negligent act or omission, which gives rise to an obligation between two persons not formally bound by any other obligation.[68] Quasi-delicts are governed by Article 2176 of the Civil Code:

Art. 2176. Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter.

To sustain a claim based on quasi-delict, the complainant bears the burden of proving the following elements: (1) fault or negligence on the defendant's part, (2) the concomitant injury sustained by the complainant, and (3) the nexus showing the cause and effect of the fault or negligence and the resulting injury on the complainant's part.[69]

In this case, petitioners failed to establish the foregoing elements, which bar their claim for damages on account of quasi-delict.

Petitioners failed to establish negligence on the part of the PCGG. The PCGG did not exceed its mandate or breach its duty to conserve the funds when it transferred the sequestered funds to the CARP account, as the sequestered funds were preserved and even returned with interest

It is incumbent upon petitioners to establish the PCGG's negligence to sustain their claim for damages. Negligence is defined as the failure to observe for the protection of the interests of another person, that degree of care, precaution, and vigilance which the circumstances justly demand, whereby such other person suffers injury.[70]

At the outset, the PCGG's administration of sequestered funds are presumed regular absent clear and convincing evidence to the contrary, pursuant to the presumption of regularity in the performance of official duties embodied in Rule 131, Section 3(m) of the Rules of Court. This presumption aids the effective and unhampered

administration of government functions, as without such benefit, every official action of the government could be invalidated with minimal effort from litigants, irrespective of merit or sufficiency of evidence to support such challenge.[71]

Hence, nothing short of clear and convincing evidence to the contrary will overthrow this presumption in favor of the PCGG. It is incumbent upon petitioners to rebut this presumption by submitting affirmative evidence of irregularity or failure to perform a duty. Unless the presumption is rebutted, it becomes conclusive.[72] Every reasonable intendment will be made in support of the presumption. In case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness.[73]

The Court finds that petitioners failed to establish the PCGG's negligence or rebut the presumption of regularity in the PCGG's favor. Considering the return to petitioners of the entirety of the sequestered funds in the CARP account with interest, the PCGG did not exceed its mandate or shirk in its duty to preserve the funds while in their custody.

The PCGG's duty as sequestrator, and the degree of care required from the PCGG, is to ensure the return of the sequestered property to its rightful owner/s as far as possible in the same condition as it was at the time of sequestration with all the fruits and gains to which it is entitled, should allegations of its being ill-gotten cannot be proven.[74] This fiduciary duty is satisfied when sequestered assets are safeguarded, kept intact, and returned undiminished, along with the actual earned profits and interests of the property. This mandate does not include any duty on the part of the PCGG to increase sequestered funds on behalf of the owner of the sequestered shares or ensure that the sequestered funds generate interests or profits for the owner. The PCGG, in the case of sequestered assets, "is that of conservator, caretaker, [watchdog,] or overseer. It is not that of manager, or innovator, much less an owner." [75]

As aptly argued by the OSG, to rule that the PCGG's duty includes ensuring the accrual of fruits on the assets would unduly conflate preservation with profit generation. Sequestration is a police power measure[76] intended to aid the State in the recovery and preservation of properties that were stolen to the grave prejudice of the nation and the Filipino people. It was never intended to be a commercial or investment undertaking run by the government for the benefit of those suspected to have gathered ill-gotten wealth. To stress, the PCGG is not a trustee tasked with maximizing or ensuring returns, nor is it an entity obligated to place sequestered funds in interest-bearing or income-generating instruments. Imposing such a duty on the PCGG would unduly burden the State's resources, undermine the provisional and preservative nature of sequestration, and adulterate the very purpose of the PCGG that must focus its efforts and resources in the recovery of ill-gotten wealth.

To be sure, in a previous case, the Court faulted the PCGG for not paying the membership dues on sequestered shares of stock, which led to the foreclosure sale of the shares. The Court noted therein that the PCGG failed to demonstrate the required diligence, which included the adoption of timely measures to obviate the loss of the shares, when they allowed delinquency to set in before acting by embarking on a tedious process of going to court after the auction sale had been announced and scheduled.[77] However unlike in that case, the PCGG was able to ensure that the funds of petitioners remained intact. While the sequestered funds of petitioners in the CARP account did not generate interest compared to when it was placed in an escrow account, it was not dissipated. Hence, the PCGG complied with its duty and mandate to preserve the funds. The said case should not be read in an expanded manner to require, in line with the duty of preservation, that the PCGG ensure that sequestered assets increase in value.

Petitioners further claim that they were deprived of the use of the sequestered funds, which they could have invested in other interest-bearing accounts and other business opportunities.[78] However, any alleged loss of

interest or income did not result from diminution, misuse, or conversion of the funds, but merely from petitioners' inability to use them while under lawful sequestration. By its very definition, sequestered assets are placed in the control and possession of the PCGG to prevent its dissipation. Thus, as aptly pointed out by the OSG, the inability to use the funds is an inherent consequence of sequestration, and does not give rise to a compensable claim for fruits or gains.[79]

In the same vein, the placement of the sequestered funds in the CARP account is still within the PCGG's power to administer the sequestered funds, and is not an act of strict ownership. By placing the funds in the CARP account, the PCGG prevented the dissipation of the sequestered funds, which is well within the mandate of the PCGG to preserve and conserve sequestered assets.

To bolster their claim that the PCGG exceeded its mandate and committed an act of strict ownership when it moved the sequestered funds to the CARP account, petitioners cite the Sandiganbayan's Resolution[80] dated June 20, 1989, which the PCGG allegedly violated when it transferred PHP 29,724,530.00 from the escrow account to the CARP account. However, as worded, the Sandiganbayan's prohibition should be understood as a bar against turnover of the funds to the government, which would result in the cessation of the PCGG's custody over the funds and the transfer of ownership over the funds to the government.[81]

In this case, the placement of the sequestered funds in the CARP account did not end the PCGG's stewardship over the funds or result in any transfer of ownership from the petitioners to the State. If at all, what occurred was the transfer of the funds from one repository to another. This is underpinned by, first, the absence of any indication in the records that the sequestered funds were used by the Republic for other purposes, or transferred, or otherwise dissipated while it was in the CARP account, and second, the return to petitioners of the funds placed in the CARP account, inclusive of the interest it generated prior to its placement in the CARP account.

In fine, the PCGG did not exceed its power to administer the funds placed in its custody nor was it negligent in administering the sequestered funds.

Petitioners failed to demonstrate that they suffered actual pecuniary loss in the form of unrealized profits due to the transfer of the sequestered funds to the CARP account

An award of actual or compensatory damages requires proof of pecuniary loss. There are two kinds of actual or compensatory damages: (1) the loss of what a person already possesses, and (2) the failure to receive as a benefit that which would have pertained to him. In the latter instance, damages consisting of unrealized profits shall not be granted on the basis of mere speculation, conjecture, or surmise, but rather by reference to some reasonably definite standard such as market value, established experience, or direct inference from known circumstances.[82]

While the claimant need not prove the amount of unrealized profits with absolute certainty, the alleged amount of loss must still be capable of proof and actually proven with a reasonable degree of certainty, and premised upon competent proof or the best evidence obtainable. The burden of proof of the damage suffered is imposed on the party claiming the same, who should adduce the best evidence available in support thereof.[83] A party is entitled to adequate compensation only for such pecuniary loss actually suffered and duly proved, as a court cannot merely rely on speculations, conjectures, or guesswork as to the fact and amount of damages.[84]

Petitioners seek to claim damages consisting of unrealized profits. Specifically, petitioners claim that the transfer of the funds to the CARP account resulted in the halt of the funds' generation of interest, and deprived petitioners of the opportunity to invest funds in interest-bearing accounts to generate positive income, or otherwise use the

funds to expand business operations to increase revenue, develop new projects, and create new sources of income.

At the outset, it bears emphasis that petitioners were deprived of the use of the sequestered funds for business purposes by virtue of the writ of sequestration itself, which by its definition transfers possession and control over the funds from the owner to the PCGG to prevent its concealment or dissipation. Hence, the restrictions placed on the use of the sequestered funds may not be attributed to the transfer of the funds to the CARP account, as even without the transfer, petitioners could not have utilized the sequestered funds for investment or income-generation since its possession and control was with the PCGG.

Moreover, beyond bare and self-serving allegations, petitioners failed to submit concrete evidence to establish that they incurred direct and quantifiable loss from the PCGG's transfer of the sequestered funds to the CARP account. Petitioners themselves admitted in their Petition that it may be difficult to determine the exact amount of the income or profits that petitioners could have earned if they had not been deprived of the use of their funds, albeit maintaining that they no doubt suffered pecuniary loss.[85] Moreover, as deftly observed by the OSG, petitioners did not attach in their Petition any competent proof substantiating their alleged losses. The record shows that petitioners failed to demonstrate, with specificity, the nature, extent, or quantifiable amount of the alleged injury. To stress, uncertainty as to whether or not a claimant suffered unrealized profits at all—uncertainty as to the very fact of injury—will preclude recovery of this second species of damages.[86]

Even if the Court assumes for the sake of argument that petitioners incurred losses from the PCGG's act of transferring the sequestered funds to the CARP account, there is a material distinction between damages and injury. Injury is the illegal invasion of a legal right; damage is the loss, hurt or harm which results from the injury; and damages are the recompense or compensation awarded for the damage suffered. Thus, there can be damage without injury in those instances in which the loss or harm was not the result of a violation of a legal duty. In such cases, the consequences must be borne by the injured person alone, the law affords no remedy for damages resulting from an act which does not amount to a legal injury or wrong. These situations are often called *damnum absque injuria*. [87]

In other words, in order that a plaintiff may maintain an action for the injuries of which he or she complains, the plaintiff must establish that such injuries resulted from a breach of duty which the defendant owed to the plaintiff—a concurrence of injury to the plaintiff and legal responsibility by the person causing it. The underlying basis for the award of tort damages is the premise that an individual was injured in contemplation of law. Thus, there must first be a breach of some duty and the imposition of liability for that breach before damages may be awarded; and the breach of such duty should be the proximate cause of the injury.[88]

As previously discussed, the PCGG did not exceed its mandate or breach its duty to preserve the sequestered funds. Hence, even if petitioners indeed suffered losses, no damages may be awarded absent any legal wrong committed.

In fine, petitioners' claim for actual damages has no merit. In the same vein, their claim for temperate and exemplary damages should also be denied. Temperate damages are only awarded by virtue of the wrongful act of a party when the court finds that some pecuniary loss has been suffered but its amount cannot, from the nature of the case, be provided with certainty. In turn, exemplary damages are awarded when the act of the offender is attended by bad faith or done in wanton, fraudulent, or malevolent manner.[89] As discussed, petitioners failed to establish any wrongful or negligent act, or any bad faith, on the part of the PCGG. Hence, there is no wrongful act to serve as a basis for an award of temperate or exemplary damages in their favor.

Similarly, petitioners' invocation of the principle in preliminary attachment—where a claimant may recover damages against the attaching party in case of improper, irregular, or excessive attachment—must fail. As

discussed, petitioners failed to establish that the PCGG exceeded its mandate or failed in its duty to conserve and preserve the funds; hence, there is no basis to award damages.

Petitioners are not entitled to interest, whether conventional or compensatory, over the funds placed in the CARP account

Petitioners claim that considering the amount of compensatory damages due to loss of income or profits is difficult to quantify, they should be awarded legal interest, which is a fair and equitable means to ensure the amount of damages suffered. They aver that the PCGG's act of withholding the funds despite a ruling that the transfer to the CARP account was improper may be construed as a forbearance of money, and interest due to petitioners should be calculated on the principal amount of PHP 110,786,093.17 from the time the funds were improperly transferred to the CARP account until the date they were remitted to petitioners on September 9, 2008.[90]

This contention lacks merit.

The right to recover interest arises only either by virtue of a contract, or as damages for delay or failure to pay the principal loan on which the interest is demanded.[91] There are two types of interest—conventional interest and monetary interest. The first type is conventional interest, which is paid by virtue of the express will of the parties in a contract. Payment of conventional interest is allowed only if there is an express, written stipulation for the payment of interest. The second type is compensatory interest, also referred to as penalty interest, indemnity, or moratory interest; it is the indemnity for damages arising from delay on the part of the debtor in an obligation consisting in the payment of a sum of money. It is interest allowed by law in the absence of a promise to pay interest as compensation for delay in paying a fixed sum or a delay in assessing and paying damages.[92]

No conventional interest on the sequestered funds may be awarded to petitioners simply because there is no contractual relationship between the PCGG and petitioners. The sequestered funds were in the PCGG's custody by virtue of a sequestration order, and not because of any contract for the use of the funds.

Neither may PCGG's transfer of the sequestered funds be considered a forbearance of money. A forbearance of money, goods or credits refers to arrangements other than loan agreements, where a person acquiesces to the temporary use of their money, goods or credits pending happening of certain events or fulfillment of certain conditions.[93] As stated by the OSG, the PCGG's custody and transfer of the sequestered funds cannot be considered a forbearance as there was no arrangement where petitioners allowed the government to temporarily use their money subject to conditions. The funds were sequestered for lawful purposes, for the sole purpose of preserving and safekeeping these assets, and the PCGG was not authorized to utilize them for any proprietary benefit.

In the same vein, petitioners are not entitled to compensatory interest. The PCGG is not a debtor of petitioners for the payment of a sum of money, as the subject funds were in the PCGG's custody pursuant to the writ of sequestration and for the sole purpose of conserving, preserving, and preventing the destruction, concealment, or dissipation of the funds. In any event, there is no delay that may be attributed to the PCGG that would warrant the payment of compensatory interest.

The only interest the petitioners are entitled to are whatever interests that were actually earned by the subject funds, the said interests being the fruits of the principal amount. To recall, the previously sequestered funds in the CARP account and the interests earned amounting to PHP 4,477,607.20 had already been remitted to petitioners

on September 9, 2008.[94]

No compensable taking occurs by virtue of sequestration that would merit the payment of just compensation, including any interest for any purported delay in the return of the sequestered funds

Petitioners' invocation of eminent domain cases, where the Court has previously awarded damages in the form of interest to the landowner when pecuniary loss is established as a result of the belated payment of the value of the property, to demand compensation or damages must also fail.

Eminent domain and sequestration, which is an exercise of police power, are distinct legal concepts. The Court's discussion on the impairment of property rights under police power, where no compensable taking occurs, vis-à-vis the taking of property under eminent domain for the benefit of the public, which necessitates the payment of just compensation, is on point:

In the exercise of police power, a property right is impaired by regulation, or the use of property is merely prohibited, regulated or restricted to promote public welfare. In such cases, there is no compensable taking, hence, payment of just compensation is not required ... It has, thus, been observed that, in the exercise of police power (as distinguished from eminent domain), although the regulation affects the right of ownership, none of the bundle of rights which constitute ownership is appropriated for use by or for the benefit of the public.

On the other hand, in the exercise of the power of eminent domain, property interests are appropriated and applied to some public purpose which necessitates the payment of just compensation therefor. Normally, the title to and possession of the property are transferred to the expropriating authority ... However, it is a settled rule that the acquisition of title or total destruction of the property is not essential for "taking" under the power of eminent domain to be present ... In these cases, although the private property owner is not divested of ownership or possession, payment of just compensation is warranted because of the burden placed on the property for the use or benefit of the public.[95]

To stress, the payment of just compensation for expropriated property is an express constitutional mandate under Article III, Section 9 of the Constitution, and the payment of interest on the unpaid compensation is simply part and parcel of complying with this constitutional mandate. Interest in eminent domain cases runs as a matter of law, from the right of the landowner to be placed in as good a position as money can accomplish as of the date of taking,[96] and to compensate for any delay in the payment of compensation for property already taken by the State.[97] In this sense, the government is deemed a debtor who has incurred a debt on account of the taking of the property subject of an expropriation, and such debt constitutes an effective forbearance which warrants the application of legal interest. The award of interest is imposed in the nature of damages for delay in payment.[98]

In contrast, a writ of sequestration is merely temporary and provisional, and no compensable taking occurs. Sequestration is not intended to deprive the owner or possessor of his title or any right to the property sequestered for public use. While the owner of sequestered property may be deprived of its use, this restriction is only by virtue of the State's police power and for the promotion of public welfare by preventing the assets' dissipation and ensuring its return until it can be determined through appropriate judicial proceedings whether the property was in truth ill-gotten.[99] Hence, the PCGG does not become a debtor of the petitioners by virtue of the sequestration of petitioners' assets that would merit the payment of interest when the sequestered assets are returned.

Beyond bare and general allegations, petitioners failed to establish that the State was unjustly enriched when it placed the sequestered funds in the CARP account

Finally, petitioners' claim that the Republic unjustly enriched itself at the expense of petitioners for an extended period of time lacks merit.

The principle of unjust enrichment is embodied in Article 22 of the Civil Code, which states that "[e]very person who through an act of performance by another, or any other means, acquires or comes into possession of something at the expense of the latter without just or legal ground, shall return the same to [them]." There is unjust enrichment when a person unjustly retains a benefit to the loss of another, or when a person retains money or property of another against the fundamental principles of justice, equity and good conscience. The principle of unjust enrichment requires two conditions: (1) that a person is benefited without a valid basis or justification, and (2) that such benefit is derived at the expense of another. Conversely, there is no unjust enrichment when the person who will benefit has a valid claim to such benefit.[100]

In this case, beyond petitioners' bare conclusion that the State was unjustly enriched when it placed the sequestered funds in the CARP account, petitioners failed to explain how the State was benefited by such transfer. Again, the records are bereft of any evidence that the funds were appropriated or utilized by the government or created any benefits or profits for the government while it was sequestered and placed in the CARP account. The retention of the sequestered funds was based on a valid writ of sequestration and pursuant to the lawful exercise of police power of the State.

All told, petitioners' claim for interest, temperate damages, and exemplary damages must be denied for lack of legal or factual basis. It is paramount that any claim for damages must be anchored on sound legal and factual basis. Failure to comply with this threshold merits the denial of any such claim.

ACCORDINGLY, the Petition for Review on Certiorari is DENIED for lack of merit. The Resolutions dated February 6, 2025 and March 18, 2025 of the Sandiganbayan in Civil Case No. 0035 are AFFIRMED. The Motion to Order Payment of Interest on Balance of the Sequestered Funds filed by petitioners Palm Avenue Holding Co., Inc. and Palm Avenue Realty Development Corporation is DENIED for lack of merit.

SO ORDERED.

Zalameda, Rosario, Dimaampao[1], and Marquez, JJ., concur.

[*] Also appears as "Palm Avenue Holding Company, Inc. and Palm Realty and Development Corporation," in some parts of the rollo.

[1] Designated as additional Member vice CJ Gesmundo who recused due to prior appointment as Commissioner of the PCGG per Raffle dated September 2, 2025.

[2] Rollo, pp. 3-20.

[3] Id. at 29-36. The February 6, 2025 Resolution in Civil Case No. 0035 was penned by Associate Justice Sarah Jane T. Fernandez and concurred in by Associate Justices Michael Frederick L. Musngi and Kevin Narce B. Vivero of the Sixth Division, Sandiganbayan, Quezon City.

[4] Id. at 37-44. The March 18, 2025 Resolution in Civil Case No. 0035 was penned by Associate Justice Sarah Jane T. Fernandez and concurred in by Associate Justices Michael Frederick L. Musngi and Kevin Narce B. Vivero of the Special Sixth Division, Sandiganbayan, Quezon City.

[5] Id. at 45-50. The October 28, 2009 Resolution Civil Case No. 0035 was penned by Associate Justice Roland

B. Jurado and concurred in by Associate Justices Jose R. Hernandez and Napoleon E. Inoturan of the Fifth Division, Sandiganbayan, Quezon City. Presiding Justice Ma. Cristina G. Cortez-Estrada and Associate Justice Rodolfo A. Ponferrada dissented.

[6] Id. at 29-44.

[7] Rollo, p. 78. Comment (on the Petition for Review on Certiorari dated March 28, 2025), p. 2, citing *Palm Avenue Holding Co., Inc. v. Sandiganbayan*, 740 Phil. 527, 531 (2014) [Per J. Peralta, Third Division].

[8] Comment (on the Petition for Review on Certiorari dated March 28, 2025), p. 2, citing *Palm Avenue Holding Co., Inc. v. Sandiganbayan*, 740 Phil. 527, 531 (2014) [Per J. Peralta, Third Division].

[9] Rollo, pp. 6, 45.

[10] Id. at 45-46.

[11] Comment (on the Petition for Review on Certiorari dated March 28, 2025), p. 3, citing *Palm Avenue Holding Co., Inc. v. Sandiganbayan*, 740 Phil. 527, 532-533 (2014) [Per J. Peralta, Third Division].

[12] Rollo, p. 35.

[13] Id. at 35, 46.

[14] Id.

[15] Id. at 16, 35.

[16] Id. at 46.

[17] Id.

[18] Id.

[19] Id.

[20] Id. at 47.

[21] Id.

[22] Id. at 45-50.

[23] Id. at 47-50.

[24] Id. at 49-50.

[25] Id. at 47-50.

[26] Comment (on the Petition for Review on Certiorari dated March 28, 2025), p. 4, citing *Palm Avenue Holding Co., Inc. v. Sandiganbayan*, 740 Phil. 527, 533 (2014) [Per J. Peralta, Third Division].

[27] *Palm Avenue Holding Co., Inc. v. Sandiganbayan*, 740 Phil. 527, 540-541 (2014) [Per J. Peralta, Third Division].

[28] Rollo, pp. 29-36.

[29] Id. at 61.

[30] Id. at 34-35.

[31] Id. at 37-44.

[32] Id. at 3-20.

[33] Id. at 9-10.

[34] Id. at 10-11.

[35] Id. at 12-14.

[36] Id. at 14-18.

[37] Comment (on the Petition for Review on Certiorari dated March 28, 2025), pp. 1-23.

[38] Id. at 7.

[39] Id. at 5-12.

[40] Id. at 12-23.

[41] *Sanggacala v. National Power Corp.*, 907 Phil. 344, 377 (2021) [Per J. Leonen, Third Division].

[42] *Cathay Pacific Steel Corporation v. Uy, Jr.*, 905 Phil. 673, 679 (2021) [Per J. Hernando, Third Division].

[43] *Republic v. Sandiganbayan*, 519 Phil. 111, 120 (2006) [Per J. Garcia, Second Division].

[44] Id. at 111.

[45] Id. at 120.

[46] Executive Order No. 1 (1986), sec. 2. *Philippine Overseas Telecommunications Corp. v. Sandiganbayan*, 780 Phil. 563, 579 (2016) [Per J. Perez, Third Division]. See *Bataan Shipyard and Engineering Co., Inc. v. Presidential Commission on Good Government*, 234 Phil. 180, 207 (1987) [Per J. Narvasa, En Banc], where the Court noted that in the context of sequestration proceedings, a property is considered ill-gotten if it was acquired through or as a result of improper or illegal use of or the conversion of funds belonging to the Government or any of its branches, instrumentalities, enterprises, banks or financial institutions, or by taking undue advantage of official position, authority, relationship, connection or influence, resulting in unjust enrichment of the ostensible owner and grave damage and prejudice to the State.

[47] Executive Order No. 1 (1986), sec. 3.

[48] *Philippine Overseas Telecommunications Corp. v. Sandiganbayan*, 780 Phil. 563, 581 (2016) [Per J. Perez, Third Division].

[49] *Philippine Overseas Telecommunications Corp. v. Sandiganbayan*, 780 Phil. 563, 580-581 (2016) [Per J. Perez, Third Division]; The PCGG Rules and Regulations Implementing Executive Order Nos. 1 and 2 (1986), sec. 1(b).

[50] *BLEMP Commercial of the Philippines, Inc. v. Sandiganbayan* (First Division), 930 Phil. 821, 872 (2022) [Per J. Leonen, Second Division].

[51] *ECJ and Sons Agricultural Enterprises v. Presidential Commission on Good Government*, 900 Phil. 110, 124, 126 (2021) [Per J. Leonen, Third Division].

[52] *BLEMP Commercial of the Philippines, Inc. v. Sandiganbayan* (First Division), 930 Phil. 821, 872 (2022) [Per J. Leonen, Second Division]. See also CONST., art. XVIII, sec. 26, which reads:

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 said period.

A sequestration or freeze order shall be issued only upon showing of a prima facie case. The order and the list of the sequestered or frozen properties shall forthwith be registered with the proper court. For orders issued before the ratification of this Constitution, the corresponding judicial action or proceeding shall be filed within six months from its ratification. For those issued after such ratification, the judicial action or proceeding shall be commenced within six months from the issuance thereof.

The sequestration or freeze order is deemed automatically lifted if no judicial action or proceeding is commenced as herein provided. (Emphasis supplied)

[53] Bataan Shipyard and Engineering Co., Inc. v. Presidential Commission on Good Government, 234 Phil. 180, 211 (1987) [Per J. Narvasa, En Banc].

[54] Palm Avenue Holding Co., Inc. v. Sandiganbayan, 740 Phil. 527, 540 (2014) [Per J. Peralta, Third Division].

[55] Bataan Shipyard and Engineering Co., Inc. v. Presidential Commission on Good Government, 234 Phil. 180, 209 (1987) [Per J. Narvasa, En Banc].

[56] Philippine Overseas Telecommunications Corp. v. Sandiganbayan, 780 Phil. 563, 585 (2016) [Per J. Perez, Third Division].

[57] BLEMP Commercial of the Philippines, Inc. v. Sandiganbayan (First Division), 930 Phil. 821, 871 (2022) [Per J. Leonen, Second Division].

[58] Bataan Shipyard and Engineering Co., Inc. v. Presidential Commission on Good Government, 234 Phil. 180, 233 (1987) [Per J. Narvasa, En Banc].

[59] Republic v. Sandiganbayan, 270 Phil. 866, 878-879 (1990) [Per J. Regalado, En Banc].

[60] BLEMP Commercial of the Philippines, Inc. v. Sandiganbayan (First Division), 930 Phil. 821, 874 (2022) [Per J. Leonen, Second Division].

[61] Republic v. Sandiganbayan, 293 Phil. 189, 198 (1993) [Per J. Bidin, En Banc].

[62] Bataan Shipyard and Engineering Co., Inc. v. Presidential Commission on Good Government, 234 Phil. 180, 234 (1987) [Per J. Narvasa, En Banc].

[63] Pacific Basin Securities Co., Inc. v. Oriental Petroleum and Minerals Corp., 558 Phil. 425, 441 (2007) [Per J. Austria-Martinez, Third Division].

[64] Rollo, pp. 9-10.

[65] Id. at 10-11.

[66] Comment (on the Petition for Review on Certiorari dated March 28, 2025), p. 19.

[67] Id. at 5-12.

[68] Sanggacala v. National Power Corp., 907 Phil. 344, 359 (2021) [Per J. Leonen, Third Division].

[69] Aleta v. Sofitel Philippine Plaza Manila, 933 Phil. 97, 104 (2023) [Per J. Leonen, Second Division].

[70] Id. at 105.

[71] Robles v. People, 945 Phil. 68, 86 (2023) [Per J. Caguioa, Third Division].

[72] Id.

[73] Survivors of Agrichemicals in Gensan, Inc. v. Standard Fruit Co., 940 Phil. 18, 41 (2023) [Per J. Leonen, Second Division].

[74] See Republic v. Sandiganbayan, 541 Phil. 24, 53-54 (2007) [Per J. Garcia, First Division].

[75] Bataan Shipyard and Engineering Co., Inc. v. Presidential Commission on Good Government, 234 Phil. 180, 234 (1987) [Per J. Narvasa, En Banc].

[76] Id. at 215.

[77] Republic v. Sandiganbayan, 519 Phil. 111, 116-118 (2006) [Per J. Garcia, Second Division].

[78] Rollo, pp. 9-18.

[79] Id.

[80] Id. at 11-12.

[81] Id. at 94-95.

[82] San Miguel Foods, Inc. v. Magtuto, 857 Phil. 574, 591-592 (2019) [Per J. Carpio, Second Division]. See CIVIL CODE, arts. 2199 and 2200.

[83] San Miguel Foods, Inc. v. Magtuto, 857 Phil. 574, 591-592 (2019) [Per J. Carpio, Second Division].

[84] PNOC Shipping and Transport Corp. v. Court of Appeals, 358 Phil. 38, 43-44 (1998) [Per J. Romero, Third Division].

[85] Rollo, p. 17.

[86] Talisay-Silay Milling Co., Inc. v. Asociacion De Agricultores De Talisay-Silay, Inc., 317 Phil. 432, 456 (1995) [Per J. Feliciano, Third Division].

[87] BPI Express Card Corp. v. Court of Appeals, 357 Phil. 262, 276 (1998) [Per J. Kapunan, Third Division].

[88] Id.

[89] Frabelle Properties Corp. v. AC Enterprises, Inc., 888 Phil. 950, 988-989 (2020) [Per C.J. Peralta, First Division].

[90] Rollo, pp. 15-16.

[91] Spouses Pen v. Spouses Julian, 776 Phil. 50, 62 (2016) [Per J. Bersamin, First Division].

[92] Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc., 929 Phil. 754, 759-760, 763 (2022) [Per J. Leonen, En Banc].

[93] Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc., 860 Phil. 744, 772 (2019) [Per J. Carpio, En Banc].

[94] Rollo, p. 35.

[95] Manila Memorial Park, Inc. v. Secretary of Social Welfare and Development, 722 Phil. 538, 576-577 (2013) [Per J. Del Castillo, En Banc].

[96] Republic v. Heirs of Francisco, 895 Phil. 643, 649, 653 (2021) [Per J. Delos Santos, Third Division].

[97] Id. at 654.

[98] Id.

[99] Philippine Overseas Telecommunications Corp. v. Sandiganbayan, 780 Phil. 563, 580-581 (2016) [Per J. Perez, Third Division]; The PCGG Rules and Regulations Implementing Executive Order Nos. 1 and 2 (1986), sec. 1(b); Republic v. Sandiganbayan, 541 Phil. 24, 53-54 (2007) [Per J. Garcia, First Division].

[100] Dubongco v. Commission on Audit, 848 Phil. 366, 382-383 (2019) [Per J. Reyes, J., Jr., En Banc].

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