



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, G.R. No. 195295
Petitioner,

Present:

VELASCO, JR.,* J.,
BRION,**
DEL CASTILLO, *Acting Chairperson*
MENDOZA, and
LEONEN, JJ.

-versus-

SANDIGANBAYAN, FOURTH
DIVISION, FERDINAND
"BONGBONG" R. MARCOS, JR.,
MA. IMELDA "IMEE" R.
MARCOS-MANOTOC,
GREGORIO MA. ARANETA III,
and IRENE R. MARCOS
ARANETA,

Respondents.

Promulgated:
05 OCT 2016

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DECISION

LEONEN, J.:

This resolves a Petition¹ for certiorari assailing the Sandiganbayan's cancellation of a notice of *lis pendens* issued over property alleged to be ill-gotten wealth of Former President Ferdinand E. Marcos (Former President Marcos) and his associates.

* Designated additional member per Raffle dated October 3, 2016.

** On leave.

¹ *Rollo*, pp. 2-47. The Petition was filed under Rule 65 of the Rules of Court.

Respondents Ferdinand “Bongbong” R. Marcos, Jr. (Marcos, Jr.), Maria Imelda R. Marcos (Imee), and Irene Marcos Araneta (Irene) appear to be the registered owners of a parcel of land located in the Municipality of Cabuyao, Laguna (Cabuyao property) and covered by Transfer Certificate of Title (TCT) No. T-85026.²

On July 16, 1987, petitioner Republic of the Philippines, through the Presidential Commission on Good Government, filed before the Sandiganbayan a Complaint for reversion, reconveyance, restitution, accounting, and damages against Former President Marcos, Imelda R. Marcos, their children, Marcos, Jr., Imee, and Irene, and their sons-in-law, Tomas Manotoc and Gregorio Ma. Araneta III.³ This case was docketed as Civil Case No. 0002 (Civil Case).⁴ The Complaint principally sought to recover ill-gotten wealth acquired by the Marcoses during their incumbency as public officers in active collaboration with their cronies, dummies, and close business associates.⁵

On April 23, 1990, petitioner filed its Third Amended Complaint dated April 20, 1990, which was admitted by the Sandiganbayan (admitted Complaint).⁶

On June 1, 1994, the Presidential Commission on Good Government caused the annotation of a notice of *lis pendens* on TCT No. T-85026 in relation to the Civil Case,⁷ which reads:

Entry No. 268288 – NOTICE OF LIS PENDENS – filed by Commissioner Herminio A. Mendoza for and in behalf of the Republic of the Philippines, entitled Republic of the Philippines versus Ferdinand E. Marcos et al., in Civil Case No. 0002 for Reconveyance, Reversion, Accounting, Restitution and Damages of Office of the President, Presidential Commission on Good Government, filed in Env. No. T-85026.

Date of Instrument – June 1, 1994

Date of Inscription – June 13, 1994 at 4:10 p.m.

(signed)
Dante A. Ariola
Register of Deeds⁸

On June 13, 1994, the Register of Deeds of Cabuyao, Laguna, annotated the notice of *lis pendens* on TCT No. T-85026.⁹

² Id. at 51–52, Resolution.

³ Id. at 5.

⁴ Id.

⁵ Id. at 6.

⁶ Id.

⁷ Id. at 9.

⁸ Id. at 61–62.

⁹ Id. at 9.

Marcos, Jr. filed an Omnibus Motion¹⁰ dated June 5, 1997 praying for the cancellation of the notice of *lis pendens* and pointing out that the Cabuyao property was not specifically mentioned in the original and amended Complaints or their annexes. Marcos, Jr. also prayed that petitioner be directed to immediately vacate the property, cease from further interfering with and exercising ownership over it, and return it to him and the other registered owners.¹¹

On July 15, 1997, petitioner filed a Motion for Leave to Admit Fourth Amended Complaint;¹² with an attached Fourth Amended Complaint.¹³ The Fourth Amended Complaint was substantially identical to the admitted Complaint, but with the amended annex List of Assets and Other Properties of Ferdinand E. Marcos, Imelda R. Marcos and Immediate Family.¹⁴ The list specifically mentioned the Cabuyao property as one among the assets of the Marcoses.¹⁵

The Sandiganbayan denied the Motion to admit the Fourth Amended Complaint:

[F]or failure of the plaintiff-movant to comply with the provision of Section 7, Rule 12 of the 1997 Rules of Civil Procedure which provides:

“Section 7. Filing of amended pleadings. When any pleading is amended, a new copy of the entire pleading, incorporating the amendments which shall be indicated by appropriate marks, shall be filed.”

and for further reason that the original complaint in this case was filed with this Court on July 16, 1987 yet, or more than 11 years ago, and this case has not even reached the pre-trial stage because not all of the defendants have been served with summons.¹⁶

Marcos, Jr. filed an Urgent Motion to Resolve dated July 29, 2002 seeking the immediate resolution of the Omnibus Motion.¹⁷ Petitioner filed a Comment/Opposition¹⁸ seeking an order of preliminary attachment over the Cabuyao property. In the Resolution¹⁹ dated January 11, 2010, the Sandiganbayan ordered the cancellation of the annotation of *lis pendens* on

¹⁰ Id. at 124–132.

¹¹ Id. at 9.

¹² Id. at 145.

¹³ Id. at 149–170.

¹⁴ Id. at 171–174.

¹⁵ Id. at 174.

¹⁶ Id. at 194, Sandiganbayan Resolution dated September 2, 1998.

¹⁷ Id. at 11.

¹⁸ Id. at 202.

¹⁹ Id. at 51–74. The Resolution was penned by Associate Justice Gregory S. Ong (Chair) and concurred in by Associate Justices Jose R. Hernandez and Roland B. Jurado of the Fourth Division, Sandiganbayan.

TCT No. T-85026. It directed petitioner to immediately cease from further interfering with and exercising ownership over the Cabuyao property and to return its possession and control to the Marcoses.²⁰ It held that because the admitted Complaint did not specifically mention the Cabuyao property, the Cabuyao property was not involved in the Civil Case; therefore, petitioner has over the property no actionable claim that needs to be protected via a notice of *lis pendens*.²¹

On the writ of preliminary attachment, the Sandiganbayan held that petitioner's allegations were insufficient to support an application for a writ of attachment.²² The Cabuyao property was never concealed, removed, or disposed of by the Marcoses.²³ There was seemingly no particular exigency warranting the attachment of the Cabuyao property, considering that the petitioner had been in exclusive possession of the property for more than a decade and yet it did not promptly move for the issuance of a writ of preliminary attachment.²⁴

Petitioner's Motion for Reconsideration was denied in the Resolution²⁵ dated December 1, 2010. Hence, this Petition²⁶ was filed.

In the Resolution²⁷ dated February 21, 2011, this Court issued a temporary restraining order enjoining respondents from implementing the assailed Sandiganbayan Resolutions in the Civil Case, and directed respondents to comment.

Respondents Imelda R. Marcos,²⁸ Marcos, Jr.,²⁹ and Gregorio Ma. Araneta III and Irene³⁰ filed their respective Comments to the Petition. This Court dispensed with the filing of the comment of respondent Imee.³¹ Petitioner filed its Replies³² to respondents' Comments.

Petitioner argues that the Cabuyao property forms part of the assets alleged to have been unlawfully acquired by Former President Marcos and his family during the Marcos regime. It is sought to be reconveyed in favor

²⁰ Id. at 74.

²¹ Id. at 62.

²² Id. at 72.

²³ Id. at 73.

²⁴ Id. at 73–74.

²⁵ Id. at 77–85. The Resolution was penned by Associate Justice Gregory S. Ong (Chair) and concurred in by Associate Justices Jose R. Hernandez and Roland B. Jurado of the Fourth Division, Sandiganbayan.

²⁶ Id. at 2–47.

²⁷ Id. at 253.

²⁸ Id. at 278–287.

²⁹ Id. at 288–313.

³⁰ Id. at 354–373.

³¹ Id. at 532.

³² Id. at 510–528, Reply to respondents Gregorio Ma. Araneta III and Irene's Comment; and 538–556, Reply to respondents Imelda R. Marcos' and Marcos, Jr.'s Comments.

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of petitioner in the Civil Case and was, thus, properly subject of the notice of *lis pendens*. Petitioner further argues that the allegations in the admitted Complaint relate to all properties, real or personal, acquired by Former President Marcos and his family during the Marcos regime.³³ The list of assets and properties specified as forming part of the ill-gotten wealth of the Marcoses is preceded by the words “include but are not limited” to those already enumerated:³⁴

16. Among others, in furtherance of the plan and acting in the manner referred to above, in unlawful concert with one another and with gross abuse of power and authority, Defendants Ferdinand E. Marcos and Imelda Marcos:

....

(f) extorted, demanded and received improper payments in the form of, among others, commissions, bribes and kickbacks from persons and corporations entering into contracts with the Government or its agencies or instrumentalities for themselves, or for third persons, permits, licenses or concessions which were then required in order to engage in particular business activities;

....

(i) engaged in other illegal and improper acts and practices designed to defraud Plaintiff and the Filipino people, or otherwise misappropriated and converted to their own use, benefit and enrichment the lawful patrimony and revenues of Plaintiff and the Filipino people.

....

17. Among the assets acquired by Defendants in the manner above described and discovered by the Commission in the exercise of its official responsibilities are funds and other property listed in Annex “A” hereof and made an integral part of the complaint.

18. Defendants, with the active collaboration of third persons who are subject of separate suits, after acquiring ill-gotten wealth consisting of funds and other property as mentioned above:

....

19. As an integral element of their above mentioned scheme, acting upon the advice and retaining the service of prominent lawyers, bankers, accountants and other persons, Defendants employed numerous stratagems, schemes, artifices and devices to prevent disclosure, conceal and frustrate recovery of their ill-gotten wealth or the manner by which it was acquired, including the use of (a) code names or pseudonyms, (b) trustees, dummies, nominees or agents, (c) societies and foundations

³³ Id. at 17.

³⁴ Id. at 18.

organized in, among others, Liechtenstein, and/or (d) layers of offshore companies and corporations in various places such as Netherlands, Antilles, Panama, Hongkong and the Virgin Islands:

20. The assets and other properties of defendants in the Philippines include, but are not limited to the following:

....

(b) Real Properties

....

28. (a) The 1935 Constitution, as well as the 1973 Marcos-promulgated Constitution, provides that the President shall not be entitled to any emolument in addition to a fixed salary which shall be neither increased nor diminished during the period for which he shall have been elected.

(b) All income received by Defendant Ferdinand E. Marcos during his incumbency as President in excess of his salary constitutes illegal income, having been acquired in violation of the provisions of a Constitution which he himself caused to be ratified.

29. Defendants Imelda (Imee) R. Marcos-Manotoc, Tomas Manotoc, Irene R. Marcos Araneta, Gregorio Ma. Araneta III, and Ferdinand R. Marcos, Jr., actively collaborated, with Defendants Ferdinand E. Marcos and Imelda R. Marcos among others, in confiscating and/or unlawfully appropriating funds and other property, and in concealing the same as described above. In addition, each of said Defendants, either by taking undue advantage of their relationship with Defendants Ferdinand E. Marcos and Imelda R. Marcos, or by reason of the above-described active collaboration, unlawfully acquired or received property, shares of stocks in corporations, illegal payments such as commissions, bribes or kick-backs, and other forms of improper privileges, income, revenues and benefits[.]³⁵

Moreover, petitioner claims that the grounds for cancelling a notice of *lis pendens* are not present.³⁶

In any case, petitioner also insists that the amendment of the Complaint to specifically include the Cabuyao property is a formal amendment that may be done at any time. The Sandiganbayan should have been more liberal in resolving the Motion to admit the Fourth Amended Complaint.³⁷ Additionally, petitioner argues that the denial of a motion to admit an amended complaint is an interlocutory one and cannot attain finality.³⁸

As regards the entitlement to a writ of preliminary attachment,

³⁵ Id. at 15-17.

³⁶ Id. at 20-21.

³⁷ Id. at 518-519.

³⁸ Id. at 517, Reply.

petitioner argues that it has demonstrated entitlement to a writ of attachment over the Cabuyao property. Sequestration is akin to preliminary attachment and is among the other provisional remedies available to the Presidential Commission on Good Government, which was essentially founded on urgency and necessity to preserve ill-gotten wealth amassed during the Marcos regime.³⁹

The allegations in the admitted Complaint narrate in detail the manner by which the Cabuyao property was amassed by the former dictator:

From the early years of his presidency, Defendant Ferdinand E. Marcos took advantage of his powers as President all throughout the period from September 21, 1972 to February [25,] 1986, he gravely abused his powers under martial law and ruled as Dictator under the 1973 Marcos-promulgated Constitution. Defendant Ferdinand E. Marcos, together with other Defendants, acting singly or collectively, in unlawful concert with one another, and with the active collaboration and participation of third persons who are subject of separate suits, in flagrant breach of trust and of their fiduciary obligations as public officers, with gross and scandalous abuse of right and power and in brazen violation of the Constitution and laws of the Philippines, embarked on a systematic plan to accumulate ill-gotten wealth[.]

....

. . . Defendants Imelda [Imee] R. Marcos-Manotoc, Tomas Manotoc, Irene R. [Marcos]-Araneta, Gregorio Ma. Araneta III, and Ferdinand [R.] Marcos, Jr. actively collaborated with Defendants Ferdinand E. Marcos and Imelda R. Marcos, among others, in confiscating and/or unlawfully appropriating funds and other property, and in concealing the same as described above. . . . [E]ach of the Defendants, either by taking undue advantage of their relationship with Defendants Ferdinand E. Marcos and Imelda R. Marcos, or by reason of the above-described active collaboration, unlawfully acquired or received property, shares of stocks in corporations, illegal payments such as commissions, bribes or kickbacks, and other forms of improper privileges, income, revenues and benefits[.]⁴⁰

Petitioner asserts that the Cabuyao property covers a vast and valuable 25 hectares of prime lot. It is among the assets and properties acquired by the Marcoses between 1972 and 1986. During the registration of the property, respondents were minors who had no legitimate source of income. The registration of the property in their names was obviously done to conceal the truth that Former President Marcos was the true owner. Finally, the Cabuyao property had been under the custody and administration of the Government since 1986. Thus, respondents are guilty of laches for having accepted said custody and administration for a long time.⁴¹

³⁹ Id. at 520.

⁴⁰ Id. at 6-9.

⁴¹ Id. at 39-42.

Respondents argue that the Petition should be dismissed outright for procedural defects.⁴² They stress that the denial of the Motion to Admit the Fourth Amended Complaint has attained finality.⁴³ Further, the annotation of the notice of *lis pendens* was improper as the Civil Case did not affect the Cabuyao property.⁴⁴ The properties involved in the Civil Case were enumerated in the Complaint and made no mention of the Cabuyao property.⁴⁵ That the property is not part of the *res* in Civil Case No. 0002 is apparent from petitioner's failure to adduce any evidence involving the Cabuyao property during the trial of the case.⁴⁶

Additionally, respondents claim that the petitioner is not entitled to the preliminary remedy of attachment, there being no factual allegations showing the ground relied upon exists.⁴⁷

The Petition is granted.

I

Rule 13, Section 14 of the Rules of Court provides that a notice of *lis pendens* may be cancelled only upon order of the court, after proper showing that the notice is to molest the adverse party, or that it is not necessary to protect the right of the party who caused it to be recorded:

RULE 13

Service and Filing of Pleadings and Other Papers

....

SEC. 14. *Notice of Lis Pendens.* — In an action affecting the title or the right of possession of real property, the plaintiff and the defendant, when affirmative relief is claimed in his answer, may record in the office of the registry of deeds of the province in which the property is situated a notice of the pendency of the action. Said notice shall contain the names of the parties and the object of the action or defense, and a description of the property in that province affected thereby. Only from the time of filing such notice for record shall a purchaser, or encumbrancer of the property affected thereby, be deemed to have constructive notice of the pendency of the action, and only of its pendency against the parties designated by their real names.

The notice of lis pendens hereinabove mentioned may be cancelled only upon order of the court, after proper showing that the notice is for the

⁴² Id. at 298–302, Comment.

⁴³ Id. at 302.

⁴⁴ Id. at 304.

⁴⁵ Id.

⁴⁶ Id. at 305.

⁴⁷ Id. at 308.

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purpose of molesting the adverse party, or that it is not necessary to protect the rights of the party who caused it to be recorded. (Emphasis supplied)

Although the Sandiganbayan found that the notice is not for the purpose of molesting the adverse party, it cancelled the notice of *lis pendens* as it was not necessary to protect the right of petitioner:

Significantly, while there may be nothing on record to show that the notice of *lis pendens* was for the purpose of molesting the defendants who are the registered owners of the subject property, the record shows that plaintiff has no claim over the subject property that needs to be protected. In fact, plaintiff does not have any actionable right over the subject property because the same is not involved in the instant case. Accordingly, considering that the notice of *lis pendens* was erroneously annotated, its cancellation is in order.⁴⁸

The conclusion that the Cabuyao property is not involved in the Civil Case is based on the belief that failure to specifically mention the property in the amended Complaint automatically renders it beyond the scope of the Civil Case.

Executive Order No. 14, which defines the jurisdiction over cases involving the ill-gotten wealth of Former President Marcos and his family, associates, dummies, agents, and nominees, specifically states that the technical rules of procedure and evidence shall not be strictly applied to the civil cases filed under it. Thus, this Court has emphasized this provision and pointed out that strict adherence to technical rules will hamper the efforts of the Presidential Commission on Good Government:

We note that the law governing the issues raised in this petition calls for the setting aside of technical rules when necessary to achieve the purposes behind the PCGG's creation.

It is to be reiterated that paragraph 2 of Section 3, of Executive Order No. 14 reads:

....

“The technical rules of procedure and evidence shall not be strictly applied to the civil cases filed hereunder.”

Section 7 thereof also provides:

“SECTION 7. The provisions of this Executive Order shall prevail over any and all laws, or parts thereof, as regards the investigation, prosecution, and trial of cases

⁴⁸ Id. at 65–66.

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for violations of laws involving the acquisition and accumulation of ill-gotten wealth as mentioned in Executive Order Nos. 1 and 2.”

A settled rule on construction is found in the case of *Leveriza v. Intermediate Appellate Court*:

“. . . that another basic principle of statutory construction mandates that general legislation must give way to special legislation on the same subject, and generally be so interpreted as to embrace only cases in which the special provisions are not applicable, that a specific statute prevails over a general statute and that where two statutes are of equal theoretical application to a particular case, the one designed therefor specially should prevail.[”]

On this score alone, the Sandiganbayan's rejection of the petitioner's motion on the ground that dropping Campos, Jr. as defendant in the civil case would amount to a violation of the Rules of Court is based on shaky ground.

The Sandiganbayan's objections will hamper PCGG efforts in this similar cases.⁴⁹

The admitted Complaint was filed to recover, for the Republic of the Philippines, all the properties that were illegally acquired by the Marcoses during their incumbency as public officers and that were manifestly out of proportion to their salaries, other lawful income, and income from legitimately acquired property.⁵⁰

The assailed Resolutions do not suggest that the Cabuyao property is not part of the property illegally acquired by respondents. Thus, the conclusion that the Cabuyao property is not affected by the Civil Case is based solely on an inference from a procedural detail.

The present issue could have been averted had the Sandiganbayan granted petitioner's Motion for Leave to Admit Fourth Amended Complaint. Unfortunately, petitioner inexplicably neither filed a motion for reconsideration to seek reversal of the Sandiganbayan's denial nor raised the issue in a petition for certiorari. Nonetheless, an examination of the denial of the Motion to admit the amended Complaint is necessary for a full and complete resolution of the issues raised in this Petition.

⁴⁹ *Republic v. Sandiganbayan*, 255 Phil. 71, 83–84 (1989) [Per J. Gutierrez, Jr., En Banc], citing *Leveriza v. Intermediate Appellate Court*, G.R. No. L-66614, January 25, 1988, 157 SCRA 282 [Per J. Bidin, Third Division], in turn citing *Sto. Domingo v. De los Angeles*, 185 Phil. 94 (1980) [Per J. Melencio-Herrera, First Division]; *De Jesus v. People*, 205 Phil. 663 (1983) [Per J. Escolin, En Banc]; and *Wil Wilhemsan, Inc. v. Baluyot*, 172 Phil. 406 (1978) [Per J. Guerrero, First Division].

⁵⁰ *Rollo*, pp. 112–117.

The Sandiganbayan Resolution dated September 2, 1998 reads:

In Civil Case No. 0002 (Republic vs. Ferdinand E. Marcos, et al.), the Court resolved to deny the Motion for Leave to Admit Fourth Amended Complaint, dated July 8, 1997, filed by plaintiff, through counsel (with a copy of the Fourth Amended Complaint thereto attached) for failure of the plaintiff-movant to comply with the provision of Section 7, Rule 12 of the 1997 Rules of Civil Procedure which provides:

“Section 7. Filing of amended pleadings. When any pleading is amended, a new copy of the entire pleading, incorporating the amendments which shall be indicated by appropriate marks, shall be filed.”

and for further reason that the original complaint in this case was filed with this Court on July 16, 1987 yet, or more than 11 years ago, and this case has not even reached the pre-trial stage because not all of the defendants have been served with summons.

Considering the constitutional rights of the parties to a speedy disposition of this case, and the necessity to expedite the resolution of this case, the parties, through cou[n]sel, are ordered to appear and attend a preliminary conference of this case to be held in this Court on September 28, 1998, at 10:45 in the morning.⁵¹ (Underscoring in the original)

This Resolution is based on patent errors of both fact and law.

The Sandiganbayan's denial was primarily based on a purported failure to comply with a requirement under Rule 10, Section 7⁵² of the Rules of Court, that amendments in a pleading be indicated by appropriate marks.

The procedural rule, which requires that amendments to a pleading be indicated with appropriate marks, has for its purpose the convenience of the Court and the parties. It allows the reader to be able to immediately see the modifications. However, failure to use the appropriate markings for the deletions and intercalations will not affect any substantive right. Certainly, its absence cannot cause the denial of any substantive right.⁵³

The Sandiganbayan's view that a motion for leave to amend should be denied on the basis of the rule on proper markings in an amended pleading displays an utter lack of understanding of the function of this procedural rule.

⁵¹ Id. at 194.

⁵² Id. The provision cited should be Section 7 of Rule 10 of the Rules of Court, and not Rule 12, as stated by the Sandiganbayan.

⁵³ *Spouses Gutierrez v. Spouses Valiente*, 579 Phil. 486, 495–496 (2008) [Per J. Austria-Martinez, Third Division].

More importantly, a reading of the Fourth Amended Complaint reveals that the Sandiganbayan's observation was patently wrong. Petitioner did not fail to comply with Rule 10, Section 7 of the Rules of Court. There were no portions in the body of the Fourth Amended Complaint itself that needed to be underscored or marked, considering that the text was identical to the text of the admitted Complaint. Annex A to the Fourth Amended Complaint, the List of Assets and Other Properties of Ferdinand E. Marcos, Imelda R. Marcos and Immediate Family, reveals that it was amended to include the Cabuyao property in the list of assets. That entry was underscored to reflect the amendment.

This oversight is so palpable that it can reasonably be interpreted as grave and inexcusable arbitrariness on the part of the Sandiganbayan. Had the Sandiganbayan simply read the proposed amended pleading correctly, the inordinate time and resources expended by both parties in this case would have been avoided.

II

Rule 57, Section 1 of the Rules of Court allows for the attachment of the property of the adverse party as security for any judgment that may be recovered in the following cases, among others:

RULE 57 Attachment

SECTION 1. *Grounds Upon Which Attachment May Issue.* — At the commencement of the action or at any time before entry of judgment, a plaintiff or any proper party may have the property of the adverse party attached as security for the satisfaction of any judgment that may be recovered in the following cases:

....

(b) In an action for money or property embezzled or fraudulently misapplied or converted to his own use by a public officer, or an officer of a corporation, or an attorney, factor, broker, agent, or clerk, in the course of his employment as such, or by any other person in a fiduciary capacity, or for a wilful violation of duty;

(c) In an action to recover the possession of property unjustly or fraudulently taken, detained or converted, when the property, or any part thereof, has been concealed, removed, or disposed of to prevent its being found or taken by the applicant or an authorized person[.]

The Sandiganbayan held that "the allegations in support of the grounds for the issuance of a writ of preliminary attachment [were] couched in general terms and devoid of particulars upon which [to] discern whether

or not to issue a writ.”⁵⁴ In relation to Rule 57, Section 1(b) of the Rules of Court, the Sandiganbayan required specific allegations of circumstances as to how the money or property was allegedly embezzled or fraudulently misapplied or converted to their own use by the respondents.⁵⁵ As regards Section 1(c), it held that the Cabuyao property was never concealed, removed, or disposed of by respondents since it remains registered in their names up to the present⁵⁶, and petitioner “was easily able to identify and locate the property by the mere checking of its title with the Registry of Deeds of the Province of Laguna.”⁵⁷

The Sandiganbayan is mistaken. The allegations in the admitted Complaint fall within Section 1(b) and (c) of Rule 57. Given the peculiarities of the Marcos cases, the allegations of Former President Marcos taking advantage of his powers as President, gravely abusing his powers under martial law, and embarking on a systematic plan to accumulate ill-gotten wealth suffice to constitute the case as one under Rule 57. The allegation that the Cabuyao property was registered under the names of respondents—minors at the time of registration—is sufficient to allege that the Cabuyao property was concealed, thus satisfying Rule 57, Section 1(c) of the Rules of Court.

The Sandiganbayan should have issued an order of preliminary attachment considering that the requisites of the law—including that of Executive Order No. 14—have been substantially met, and that there is factual basis for the issuance of the preliminary attachment. The Sandiganbayan committed grave abuse of discretion in denying petitioner’s Motion for issuance of a writ of preliminary attachment.

Procedural rules are not mere technicalities that can be disregarded at whim by the parties or by our courts. Neither should they be applied so mechanically without any appreciation of their purpose and object.

Every part of our law—whether substantive or procedural—is the outcome of reasonable deliberation. As the outcome of human agency, our laws are to be interpreted and applied with meaning and purpose. The day that our courts cease to breathe life to this fundamental principle is the day that we erode the public’s confidence in the ability of the law to render justice.

WHEREFORE, the Petition for Certiorari is **GRANTED**. The assailed Resolutions dated January 11, 2010 and December 1, 2010, insofar as they direct the cancellation of the notice of *lis pendens*, are **ANNULLED**

⁵⁴ *Rollo*, p. 83.

⁵⁵ *Id.* at 84.

⁵⁶ *Id.*

⁵⁷ *Id.*



and **SET ASIDE**. The Register of Deeds of Cabuyao, Laguna is **ORDERED** to re-annotate the notice of *lis pendens* on TCT No. T-85026.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

(Please see dissenting opinion)
PRESBITERO J. VELASCO, JR.
Associate Justice

On leave
ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice
Acting Chairperson


JOSE CATRAL MENDOZA
Associate Justice

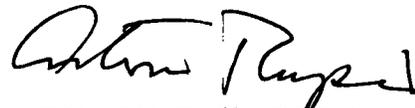
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIANO C. DEL CASTILLO
Associate Justice
Acting Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARIPIO
Acting Chief Justice