

SPECIAL SECOND DIVISION

[G.R. No. 189434, March 12, 2014]

**FERDINAND R. MARCOS, JR., PETITIONER, VS. REPUBLIC OF THE
PHILIPPINES, REPRESENTED BY THE PRESIDENTIAL
COMMISSION ON GOOD GOVERNMENT, RESPONDENT.**

[G.R. NO. 189505]

**IMELDA ROMUALDEZ-MARCOS, PETITIONER, VS. REPUBLIC OF
THE PHILIPPINES, RESPONDENT.**

R E S O L U T I O N

SERENO, C.J.:

On 25 April 2012, this Court rendered a Decision affirming the 2 April 2009 Decision of the *Sandiganbayan* and declaring all the assets of Arelma, S.A., an entity created by the late Ferdinand E. Marcos, **forfeited** in favor of the Republic of the Philippines. The anti-graft court found that the totality of assets and properties acquired by the Marcos spouses was manifestly and grossly disproportionate to their aggregate salaries as public officials, and that petitioners were unable to overturn the *prima facie* presumption of ill-gotten wealth, pursuant to Section 2 of Republic Act No. (RA) 1379.

Petitioners seek reconsideration of the denial of their petition, reiterating the following arguments:

1. That the *Sandiganbayan* erred in granting the Motion for Partial Summary Judgment because a) the Republic had earlier stated that it will file a separate forfeiture action regarding the assets of Arelma and b) Civil Case No. 0141 had already terminated; and
2. That the *Sandiganbayan* does not possess territorial jurisdiction over the res or the Arelma proceeds, which are held by Merrill Lynch in the United States.

We agree with the view of the Office of the Solicitor General (OSG) in its Opposition filed on 16 August 2012, that the first issue has already been raised and exhaustively discussed in our 25 April 2012 Decision. In fact, the discussion on the first issue is merely a restatement of petitioners' original assertions that the *Sandiganbayan* had no jurisdiction to render summary judgment over the assets of Arelma. According to petitioners, the judgment in Civil Case No. 0141 applied only to the Swiss deposits subject of our Decision in G.R. No. 152154, which were also listed in the Petition for Forfeiture.

It is clear from our 25 April 2012 Decision that this is a distorted reading of the

facts. The said Petition for Forfeiture described among others, a corporate entity by the name "Arelma, Inc.," which maintained an account and portfolio in Merrill Lynch, New York, and which was purportedly organized for the purpose of hiding ill-gotten wealth.^[1] The Decision of this Court in G.R. No. 152154 affirmed the partial summary judgment only over the Swiss deposits which the Sandiganbayan declared as forfeited in favor of the State.

This cannot be construed as a bar to a subsequent judgment over numerous other assets and properties expressly sought to be forfeited in Civil Case No. 0141. Respondent Republic's success in obtaining summary judgment over the Swiss accounts does not mean its preclusion from seeking partial summary judgment over a different subject matter covered by the same petition for forfeiture. In fact, Civil Case No. 0141 pertains to the recovery of **all** the assets enumerated therein, such as (1) holding companies, agro-industrial ventures and other investments; (2) landholdings, buildings, condominium units, mansions; (3) New York properties; (4) bills amounting to Php 27,744,535, time deposits worth Php 46.4 million, foreign currencies and jewelry seized by the United States customs authorities in Honolulu, Hawaii; (5) USD 30 million in the custody of the Central Bank in dollar-denominated Treasury Bills; shares of stock, private vehicles, and real estate in the United States, among others.^[2]

The Swiss Deposits Decision, G.R. No. 152154, dealt only with the summary judgment as to the five Swiss accounts, because the 2000 Motion for Partial Summary Judgment dated 7 March 2000 specifically identified the five Swiss accounts. It did not include the Arelma account. To subscribe to the view of petitioners is to forever bar the State from recovering the assets listed above, including the properties it had specifically identified in its petition for forfeiture. As we have discussed in our Decision, the ruling of the Sandiganbayan is rightly characterized as a separate judgment, and allowed by the Rules of Court under Section 5 of Rule 36:

Separate judgments.—When more than one claim for relief is presented in an action, the court, at any stage, upon a determination of the issues material to a particular claim and all counterclaims arising out of the transaction or occurrence which is the subject matter of the claim, may render a separate judgment disposing of such claim. The judgment shall terminate the action with respect to the claim so disposed of and the action shall proceed as to the remaining claims. In case a separate judgment is rendered, the court by order may stay its enforcement until the rendition of a subsequent judgment or judgments and may prescribe such conditions as may be necessary to secure the benefit thereof to the party in whose favor the judgment is rendered.

Petitioners further insist that "Civil Case No. 0141 does not involve the Arelma account because the respondent unequivocally reserved its right to file a separate forfeiture petition concerning it." However, petitioners failed to prove that such a reservation was made, and never even substantiated how such reservation could operate to deprive the State of its right to file for separate judgment. There is nothing in Republic Act 1379^[3] or in the Rules which prohibits the graft court from taking cognizance of the Motion for Partial Summary Judgment only because of