

## FIRST DIVISION

[ G.R. NO. 160677, August 10, 2007 ]

**UNIVERSAL BROADCASTING CORPORATION, PETITIONER, VS.  
THE HON. SANDIGANBAYAN (5TH DIVISION); REPUBLIC OF THE  
PHILIPPINES, REPRESENTED BY THE PRESIDENTIAL  
COMMISSION ON GOOD GOVERNMENT; TACLOBAN CITY ICE  
PLANT, INC.; AND ALLIED BANKING CORPORATION, AS TRUSTEE  
OF COLLEGE ASSURANCE PLAN PHILIPPINES, INC.,  
RESPONDENTS.**

### D E C I S I O N

**GARCIA, J.:**

Assailed and sought to be set aside in this petition for *certiorari* and prohibition under Rule 65 of the Rules of Court with prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction are the following issuances of the Sandiganbayan in *Civil Case No. 0035*, to wit:

1. Resolution<sup>[1]</sup> dated May 7, 2003 directing the petitioner to file anew its motion for intervention, attaching thereto its complaint-in-intervention; and
2. Resolution<sup>[2]</sup> dated October 16, 2003 denying petitioner's motion for reconsideration.

Civil Case No. 0035 from whence the assailed resolutions sprung is an action for the recovery of alleged ill-gotten wealth filed with the Sandiganbayan by the Presidential Commission on Good Government (PCGG) against, among others, former Leyte Governor Benjamin "Kokoy" Romualdez.

The facts pertinent to this case are as follows:

On March 18, 1986, PCGG issued a writ of sequestration against the property known as *Price Mansion*, said to be owned by former Leyte Governor Benjamin Romualdez. *Price Mansion* consists of two lots covered by Transfer Certificates of Title Nos. 14733 and 14734 encompassing 1,654 square meters and 1,600 square meters, respectively, in Tacloban City whereon a building, known as *Price Mansion*, is erected. This property is among those involved in Civil Case No. 0035.

In a letter dated April 15, 1986, private respondent Tacloban City Ice Plant, Inc. (TCIP) claimed ownership of *Price Mansion* and sought the lifting of the sequestration order. After conducting hearings wherein TCIP presented evidence in support of its claim, the PCGG lifted the sequestration order.

In a motion dated June 14, 1989, TCIP moved in Civil Case No. 0035 for the

exclusion of the subject sequestered property and/or the lifting of sequestration over the *Price Mansion* property. The motion was granted by the Sandiganbayan in its Resolution of June 28, 1989.

Pursuant to said Resolution, the PCGG turned over a big portion of the land including the building, but excluded a portion on which an antenna/tower and station of PRTV-12 had been erected.

On February 5, 1990, TCIP sold the *Price Mansion* property to its co-respondent, Allied Banking Corporation as trustee of the College Assurance Plan, Phils., Inc. (CAP). TCIP sought the removal of the antenna/tower of the PRTV-12 from the premises by filing, in Civil Case No. 0035, a motion for compliance to compel PCGG to make a complete turnover of the property in question to it. On October 1, 1991, the Sandiganbayan issued a resolution granting TCIP's motion for compliance, and declared its earlier resolution of June 28, 1989 final and executory.

In a motion dated October 17, 1991, the PCGG moved for reconsideration of the October 1, 1991 resolution alleging that it had been furnished copies of documents showing that prior to its sequestration, the *Price Mansion* property had been sold by TCIP to petitioner Universal Broadcasting Corporation (UBC), a corporation listed as one of the assets of Benjamin Romualdez. The Sandiganbayan denied the PCGG's motion in a Resolution dated July 23, 1992.

Aggrieved, the PCGG went to this Court *via* a petition for *certiorari* in **G.R. No. 106413**, praying that the Sandiganbayan resolutions of October 1, 1991 and July 23, 1992 in Civil Case No. 0035 be set aside. In the same petition, the PCGG alternatively prayed for the issuance of a writ of mandamus to compel the Sandiganbayan to conduct a hearing and determine whether the *Price Mansion* property is ill-gotten.

Petitioner UBC filed a motion for leave of court to intervene in Civil Case No. 0035 on November 4, 1991, and, on November 18, 1991, it filed in the same case a Complaint-In-Intervention claiming ownership of the *Price Mansion* property.

In a resolution dated June 16, 1992, the Sandiganbayan denied petitioner UBC's motion for leave to intervene, ruling that the dispute could best be resolved in a separate action before a regular court.

Consequently, on January 27, 1994, petitioner UBC filed with the Regional Trial Court (RTC) of Tacloban City a complaint for annulment of titles and deeds of sale and/or for sum of money and damages against TCIP and CAP, represented by Allied Banking Corporation. The case was docketed as Civil Case No. 94-01-18 and raffled to Branch 6 thereof.

Meanwhile, in a decision dated July 5, 1996 in **G.R. No. 106413**, the Court granted the Republic's alternative prayer and ordered the Sandiganbayan to conduct a hearing and determine the claim of ownership of petitioner UBC and the right of respondent Republic to retain possession of the disputed property, as follows:

WHEREFORE, petitioner's alternative prayer is GRANTED and the Sandiganbayan is ORDERED to conduct a hearing and determine the claim of ownership of the Universal Broadcasting Corporation and the