

SECOND DIVISION

[G.R. NO. 154522, May 05, 2006]

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE ANTI-MONEY LAUNDERING COUNCIL, PETITIONER, VS. CABRINI GREEN & ROSS, INC., MICHAEL J. FINDLAY AND JANE GELBERG, RESPONDENTS,

G.R. NO. 154694

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE ANTI-MONEY LAUNDERING COUNCIL, PETITIONER, VS. R.A.B. REALTY, INC., MULTINATIONAL TELECOM INVESTORS CORPORATION, ROSARIO A. BALADJAY AND SATURNINO M. BALADJAY, RESPONDENTS,

G.R. NO. 155554

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE ANTI-MONEY LAUNDERING COUNCIL, PETITIONER, VS. MARIO N. MISA, MICHAEL Z. LAFUENTE, JESUS SILVERIO, REYNALDO NICHOLAS AND REX D. JAO, RESPONDENTS,

G.R. NO. 155711

REPUBLIC OF THE PHILIPPINES, REPRESENTED BY THE ANTI-MONEY LAUNDERING COUNCIL, PETITIONER, VS. ALBERTO DE LOS REYES, LORENZO CASTRO, HERMIE DE VERA, EDUARDO LAZO AND DANILO LIWAG, RESPONDENTS.

RESOLUTION

CORONA, J.:

In the exercise of its power under Section 10 of RA 9160,^[1] the Anti-Money Laundering Council (AMLC) issued freeze orders against various bank accounts of respondents. The frozen bank accounts were previously found *prima facie* to be related to the unlawful activities of respondents.

Under RA 9160, a freeze order issued by the AMLC is effective for a period not exceeding 15 days unless extended "*upon order of the court.*" Accordingly, before the lapse of the period of effectivity of its freeze orders, the AMLC^[2] filed with the Court of Appeals (CA)^[3] various petitions for extension of effectivity of its freeze orders.

The AMLC invoked the jurisdiction of the CA in the belief that the power given to the CA to issue a temporary restraining order (TRO) or writ of injunction against any

freeze order issued by the AMLC carried with it the power to extend the effectivity of a freeze order. In other words, the AMLC interpreted the phrase "upon order of the court" to refer to the CA.

However, the CA disagreed with the AMLC and dismissed the petitions. It uniformly ruled that it was not vested by RA 9160 with the power to extend a freeze order issued by the AMLC.^[4]

Hence, these consolidated petitions^[5] which present a common issue: which court has jurisdiction to extend the effectivity of a freeze order?

During the pendency of these petitions, or on March 3, 2003, Congress enacted RA 9194 (An Act Amending Republic Act No. 9160, Otherwise Known as the "Anti-Money Laundering Act of 2001").^[6] It amended Section 10 of RA 9160 as follows:

SEC. 7. Section 10 of [RA 9160] is hereby amended to read as follows:

SEC. 10. *Freezing of Monetary Instrument or Property.* - The **Court of Appeals**, upon application ex parte by the AMLC and after determination that probable cause exists that any monetary instrument or property is in any way related to an unlawful activity as defined in Sec. 3(i) hereof, may issue a freeze order which shall be effective immediately. The freeze order shall be for a period of twenty (20) days **unless extended by the court.**^[7] (emphasis supplied)

Section 12 of RA 9194 further provides:

SEC 12. *Transitory Provision.* - Existing freeze orders issued by the AMLC shall remain in force for a period of thirty (30) days after the effectivity of this Act, unless extended by the **Court of Appeals.** (emphasis supplied)

On April 3, 2003, the Office of the Solicitor General (OSG) filed a "Very Urgent Motion to Remand Cases to the Honorable Court of Appeals (with Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction)."^[8] The OSG prayed for the remand of these cases to the CA pursuant to RA 9194. It also asked for the issuance of a TRO on the ground that the freeze orders would be automatically lifted on April 22, 2003 by operation of law and the money or deposits in the concerned bank accounts may be taken out of the reach of law enforcement authorities. The OSG further manifested that pending in the CA were 29 other cases involving the same issue. It requested that these cases be included in the coverage of the TRO prayed for.

On April 21, 2003, the Court issued a TRO in these cases and in all other similar cases pending before all courts in the Philippines. Respondents, the concerned banks, and all persons acting in their behalf were directed to give full force and effect to existing freeze orders until further orders from this Court.

On May 5, 2003, the OSG informed the Court that on April 22, 2003 the CA issued a resolution in CA-G.R. SP No. 69371 (the subject of G.R. No. 154694) granting the petition for extension of freeze orders.^[9] Hence, the OSG prayed for the dismissal of G.R. No. 154694 for being moot. It also reiterated its earlier prayer for the remand