

THIRD DIVISION

[G.R. No. 131530, March 13, 2001]

**Y REALTY CORPORATION, PETITIONER, VS. HONORABLE
SANDIGANBAYAN, REPUBLIC OF THE PHILIPPINES,
PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT, ESTATE
OF FERDINAND E. MARCOS, PRIME HOLDINGS, INC., ESTATE OF
RAMON U. COJUANGCO AND IMELDA O. COJUANGCO,
RESPONDENTS.**

DECISION

SANDOVAL-GUTIERREZ, J.:

Petition for certiorari assailing the Resolution dated October 9, 1996 of respondent Sandiganbayan dismissing the amended complaint-in-intervention of Alfonso Yuchengco in Civil Case No. 0002; and Resolution dated October 6, 1997 denying his motion for reconsideration.

The factual setting of this case is narrated in the Decision of this Court in G.R. No. 131127,^[1] thus:

"On July 16, 1987, the Republic of the Philippines (hereinafter, the Republic) filed with the Sandiganbayan a complaint for Rescission, Reconveyance, Restitution, Accounting and Damages against Ferdinand E. Marcos, Imelda Marcos and Prime Holdings, Inc. (hereinafter, PHI), docketed as Civil Case No. 0002. Alleging ownership of the properties of the Marcoses sought to be forfeited by the Republic, petitioner Yuchengco filed a motion for intervention and complaint-in-intervention on August 11, 1998, impleading the Republic, the Presidential Commission on Good Government (PCGG), Ferdinand E. Marcos, Imelda Marcos and PHI as defendants-in-intervention. Petitioner paid a docket fee of P400.00.

On February 17, 1989, the Sandiganbayan issued a Resolution granting the motion for intervention and admitting the complaint-in-intervention. The Republic filed a motion for reconsideration on March 14, 1989, which petitioner opposed.

On February 9, 1990 the Sandiganbayan denied the Republic's motion for reconsideration. Hence, the Republic and the PCGG, on behalf of PHI, filed an answer to the complaint-in-intervention dated June 19, 1990 and November 2, 1990, respectively.

Meanwhile, PHI filed a Manifestation and Motion, stating that Imelda Cojuangco and the Estate of Ramon U Cojuangco claim ownership of PHI. Thus, on May 31, 1993, petitioner moved for leave to admit amended complaint-in-intervention to implead the said claimants.

On June 11, 1993, the Sandiganbayan, in open court admitted the amended complaint-in-intervention. Consequently, amended answers-in-intervention were filed by the Republic and the PHI on July 2, 1993.

On the other hand, the Estate of Ramon Cojuangco and Imelda O. Cojuangco (hereinafter, the Cojuangcos) filed a motion to dismiss the amended complaint-in-intervention, dated August 25, 1993, on the ground of failure to state a cause of action and lack of jurisdiction of the Sandiganbayan over the case, inasmuch as petitioner did not pay the correct docket fees. They argued that the amended-complaint-in-intervention failed to state the amount of the claim or the value of the property subject of the complaint, in violation of the doctrine laid down in *Manchester Development Corporation, et al. v. Court of Appeals*.

On September 6, 1993, petitioner filed a second amended complaint-in-intervention with motion for leave. Later, on September 28 1993, he also opposed the motion to dismiss filed by PHI and the Cojuangcos on September 28, 1993.

PHI and the Cojuangcos filed a reply alleging that since the amended complaint-in-intervention is substantially an action for the recovery of ownership and possession of shareholdings in the Philippine Telecommunications Investment Corporation (PTIC), Section 7 (a) of Rule 141 of the Rules of Court of Appeals, to wit:

Sec. 7. Clerks of Regional Trial Courts. ----

- (a) For filing an action or a permissive counter-claim or money claim against an estate not based on judgment, or for filing with leave of court a third-party, fourth-party, etc. complaint, or a complaint in intervention xxx if xxx the stated value of the property in litigation is:

1.	Not more than P20,000.00	120.00
2.	More than P20,000.00 but less than P40,000.00	150.00
3.	P40,000.00 or more but less than P60,000.00	200.00
4.	P60,000.00 or more but less than P80,000.00	250.00
5.	P80,000.00 or more but less than 100,000.00	400.00
6.	P100,000.00 or more but less than P150,000.00	600.00
6.	For each	5.00

P1,000.00 on
excess of
150,000.00

Further, respondents PHI and the Cojuangcos contend that as the action seeks to litigate the ownership and disposition of properties consisting of subject shares, the amount of docket fees must be based on the total value of the same.

Petitioner filed a rejoinder dated November 29, 1993, maintaining that no docket fees are payable to the Sandiganbayan, pursuant to Section 11 of Presidential Decree No. 1606, as amended, which provides:

Proceedings free of charge. --- All proceedings in the Sandiganbayan shall be conducted at no cost to the complainant and/or his witnesses.

In their sur-rejoinder filed on January 28, 1994, respondents PHI and the Cojuangcos countered that the reason for the above-quoted Section 11 of P.D. 1606 is that the jurisdiction of the Sandiganbayan at the time of its enactment was limited to criminal actions. With the expansion of the Sandiganbayan's jurisdiction to include civil cases, the payment of docket fees has become a jurisdictional requirement.

On February 8, 1994, petitioner replied that the Sandiganbayan has no power or discretion or amend the provision in Section 11 of P.D. 1606 simply on the basis of public policy. Petitioner points out that Executive Order No. 14 issued by President Corazon C. Aquino did not amend the said provision, hence, payment of docket fees in the Sandiganbayan is legally without basis.

On September 21, 1994, petitioner re-filed his second amended complaint-in-intervention with motion to admit, wherein he sought to include Y Realty Corporation as co-plaintiff-in-intervention and to join Imelda R. Marcos as the representative of the Estate of Ferdinand Marcos." (Underscoring supplied).

It was at this point when petitioner in this case, Y Realty Corporation (Y Realty) came into the picture. Alfonso Yuchengco, petitioner in G.R. No. 131127 and Y Realty share identical interests. Yuchengco is the majority stockholder of petitioner Y Realty. Thus, Yuchengco deemed it logical and proper to include Y Realty as his co-plaintiff. Hence, they both filed with respondent Sandiganbayan a joint motion to admit a "Second Amended Complaint-in-Intervention" in Civil Case No. 0002.

The facts and circumstances which followed are further summarized by this Court in G.R. No. 131127 as follows:

"On October 11, 1994, PHI and the Cojuangcos opposed the motion to admit second amended complaint-in-intervention, contending that jurisdictional issues should first be resolved before the most recent motion is considered.

A motion for early resolution was filed by petitioner on October 27, 1994. He averred that since the main issues in the motion to dismiss filed by