REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

_____ *Division*

RAMON "BONG" B. REVILLA, JR.,
Petitioner,

- versus -

G.R. No. _____
For: Certiorari under Rule 65 of the Rules of Court

SANDIGANBAYAN - FIRST DIVISION AND THE PEOPLE OF THE PHILIPPINES,
Respondents.

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PETITION

Petitioner RAMON "BONG" B. REVILLA, JR. (the "petitioner"), by counsel, respectfully states:

Prefatory

Respondent People of the Philippines' Motion for Issuance of *Writ* of Preliminary Attachment/Garnishment was filed *ex-parte,* without affording petitioner the opportunity to adduce evidence in a hearing. Thus, respondent Sandiganbayan, in granting said *Ex-Parte* Motion, has undoubtedly violated petitioner's constitutional right to due process and to be presumed innocent until proven guilty. In the words of Chief Justice Maria Lourdes Sereno:

> The presumption of innocence of the accused is at the center of our criminal justice system the cornerstone, as it were, of all the other rights accorded to the accused, including the right to due process of law...
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> ... ...

> However, since the task of the pillars of the criminal justice system is to preserve our democratic society under the rule of law, ensuring that ***all those who appear before or are brought to the bar of justice are afforded a fair opportunity to present their side, the measure of whether the accused herein has been deprived of due process of law should not be limited to the state of mind of the prosecution, but should include fundamental principles of fair play.***[1]

Petitioner therefore respectfully invokes this Honorable Court's authority to rectify a grave abuse of discretion and error, in both fact and law, committed by respondent Sandiganbayan, in ordering the attachment and garnishment of petitioner's properties in the amount of Php224,512,500.00. Said attachment constitutes a virtual forfeiture and confiscation of said properties even prior to any verdict of conviction, in blatant violation of Republic Act (R.A.) No. 7080[2] (the "Plunder Law") and petitioner's constitutional right to due process of law.

As will be shown in this Petition, the illegal attachment of petitioner's properties already prematurely penalized him absent any declaration or finding that his properties are ill-gotten, as expressly mandated by Section 2 of the Plunder Law which states that in the imposition of penalties, the "***court shall declare any and all ill-gotten wealth*** and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof ***forfeited in favor of the State.***"[3]

The Plunder Law does not, in any manner, authorize the confiscation or forfeiture, by way of attachment or garnishment, of the properties of an accused, in this case herein petitioner, prior to trial, and more emphatically, prior to the promulgation of a judgment of conviction. On the contrary, it is clear that under the Plunder Law, there is a need for a verdict of conviction and a declaration after trial of petitioner's properties as ill-gotten before the same can be forfeited. Thus, before petitioner's properties may be attached, garnished, confiscated or forfeited, he should first be afforded the opportunity to ventilate his defense and present

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[1] Separate Concurring Opinion, Sereno CJ., Lejano v. People, G.R. No. 176386 and People v. Webb, G.R. No. 176864, 14 December 2010.

[2] Otherwise known as "An Act Defining and Penalizing the Crime of Plunder."

[3] Emphasis supplied.

evidence to prove that his properties were legitimately earned, and this can only be done in a hearing for said purpose.

The Sandiganbayan's blatant disregard of the law and facts surrounding this case is a serious, if not dangerous and oppressive, error calling for this Honorable Court's supervisory power to uphold the law and petitioner's constitutional rights not only to life, liberty and property, but also to due process of law and to be presumed innocent until proven guilty.

Parties

1. Petitioner is a duly elected and incumbent Senator of the Republic of the Philippines, with office address at the 5th Floor, GSIS Bldg., Financial Center, Roxas Blvd., Pasay City. He may be served notices, orders, and the judgment of this Honorable Court in this case through undersigned counsel, at 4th and 5th Floors, S & L Building, Dela Rosa cor. Esteban Streets, Legaspi Village, Makati City.

2. Public Respondent Sandiganbayan, First Division, (the "Sandiganbayan") is a statutorily-created[4] court with office address at Commonwealth Ave., Quezon City, where it may be served notices, resolutions and other papers in this case. It may also be served notices, resolutions and other processes in this case through the Office of the Solicitor General, at 134 Amorsolo St., Legaspi Village, Makati City.

3. Respondent People of the Philippines (the "State") is a sovereign political entity represented by the Office of the Solicitor General (OSG), with address at 134 Amorsolo Street, Legaspi Village, Makati City.

Nature and Timeliness of the Petition

4. This is a Petition for *Certiorari* under Rule 65 of the 1997 Rules of Civil Procedure (the "Rules of Court"), seeking the reversal

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[4] *See* An Act Further Defining the Jurisdiction of the Sandiganbayan, Amending for the Purpose Presidential Decree No. 1606, as Amended, Providing Funds Therefor, and for Other Purposes, Presidential Decree No. 1606 (2007).

and setting aside of the Sandiganbayan's Resolutions dated 5 February 2015[5] and 28 May 2015[6] (the "Resolutions") in SB-14-CRM-0240 entitled, *"People of the Philippines v. Ramon "Bong" Revilla, Jr., et al.,"* which granted the State's *"Ex-parte* Motion for Issuance of *Writ* of Preliminary Attachment/Garnishment" dated 26 October 2014 (the *"Ex-Parte* Motion").

5. Petitioner received a copy of the assailed Resolution dated 5 February 2015 on 6 February 2015. On 9 February 2015, petitioner filed his "Motion for Reconsideration" of even date. However, in its assailed Resolution dated 28 May 2015, a copy of which petitioner received on 3 June 2015, the Sandiganbayan denied petitioner's Motion for Reconsideration.

6. Accordingly, petitioner has sixty (60) days from 3 June 2015 or until 3 August 2015,[7] within which to assail the Resolutions of the Sandiganbayan before this Honorable Court. Thus, this petition is filed within the reglementary period provided under Rule 65 of the Rules of Court.

7. Petitioner questions the Sandiganbayan's Resolutions for having been issued with grave abuse of discretion amounting to lack or excess jurisdiction. Other than this Petition, there is no appeal, or any other plain, speedy and adequate remedy in the ordinary course of law by which petitioner may seek relief therefrom.

Statement of Facts and of the Case

8. In 2013, Benhur K. Luy ("Luy"), together with the other "whistleblowers" exposed the alleged misuse of the lawmakers' Priority Development Assistance Fund (PDAF) through the use of supposed bogus non-governmental organizations ("NGOs")

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[5] A certified true copy of which is attached as Annex "A" hereof.

[6] A certified true copy of which is attached as Annex "B" hereof.

[7] The 60th day, 2 August 2015, is a Sunday, a non-working day. The next working day is on 3 August 2015, a Monday.

controlled by Janet Lim Napoles ("Napoles"), or the so-called "PDAF scam."

9. These "whistleblowers" accused the lawmakers of initiating the PDAF scam by endorsing the NGOs of Napoles, which in turn became the recipients of the lawmakers' PDAF allocations for the purpose of implementing projects authorized under the Department of Budget and Management (DBM) Project Menu. Petitioner was among those implicated by the "whistleblowers" as a participant in the PDAF scam.

10. Petitioner was impleaded for allegedly authorizing the release of his PDAF allocation to Napoles' NGOs, and in turn supposedly receiving rebates and commissions from said funds that were purportedly allocated to ghost projects. Petitioner's alleged participation in the PDAF scam was solely based on his supposed endorsement of Napoles' NGOs based on the accounts of the "whistleblowers" in their sworn affidavits and petitioner's signatures on so-called PDAF documents, both of which were admitted by the same "whistleblowers" as forged by them.

11. On 16 September 2013, the National Bureau of Investigation (NBI) and Atty. Levito Baligod filed with the Office of the Ombudsman ("Ombudsman") a criminal complaint against petitioner, among others, for violation of Republic Act (R.A.) No. 7080 or the "Plunder Law". On 18 November 2013, a similar complaint was likewise filed by the Ombudsman's Field Investigation Office (FIO) against petitioner.

12. These criminal complaints allege that (a) petitioner, while being a Senator of the Republic of the Philippines, supposedly designated or endorsed bogus NGOs controlled by Napoles to be the recipients of his PDAF for the purpose of implementing projects authorized in the DBM Project Menu; (b) these projects, however, were either unimplemented or under implemented; and (c) the proceeds of the PDAF supposed to be allocated therefor were allegedly misappropriated and converted to the personal use of petitioner,

Napoles, and other implicated individuals, by purportedly dividing among themselves the amounts in accordance with the alleged scheme initially agreed upon.

13. In its Joint Resolution dated 28 March 2014 (the "Joint Resolution"),[8] the Ombudsman found probable cause to charge petitioner with the crime of plunder.

14. In his "Petition for Certiorari and Prohibition under Rule 65 (with Prayer for Temporary Restraining Order and/or Writ of Preliminary Injunction)" dated 16 June 2014 which was filed on 17 June 2014 with this Honorable Court, docketed as G.R. Nos. 212694-95, and entitled *"Revilla, Jr. et al. v. Office of the Ombudsman, et al.,"* petitioner assailed the Joint Resolution as being issued with grave abuse of discretion, or with lack of or in excess of jurisdiction. This petition for certiorari is still pending resolution.

15. Meanwhile, on 5 June 2014, an Information for plunder was filed with the Sandiganbayan, charging petitioner with supposedly conspiring with Atty. Richard A. Cambe ("Atty. Cambe") and Napoles, among others, for allegedly amassing, accumulating and acquiring ill-gotten wealth.

16. On 4 November 2014, petitioner in the course of the proceedings before the Sandiganbayan, received a copy of the State's "*Ex-Parte* Motion for Issuance of *Writ* of Preliminary Attachment/Garnishment" dated 26 October 2014,[9] seeking the issuance of a *writ* of preliminary attachment and/or garnishment against monies and properties of petitioner to supposedly serve as security for the alleged "ill-gotten wealth" of petitioner in the amount of P224,512,500.00,[10] based on news reports and a supposed report from the Anti-Money Laundering Council (AMLC).

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[8] A copy of which is attached as Annex "C" hereof.

[9] A copy of the *Ex-Parte* Motion for Issuance of Writ of Preliminary Attachment/ Garnishment dated 26 October 2014 is attached as Annex "D" hereof.

[10] Annex "A"

17. In said *Ex-Parte* Motion, the State relied on unverified news reports saying that petitioner's "bank accounts were terminated immediately before and after the PDAF scandal circulated in the media".[11] The State also quoted Sections 1 and 2 of Rule 57, and Sections 2(b) and (c) of Rule 127 of the Rules of Court to support its application for preliminary attachment or garnishment.

18. On 14 November 2014, petitioner filed his "Opposition (To the State's *Ex-Parte* Motion for Issuance of *Writ* of Preliminary Attachment/ Garnishment dated 26 October 2014)."[12]

19. On 28 January 2015, petitioner received a copy of the State's "Urgent Motion for Issuance of *Writ* of Preliminary Attachment/Garnishment" dated 20 January 2015.[13]

20. In the assailed Resolution dated 5 February 2015, a copy of which petitioner received on 6 February 2015, the Sandiganbayan granted the *Ex-Parte* Motion, notwithstanding the State's failure to comply with the requirements for the proper issuance of a preliminary *writ* of attachment. The dispositive portion of said Resolution states that:

> WHEREFORE, In light of all the foregoing, and finding the prosecution's *Ex-Parte Motion for Issuance of Writ of Preliminary Attachment/Garnishment*, dated October 26, 201, to be sufficient both in form and substance, the said motion is hereby **GRANTED**.
>
> Let a Writ of Preliminary Attachment issue as against accused Ramon "Bong" B. Revilla, Jr., requiring the Sheriff of this Court to attach so much of the property in the Philippines of the said accused, not exempt from execution, as may be sufficient to satisfy the applicant's demand in an amount not exceeding P224,512,500.00

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[11] *Supra*, p.4.

[12] A copy of the Opposition (To the Prosecution's Ex-Parte Motion for Issuance of Writ of Preliminary Attachment/ Garnishment dated 26 October 2014) dated 14 November 2014 is attached as Annex "E" hereof.

[13] A copy of the Urgent Motion for Issuance of Writ of Preliminary Attachment/Garnishment dated 20 January 2015 is attached as Annex "F" hereof.

SO ORDERED.

21. On 9 February 2014, petitioner filed his "Motion for Reconsideration (of [the Sandiganbayan's] Resolution dated 5 February 2015)."[14] The State filed its "Comment/Opposition [RE: Accused Revilla's MOTION FOR PARTIAL RECONSIDERATION (of this Honorable Court's Resolution dated 5 February 2015)]" dated 12 February 2015.[15] On 27 February, petitioner filed his "Reply (To Plaintiff's Comment/Opposition dated 12 February 2015)" dated 20 February 2015.[16]

22. On 3 June 2015, petitioner received a copy the Resolution dated 28 May 2015, denying his Motion for Reconsideration. The dispositive portion of which states:

> WHEREFORE, in light of all the foregoing, accused Revilla's Motion for Reconsideration, dated February 9, 2015 is hereby **DENIED** for lack of merit.
>
> **SO ORDERED.**

23. Under Section 4, Rule 65 of the Rules of Court, petitioner has a period of sixty (60) days from 3 June 2015, or until 3 August 2015,[17] within which to file the instant petition.

Hence, this petition.

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[14] A copy of the Motion for Reconsideration (of this Honorable Court's Resolution dated 5 February 2015) dated 9 February 2015 is attached as Annex "G" hereof.

[15] A copy of the Comment/Opposition [RE: Accused Revilla's MOTION FOR PARTIAL RECONSIDERATION (of this Honorable Court's Resolution dated 5 February 2015)] dated 12 February is attached as Annex "H" hereof.

[16] A copy of the Reply (To Plaintiff's"Comment/Opposition dated 12 February 2015) dated 20 February 2015 is attached as Annex "I" hereof.

[17] The 60th day, 2 August 2015, is a Sunday, a non-working day. The next working day is on 3 August 2015, a Monday.

GROUNDS FOR THE PETITION

THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN GRANTING THE STATE'S *EX-PARTE* MOTION FOR THE ISSUANCE OF A *WRIT* OF PRELIMINARY ATTACHMENT CONSIDERING THAT:

(A) THE ISSUANCE OF THE ASSAILED *WRIT* IS ERRONEOUS AND PREMATURE. THE PLUNDER LAW DOES NOT ALLOW THE ISSUANCE OF A *WRIT* OF PRELIMINARY ATTACHMENT, AS IT AMOUNTS TO A PREJUDGMENT AND VIOLATES PETITIONER'S CONSTITUTIONAL RIGHTS TO PRESUMPTION OF INNOCENCE AND DUE PROCESS; AND

(B) THERE IS NEITHER LEGAL NOR FACTUAL BASIS FOR THE ISSUANCE OF THE *WRIT* OF PRELIMINARY ATTACHMENT OR GARNISHMENT.

Discussion

The issuance of the Writ of Preliminary Attachment is premature and invalid. It is not allowed under the Plunder Law as it would amount to a prejudgment in a criminal case, in violation of an accused's constitutional rights to presumption of innocence and to due process.

24. The issuance of a *writ* of preliminary attachment cannot be allowed under the Plunder Law, Section 2 of which provides:

> Definition of the Crime of Plunder; Penalties. — Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1(d) hereof in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be punished by reclusion perpetua to death. Any person who participated with the said public officer in the commission of an offense contributing to the crime of plunder shall likewise be punished for such offense. ***In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and all ill-gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof forfeited in favor of the State.***[18]

25. It is clear that under the Plunder Law, there should first be a declaration from the Sandiganbayan that petitioner's monies, assets and properties are "ill-gotten." Under Section 2 of the Plunder Law, such a declaration is considered a penalty, a consequence of one who has already been found guilty of the crime.

26. Forfeiture cannot be made before a judgment of conviction. It is only upon conviction, and after a declaration that the assets so amassed, accumulated or acquired are ill-gotten, that a case for forfeiture may arise.

27. In *Wellex Group, Inc. v. Sandiganbayan,*[19] this Honorable Court ruled that:

> Forfeiture in a criminal case is considered *in personam*, similar to a money judgment that runs against a defendant until it is fully satisfied. ***The criminal forfeiture is considered part of the criminal proceedings against the defendant, rather than a separate proceeding against the property itself. The scope of criminal forfeiture by the***

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[18] As amended by RA 7659, approved 13 December 1993; Emphasis supplied.
[19] G.R. No. 187951, 25 June 2012.

> ***government includes any property, real or personal, involved in the crime or traceable to the property. The term "involved in" has consistently been interpreted broadly by court to include any property involved in, used to commit, or used to facilitate the crime.***
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> . . . . . .
>
> In its Resolution dated 28 January 2008 (in Criminal Case No. 26558 from which the assailed Resolutions subject of this Petition originated), the Sandiganbayan correctly laid the bases of its Order of forfeiture as follows:
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> > The provision of Section 2 must be interpreted in its entirety and cannot be confined to words and phrases which are taken out of context. The trunk of the tree of forfeiture under Section 2 is ill-gotten wealth and the branches of the ill-gotten wealth are the interests, incomes, assets, properties and shares of stocks derived from or traceable to the deposit or investment of such ill-gotten wealth.
> >
> > ***Interpreted otherwise, what should be forfeited are assets in whatever form that are derived or can be traced to the ill-gotten wealth as defined under sub-pars. 1-6, par. (d), Section 1 of the Plunder Law. Should Assets (sic) not derived, nor traceable to the ill-gotten wealth be forfeited in favor of the State, such would result in deprivation of property without due process of law.***[20]

28. Thus, any declaration of ill-gotten wealth cannot be made at this early stage of the proceedings before the Sandiganbayan, for it would be grossly premature, especially since trial on the merits has not yet even started. With the issuance of a *writ* of preliminary attachment against petitioner, the Sandiganbayan has effectively declared ***all*** of petitioner's properties as ill-gotten without affording him his constitutional right to due process of law. Surely, the State's plain allegation that petitioner's properties are ill-gotten is far from being conclusive proof thereof.

29. Highly relevant in this case is the case of *Pleyto v. Philippine National Police Criminal Investigation and Detection Group (PNP-CIDG),*[21]

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[20] Emphasis supplied.

[21] G.R. No. 169982, 23 November 2007.

where this Honorable Court held that the seeming discrepancy between net worth and income cannot conclusively show that there is unlawful accumulation of wealth, much less ill-gotten wealth, thus:

> ***Nonetheless, this Court finds that the table prepared by the Office of the Ombudsman, using what the petitioner referred to as the "net-worth-to-income-discrepancy analysis," may be effective only as an initial evaluation tool, meant to raise warning bells as to possible unlawful accumulation of wealth by a public officer or employee, but it is far from being conclusive proof of the same.*** While the variations in net worth from year to year may be readily apparent by mere comparison, the reasons therefor may not be so easily discerned. An increase in net worth in the succeeding year may not always be due to the acquisition of more properties by purchase. Many factors may account for the increase in net worth, such as the reduction or payment of liabilities in the succeeding year resulting in an increase in net worth even though the assets remain constant; or a donation or inheritance which may significantly increase the assets without any or with very minimal corresponding liability. ***Hence, "net-worth-to-income-discrepancy analysis" may seem deceptively simple, but it is, in fact, more complex, and prudence must be exercised in drawing conclusions therefrom.***
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> . . . . . .

30. This Honorable Court also ruled in *Marcos v. Republic*[22] that even in forfeiture proceedings, which require a lesser degree of evidence than a criminal case, there are requisite facts to be proven before a property can be considered as "ill-gotten," to wit:

> For a petition to flourish under the forfeiture law, it must contain the following:
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> (a) The name and address of the respondent.
>
> (b) The public office or employment he holds and such other public offices or employment which he has previously held.
>
> (c) The approximate amount of property he has acquired during his incumbency in his past and present offices and employments.

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[22] G.R. No. 189434, 25 April 2012.

(d) A description of said property, or such thereof as has been identified by the Solicitor General.

(e) The total amount of his government salary and other proper earnings and incomes from legitimately acquired property, and

(f) Such other information as may enable the court to determine whether or not the respondent has unlawfully acquired property during his incumbency.

31. The crime of plunder is considered as *sui generis* in exacting civil liability *vis-à-vis* the need to first prove beyond reasonable doubt the amassing, accumulation or acquisition of ill-gotten wealth through bribery, misappropriation, malversation, etc.[23] Thus, the forfeiture cannot be made before a judgment of conviction. It is only upon conviction and a declaration that assets so amassed, accumulated or acquired are ill-gotten can forfeiture ensue.

32. The issuance of a *writ* of preliminary attachment before any declaration that properties of petitioner are ill-gotten, as in this case, amounts to a premature penalty, since it can only be imposed in the unforeseeable event that petitioner is found guilty of the crime of plunder. Such issuance violates petitioner's constitutional right to due process. This Honorable Court held in *Estrada v. Sandiganbayan,*[24] *viz:*

> The running fault in this reasoning is obvious even to the simplistic mind. ***In a criminal prosecution for plunder, as in all other crimes, the accused always has in his favor the presumption of innocence which is guaranteed by the Bill of Rights, and unless the State succeeds in demonstrating by proof beyond reasonable doubt that culpability lies, the accused is entitled to an acquittal. The use of the "reasonable doubt" standard is indispensable to command the respect and confidence of the community in the application of criminal law. It is critical that the moral force of criminal law be not diluted by a standard of proof that leaves people in doubt whether innocent men are being condemned.*** It is also important in our free society that every individual going about his ordinary

[23] R.A. No. 7080, Section 1(d).

[24] G.R. No. 148560, 19 November 2001.

> affairs has confidence that his government cannot adjudge him guilty of a criminal offense without convincing a proper factfinder of his guilt with utmost certainty. ***This "reasonable doubt" standard has acquired such exalted stature in the realm of constitutional law as it gives life to the Due Process Clause which protects the accused against conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime with which he is charged***
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> . . . . . .
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> It is thus plain from the foregoing that the legislature did not in any manner refashion the standard quantum of proof in the crime of plunder. The burden still remains with the prosecution to prove beyond any iota of doubt every fact or element necessary to constitute the crime.

33. This Honorable Court also held in *Cabal v. Kapunan*[25] that:

> In a strict signification, a forfeiture is a divestiture property without compensation, in consequence of a default an offense, and the term is used in such a sense in this article. ***A forfeiture, as thus defined, is imposed by way of punishment not by the mere convention of the parties, but by the lawmaking power, to insure a prescribed course of conduct. It is a method deemed necessary by the legislature to restrain the commission of an offense and to aid in the prevention of such an offense. The effect of such a forfeiture is to transfer the title to the specific thing from the owner to the sovereign power.***[26]

34. While Rule 127, Section 2(b) of the Rules of Court allows an attachment when "the criminal action is based on a claim for money or property embezzled or fraudulently misapplied or converted to the use of the accused who is a public officer," this does not and cannot include or contemplate criminal actions based on the amassing, accumulating or acquiring of ill-gotten wealth.

35. The Plunder Law punishes "(a)ny public officer who, by himself or in connivance with members of his family, relatives by

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[25] G.R. No. L-19052, 29 December 1962.

[26] 23 Am. Jur. 599; Emphasis supplied.

affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1(d) hereof in the aggregate amount or total value of at least Fifty Million Pesos (P50,000,000.00)."[27]

36. Rule 127 of the Rules neither includes nor contemplates acts under Section 2 of the Plunder Law. Petitioner cannot be considered as having embezzled or fraudulently misapplied or converted money or property as he was neither in possession nor control of the PDAF funds.

37. "Embezzlement," by definition, is "the fraudulent appropriation to one's own use of money or goods ***entrusted to one's care by another***; the fraudulent appropriation of property by a person ***to whom it has been intrusted*** or into whose hands it has lawfully come."[28] The kickbacks or commission allegedly received by petitioner cannot be considered as property lawfully entrusted to him which can be the subject of fraudulent appropriation or embezzlement.

38. Neither can such alleged receipt of kickbacks or commissions be considered as fraudulent conversion under Section 1(d)(2) of the Plunder Law since the word "conversion" connotes an act of using or disposing of another's property as if it were one's own, or of devoting it to a purpose or use different from that agreed upon.[29]

39. Even assuming that Rule 127 on attachment contemplates or covers the predicate acts of plunder, still ***it does not amount to the crime of plunder itself,*** which requires proof of amassing, accumulating or acquiring of ill-gotten wealth in the amount of at least Php50,000,000.00.

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[27] Section 2, R.A. No. 7080.

[28] Davis v. Director of Prisons, G.R. No. L-6399, 6 October 1910; People v. Avila, G.R. No. L-19786, 31 March 1923.

[29] Amorsolo v. People, G.R. No. 76647, 30 September 1987.

40. Petitioner respectfully submits that Rule 127 of the Rules of Court, which was already present in the 1985 Rules of Criminal Procedure (the "1985 Rules"), does not consider criminal acts covered by the Plunder Law. Rule 127 of the 2000 Rules of Criminal Procedure (the "2000 Rules") is almost an exact reproduction of Rule 127 of the 1985 Rules. When the 1985 Rules were crafted, the framers thereof could not have contemplated the Plunder Law, the latter having been enacted much later, or only on 12 July 1991. Despite the passage of the Plunder Law in the interim, the framers of the 2000 Rules still reproduced Rule 127 of the 1985 Rules without incorporating therein, as additional grounds, the acts violative of the Plunder Law, *i.e.* amassing, accumulating or acquiring of ill-gotten wealth in the amount of at least Php50,000,000.00.

41. Hence, the framers of the 2000 Rules obviously did not intend for the provisional remedy of attachment to be made applicable to secure the possible forfeiture of ill-gotten wealth contemplated under Section 2 of the Plunder Law, which specifically provides that there can only be forfeiture upon conviction, after a finding beyond reasonable doubt that the properties or assets subject of the crime of plunder are ill-gotten.

42. Section 2 of the Plunder law thus necessitates a prior declaration and determination as to what assets or properties are "ill-gotten," to wit:

> Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt or criminal acts as described in Section 1(d) hereof in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be punished by reclusion perpetua to death. Any person who participated with the said public officer in the commission of an offense contributing to the crime of plunder shall likewise be punished for such offense. ***In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and all ill-***

> ***gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof forfeited in favor of the State.***[30]

43. It should also be emphasized that other than imprisonment and the forfeiture of properties, the Plunder Law does not provide for any other liability. Thus, the State cannot be allowed to mistake forfeiture with ordinary civil liabilities such as reparation, restitution or indemnification. At the risk of being repetitive, ***the Plunder Law only allows forfeiture only after a conviction.*** In *Esler v. Ledesma,*[31] the Supreme Court held that:

> The civil liability for reparation of damages and for indemnification for the harm done is purely statutory (Albert, The Law on Crimes, p.161). ***In special acts enacted by the Philippine Legislature analogous in nature to the Code of Criminal Procedure, it has invariably been found necessary to make particular mention of indemnity it be recoverable.*** For instance, ***as Act No. 518 failed to provide for an indemnity, this court, speaking through Mr. Justice Mapa and Mr. Chief Justice Arellano, held it error to impose upon the defendants the obligation to pay indemnification*** (U.S. vs. Patino [1905], 4 Phil., 160; U.S. vs. De Ocampo [1905], 5 Phil., 324). Subsidiary imprisonment, according to Act No. 1732, can only be imposed when a fine is meted out as any part of the punishment for a criminal offense made punishable by any act or acts of the Philippine Commission. ***Even in a conviction for a violation of an article of the Penal Code, when there is no provision in the law authorizing the payment of an indemnity, it cannot legally be imposed*** (U.S. vs. Noriega and Tobias [1915], 31 Phil., 310).[32]

44. The Sandiganbayan is well aware that petitioner cannot be penalized with forfeiture unless there is a verdict of conviction for plunder. A *writ* of preliminary attachment -- a premature declaration of ill-gotten wealth -- amounts to a penalty under the Plunder Law. Hence, the Sandiganbayan gravely erred in ordering the attachment and garnishment of petitioner's monies, properties, and assets even without or prior to conviction. To be sure, the Rules of Court and the

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[30] As amended by R.A. No. 7659, approved on 13 December 1993; Emphasis supplied.

[31] G.R. No. 28638, 21 September 1928.

[32] Emphasis supplied.

Plunder Law could not be interpreted in an unjust and unconstitutional manner. In *Intestate Estate of Manolita Gonzales vda. de Carungcong v. People of the Philippines, et al.*,[33] this Honorable Court held that:

> Fourth, the fundamental principle in applying and in interpreting criminal laws is to resolve all doubts in favor of the accused. *In dubio pro reo.* When in doubt, rule for the accused. This is in consonance with the constitutional guarantee that the accused shall be presumed innocent unless and until his guilt is established beyond reasonable doubt.
>
> Intimately related to the *in dubio pro reo* principle is the rule of lenity. The rule applies when the court is faced with two possible interpretations of a penal statute, one that is prejudicial to the accused and another that is favorable to him. The rule calls for the adoption of an interpretation which is more lenient to the accused.

45. In criminal cases, the essence of due process is a hearing before conviction,[34] and as applied to this case, a judgment of conviction or a declaration of petitioner's properties as "ill-gotten" before the same are supposedly attached or forfeited. In the case of *Unicraft Industries International Corporation, et al. v. Court of Appeals, et al.*, this Honorable Court held that:[35]

> The right of due process is fundamental in our legal system and we adhere to this principle not for reasons of convenience or merely to comply with technical formalities but because of a strong conviction that every man must have his day in court.
>
> In its most basic sense, the right to due process is simply that every man is accorded a reasonable opportunity to be heard. Its very concept contemplates freedom from arbitrariness, as what is required is fairness or justice. It abhors all attempts to make an accusation synonymous with liability.

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[33] G.R. No. 181409, 11 February 2010.

[34] Mutuc v. Court of Appeals, G.R. No. 48108, 26 September 1990.

[35] G.R. No. 134903, 26 March 2001.

46. However, as above shown, the preliminary attachment of petitioner's properties constitutes an outright and virtual forfeiture and confiscation thereof even prior to any verdict of conviction, in violation of the Plunder Law. In other words, the illegal attachment of petitioner's properties already prematurely penalized him without benefit of a full-blown trial, and absent any declaration or finding that his properties are ill-gotten, as expressly mandated by Section 2 of the Plunder Law.

47. This is a clear violation of petitioner's constitutional rights to presumption of innocence, and to due process of law, the essence of which is distilled in the immortal cry of Themistocles to Alcibiades, *"Strike — but hear me first!"*[36] Thus, as held by this Honorable Court in *Salva v. Valle*:[37]

> More importantly, the denial of the fundamental right to due process in this case being apparent, the dismissal order issued by petitioner in disregard of that right is void for lack of jurisdiction. The cardinal precept is that where there is a violation of basic constitutional rights, courts are ousted from their jurisdiction. The violation of a party's right to due process raises a serious jurisdictional issue which cannot be glossed over or disregarded at will. It is well-settled that a decision rendered without due process is void ab initio and may be attacked at any time directly or collaterally by means of a separate action, or by resisting such decision in any action or proceeding where it is invoked.

Even assuming arguendo that Rule 127 of the Rules of Court is applicable to the Plunder Law, there is still neither legal nor factual basis for the issuance of the Writ of Preliminary Attachment.

48. As mentioned, there is yet no declaration that petitioner's properties, monies and assets were unlawfully acquired or "ill-gotten." Such declaration cannot in law or equity be made. To do so

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[36] Ynot v. Intermediate Appellate Court, G.R. No. 74457, 20 March 1987.
[37] G.R. No. 193773, 2 April 2013.

would be a violation of petitioner's constitutional right to due process. In fact, pursuant to petitioner's constitutional right as an accused, these subject properties are presumed to have been lawfully acquired, unless the contrary is proven after trial.

49. At this stage of the proceedings before the Sandiganbayan, there is yet no evidence that was presented to support that petitioner received kickbacks or commissions. Even the testimonies and ledgers presented by the State during the bail hearings are riddled with speculations, conjectures, and unauthenticated and hearsay evidence. Alleged "superstar" witness Luy, and the other witnesses, admitted that at no instance did they meet or speak with petitioner. Worse, Luy and the other witnesses confessed to the habit of forging documents and signatures. It is a fundamental rule that testimony should not only come from the mouth of a credible witness, lest it should likewise be credible and reasonable in itself, candid, straightforward and in accord with human experience.[38] Clearly, there is still no credible evidence to show that all of petitioner's monies, assets and properties are ill-gotten.

50. Thus, even assuming for the sake of argument, although highly disputed, that the Plunder Law allows the issuance of a *writ* of preliminary attachment under Rule 127 of the Rules of Court despite the absence of a declaration of "ill-gotten wealth," there is still no basis for the issuance thereof in this case.

51. In the assailed Resolutions, the Sandiganbayan gravely erred in finding that the State's bare allegations that (a) petitioner "himself publicly confirmed that he closed several bank accounts at the time when the PDAF scam was exposed by the media;" and (b) petitioner "has no visible sufficient security for the claim of the Government against him," were sufficient bases to grant the application for a *writ* of preliminary attachment. These allegations are mere speculations which should not have been considered and given any evidentiary weight by the Sandiganbayan.

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[38] People v. Cantila, G.R. No. 139458, 27 December 2002.

52. Contrary to the Sandiganbayan's finding, it is well-settled that media reports cannot be considered as admissible nor credible evidence of fact, even if such media reports were unrebutted. As held by the Supreme Court in *Pacquing v. Court of Appeals, et al.*:[39]

> . . . However, ***newspaper articles amount to "hearsay evidence, twice removed" and are therefore not only inadmissible but without any probative value at all whether objected to or not,*** unless offered for a purpose other than proving the truth of the matter asserted.[40]

53. The Sandiganbayan therefore abused its discretion in relying on the news reports cited by the State for being based on mere hearsay, and hence, inadmissible in evidence and without any probative value.

54. Moreover, a mere quotation of Rule 57 of the Rules of Court that petitioner allegedly does not have sufficient security to satisfy the State's baseless claim cannot justify the issuance of a *writ* of preliminary attachment against petitioner. Jurisprudence dictates that an applicant for said *writ* cannot rely on bare allegations.

55. In fact, in *Philippine Bank of Communications v. Court of Appeals,*[41] this Honorable Court held that a hearing should first be held to require the applicant to substantiate its allegations in its application for a *writ* of preliminary attachment, thus:

> We also agree with respondent Court of Appeals in CA-G.R. SP No. 32762 that the lower court should have conducted a hearing and required private petitioner to substantiate its allegations of fraud, embezzlement and misappropriation.
>
> To reiterate, petitioner's Motion for Attachment fails to meet the standard set forth in *D.P. Lub Oil Marketing Center, Inc. v. Nicolas,* in applications for attachment. In the said case, this Court cautioned --

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[39] G.R. No. 122954, 15 February 2000.

[40] Emphasis supplied.

[41] G.R. No. 115678, 23 February 2001.

> The petitioner's prayer for a writ of preliminary attachment hinges on the allegations in paragraph 16 of the complaint and paragraph 4 of the affidavit of Daniel Pe which are couched in general terms devoid of particulars of time, persons and places to support such a serious assertion that "defendants are disposing of their properties in fraud of creditors." ***There is thus the necessity of giving to the private respondents an opportunity to ventilate their side in a hearing, in accordance with due process, in order to determine the truthfulness of the allegations. But no hearing was afforded to the private respondents the writ having been issued ex parte. A writ of attachment can only be granted on concrete and specific grounds and not on general averments merely quoting the words of the rules.***[42]

56. ***What is also surprising is that the State attached a long list of properties supposedly owned by petitioner,***[43] ***and then contradicted itself by alleging that there is no sufficient security on its claim against him.*** This only shows that the State's allegations are bare and without any factual support. Such defective application cannot be a basis for the issuance of a *writ* of preliminary attachment against petitioner, as held by this Honorable Court in *Jardine-Manila Finance, Inc. v. Court of Appeals, et al:*[44]

> More specifically, it has been held that the failure to allege in the affidavit the requisites prescribed for the issuance of the writ of preliminary attachment, renders the writ of preliminary attachment issued against the property of the defendant fatally defective, and the judge issuing it is deemed to have acted in excess of his jurisdiction. In fact, in such cases, the defect cannot even be cured by amendment.
>
> ***Since the attachment is a harsh and rigorous remedy which exposes the debtor to humiliation and annoyance, the rule authorizing its issuance must be strictly construed in favor of defendant. It is the duty of the court before issuing the writ to ensure that all the requisites of the law have been complied with. Otherwise, a judge acquires no jurisdiction to issue the writ.***

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[42] Emphasis supplied.

[43] A copy Annex "B-Motion" of the Affidavit of Merit dated 26 October 2014 is attached as Annex "J" hereof.

[44] G.R. No. 55272, 10 April 1989.

> The general rule is that the affidavit is the foundation of the writ, and if none be filed or one be filed which wholly fails to set out some facts required by law to be stated therein, there is no jurisdiction and the proceedings are null and void. Thus, while not unmindful of the fact that the property seized under the writ and brought into court is what the court finally exercises jurisdiction over, the court cannot subscribe to the proposition that the steps pointed out by statutes to obtain such writ are inconsequential, and in no sense jurisdictional.
>
> ***Considering that petitioner's application for the subject writ of preliminary attachment did not fully comply with the requisites prescribed by law, said writ is, as it is hereby declared null and void and of no effect whatsoever.***[45]

57. Even the reports submitted by the Anti-Money Laundering Council (AMLC) are highly unreliable. One cannot deny the hearsay character of these reports considering that the AMLC only receives information from third parties, without even any method of verification.

58. A plain reading of the tabular analysis made by the AMLC in its Inquiry Report reveals that there is no instance where the amounts supposedly released by Luy matched the amounts deposited within thirty (30) days therefrom, and there was even an instance where the distributed amount was smaller than the total deposits made within the 30-day period. Worse, there was even an entry where the deposit to the bank account of petitioner was made a day earlier than the supposed receipt of money from Luy. This only shows how arbitrary the methods employed in AMLC's examination were and how baseless its findings and conclusions are. On cross-examination, Atty. Leigh Vhon G. Santos admitted that:

> a) The AMLC did not exclude in its multiple account analysis, the deposits coming from the payroll account of Senator Revilla's wife ("Congresswoman Revilla");[46]

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[45] Emphasis supplied.

[46] Transcript of Stenographic Notes (TSN) 16 October 2014, P.M. session, p.29, a copy of the TSN dated 16 October 2014, P.M. session is attached as Annex "K" hereof.

b) There were several withdrawals from Congresswoman Revilla's legitimate payroll accounts that corresponded to deposits in Senator Revilla's bank accounts that the A MLC examined, and which deposits were hastily and erroneously considered by the AMLC as coming from unexplained sources;[47] and

c) The AMLC reported a bank account of Senator Revilla and his family to be a Davao branch, when in fact same was a branch in Cavite.[48]

59. The AMLC's report categorically stated that it is a mere initial report or a report that is not final. To be sure, the Sandiganbayan cannot possibly find basis for petitioner's continued deprivation of his Constitutional rights based on a report that is not even final.

60. Moreover, and perhaps more importantly, the AMLC Inquiry Report is mainly premised and greatly dependent on the records provided by Luy, to the effect that without the accounts and records of Luy, the AMLC would absolutely have no means of making any finding against petitioner. The AMLC's basis for concluding that petitioner received, through Atty. Cambe, PDAF rebates from Luy is merely based on Luy's ledgers. Again, the AMLC set the 30-day period of examination and proceeded to conclude that any cash deposit made in petitioner's accounts within such period came from the same amounts distributed to petitioner as indicated in Luy's ledger, absent at least a reasonable or logical connection between these transactions. As its findings are based on the records and accounts of Luy, which are equally incredulous, the credibility of the AMLC Report itself is doubtful. And it is nothing but hearsay.

61. In fine, the Sandiganbayan's Resolution was neither based on fact nor evidence, but on pure speculation and conjecture. This cannot be allowed. In *Republic v. Sandiganbayan,*[49] this Honorable Court held that:

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[47] Annex "K," pp. 81-85.
[48] Annex "K," pp. 18-19, pp. 62-69 and 78-90.
[49] 255 SCRA 438 (1996).

> [A] fact cannot be found by mere surmise or conjecture. Suspicion cannot give probative force to testimony which in itself is insufficient to establish or to justify an inference of a particular fact, for "the sea of suspicion has no shore, and the court that embarks upon it is without rudder or compass." And it is not the habit of any courts of justice to yield themselves up in matter of right to mere conjectures and possibilities, courts are not permitted to render verdicts or judgments upon guesses or surmises.[50]

62. Moreover, the Resolutions of the Sandiganbayan are wantonly unjust for being grossly prejudicial to petitioner, thus giving a semblance of persecution. To reiterate, the State merely submitted a bare list of properties supposedly owned by petitioner, without any proof. Such indiscriminate listing includes properties which were not even proven to be in the name of petitioner, and have not even been declared as ill-gotten.

63. Any attachment on properties not owned by petitioner, and which have not been found to be ill-gotten, renders the *writ* of preliminary attachment void. In *Escovilla v. Court of Appeals*,[51] this Honorable Court ruled that:

> xxx The levy by the sheriff of a property by virtue of a writ of attachment may be considered as made under the authority of the court only when the property levied upon belongs to the defendant. ***If he attaches properties other than those of the defendant, he acts beyond the limits of this authority.*** xxx[52]

64. Further, this Honorable Court held in in *Uy v. Court of Appeals*[53] that:

> In like manner, the sale of the disputed properties at the public auction, in satisfaction of a judgment of a co-equal court does not render the case moot and academic. ***The undeviating ruling of***

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[50] *Id.* at 473.

[51] G.R. No. 84497, 6 November 1989; Bayer Philippines, Inc. v. Agana, 63 SCRA 355 (1975).

[52] Emphasis supplied.

[53] G.R. No. 83897, 9 November 1990, citing Orosco v. Nepomuceno, 57 Phil. 1007 (1932-33).

> ***this Court in such cases is that attachment and sale of properties belonging to a third person is void because such properties cannot be attached and sold at public auction for the purpose of enforcing a judgment against the judgment debtor.***[54]

65. It should also be stressed that the Sandiganbayan, in its Resolution dated 1 December 2014, categorically ruled that:

> THE THIRD ELEMENT. Of the Php224,512,500.00 alleged in the Information to have been plundered by accused Revilla and/or Cambe, the prosecution has so far strongly proven the amount of P[hp]103,000,000.00 broken down below. This is the total amount received by accused Cambe for Revilla, to which Luy, Sula and Sunas have testified of their personal knowledge. In other words, Luy, Sula or Suñas either directly handed the money to accused Cambe, or they saw accused Napoles, or any one of them, give the money to accused Cambe.

66. Notwithstanding the Sandignabayan's finding that only Php103,000,000.00 was supposedly proven by the State (and given to accused Atty. Cambe, NOT to petitioner), it still ordered the issuance of an attachment *writ* for Php224,512,500.00. In effect, the Sandiganbayan already granted the State's forfeiture of petitioner's properties with neither proof nor evidence.

67. More importantly, the State's own listing[55] of petitioner's alleged properties, which are attached, shows that these were not acquired from 2006 to 2010, the period subject of the criminal case against petitioner before the Sandiganbayan. On the contrary, said listing even shows that many properties were acquired ***before*** 6 April 2006. Having been acquired prior said date, it only proves that these were legitimately acquired by petitioner, and they cannot be considered "ill-gotten," such as:

(a) Cadillac Escalade with Plate No. XRJ 525 acquired in 2004;[56]

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[54] Emphasis supplied.

[55] A copy of the Affidavit of Merit dated 26 October 2014 is attached as Annex "L" hereof, par. 8.

[56] Annex "J," p. 3.

(b) Toyota Jeep with Plate No. UPF 238 acquired in 2003;[57]
(c) Mitsubishi L300 with Plate No. WLV925 acquired in 2000;[58]
(d) Fuso Jitney with Plate No. DLL acquired in 1995;[59]
(e) the amount of Php55,035,677 as transactional balance in various banks as of 31 December 2005;[60] and
(f) investment of US$19,500.00 with MBTC under Account No. A00007724.[61]

68. To reiterate, in the case of *Wellex Group, Inc.*,[62] this Honorable Court affirmed that:

> xxx [W]hat should be forfeited are assets in whatever form that are derived or can be traced to the ill-gotten wealth as defined under sub-pars. 1-6, par. (d), Section 1 of the Plunder Law. Should Assets (sic) not derived, nor traceable to the ill-gotten wealth be forfeited in favor of the State, such would result in deprivation of property without due process of law.

69. Clearly, this to petitioner is unjustified persecution and prejudice, which this Honorable Court cannot allow. The mere discrepancy on the amounts subject of this criminal action proves the insufficiency and falsity of the State's factual allegations in its application for an attachment *writ*. As emphasized in *Wee v. Tankiansee*,[63] a *writ* issued on the basis of false or insufficient allegations should immediately be corrected:

> [T]he provisional remedy of preliminary attachment is harsh and rigorous for it exposes the debtor to humiliation and annoyance. The rules governing its issuance are, therefore, strictly construed against the applicant, such that if the requisites for its grant are not shown to be all present, the court shall refrain from issuing it, for, otherwise, the court which issues it acts in excess of its jurisdiction. Likewise, the writ should not be abused to cause unnecessary

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[57] *Id.*
[58] *Id.*
[59] *Id.*
[60] A copy of the AMLC Inquiry Report dated 7 October 2014 is attached as Annex "M" hereof, pp.48 and 52.
[61] *Id.*, p. 59.
[62] *Supra.*
[63] G.R. No. 171124, 13 February 2008.

> prejudice. If it is wrongfully issued on the basis of false or insufficient allegations, it should at once be corrected.

70. There is neither basis for the allegations that petitioner has the capacity to conceal, remove or dispose of his properties. Being a Senator of the Republic who is undergoing a very newsworthy trial, it is impossible for petitioner to find buyers who are willing to buy his properties pending litigation, especially since he immediately surrendered to the Sandiganbayan, and remains detained to this day.

71. Thus, the premature and urgent attachment and garnishment of petitioner's properties are illegal and unwarranted. To levy petitioner's properties would be to unjustly prejudice and harass him and his family. It would be a blatant prejudgment, a premature penalty of guilt without affording him his constitutional right to due process.

72. It cannot be overemphasized that *writs* of preliminary attachment cannot be based on an applicant's bare allegations or a mere quotation of the Rules of Court. It is granted only if based on concrete and specific grounds, which in this case, the State failed to establish. It should also be stressed that unlike forfeiture cases, which are in the nature of civil cases, the instant proceedings accord petitioner a constitutional right to be presumed innocent unless otherwise found by evidence beyond reasonable doubt.

73. As above shown, the State obviously treats its allegations of plunder as if they are already foregone conclusions. This is blatantly erroneous and grossly misleading because such claims, even at this point of the proceedings before the Sandiganbayan, remain unsubstantiated allegations. On the contrary, the State has in fact failed to prove, among others: (a) the elements of plunder; (b) the existence of conspiracy among the accused therein including petitioner; (c) the misuse or conversion of the PDAF funds; (d) petitioner's supposed receipt of kickbacks, and (e) the existence of ill-gotten wealth on his part.

74. From the foregoing, it is clear that the Sandiganbayan's assailed Resolutions, which prematurely ordered the attachment and garnishment of petitioner's properties, ignored and violated the Plunder Law, the Rules of Court, and petitioner's constitutional rights to life, liberty and property, due process and presumption of innocence. Instead, petitioner was already penalized without benefit of a full-blown trial. In the words of Justice Isagani Cruz:

> Once again we have to express the same admonition as we face yet another case in which an innocent man has been denied the sleep of the just because of an unseeming haste to condemn him.[64]

75. Thus, petitioner most respectfully beseeches this Honorable Court to nullify and set aside the Sandiganbayan's Resolutions dated 5 February 2015 and 28 May 2015 for having been issued with grave abuse of discretion, to the undue damage and prejudice of petitioner.

RELIEF

WHEREFORE, petitioner respectfully prays that this Honorable Court give due course to the petition and after proceedings duly had, nullify and set aside the Sandiganbayan, First Division's Resolutions dated 5 February and 28 May 2015, respectively.

Other reliefs, just or equitable under the premises, are likewise prayed for.

Makati City for the City of Manila, 29 July 2015.

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[64] Soliman v. Sandiganbayan, 145 SCRA 642 (1986).

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VERIFICATION AND CERTIFICATION

I, RAMON "BONG" B. REVILLA, JR., of legal age, Filipino and with current address at PNP Custodial Center, Camp Crame, Quezon City, under oath, state that:

1. I am the petitioner in this case.

2. I caused the preparation of the foregoing Petition and have read the contents thereof, all of which are true and correct, of my own personal knowledge or based on authentic records.

3. I hereby certify under oath that I have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency, and, to the best of my knowledge, no such other action or claim is pending therein. If I should hereafter learn that the same or similar action or claim has been filed or is pending, I undertake to report such fact to this Honorable Court within five (5) days therefrom.

RAMON "BONG" B. REVILLA, JR.
Affiant

REPUBLIC OF THE PHILPPINES)
QUEZON CITY, METRO MANILA) S.S.

SUBSCRIBED AND SWORN to before me this JUL 30 2015 day of July 2015 in Quezon City, affiant who is personally known to me and/or has satisfactorily proven his identity through competent evidence, exhibiting to me his Passport No. DE0010420 expiring on 3 June 2019 and his _____.

Doc. No. 466;
Page No. 95;
Book No. V;
Series of 2015.

KAREN KRISTI P. LACAP
Notary Public for Quezon City
Notarial Commission No. NP-177 (2014-2015)
Until December 31, 2015
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PTR No. 0559491; 1/05/2015, Quezon City
MCLE-exempt, per MCLE Governing Board Order
No. 1,s.2003

REPUBLIC OF THE PHILIPPINES)
MAKATI CITY) S.S.

WRITTEN EXPLANATION AND
AFFIDAVIT OF SERVICE

The undersigned messengerial staff of ESGUERRA & BLANCO LAW OFFICES, with office address at 4th Floor, S & L Building, dela Rosa corner Esteban Streets, Legaspi Village, Makati City, hereby states under oath:

1. I am assigned to deliver, serve and file papers, pleadings and other documents for the above law office. However, considering the number of pleadings and other papers which require personal delivery, it is impracticable for the affiant to serve and file them all by hand.

2. Upon instruction of Atty. Maria Patricia S. Salas, affiant served today the pleading described below:

Pleading: Petition dtd 29 July 2015
Case Title: Ramon Bong Revilla Jr. V. Sandiganbayan, First Div.
Civil Case No.: GR. No. For Certiorari under Rule 65
Venue : Supreme Court, Manila

3. The pleading described above was served personally or by registered mail to:

	Name and Address	
[X]	Personal Delivery	
	1. Supreme Court, Manila	
	2. Office of the Solicitor General	
	3. Archeta & Associates	
[X]	by Registered Mail	Registry Receipt No.
	1. Hon. Sandiganbayan First Div.	
	2. David Cui-David Buenaventura & Ang Law Offices	

(Please see attached list for additional parties)

4. The registry receipts issued by the mailing office are attached to the original pleading on file with this court.

Jonathan B. Hermosa
Affiant's Name and Signature

SUBSCRIBED AND SWORN to before me this 31st day of July 2015 at Makati City, affiant, who is personally known to me, and has satisfactorily proven to me his identity through competent evidence, exhibiting his Community Tax Certificate No. 02468097 issued on 17 February 2015 at Makati City and his SSS ID No. 03-9476966-2.

Doc. No. 757 ;
Page No. 50 ;
Book No. II ;
Series of 2015.

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