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Republic vs. Corona, *et al.*

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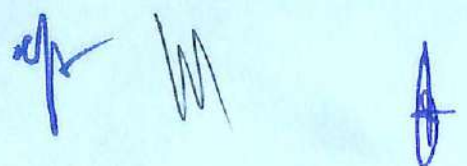
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In verifying her findings, Santos attested that *i*) she interviewed respondents; *ii*) she clarified some matters as regards the sources of funds, which they placed, invested or rolled over to earn substantial interest income; *iii*) she also prepared a table collating and summarizing the information from the separate tables per bank, and showing the sources of the funds deposited therein; *iv*) respondents pooled their funds together, including funds they held in trust, to maximize income through interest; *v*) the sources of funds in the bank documents not only consisted of respondents' compensation income, but also included the proceeds of the *Basa-Guidote Enterprises, Inc. (BGEI)* expropriation, funds from Ma. Carla Beatrice C. Castillo (*Carla*), Francis R. Corona (*Francis*), and Charina C. Salgado (*Charina*), and earnings from respondents' commingled funds over the years (source funds), even before CJ Corona's appointment to the Supreme Court; *vi*) the placements and deposits of these source funds show that these are bank transfers or credit transactions from another bank account. These funds were already existing in these bank accounts as early as 2002; *vii*) based on the bank documents, the funds are actually accounted for because of respondents' investments, placements and roll overs of the total revolving cash from 2002 to 2010, the amount of ₱88,488,723.36; *ix*) prior to 2002, respondents CJ Corona and his wife received the proceeds of the BGEI expropriation in 2001, which they invested in dollar time deposits from 2002 to 2005, resulting in interest income of about ₱10,000,000.00; and *xi*) the amount of ₱88,488,723.36 total revolving funds consisted of the following: the proceeds of the BGEI Expropriation in 2001 in the amount of ₱34,751,355.83, plus the interest it earned from dollar placements in the total amount of ₱10,000,000.00, Charina's, Carla's, and Francis' personal funds in the amounts of ₱15,000,000.00, ₱4,000,000.00, and ₱2,000,000.00, respectively, or in the total of ₱21,000,000.00, plus the interests these funds earned upon reinvestment, in the total amount of ₱6,000,000.00, respondents' commingled funds over the years in the amount of ₱8,650,000.00, and CJ Corona's compensation income in the amount of ₱9,785,056.26.

(4) Gloria L. Dalida, Examiner II of the Commission on Audit, State Auditor's Office, City of Manila, testified on her sworn *Judicial Affidavit*¹³⁴ dated October 15, 2021, and the attachments¹³⁵ thereto, being a legal custodian thereof and the officer who certified its copies, in relation to the BGEI's sale to the City Government of Manila of a parcel of land located along *Legarda St., Sampaloc, Manila* covered by TCT No. 76220, with an area of more or less 1,020.7 sq.m including the improvements thereon, in the amount of ₱34,703,800.00.

¹³⁴ Records (Vol. XI), pp. 5467-5477.

¹³⁵ See Exhibits "190", "190-D", "190-E", "187", "188", "186", "185", "182", "180" to "180-A", and "192" which pertain to LBP Check No. 188804; DV No. 101-2000105-533; Obligation No. 101-8751-05-04-2001CA; First Indorsement Letter dated May 16, 2001; Second Indorsement Letter dated May 22, 2001; First Indorsement dated March 9, 2001; Deed of Absolute Sale dated March 26, 2001; Secretary's Certificate dated June 19, 1987; TCT No. 76220; and Tax Declaration No. 00102096-00134.



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Upon completion of the presentation of the aforementioned witnesses, respondents formally offered their documentary evidence¹³⁶ through their *Formal Offer of Evidence*¹³⁷ [With Motion for Extension to Submit the Certified True Copy of [C] Corona's SALN for the Year Ended December 31, 2011] dated February 7, 2022. Petitioner then filed its *Comment/Opposition with Manifestation (Re: Formal Offer of Evidence)*¹³⁸ dated February 28, 2022. After which, the Court admitted some of the respondents' documentary evidence.¹³⁹

In their *Compliance with Motion to Admit*¹⁴⁰ dated April 21, 2022, respondents submitted a certified true copy of CJ Corona's 2011 SALN from the Supreme Court, to which the Court admitted as their Exhibit "10" in its *Resolution*¹⁴¹ dated June 6, 2022.

The Court then directed the parties to submit their respective memoranda.¹⁴² Respondents filed their *Memorandum Ad Cautelam*¹⁴³ on July 4, 2022 while petitioner filed its *Memorandum*¹⁴⁴ on July 11, 2022.

¹³⁶ See respondents' Exhibits Folder. The respondents offered the following pieces of documentary evidence: CJ Corona's SALNS from 2002 to 2011; Certification of Salaries allowances and other emoluments received by CJ Corona; 2002 to 2005 BIR Year-End Reports on Compensation; Certifications both dated January 5, 2012; CAR; Contract to Sell between Burgundy Realty Corporation and respondents; Declaration of Real Property No. 05609349; CCT No. 164-2010000062; CCT No. 164-2010000063; CCT No. 164-2010000064; CCT No. 164-2010000065; CCT No. N-35812; CCT No. N-11168; TCT No. 004-2010010259 TCT No. 004-2010010259; ; Deed of Absolute Sale notarized on December 16, 2009; Undated Deed of Absolute Sale; Tax Declaration No. EB-019-14923; Declaration Nos. D-056-01308, D-056-03442; TCT No. 85121; Memorandum of Encumbrances; CAR No. 2009 00288861; TCT No. 76220 (Certified True Copy (CTC)); several letters; CTC of Secretary's Certificate dated June 19, 1987; CTC of Deed of Absolute Sale dated March 26, 2001; CTC of "First Indorsement" dated March 9, 2001; CTC of First Indorsement dated May 16, 2001; CTC of Second Indorsement dated May 22, 2001; Certificate of Availability of Funds; CTC of LBP Check No. 1888804 dated June 5, 2001; CTC Disbursement Voucher (DV) No. 101-200105-533; Request for Obligation Allotment No. 101-8751-05-04-2001CA; CTC of pleadings and court issued documents for the criminal cases titled *People of the Philippines v. [CJ Corona]* docketed as SB-14-CRM-0196 to 0211 respectively; several LBP Certification dated June 7, 2012 with computer generated printouts of CJ Corona's LBP Current Account No. 3472-0008-36; LBP computer generated printouts of CJ Corona ATM Savings Account No. 0597-0660-82; Philam's Certification and computer generated printouts of the Statement of Account of Folio Nos. 60000015129 and 60000037432; Citibank Certification dated June 4, 2012 with attachment; PSBank Reconciliation; Bank Certifications all dated May 28, 2012 for PS Bank Account Nos. Nos. 089121011957, 089121017358, 089121019593, 089121020122, 089121012666, 089121012713, 089121012882, 089121021444, 089121021681, 089121020133, 089121023848, 089121014573, 089141007129, 089141017659, 089141017977, 089141018085, 089141007469, 089141008145, 089141016962, 089141019340, 089141019678, 089141024292, 089191000373, and 089111019584, 089101005094, 089111019787 and 08913002826; Computer generated printout of Savings Account No. 11101958-4; BPI Mutual Funds; BPI Certification of Mutual Fund Account Movements; BPI Certification dated June 13, 2012; Allied Bank Table; History of Daily Transactions for CA No. 1581-00741-6; 1582-00267-6 and 1588-02138-6 (Allied Bank); Table by DBMN; DBMN Certification dated June 6, 2012; CTC of Journal Nos. 11, 35, 41, & 43.

¹³⁷ Records (Vol. XI), pp. 5558-5602. See also Folder of respondents' exhibits.

¹³⁸ *Id.* at 5911-5930.

¹³⁹ See Records (Vol. XI) p. 5931. In the *Resolution* dated March 29, 2022, the Court admitted respondents' Exhibits "1" to "21", "23" to "27", "41" to "44", "58" to "62", "128", "161", "173" and "174", "180" to "182" "185" to "190" "209" and "201", "248" to "263", "268" to "295", "297" to "299" and "300" to "301". However, this Court noted that while respondents mentioned their Exhibits "305", "305-A" to "305-A-1", "305-B" to "305-E" in their *Formal Offer of Evidence* [...] dated February 7, 2022, these were not attached thereto. Thus, in their *Manifestation and Motion to Admit* dated April 4, 2022 (See Records (Vol. XI) pp. 5935-5939), respondents manifested that the Exhibits pertaining to the aforementioned *Resolution* are already attached to the Judicial Affidavit of Witness Santos dated February 11, 2021, personally filed with the Court on February 15, 2021, and thereafter testified to and identified by Santos in open court on July 27, 2021, to which the Court noted in its *Resolution* dated April 7, 2022 (See Records (Vol. XI, p. 6005).

¹⁴⁰ Records (Vol. XII), pp. 6041-6044.

¹⁴¹ *Id.*, p. 6084.

¹⁴² Records (Vol. XI), p. 5895.

¹⁴³ Records (Vol. XII), pp. 6090-6165.

¹⁴⁴ *Id.* at 6253-6278.

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The Ruling of the Court

Before the Court delves into the merits of the case, it must be discussed that in view of their *Petition for Certiorari*¹⁴⁵ under Rule 65 of the Rules of Court, filed before the Supreme Court, assailing our *Resolution*¹⁴⁶ dated October 25, 2017, the respondents denominated their memorandum as "*Memorandum Ad Cautelam*."¹⁴⁷ Even so, it is imperative to point out that the mere elevation of an interlocutory matter to the Supreme Court through a petition for *certiorari* under Rule 65 of the Rules of Court, like in the present case, does not by itself merit a suspension of the proceedings before a public respondent, unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent.¹⁴⁸ Section 7, Rule 65 of the Rules of Court so provides:

SECTION 7. *Expediting proceedings; injunctive relief.* - The court in which the petition [for Certiorari, Prohibition and Mandamus] is filed may issue orders expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. **The petition shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case.** (Emphasis Supplied)

We now rule on the merits of the case. The issues raised by the parties shall be discussed jointly by the Court.

Nature of the proceedings under RA No. 1379 and the essential requisites of the petition.

Section 2 of RA No. 1379 states:

SECTION 2. *Filing of petition.* — Whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed prima facie to have been unlawfully acquired. The Solicitor General, upon complaint by any taxpayer to the city or provincial fiscal who shall conduct a previous inquiry similar to preliminary investigations in criminal cases and shall certify to the Solicitor General that there is

¹⁴⁵ Records (Vol. VI-A). Docketed as GR No. 237431, case entitled *Cristina R. Corona, Ma. Carla Beatrice C. Castillo, et al., v. Sandiganbayan, Second Division, et al.* The case remains pending before the Supreme Court as of this date.

¹⁴⁶ Records (Vol. VI), pp. 2833-2839.

¹⁴⁷ Records (Vol. XII), pp. 6090-6165.

¹⁴⁸ *Republic v. Sandiganbayan, et. al.*, (Resolution) G.R. No.166859, June 26, 2006.

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reasonable ground to believe that there has been committed a violation of this Act and the respondent is probably guilty thereof, shall file, in the name and on behalf of the Republic of the Philippines, in the Court of First Instance of the city or province where said public officer or employee resides or holds office, a petition for a writ commanding said officer or employee to show cause why the property aforesaid, or any part thereof, should not be declared property of the State: Provided, That no such petition shall be filed within one year before any general election or within three months before any special election.

The resignation, dismissal or separation of the officer or employee from his office or employment in the Government or in the Government-owned or controlled corporation shall not be a bar to the filing of the petition: Provided, however, That the right to file such petition shall prescribe after four years from the date of the resignation, dismissal or separation or expiration of the term of the office or employee concerned, except as to those who have ceased to hold office within ten years prior to the approval of this Act, in which case the proceedings shall prescribe after four years from the approval hereof.

Section 6 of the same law provides:

SECTION 6. *Judgment.* — If the respondent is unable to show to the satisfaction of the court that he has lawfully acquired the property in question, then the court shall declare such property, forfeited in favor of the State, and by virtue of such judgment the property aforesaid shall become property of the State: Provided, that no judgment shall be rendered within six months before any general election or within three months before any special election. The Court may, in addition, refer this case to the corresponding Executive Department for administrative or criminal action, or both.

In *Republic v. Sandiganbayan*,¹⁴⁹ it was settled that forfeiture proceedings are actions *in rem* and therefore civil in nature. On the basis of the foregoing provisions, the Supreme Court discussed that the procedure outlined in the law (RA No. 1379) leading to forfeiture is that provided for in a civil action. In short, there is a *petition*, then an *answer* and lastly, a hearing. The *preliminary investigation* required prior to the filing of the petition, in accordance with Section 2 of the Act, is expressly provided to be similar to a preliminary investigation in a criminal case. The similarity, however, ends there for, if the investigation were akin to that in a criminal case but all the other succeeding steps were those for a civil proceeding, then the process as a whole is definitely not criminal. If it were a criminal proceeding, there would be, after preliminary investigation, a reading of the information, a plea of guilty or not guilty, a trial and a reading of judgment in the presence of respondents. But these steps, as previously discussed, are clearly not provided for in the law.¹⁵⁰

¹⁴⁹ G.R. No. 152154, November 18, 2003.

¹⁵⁰ *Id.*

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As early as 1989, in the case of *Republic v. Intermediate Appellate Court*,¹⁵¹ the Supreme Court highlighted that from the provisions of RA No. 1379, specifically those cited above, it is clear that the law creates a presumption against the public officer or employee who acquires a property grossly disproportionate to his income, *i.e.*, that the property was unlawfully acquired. However, this presumption is *juris tantum*. It may be rebutted by the public officer or employee by showing to the satisfaction of the court that his or her acquisition of the property was lawful.¹⁵²

In order for the presumption in Section 2 to apply, the following must be shown:

- 1) the offender is a public officer or employee;
- 2) he or she must have acquired a considerable amount of money or property during his incumbency; and
- 3) said amount is manifestly out of proportion to his or her salary as such public officer or employee and to his or her other lawful income and the income from legitimately acquired property.¹⁵³

If the foregoing requisites are proven, the properties unlawfully acquired shall be forfeited in favor of the state.¹⁵⁴

There is no question that the first requirement, that the respondent/offender is a public officer or employee,¹⁵⁵ exists. What is in contention is if respondents CJ Corona and his spouse Cristina obtained a considerable amount of money and properties during their incumbency and if these are manifestly out of proportion to their salary.

To establish the remaining requisites, We refer to Section 3¹⁵⁶ of RA No. 1379 which requires that the **approximate amount of property the official has acquired during his or her incumbency in his or her past and present offices and employments, and the total amount of his or her government salary and other proper earnings and incomes from legitimately acquired property**, must be stated in a petition filed under such law.

¹⁵¹ G.R. No. 74225, April 17, 1989.

¹⁵² *Id.*

¹⁵³ *Ombudsman v. Peliño*, G.R. No. 179261, April 18, 2008.

¹⁵⁴ *Department of Finance-Revenue Integrity Protection Service v. Office of the Ombudsman*, G.R. No. 240137, September 9, 2020.

¹⁵⁵ Records (Vol. VII), p. 3046, Pre-Trial Order dated October 13, 2017.

¹⁵⁶ SECTION 3. *The petition.* — The petition shall contain the following information: (a) The name and address of the respondent. (b) The public officer 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. (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.

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For an effective resolution of the instant case, We must first begin to assess the alleged income of the respondents before We scrutinize their assets and financial interests together with the pieces of evidence presented, to arrive at a conclusion that they are manifestly out of proportion to their lawful income and thus, subject to forfeiture in favor of the State.

Income of respondents and other proper earnings from legitimately acquired property.

To prove the lawful income of respondents, petitioner submitted, for respondent CJ Corona: his Service Records, Certification from the Supreme Court showing his emoluments as an Associate Justice and Chief Justice, Certifications from SET and HRET regarding his per diem/allowances, Certification from DTI, and BIR Integrated System. As for respondent Cristina, the petitioner based on the Record of the Senate, sitting as an Impeachment Court, dated January 25, 2012, to establish that she was a salaried employee. On the basis of the foregoing, the petitioner arrived at the following computation for the total amount of respondents' salary and other property earnings and incomes, viz.:

Respondent CJ Corona's Income from 2001 to 2011	
Income Source Details	Amount
Income including allowances and other benefits from the Supreme Court and as Member of the Judicial Bar Council from April 9, 2002 to December 31, 2011	₱21,636,781.45
Income from SET from February 28, 2008 to April 20, 2009	₱1,696,333.38
Income from HRET from January 2, 2007 to February 27, 2009, and April 30, 2009 to November 2009	₱3,359,807.85
Income from Office of the President for 2001 (January-June 2001 and July-December 2001)	₱210,000.00 ₱242,550.00
Respondent Cristina's Income from 2007 to 2010	
JHDC 2007	₱623,157.30
JHDC 2008	₱1,024,303.00
JHDC 2009	₱1,106,201.15
JHDC 2010	₱469,986.00
TOTAL	₱30,369,120.13

The respondents did not deny the above-stated computation but, they counter that the petitioner failed to take into consideration the following sources of funds which include: (1) BGEI Property Expropriation from 2001 and interest income upon roll-overs earned from said proceeding; (2) their conjugal and their children's funds; and (3) roll-over earnings from commingled funds. These funds were put in money market placements which the respondents repeatedly rolled over to several long-term investments or dollar time deposits that have matured over the years and have earned

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substantial interest income, including the time when CJ Corona was in the Supreme Court.

To determine the merits of the explanation of their sources of funds, which would complement the computation of their income from their government service, the Court individually and carefully weighed the pieces of evidence the respondents presented to prove the same.

Proceeds from the BGEI Property Expropriation in 2001.

Respondents submitted the *Deed of Absolute Sale* dated March 26, 2001, *BGEI Secretary Certificate* dated June 19, 1987, TCT No. 76220, *Tax Declaration No. 00102096-00134*, *First Indorsement Letters* dated May 16, 2001 and March 9, 2001, *Second Indorsement Letter* dated May 22, 2001, *LBP Check* No. 1888804, and *Disbursement Voucher* No. 101-20000105-133 and *Obligation* No. 101-8751-05-04-2001CA, to prove the expropriation by the City of Manila of BGEI's property where Cristina acted as the authorized agent of BGEI and received the amount of ₱34,703,800.00 as income derived from the said expropriation, and the 2011 SALN of CJ Corona.

The documents submitted as proof of the expropriation of the property owned by BGEI and covered by TCT No. 76220 (***BGEI Property***) by the City of Manila being notarized and public documents under Section 19 (a) and (b), Rule 132 of the 2019 Rules on Evidence¹⁵⁷ (***Rules***), and were properly identified by the legal custodian thereof¹⁵⁸ necessarily evince as proof of the transactions that transpired thereon. To be sure, public documents are defined under Section 19, Rule 132 of the Rules as follows:

- (a) The written official acts, or records of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
- (b) Documents acknowledged before a notary public except last wills and testaments;
- (c) Documents that are considered public documents under treaties and conventions which are in force between the Philippines and the country of source; and
- (d) Public records, kept in the Philippines, of private documents required by law to be entered therein.

Section 24 of Rule 132, provides that the record of public documents referred to in Section 19(a), when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy. Furthermore, Section 23, Rule 132 of the Rules on Evidence provides:

¹⁵⁷ Administrative Matter No. 19-08-15-SC, effective May 1, 2020.

¹⁵⁸ Records (Vol. XI), pp. 5467-5477, *Judicial Affidavit of Gloria L. Dalida* dated October 15, 2021.

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SECTION 23. *Public documents as evidence.* - Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

In the same vein, the *LBP Check* No. 1888804, albeit a private document, is considered a public record of the payment made by the City of Manila to BGEI as proved by the records (*Disbursement Voucher* No. 101-20000105-133 and *Obligation* No. 101-8751-05-04-2001CA) and attested to by the legal custodian thereof.¹⁵⁹ Section 27, Rule 132 of the Rules reads:

SECTION 27. *Public record of a private document.* — An authorized public record of a private document may be proved by the original record, or by a copy thereof, attested by the legal custodian of the record, with an appropriate certificate that such officer has the custody.

Public documents are admissible in evidence even without further proof of their due execution and genuineness.¹⁶⁰

However, a simple perusal of the notarized *Secretary Certificate* issued by the BGEI appointing Cristina as the authorized agent thereof on the expropriation of its property reveals that she is only entitled to 5% commission of the total amount of the purchase value. Relevant portion of the said *Secretary Certificate* is copied *in verbatim* as follows:

RESOLVED, finally that the Corporation shall pay Cristina R. Corona a commission in the sum equivalent to 5% of the total purchase price of the aforescribed property together with improvements thereon.¹⁶¹

With the foregoing, it is easily deducible that respondents have derived income from the expropriation of BGEI property in the amount of ₱1,735,190.00 which is 5% of the total purchase value of the same. Be that as it may, the *LBP Check* No. 1888804,¹⁶² *Disbursement Voucher* No. 101-20000105-133,¹⁶³ and *Obligation* No. 101-8751-05-04-2001CA¹⁶⁴ from the City of Manila all point out that respondent Cristina took hold of the full amount of ₱34,703,800.00 in trust for¹⁶⁵ BGEI.

Furthermore, it is worth noting that in respondent CJ Corona's SALN beginning 2004,¹⁶⁶ his wife's financial interest over BGEI was specifically

¹⁵⁹ Records (Vol. XI), pp. 5467-5477, *Judicial Affidavit of Gloria L. Dalida* dated October 15, 2021.

¹⁶⁰ *Salas v. Sta. Mesa Market Corp.*, G.R. No. 157766, July 12, 2007.

¹⁶¹ See respondents' Exhibit "182."

¹⁶² See respondents' Exhibits "190" to "190-C."

¹⁶³ See respondents' Exhibit "190-D."

¹⁶⁴ See respondents' Exhibit "190-E."

¹⁶⁵ See respondents' Exhibits "190" to "190-E."

¹⁶⁶ See petitioner's Exhibits "J" to "P-1" and "R."

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declared thereon. Hence, respondents' reliance on the proceeds from the BGEI Expropriation in 2001 as one of their sources of funds has merit.

Other funds which include: interest income from the BGEI Expropriation proceedings, their conjugal and their children's funds and interest earnings from these funds.

Respondents presented expert witness Santos and the same financial documents¹⁶⁷ submitted by petitioner to explain that the following sources of funds were repeatedly rolled over, meaning withdrawn and placed in another time deposits or investment in order to earn interest income.

Anent the income derived from the roll-over of the expropriation funds, the respondents, speaking through their expert witness Santos, discussed that the amount they received in trust for BGEI was deposited in several banking institutions,¹⁶⁸ namely: as dollar deposit in *Citibank Time* in 2002 for the amount \$17,734.30¹⁶⁹ then invested in *BPI Investment Management, Inc.*, in 2006 with the total proceeds of ₱1,024,494.90;¹⁷⁰ *Philam Asset Management Bond* in 2003 and 2004¹⁷¹ for \$25,749.00 and \$500,000.00, respectively, and consequently transferred to *PSBank Dollar Time Deposit* in the amount of \$548,022.68¹⁷² in 2005; and another *PSBank Time Dollar Deposit* in 2005 for \$80,000.00¹⁷³ which earned \$10,657.59 in 2008. These *PS Bank Time Dollar Deposits* were consolidated in one account with the amount of \$768,733.96.¹⁷⁴ In total, these funds earned interest income amounting to approximately \$140,711.28.¹⁷⁵

Respondents further discussed, through their expert witness who interviewed them and their children, that on the basis of several *Bank Certifications* and *computer-generated printouts*,¹⁷⁶ they have pooled their assets which include respondents' earnings from their compensation income in the amount of ₱9,785,056.26¹⁷⁷ as well as the savings of their children (about ₱21,000,000.00 when combined) for several years. They also admitted to owning commingled family funds in the amount of

¹⁶⁷ Records (Vol. X), pp. 5298-2830, Petitioner's *Comment/Manifestation with Motion [Re: Judicial Affidavit of Santos]*.

¹⁶⁸ See respondents' Exhibits "300-A" to "305-D", "297" to "297-A", "268" to "299-Q", "305-E", all of which are likewise exhibits of the petitioner.

¹⁶⁹ See petitioner's Exhibits "AA-1" to "AA-2."

¹⁷⁰ See petitioner's Exhibit "Y-23."

¹⁷¹ See petitioner's Exhibits "L⁴-1" to "L⁴-3" and respondents' Exhibits "301" to "301-B."

¹⁷² See petitioner's Exhibit "F⁵."

¹⁷³ See petitioner's Exhibits "Z⁴" to "Z⁴-5."

¹⁷⁴ See petitioner's Exhibit "H⁵-1."

¹⁷⁵ See respondents' Exhibit "305."

¹⁷⁶ See respondents' Exhibits "300-A" to "305-D", "297" to "297-A", "268" to "299-Q", "305-E", all of which are likewise exhibits of the petitioner.

¹⁷⁷ See respondents' Exhibit "305-B".

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₱8,650,000.00 which was again rolled-over and placed in time deposits and investment bonds to earn income.

Specifically, the amount of ₱9,785,056.26 that was sourced from respondents' combined income were deposited in *BPI Investment Management Bond* in the amount of ₱3,684,833.35 and ₱6,100,222.91, in 2007 and 2008, respectively. On the one hand, the amount of ₱21,000,000.00 as the combined funds of their children was deposited to various accounts in *BPI Investment Management Bond* in 2003 and 2008 as well as *Allied Bank-Time Deposit* in 2008. The "commingled family funds" were placed in *PS Bank Time Deposit and Savings* both in 2007 in the amount of ₱5,000,000.00 and ₱150,000.00, respectively, and another ₱3,500,000.00 in *PSBank Time Deposit* in 2009. To show a better view of the said roll-over and placements of said funds, respondents provided the following table,¹⁷⁸ to wit:

PESO ASSETS					
	2001	2002	2003	2004	2005
BPI - Investment Management Bond			₱12,000,101.68 (Taken from Children's Funds and respondents' Compensation Income (<i>Other Funds</i>))		
	2006	2007	2008	2009	2010
PSBank (time deposit)		₱5,000,000.00 (earnings from <i>Other Funds</i>)		₱3,500,000.00 (earnings from <i>Other Funds</i>)	₱10,980,000.00 (earnings from <i>Other Funds</i>)
PSBank (savings)		₱150,000.00 (earnings from <i>Other Funds</i>)			
BPI - Investment Management Bond		₱3,684,833.35 (earnings from compensation income)	₱6,100,222.91 (earnings from compensation income)		
Total Peso Deposit					₱41,415,157.9
DOLLAR ASSETS					
<i>(Converted to Philippine Peso as indicated below the respective years)</i>					
	2001	2002	2003	2004	2005
		(53.096)	(55.569)	(56.267)	(53.067)
PSBank (time deposit)					\$80,000.00 (BGEI Proceeds)
Philam Bond			\$25,749.00 (BGEI Proceeds)	\$500,000.52 (BGEI Proceeds)	
Citibank Time		\$17,734.30 (BGEI Proceeds)			
	2006	2007	2008	2009	2010
	(49.132)	(41.401)	(47.485)	(46.356)	(45.110)
Allied Bank (time deposit)			\$3,917.38 (earnings from <i>Other Funds</i>)		
Allied Bank (savings)			\$356,367.34 (earnings from <i>Other Funds</i>)		

¹⁷⁸ See respondents' Exhibit "305."

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BPI Investment Management Bond		\$130,443.08 (earnings from <i>Other Funds</i>)	
Total Dollar Deposit (as converted to Philippine Peso)			₱58,053,565.38
Total Cash Assets			₱99,468,723.36

After punctilious review of the records of the case, the Court resolves to agree with respondents that they have other sources of funds, specifically those from the proceeds of the BGEI Expropriation, their children’s funds, their combined earned compensation income, and commingled family funds, and that the aforementioned roll-overs of these funds have augmented their income.

While the subject bank accounts where these funds were deposited are under the name of CJ Corona, nevertheless, what persuades the Court in ruling so are: *first*, respondent CJ Corona controverted what the *bank statements/certifications* purport to be by his own admission that he did not solely own these cash assets.¹⁷⁹ Such statement of CJ Corona counts as admission against his pecuniary interest and thus, may be considered as evidence of the facts in dispute;¹⁸⁰ *second*, it remained undisputed that respondents both came from families of very comfortable means and that even before his appointment to the Supreme Court, CJ Corona had financial capabilities to shoulder huge expenses and had lived a very contented life with his family, thus, We have no reason to doubt that they have means to pool considerable amount of funds with the bank; and *third*, witness Santos provided a comprehensive statement and easily verifiable analysis of the allocation of these assets which include the proceeds from BGEI Property Expropriation, among others, in their sources of funds.¹⁸¹ It bears emphasis that while there is undesirability of issuing judgments on the basis of the *affidavits* submitted, where as here, the statements contained thereon are overwhelming, uncontroverted, and not inherently improbable, the Court is constrained to uphold the allegations thereon.¹⁸²

Noteworthy that the Court has allowed Santos to testify as an expert witness under Section 49, now Section 52,¹⁸³ Rule 130 of the 2019 Rules on Evidence through Our *Resolution*¹⁸⁴ dated July 23, 2021.

Expert opinion evidence is to be considered or weighed by the court like any other testimony, in the light of the witness’ own general knowledge and experience upon the subject of inquiry.¹⁸⁵ The more learned the witness

¹⁷⁹ See Records (Vol. X-A); See also respondents’ *Memorandum ad cautelam*.

¹⁸⁰ *Mattel, Inc., v. Francisco*, G.R. No. 166886, July 30, 2008.

¹⁸¹ Records (Vol. X-A), *Judicial Affidavit* dated February 11, 2021, p. 19.

¹⁸² Oscar M. Herrera, *Revised Rules on Evidence*, Volume V, 1999 Ed., p. 583.

¹⁸³ SECTION 52. *Opinion of expert witness*. — The opinion of a witness on a matter requiring special knowledge, skill, experience, training or education, which he or she is shown to possess, may be received in evidence.

¹⁸⁴ Records (Vol. X), pp. 5374-5377.

¹⁸⁵ Willard B. Riano, *Evidence*, pp. 332-333 (2016 Ed.), citing *Dizon v. Tuazon*, G.R. No. 172167, July 9, 2008.

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is, the more weight his or her opinion will deserve. The value of the expert testimony depends largely on the extent of the experience or study of a witness. The greater the experience or knowledge, the greater is the value of the opinion resting upon it.¹⁸⁶ An expert witness may base his or her opinion on facts where he or she has personal or first-hand knowledge of and on facts established by the evidence on record.¹⁸⁷ The probative force of the testimony of an expert does not lie in a mere statement of his or her theory or opinion, but rather in the aid that he or she can render to the courts in showing the facts which serve as a basis for his or her criterion and the reasons upon which the logic of his or her conclusion is founded,¹⁸⁸ which herein expert witness Santos had adequately proffered the Court. Aside from her established qualifications,¹⁸⁹ her straightforwardness and consistent testimonies bear the earmarks of credibility.¹⁹⁰

Apropos, although courts are not ordinarily bound by expert testimonies, they may place whatever weight they choose upon such testimonies in accordance with the facts of the case. The relative weight and sufficiency of expert testimony is peculiarly within the province of the trial court to decide, considering the ability and character of the witness, among others. The opinion of the expert may not be arbitrarily rejected, it is to be considered by the court in view of all the facts and circumstances in the case when common knowledge utterly fails, the expert opinion may be given controlling effect.¹⁹¹ The evaluation of his or her testimony is left to the discretion of the trial court whose ruling thereupon is not reviewable in the absence of an abuse of that discretion.¹⁹²

Guided by the foregoing and without rounding up the figures stated on the relative bank certifications, the Court arrives at the following estimated summation, to wit:

Interest Income from BGEI Proceeds of ₱34,703,800.00			
Bank	Amount and Year Deposited	Year Redeemed	Amount + interest earned
Citibank	\$17,734.30/ 2002	2005	\$17,828.30
Philam	\$25,749.53/2003	2005	\$28,370.88
	\$500,000.00/2004	2005	\$519,652.15
PSBank	\$78,928.80*/2005	2008	\$90,657.59

¹⁸⁶ *Wells v. Leek*, 151 Pa. 431, 438, 25 Atl. 101; *Hanley v. West Virginia, etc.*, R. Co. 59 W. Va. 419, 430, 53 S.E. vs. 625, also cited in Revised Rules on Evidence, Rules 128-130, Volume V, Oscar M. Herrera, p. 810 (1999 Ed).

¹⁸⁷ Imwinkelried, Edward J., 227-229; Vide, McCormick, Section 114; also cited in Oscar M. Herrera, Revised Rules on Evidence Volume V, 1999 Ed., p. 793.

¹⁸⁸ *Supra* Note 185.

¹⁸⁹ See Records (Vol. X), pp. 5374-5377, *Resolution* dated July 23, 2021; see also Records (Vol. X-A), *Judicial Affidavit* dated February 11, 2021.

¹⁹⁰ See TSN dated July 27, 2021.

¹⁹¹ 20 Am. Jur., 1056-1058 cited in *Salomon v. Intermediate Appellate Court*, G.R. No. 70263, May 14, 1990 and Oscar M. Herrera, Revised Rules on Evidence Volume V, 1999 Ed., pp. 809-810.

¹⁹² Oscar M. Herrera, Revised Rules on Evidence Volume V, 1999 Ed., p. 810.

* Stated as \$80,000.00, rounded-up version of respondents.

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After another roll-over of funds beginning 2006 to 2011			
BPI Investment Management, Inc.	\$17,828.30/2006 (from Citibank deposit in 2005)	2007	₱962,766.75
PSBank	\$548,022.68/2005 (from Philam deposit in 2003 and 2004)	2008	\$768,733.96 (₱36,503,332.1)*
	\$90,657.59/2005	2008	\$90,657.59 (₱4,304,875.66)*
Total in Philippine Peso (BGEI Proceeds)			₱41,774,974.5 (- ₱34,703,800.00)
Total Interest Income			₱7,067,174.51
Interest Income from Other Sources of Funds in the combined amount of ₱39,435,056.3* (+₱7,067,174.51)			
Bank	Amount and Year Deposited	Year Redeemed	Amount + interest earned
BPI Investment Management, Inc.	₱12,000,101.68/2003 ¹⁹³	2005	₱13,067,394.33 ¹⁹⁴
	₱3,684,833.35/2007 ¹⁹⁵		₱3,684,833.35
	₱5,500,039.51/2008 ¹⁹⁶		
	₱600,183.40/2008 ¹⁹⁷	2011	₱9,879,410.23
	\$130,443.08/2008 ¹⁹⁸	2009	\$131,201.47 (₱6,230,101.8)*
Allied Bank Time Deposit	\$356,367.34/2008 ¹⁹⁹	2009	\$362,598.73 (₱18,505,791.5)*
PSBank Savings	₱150,000.00/2007 ²⁰⁰	2008	₱150,502.14
PSBank Time Deposit	₱3,000,000.00/2007 ²⁰¹	2008	₱3,100,000.00 ²⁰³
	₱2,000,000.00/2007 ²⁰²	2008	₱2,124,050.76 ²⁰⁴
PSBank Savings	\$3,917.38/2008 ²⁰⁵	2010	\$3,927.54 (₱177,171.329)*

* when converted to Philippine Peso.
 * when converted to Philippine Peso.
 * In arriving in this figure, the Court added the ₱21,000,000.00 (children's funds), ₱9,785,056.26 (combined compensation income), and ₱8,650,000.00 (commingled family funds).
¹⁹³ See petitioner's Exhibits "Y-12" to "Y-14."
¹⁹⁴ *Id.*
¹⁹⁵ See petitioner's Exhibit "Y-5."
¹⁹⁶ *Id.*
¹⁹⁷ *Id.*
¹⁹⁸ See petitioner's Exhibit "Y-7."
 * when converted to Philippine Peso.
¹⁹⁹ See petitioner's Exhibits "CC-1" to "CC-9."
 * when converted to Philippine Peso.
²⁰⁰ See petitioner's Exhibits "O⁵" series.
²⁰¹ See petitioner's Exhibits "N⁴" to "N⁴-1."
²⁰² *Id.*
²⁰³ *Id.*
²⁰⁴ *Id.*
²⁰⁵ See petitioner's Exhibits "P⁵" series.
 * when converted to Philippine Peso.

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Another roll-over/ reinvestment of above stated funds			
BPI Investment Management, Inc.	₱10,153,384.75/ April 2005 ²⁰⁶	2006	₱14,023,348.10 ²⁰⁸
	₱2,700,215.00/ June 2005 ²⁰⁷ (from 2003 BPI Deposit)		
	₱13,788,570.60/ 2006 ²⁰⁹ (from the above deposits in 2005)	(same as above)	
Allied Bank Savings	\$362,598.73/ 2008 ²¹⁰ (from Allied Bank Time Deposit in 2008)	2010	\$389,718.68 (₱17,580,209.7) *
PSBank Time Deposit	₱2,100,000.00/ January 2009 ²¹¹ (from 2,124,050.76 PSBank Deposit in 2008)	2009	₱2,115,612.39
	₱8,500,000.00/ 2009 ²¹² (from ₱3,100,000.00 + ₱2,100,000.00 PSBank Deposit in 2008 and ₱3,500,000.00 in 2009)	2011	₱12,988,951.36 ²¹³
Total			₱64,754,191.12*
Sum of ₱39,435,056.3 & ₱7,067,174.51			- ₱46,502,230.8
Total Interest Income			₱18,251,966.32

However, this Court notes the discrepancies on the alleged *Allied Bank Main Account* deposits and withdrawals in the amount of \$161,084.18 and \$1,700.00, to be unsupported by evidence, and thus were excluded in the above computation.

The Court is also mindful of the fact that cash assets, when deposited with the bank, may earn dividends or bear interests.²¹⁴ Significantly, the practice of depositing bulk of money in banks under the time deposit schemes are helpful in the circulation of money in our economy. Banks are

²⁰⁶ See petitioner's Exhibits "Y-3" to "Y-4."

²⁰⁷ *Id.*

²⁰⁸ See petitioner's Exhibits "Y-15" to "Y-16."

²⁰⁹ See petitioner's Exhibits "Y-5" to "Y-6."

²¹⁰ See petitioner's Exhibits "CC-10" to "CC-14."

* when converted to Philippine Peso.

²¹¹ See petitioner's Exhibits "O4" to "O4-1."

²¹² See petitioner's Exhibits "P4" to "P4-3."

²¹³ *Id.*

* In arriving in this figure, the Court added the following: ₱3,684,833.35, ₱9,879,410.23, ₱6,230,101.8, ₱150,502.14, ₱177,171.329, ₱14,023,348.10, ₱17,580,209.7, ₱24,050.76 & ₱15,612.39 (excess amounts from the ₱2,100,000.00), and ₱12,988,951.36.

²¹⁴ In *Philippine Veterans Bank v. Commissioner of Internal Revenue* G.R. No. 205261, April 26, 2021 citing *Philippine Banking Corp. v. Commissioner of Internal Revenue*, G.R. No. 170574, January 30, 2009, the Supreme Court noted that the *Bangko Sentral ng Pilipinas*, through the Manual of Regulation for Banks, provides the following classifications of bank deposits: 1. Demand Deposits — are deposits, subject to withdrawal either by check or thru the automated teller machines which are otherwise known as current or checking accounts. The Bank may or may not pay interest on these accounts. 2. Savings Deposits — are interest-bearing deposits which are withdrawable either upon presentation of a properly accomplished withdrawal slip together with the corresponding passbook or thru the automated teller machines. xxx 4. Time Deposits — are interest-bearing deposits with specific maturity dates and evidenced by certificates issued by the bank.

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entities engaged in the lending of funds obtained through deposits from the public. They borrow the public's excess money (*i.e.*, deposits) and lend out the same. Banks, therefore, redistribute wealth in the economy by channeling idle savings to profitable investments. Banks operate and earn income by extending credit facilities financed primarily by deposits from the public. They plough back the bulk of said deposits into the economy in the form of loans. Since banks deal with the public's money, their viability depends largely on their ability to return those deposits on demand.²¹⁵

Ordinarily, time deposit, as in this case, is defined as "one the payment of which cannot legally be required within such a specified number of days."²¹⁶ Time deposits are not subject to interest rate ceiling. In fact, the rate ceiling was abolished and even allowed to float depending on the market conditions.²¹⁷ Section 1244 of the Manual of Regulations of the Central Bank of the Philippines provides:

SECTION 1244. *Interest on time deposit.* Time deposits shall not be subject to any interest rate ceiling.

Thus, the income derived by the respondents from their other cash assets (children's funds, combined compensation income of respondents, and commingled funds of family) that were deposited in the time deposit, peso or dollar, and other investment, in the abovementioned arrangement, has been duly established.

In its entirety, in addition to their recognized income of ₱30,369,120.13 from their government service, respondents have shown, to the satisfaction of this Court that they have obtained lawful income, which includes those they received *in trust*, from the following: BGEI Expropriation in 2001 and its interest income, interest income from their children's funds, combined compensation income of respondents and commingled family funds as well as the interest income derived therefrom, all of which were deposited and withdrawn in the involved banking institutions, which, when totalled amounted to:

Source of Funds	Amount
BGEI Expropriation	₱34,703,800.00
Interest Income therefrom	₱7,067,174.51
Children's Funds	₱21,000,000.00
Compensation Income from CJ Corona	₱9,785,056.26
Commingled funds	₱8,650,000.00
Interest Income derived from (Children's Funds, Compensation Income from CJ Corona & Commingled funds plus interest proceeds from BGEI Expropriation)	₱18,251,960.32
Total amount from other sources of funds (sum of the above, all in gross amount)	₱99,457,991.1

²¹⁵ *United Coconut Planters Bank, Inc. v. E. Ganzon, Inc.*, G.R. No. 244247, November 10, 2021 citing *Banco de Oro-EPCI, Inc. v. JAPRL Development Corporation*, G.R. No. 179901, April 14, 2008.

²¹⁶ *BPI Family Savings Bank v. First Metro Investment Corp.*, G.R. No. 132390, May 21, 2004.

²¹⁷ *Id.*

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We now proceed to the properties acquired by the respondents during the period relevant to the instant case.

Approximate amount of respondents' properties during their tenure.

In its *Petition*, petitioner alleges that respondents' assets and financial interests were out of proportion to their lawful income, particularly respondents have unexplained increase of net worth, undeclared cash assets, and undervalued real properties. Geared towards proving the same, petitioner submitted CJ Corona's SALN for CYs 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010, several *Bank Certifications, Statements, computer generated printouts* of CJ Corona's bank account details, *history of daily transactions, Deed of Absolute Sale between Megaworld and respondents, Deed of Absolute Sale between Burgundy Realty Corporation and respondents, CARs, CCTs, and TCTs.*

The Court will discuss these allegations *in seriatim*.

Unexplained Increase of Net Worth

Petitioner avers that CJ Corona's SALNs for CYs 2001 to 2010, show the unexplained increase of ₱8,970,980.00 in CJ Corona's net worth:

Year	Assets	Liabilities	Net worth	Increase/Decrease in Net Worth
2001	₱14,968,000.00	₱1,000,000.00	₱13,968,000.00	-
2002	₱14,968,000.00	0	₱14,968,000.00	₱1,000,000.00
2003	₱18,359,080.00	₱11,000,000.00	₱7,359,080.00	₱7,608,920.00
2004	₱18,359,080.00	₱11,000,000.00	₱7,359,080.00	-
2005	₱18,359,080.00	₱10,000,000.00	₱8,359,080.00	₱1,000,000.00
2006	₱17,559,080.00	₱8,000,000.00	₱9,559,080.00	₱1,200,000.00
2007	₱17,559,080.00	₱6,500,000.00	₱11,059,080.00	₱1,499,920.00
2008	₱17,559,080.00	₱5,000,000.00	₱12,559,080.00	₱1,500,000.00
2009	₱17,559,080.00	₱3,000,000.00	₱14,559,080.00	₱2,000,000.00
2010	₱22,938,980.00	0	₱22,938,980.00	₱8,379,900.00
Increase in Net Worth:				₱8,970,980.00

Respondents admit the abovementioned figures but remark that the increase in the amount of ₱8,970,980.00 which CJ Corona dutifully declared in the subject SALNs is neither substantial nor manifestly out of proportion to his and his spouse's income over a ten-year period. Besides, the respondents presented CJ Corona's 2011 SALN which updated the value of their personal and real properties.

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 Petitioner's averment is specious.

Indeed, the increase in the amount of ₱8,970,980.00 over a ten-year period is neither substantial nor manifestly out of proportion to respondents' lawful income. It is worth stressing that CJ Corona was an Associate Justice of the Supreme Court for eight (8) years, as such he was assigned services of drivers, entitled to gasoline allowance and vehicle maintenance, among others. These benefits, coherently amplify the respondents' savings which explain the increase in their assets. As shown below, three (3) years after his appointment to the Supreme Court in 2001, the increase in his SALN was brought by his cash assets, viz.:

2003 SALN		
b. Personal and other Properties		
Kind	Year Acquired	Acquisition Cost
Motor Vehicles	various years	₱1,130,000.00
Cash & Investments	savings various	₱2,700,000.00
Jewelry	various years	₱1,000,000.00
2004 SALN		
b. Personal and other Properties		
Kind	Year Acquired	Acquisition Cost
Cash and investments	various years	₱3,300,00.00
Jewelry	various years	₱1,000,000.00

Undeclared Cash Assets

Foremost, the Court notes that this portion of the petitioner's claim is the bone of contention of the instant case for forfeiture since the latter only prayed the issuance of a writ forfeiting the amount of ₱130,937,207.88 in its favor.²¹⁸ Said amount is proximate to, if not the entirety of, the alleged total amount of respondents' undeclared cash assets, as discussed hereunder.

In its *Memorandum*, petitioner asserts that respondents were able to unearth undeclared but actual assets which are to be considered as "red flags" indicating unlawfully acquired properties. According to petitioner, using the several *Bank Certifications, Statements, computer generated printouts* of CJ Corona's bank account details, and *history of daily transactions*, it was able to yield the following computation of the respondents' undeclared cash assets, peso and dollar, to wit:

PESO ASSETS					
Bank/ Investment Firm	2001	2002	2003	2004	2005
PSBank (time deposit)					
PSBank (savings)					
Allied Bank (current)					
LBP (ATM)		₱16,664.19	₱142,233.39	₱87,533.46	₱16,728.13

²¹⁸ See Petitioner's Amended Petition.

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LBP (current)					
BPI (current)	P41,465.64	P378,787.70	P528,967.22	P993,048.57	P149,767.36
BPI - Investment Management Bond			P12,000,101.68	P8,093,192.65	P12,583,599.73
Bank/ Investment Firm	2006	2007	2008	2009	2010
PSBank (time deposit)		P5,091,348.50		P8,500,000.00	P19,217,933.49
PSBank (savings)		P150,000.00			
Allied Bank (current)			P4,906.26	P5,000.00	P5,000.00
LBP (ATM)	P196,105.14	P1,299.95	P2,087.27	P2,107.50	P2,117.52
LBP (current)					P5,000.00
BPI (current)	P153,395.12	P5,069,711.18	P1,525,872.87	P678,501.83	P12,024,045.38
BPI - Investment Management Bond	P19,788,583.92	P23,473,417.27	P29,573,640.18	P31,131,928.28	P33,941,045.38
BPI - Investment Management Bond (Cristina)	P750,100.26	P750,100.26	P750,100.26	P750,100.26	P750,100.26
TOTAL	P20,888,184.44	P34,535,877.16	P31,856,606.84	P41,067,637.87	P65,945,264.35

DOLLAR ASSETS

(Converted to Philippine Peso as indicated below the respective years)

Bank/ Investment Firm	2001	2002 (53.096)	2003 (55.569)	2004 (56.267)	2005 (53.067)
PSBank (time deposit)					\$705,346.38
PSBank (savings)					
Allied Bank (time deposit)					
Allied Bank (savings)					
Philam Bond			\$25,749.52	\$525,749.52	
Citibank Time		\$17,734.30			
Bank/ Investment Firm	2006 (49.132)	2007 (41.401)	2008 (47.485)	2009 (46.356)	2010 (45.110)
PSBank (time deposit)	\$717,910.32	\$1,042,279.48	\$1,173,589.91	\$752,250.57	\$768,733.96
PSBank (savings)			\$3,917.38	\$3,904.70	\$3,924.18
Allied Bank (time deposit)			\$356,367.34	\$200.56	\$403,509.76
Allied Bank (savings)					
Philam Bond					
Citibank Time					
DBMN				\$167,000.00	\$167,000.00
BPI Investment Management Bond			\$130,443.08		\$249,239.06
TOTAL <i>(as converted to Philippine Peso)</i>	P35,272,369.84	P43,317,016.75	P79,030,126.46	P42,812,380.01	P71,991,943.53

Summarizing the above figures, petitioner asserts that respondents' actual cash assets, peso and dollar combined, as of the end of 2010, amounted to P137,937,207.88, but only a miniscule fraction thereof was declared in the respondent CJ Corona's SALNs. To show a comparative view of the declared and undeclared cash assets, a table was further provided by the petitioner as follows:

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Year	Actual Cash Assets	Cash Assets Declared in SALN	Undeclared Cash Assets
2002	₱1,337,072.28	₱2,700,000.00	--
2003	₱14,102,177.37	₱3,300,000.00	₱10,802,177.37
2004	₱37,756,122.92	₱3,300,000.00	₱35,456,122.92
2005	₱50,450,711.57	₱3,300,000.00	₱47,150,711.57
2006	₱56,160,554.28	₱2,500,000.00	₱53,660,554.28
2007	₱77,852,893.91	₱2,500,000.00	₱75,352,893.91
2008	₱110,886,733.00	₱2,500,000.00	₱108,386,733.30
2009	₱830,880,017.88	₱2,500,000.00	₱81,380,017.88
2010	₱137,937,207.88	₱3,500,000.00	₱134,437,207.88

Petitioner maintains that the amount of ₱134,437,207.88 way exceeded the assets the respondents have declared on their SALNs, and are clearly and manifestly out of proportion to their established lawful income as public officers (₱30,369,120.13). Thus, on this score alone, petitioner's case for forfeiture is more than amply made.

For their part, respondents *first* counter that petitioner's various evidence to establish the above figures are inadmissible in evidence and thus, cannot be given any credence. Specifically, the alleged bank account deposits of CJ Corona are of an absolutely confidential in nature pursuant to RA No. 1405, RA No. 6426, and the purpose of RA No. 9160. Respondents admitted failing to disclose the aforementioned dollar accounts on the subject SALNs on the same ground of the strict prohibition or absolute confidentiality of foreign currency deposits under RA No. 6426. Moreover, respondents assert that the documents evidencing CJ Corona's bank account details were not properly authenticated under the Rules on Evidence.

Second, respondents asseverate that the *General Authority* dated May 22, 2012 issued by CJ Corona which apparently gave authority to all banking institutions to disclose to the public any and all document pertaining to his accounts, cannot be used by the petitioner as evidence in the instant case since the same was obtained during the Senate's Impeachment Trial in 2012 and it is not automatically converted into a public document, hence the same must be authenticated as a private document pursuant to the Rules on Evidence, which the petitioner failed to do. Nonetheless, respondents argue that CJ Corona's bank accounts are conjugal funds and are likewise owned by his wife Cristina and the latter never executed a waiver, or in any way provided consent for the production of their bank statements in court.

Third, without admitting the admissibility of the evidence presented by the petitioner, respondents insist that the petitioner failed to consider that most of the cash assets have been carried over and rolled over from funds which were already existing and earned substantial interest income. Such funds refer to the proceeds from BGEI Property Expropriation and

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interest income earned therefrom, conjugal and their children's funds, and earnings from their commingled funds. Upon analysis of their expert witness Santos, she traced back how the said funds were rolled over repeatedly in different forms of investments in various banking institutions and earned substantial interest income. Respondents argue that petitioner, in arriving at the amount of ₱137,937,207.88, merely added the amounts in the mentioned bank accounts without considering the money market placements.

Lastly, respondents claim that they have been working and saving funds since the early 1960s. Being knowledgeable that foreign currency accounts are not only more stable and secure, but also yield more interest income than Philippine Peso accounts, they pooled their dollar investments from one bank to another, depending on which bank offered higher interest rates. In this way, their foreign currency investments grew as time passed.

Petitioner's assertions are misplaced thus, We are inclined to rule in favor of respondents.

At the outset, the Court deems it unnecessary to belabor the issues raised by the respondents on the admissibility of the bank documents and the absolute confidentiality of foreign currency deposits, since the same were thoroughly discussed in our *Resolution*²¹⁹ dated October 25, 2017 and the same bank documents were likewise employed by the respondents for the disposition of their case.

In determining whether or not there is unexplained wealth within the purview of RA No. 1379, the Courts are not bound by the SALNs filed by the respondent. On the contrary, the statute affords every opportunity to explain to the satisfaction of the court how he had acquired the property in question.²²⁰

In this case, it is unquestionable that respondents did not enter the government service as paupers and that CJ Corona was a successful lawyer.²²¹ CJ Corona's engagement with the private sectors appeared to have been lucrative as shown by the positions he held in the private institutions such as Special Counsel at the Development Bank of the Philippines in year 1982 to 1983; Senior Vice-President and General Counsel, and concurrently Corporate Secretary, Secretary of the Executive Committee and Head of Trust of the Commercial Bank of Manila in year 1986 to 1987; and Senior Officer of the Tax and Corporate Counselling Group of the Tax Division of the SGV & Co in years 1988 to 1991. He also

²¹⁹ Records (Vol. VI), pp. 2833-2839.

²²⁰ RA No. 1379, SECTION 5. *Hearing*. The Court shall set a date for a hearing, which may be open to the public, and during which the respondent shall be given ample opportunity to explain, to the satisfaction of the court, how he has acquired the property in question.

²²¹ See Pre-Trial Order dated October 13, 2017.

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taught Commercial Law, Taxation, and Corporation Law at the Ateneo de Manila University School of Law.²²²

In this regard, the amount of ₱134,437,207.88 as alleged undeclared cash assets of respondents is, to our mind, insignificant as opposed to what has been duly proven.²²³ Respondents were able to prove that petitioner's contention is inaccurate by showing that respondent CJ Corona had been gainfully employed for almost forty-five (45) years and that he had funds other than his lawful income in government service. His wife, respondent Cristina, was a former salaried employee and one of the owners of BGEI and now its inheritor. These enabled them to acquire real properties in their names and earn substantial amount of cash assets. Additionally, respondents received in trust for BGEI the total purchase price of the expropriation proceedings held in 2001 and they pooled their funds with their children. As previously discussed, they, in turn, utilized these funds and placed them on long-term investments, peso and dollar time deposits to grow their hard-earned money. Despite admitting that these other sources of funds were not declared in his SALNs, it is important to stress that the issue here is not the misdeclaration of entries or filing of the correct SALN but whether or not the respondents have accumulated properties manifestly out of proportion to their lawful income or salary and thus, presumed to have been unlawfully acquired.

Besides, it is a long jump to conclude the amount of ₱137,937,207.88 or even ₱134,437,207.88 worth of alleged undeclared cash assets just by mere adding the end amounts appearing on the subject bank accounts without considering the other money market placements. As shown by the voluminous *bank certifications* presented by the petitioner itself and guided by the lengthy discussion of the expert witness Santos, the accounts thereon have their deposit amounts withdrawn or redeemed by respondents after it had earned obtainable interest. Thereafter, as this Court has already found, the redeemed amounts were rolled over repeatedly in different forms of investments in various banking and financial institutions in order to earn more substantial interest income.²²⁴

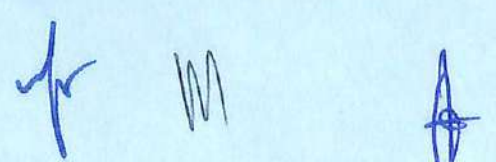
At this juncture, it is undeniable that respondents have other sources of income apart from their salary as public officials. Since respondents were able to sufficiently explain the legality of their undisclosed cash assets, they cannot be held liable for forfeiture of their properties. **Thus, in several**

²²² See Records (Vol. IV), p. 1701 and Records (Vol. VI), p. 2502. See also Petitioner's Exhibit Folder, 1 of 3, p. 6, respondent CJ Corona's Bio Data, Exhibit "B-3."

²²³ Petitioner's Exhibit Folder 1 of 3, p. 10. Exhibit "C."

²²⁴ See this Court's discussion on "*Income of respondents and other proper earnings from legitimately acquired property.*"

²²⁴ See respondents' Exhibit "305" and this Court's discussion on "*Income of respondents and other proper earnings from legitimately acquired property.*"



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cases²²⁵ where the source of the undisclosed wealth was properly accounted for, the Supreme Court deemed the same an "explained wealth" which the law does not penalize.²²⁶ At most, respondent CJ Corona may be held guilty of simple negligence for having failed to ascertain that his SALNs were accomplished properly, accurately, and in more detail. Such administrative case could have been imposed upon him, however, it was pre-empted by his death.²²⁷

Undervalued Real Properties

Lastly, petitioner contends that respondents have three (3) real properties that they acquired for amounts that are much higher than what were reflected in their SALNs, these are:

Description of Real Property	Value per SALN	Actual Acquisition Cost	Difference/ under declaration
Loyola Heights, Quezon City	₱921,080.00	₱2,758,800.00	₱1,837,720.00
Maranaw, La Vista Lot	₱3,000,000.00	₱11,000,000.00	₱8,000,000.00
Bellagio Property	₱6,800,000.00	₱14,510,225.00	₱7,710,225.00
		Total:	₱17,547,945.00

Citing the case of *Republic v. Sandiganbayan*,²²⁸ petitioner argues that it is the acquisition cost, and not the fair market value, that must be used in ascertaining the value of declarant's real properties, which herein respondents failed to do. This is because the acquisition cost reflects the actual amount of money shelled out by the declarant in acquiring said real properties.

For their part, respondents claim that pursuant to the corrective action provided by Section 10, RA No. 6713,²²⁹ CJ Corona filed his 2011 SALN with the Supreme Court, which provided for a more detailed statement of his and his spouse Cristina's real properties in Quezon City (QC), Taguig City, and Antipolo City, Rizal, the modes and years of acquisition, assessed values, current market values, acquisition costs, and extent of their interests.

²²⁵ *Navarro v. Office of the Ombudsman*, G.R. No. 210128, August 17, 2016; *Gupilan-Aguilar v. Office of the Ombudsman*, G.R. No. 197307, February 26, 2014; *Office of the Ombudsman v. Racho*, G.R. No. 185685, January 31, 2011.

²²⁶ *Daplas v. Department of Finance*, G.R. No. 221153, April 17, 2017.

²²⁷ *Flores-Concepcion v. Castañeda*, A.M. No. RTJ-15-2438 (Resolution), September 15, 2020.

²²⁸ G.R. No. 102508, January 30, 2002.

²²⁹ Otherwise known as "Code of Conduct and Ethical Standards for Public Officials and Employees," Republic Act No. 6713, February 20, 1989. SECTION 10 thereof provides: (a) The designated Committees of both Houses of the Congress shall establish procedures for the review of statements to determine whether said statements which have been submitted on time, are complete, and are in proper form. In the event a determination is made that a statement is not so filed, the appropriate Committee shall so inform the reporting individual and direct him to take the necessary corrective action. xxx (c) The heads of other offices shall perform the duties stated in subsections (a) and (b) hereof insofar as their respective offices are concerned, subject to the approval of the Secretary of Justice, in the case of the Executive Department and the Chief Justice of the Supreme Court, in the case of the Judicial Department.

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Moreover, respondents assert that CJ Corona indicated consistently and in good faith, the assessed values and fair market values of the aforementioned properties in his SALNs. While initially, the acquisition costs were not indicated thereon, they were nonetheless readily available in other documents such as the deeds of sale and certificates of title, which are always open for public scrutiny.

The Court, once again, finds for the respondents.

As correctly cited by the respondents, in the case of *Atty. Navarro v. Office of the Ombudsman*,²³⁰ where the Supreme Court exonerated the reporting individual, Atty. Amado Q. Navarro, for: (1) "lumping" his properties in his SALN; and (2) inadvertently over-declaring ₱200,000.00 in them.

In the said case, the High Court noted the inaccuracies are likely due to the practice of copying entries from previous years and adding subsequent acquisitions. This was why, it added, officials should be alerted to these issues. Thus, it emphasized both the importance of informing a reporting individual of the defect in his or her statement of assets, liabilities, and net worth, and giving him or her the opportunity to take corrective action for it, it also includes those defective entries that can be satisfactorily explained and verified, *viz.*:

Although it is the duty of every public official/employee to properly accomplish his/her SALN, it is not too much to ask for the head of the appropriate department/office to have called his attention should there be any incorrectness in his SALN. The DOF, which has supervision over the BIR, could have directed Navarro to correct his SALN. This is in consonance with the above-quoted Review and Compliance Procedure under R.A. No. 6713, as well as its Implementing Rules and Regulations (IRR), providing for the procedure for review of statements to determine whether they have been properly accomplished. **To reiterate, it is provided in the IRR that in the event authorities determine that a SALN is not properly filed, they should inform the reporting individual and direct him to take the necessary corrective action.**

XXX XXX XXX

As there was only a failure to give proper attention to a task expected of an employee because of either carelessness or indifference, Navarro should have been informed so he could have made the necessary explanation or correction. **There is nothing wrong with a generalized SALN if the entries therein can be satisfactorily explained and verified.**

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²³⁰ G.R. No. 210128, August 17, 2016. See also *Office of the Deputy Ombudsman for Luzon v. Salig*, G.R. No. 215877, June 16, 2021.

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The Court is mindful of the duty of public officials and employees to disclose their assets, liabilities and net worth accurately and truthfully. In keeping up with the constantly changing and fervent society and for the purpose of eliminating corruption in the government, the new SALN is stricter, especially with regard to the details of real properties, to address the pressing issue of transparency among those in the government service. **Although due regard is given to those charged with the duty of filtering malicious elements in the government service, it must still be stressed that such duty must be exercised with great caution as grave consequences result therefrom. Thus, some leeway should be accorded the public officials. They must be given the opportunity to explain any *prima facie* appearance of discrepancy. To repeat, where his explanation is adequate, convincing and *verifiable*, his assets cannot be considered unexplained wealth or illegally obtained.** (Emphasis supplied, citation omitted)

Moreover, the review and compliance procedures under RA No. 6713 serve as a mechanism that affords the public official or employee a final opportunity to comply with the requirements before any sanction is meted out. It seeks a fuller and more accurate disclosure of the necessary information. While the SALN is an instrument that ensures accountability, the review and compliance procedures work as a buffer that prevents the haphazard filing of actions against public officials and employees.²³¹

Here, respondents presented CJ Corona’s 2011 SALN²³² filed before the Supreme Court on April 30, 2011 as means to correct the defects on his SALNs. In the said SALN, CJ Corona provided a more detailed statement of his and his spouse’s real properties, as described below:

Kind	Location	Year Acquired	Mode of Acquisition	Assessed Value	Current Fair Market Value	Acquisition Costs	
						Land, Building, etc.	Repairs and Improvement
(1) House and Lot	QC	1970	Donation	₱337,820.00	₱7,138,000.00	0	
(2) Condo (with one parking)	QC	1997	Installment	₱276,320.00	₱921,000.00		
(3) Condo (with one parking)	Makati	2003	Installment	₱726,000.00	₱1,210,000.00		

²³¹ Office of the Deputy Ombudsman for Luzon v. Salig, G.R. No. 215877, June 16, 2021.

²³² See Exhibit "10" of respondents.

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(4) Condo (with one parking)	Taguig	2004	Installme nt	₱1,421,9 90	₱2,369,980.00		
(5) Condo (with three parking)	Taguig	2010	Installme nt	₱3,496,3 20.00	₱6,800,000.00		₱3,000,00 0.00
(6) Lot (1/8) (wife's share 1/3 share of inherite d propert y)	QC	[Not in possessi on, final settleme nt among heirs still pending]	Inheritanc e	₱16,537. 00	₱91,875.00		
(6) Lot (1/8) (wife's share 1/8 share of inherite d propert y)	Antipol o	[Not in possessi on, final settleme nt among heirs still pending]	Inheritanc e	₱67,500. 00	₱562,500.00	0	
			Total:	[Per Deeds of Sale (Total is ₱30,017,896.00 excluding repair and improvements) Per Tax Declaration (Total CMFV is ₱19,093,355)]			

It is also established that the CJ Corona had consistently declared the aforementioned properties in his SALNs,²³³ and that the documents evidencing his acquisitions of the same are considered public documents,²³⁴ and hence easily verifiable. Thus, it must be emphasized that a SALN is not an end in itself. It is only a means to a greater end. Its compliance aims to guard against the accumulated wealth of public servants that are grossly disproportionate to their income or other sources of income, and which cannot be properly accounted for or explained.²³⁵

²³³ See petitioners Exhibits "H" to "P-1" and "R" to "R-1".

²³⁴ See petitioner's Exhibits "W⁵", "W⁵-1", "W⁵-2", CCT No. N-35812; Exhibits "X⁵" "X⁵-1" to "X⁵-4", Deed of Sale dated October 8, 2003; Exhibits "Y⁵", "Y⁵-1" to "Y⁵-3", TCT No. N-254901; and Exhibits "Z⁵" "Z⁵-1" to "Z⁵-3", TCT No. 004-2010010259. All pertaining to the One Burgundy Plaza; See Exhibit "Q⁵", "Q⁵-1" to "Q⁵-3", Deed of Absolute Sale notarized on December 16, 2009; Exhibit "S⁵" to "S⁵-1"; Exhibit "T⁵" to "T⁵-1"; Exhibit "U⁵" to "U⁵-1"; Exhibit "V⁵" to "V⁵-1; all for CCTs Nos. 164-2010000062,63,63 and 65; Exhibit "R⁵", CAR. All pertaining to the Bellagio property and parking slots.

²³⁵ *Department of Finance-Revenue Integrity Protection Service v. Office of the Ombudsman*, G.R. No. 238510, July 14, 2021.

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Considering that the real evil sought to be addressed is the accumulation of ill-gotten wealth, our legal system should guard against the weaponizing of SALNs where errors were made in good faith. It should not mistake a lapse in compliance with a mere adjunct mechanism with the greater authentic cause which that mechanism serves. A measure of leniency can be extended to casual, isolated, and/or infrequent non-declarations or misdeclarations that do not point to a scheme to mislead and defraud. Such non-declarations or mis-declarations are innocuous mistakes that do not signal the accumulation of unexplained wealth, though they may signify a degree of carelessness. Such innocuous mistakes may be addressed by the customary corrective action enabled by Section 10 of RA No. 6713,²³⁶ as in this case.

While We commiserate with the plight of the petitioner in relentlessly pursuing and recovering unlawfully acquired properties or ill-gotten wealth, the pursuit should not be mindless as to be oppressive towards anyone. After all, the Ombudsman's duty is not only to prosecute but, more importantly, to ensure that justice is served. There is no justice in the Ombudsman's relentless quest to punish a respondent with a penalty that is inordinate with the degree of his or her transgression.²³⁷

For the future's worth, as stressed by the Supreme Court in *In Re: Ma. Cristina Roco Corona*,²³⁸ the SALN is a tool for public transparency and never a weapon for political vendetta. The Filipino people live, toil, and thrive in a democracy, but the rule of law should not stand parallel to the rule of the mob. Toe this line, and the nation may eventually behold the laws that the Courts have forever sworn to uphold battered and bent.²³⁹

All told, in light of the foregoing, the presumption and the consequent application of Section 2 of RA No. 1379, cannot be stretched to respondents' properties, real and personal, subject of the instant case. The burden is upon the petitioner, as the complainant against respondents, to establish that these properties were unlawfully acquired on the ground that the same were out of proportion to their lawful income. Fundamental is the rule in civil cases, such as the instant case,²⁴⁰ that the burden of proof lies with the petitioner who is required to establish his or her case by a preponderance of evidence.²⁴¹ Unfortunately, the petitioner miserably failed in this regard thus leaving the Court no option but to dismiss the case.

²³⁶ *Department of Finance-Revenue Integrity Protection Service v. Office of the Ombudsman*, G.R. No. 238510, July 14, 2021.

²³⁷ *Office of the Ombudsman v. Rodas*, G.R. No. 225669, March 23, 2022.

²³⁸ A.M. No. 20-07-10-SC, January 12, 2021.

²³⁹ *Id.*

²⁴⁰ *Republic v. Sandiganbayan*, G.R. No. 152154, November 18, 2003.

²⁴¹ *Republic v. Sereno*, G.R. No. 237428, May 11, 2018 citing *Sps. De Leon, et al v. BPI*, G.R. No. 184565, November 20, 2013.

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WHEREFORE, premises considered, the instant *Amended Petition for Forfeiture* under Republic Act No. 1379, filed by petitioner Republic of the Philippines, represented by the Office of the Ombudsman, against respondents Renato C. Corona, now represented by his heirs, Ma. Carla Beatrice C. Castillo, Francis R. Corona, and Charina C. Salgado, and Cristina R. Corona, and their dummies, trustees, assignees, transferees, and successors-in-interest, is hereby **DISMISSED**.

Consequently, the *Writ of Preliminary Attachment* dated January 21, 2015 issued against the properties of the respondents is hereby **SET ASIDE** and **LIFTED**.

SO ORDERED.


ARTHUR O. MALABAGUIO
Associate Justice


WE CONCUR:


OSCAR C. HERRERA, JR.
Chairperson/ Associate Justice


MICHAEL FREDERICK L. MUSNGI
Associate Justice

ATTESTATION

I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

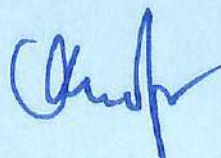

OSCAR C. HERRERA, JR
Chairperson, Second Division

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CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


AMPARO M. CABOTAJE-TANG
Presiding Justice

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