



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

THE HEIRS OF LIEUTENANT G.R. No. 257827  
GENERAL JACINTO C. LIGOT  
[represented by ERLINDA Y. LIGOT],\*  
ERLINDA Y. LIGOT, PAULO Y. LIGOT,  
RIZA Y. LIGOT, and MIGUEL Y. LIGOT,  
Petitioners,

- versus -

REPUBLIC OF THE PHILIPPINES,\*\*  
Respondent.

-----x-----  
THE HEIRS OF LIEUTENANT G.R. No. 257940  
GENERAL JACINTO C. LIGOT  
[represented by ERLINDA Y. LIGOT],  
ERLINDA Y. LIGOT, PAULO Y. LIGOT,  
RIZA Y. LIGOT, and MIGUEL Y.  
LIGOT, EDGARDO T. YAMBAO, and  
GILDA Y. ALFONSO-VELASQUEZ,  
Petitioners,

- versus -

REPUBLIC OF THE PHILIPPINES,  
Respondent.

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\* Lieutenant General Jacinto C. Ligot is substituted by his heirs, as represented by his wife, Erlinda Y. Ligot, following his death on June 4, 2024. *See* temporary *rollo*, pp. 1–2, Notice of Death of a Party.  
\*\* Pursuant to Rule 45, sec. 4(a) of the 2019 Rules of Court, the Sandiganbayan is not impleaded as respondent.

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**EDGARDO T. YAMBAO,**  
Petitioner,

**G.R. No. 258109**

**- versus -**

**REPUBLIC OF THE PHILIPPINES,**  
Respondent.

**X-----X**  
**THE HEIRS OF MIGUELA LIGOT-**  
**PARAGAS [represented by VICENTE**  
**PARAGAS],**  
Petitioners,

**G.R. No. 259593 [Formerly**  
**UDK No. 17265]**

Present:

CAGUIOA, J., *Chairperson*,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, \*\*\* JJ.

**- versus -**

**REPUBLIC OF THE PHILIPPINES,**  
Respondent.

**Promulgated:**

**MAR 05 2025**

**MisRDCB-att**

**X-----X**

## **DECISION**

**DIMAAMPAO, J.:**

The consolidated Rule 45 Petitions in G.R. Nos. 257827,<sup>1</sup> 258109,<sup>2</sup> and 259593<sup>3</sup> rail against the Decision<sup>4</sup> and the Resolution<sup>5</sup> of the Sandiganbayan (SBN) in Civil Case No. 0197, which ordered the forfeiture of several real and personal properties adjudged to have been unlawfully acquired by the various

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\*\*\* On leave.

<sup>1</sup> *Rollo* (G.R. No. 257827), pp. 11–30, Petition for Review on *Certiorari*.

<sup>2</sup> *Rollo* (G.R. No. 258109), pp. 10–36, Petition for Review.

<sup>3</sup> *Rollo* (G.R. No. 259593 [Formerly UDK No. 17265]), pp. 21–42, Petition for Review on *Certiorari* (with Motion for Substitution of Petitioner).

<sup>4</sup> *Rollo* (G.R. No. 257827), pp. 31–100. The February 3, 2021 Decision was penned by Associate Justice Bayani H. Jacinto, with the concurrence of Associate Justices Alex L. Quiroz and Lorifel Lacap Pahimna of the Fourth Division, Sandiganbayan.

<sup>5</sup> *Id.* at 155–179. Dated July 21, 2021.

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petitioners. Similarly, the Petition<sup>6</sup> in G.R. No. 257940 impugns the Decision<sup>7</sup> and the Resolution<sup>8</sup> of the SBN in Civil Case No. SB-13-CVL-0001, which ordered the forfeiture of several bank deposits and investment accounts unlawfully acquired by petitioner Lieutenant General Jacinto C. Ligot (General Ligot) during his tenure as a commissioned officer of the Armed Forces of the Philippines (AFP).

### Civil Case No. 0197

Civil Case No. 0197 involved a petition for forfeiture<sup>9</sup> filed by respondent Republic of the Philippines (Republic) against General Ligot; his wife, Erlinda Y. Ligot (Erlinda); their children, Paulo Y. Ligot (Paulo), Riza Y. Ligot (Riza), Miguel Y. Ligot (Miguel); as well as his sister, Miguela Ligot-Paragas (Paragas) and brother-in-law, Edgardo Tecson Yambao (Yambao).<sup>10</sup>

The controversy originated from a lifestyle investigation conducted by the Ombudsman to determine whether the wealth and properties accumulated by General Ligot while in active government service were manifestly disproportionate to his salary and other lawful income.<sup>11</sup> The Ombudsman's probe into General Ligot's Statements of Assets, Liabilities and Net Worth (SALNs) from 1982 to 2003,<sup>12</sup> as compared to the actual assets declared in his name and in the name of his close family members, raised suspicion that the funds and properties valued approximately at PHP 135 million were acquired unlawfully.<sup>13</sup> This led to the filing of the petition before the SBN.

The Republic averred that General Ligot was an officer of the AFP from 1970 until his retirement on August 17, 2004. During that period, he acquired unexplained wealth consisting of funds amounting to PHP 2,039,307.28 and properties worth PHP 133,241,514.83. These properties were summarized by the SBN as follows:

PROPERTY	VALUE
Raw Land in Masalat, Sampaloc, Tanay, Rizal (72,738 [sqm])	[PHP] 2,000,000.00

<sup>6</sup> *Rollo* (G.R. No. 257940), pp. 10–31, Petition for Review on *Certiorari*.

<sup>7</sup> *Id.* at 32–71. The May 26, 2021 Decision was penned by Associate Justice Michael Frederick L. Musngi, with the concurrence of Associate Justices Oscar C. Herrera, Jr. and Bayani H. Jacinto of the Second Division, Sandiganbayan.

<sup>8</sup> *Id.* at 85–88. Dated November 15, 2021.

<sup>9</sup> SBN records (G.R. No. 257940), pp. 17–43. Dated September 12, 2005.

<sup>10</sup> *Rollo* (G.R. No. 257827), p. 31.

<sup>11</sup> *Id.*

<sup>12</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 118–160.

<sup>13</sup> *Rollo* (G.R. No. 257827), pp. 31–33.

Essensa East Forbes Condominium Lawton Tower, Taguig	25,000,000.00
[Armed Forces and Police Savings and Loan Association, Inc. (AFPSLAI)] (highest accumulated year-end balance of four accounts of the Ligot spouse[s])	7,469,800.51
TOYOTA Hi-Lux	1,078,000.00
ISUZU Elf	305,000.00
Residential Lot/MBAI Susana IV, Muntinlupa City (904 [sqm])	1,193,280.00
1996 Honda Accord Sedan (UFY-223)	878,000.00
Condominium Unit/ Burgundy Plaza, Katipunan Avenue, Loyala Heights, Diliman, Quezon City (54.05 sqm[])	1,405,300.00
2001 Toyota Highlander, XBD-223	2,800,000.00
Subaru Forester XEB-718	1,174,000.00
Subaru Forester XHY-362	1,300,000.00
Cornland at Kalatugonan, Patpat, Malaybalay [City] (Tax Dec. No. E-038590)	72,000.00
Cornland at Lunocan, Manolo Fortich, Bukidnon (Tax Dec. No. 02-15-177761)	295,585.00
Cornland at Kalasungay, Malaybalay [City] (Tax Dec. No. E-038591)	94,035.60
Machineries at Imbayao, Malaybalay [City] (Tax Dec. No. E-029806)	80,000.00
Guardhouse, Quarantine & Bodega at Imbayao, Malaybalay [City] covering 305.10 sqm[] (Tax Dec. No. E-029807)	568,350.00
Shower Building & Water Tank at Imbayao, Malaybalay [City], covering 114 sqm[] (Tax Dec. No. E-029808)	19,368.00
Poultry Buildings and Rest House at Imbayao, Malaybalay [City], covering 5,910.10 sqm[] (Tax Dec. No. E-0239809)	4,531,578.00
Building at Imbayao, Malaybalay [City] covering 8,960 sqm[]	6,715,783.02
Imbayao Property (Parmil Farms [Inc.]) Lot[s] 2651, 2652, 2653 and 2654	195,000.00



Paid-up Capital: shares/interest in Parmil Farms, Inc.	575,000.00
House located at 7102 Stanton Avenue, Buena Park[,] California	33,572,000.00
House located at 1240 S. Cabernet, Anaheim, California	33,600,000.00
2 condominium units (Unit 18-N and Unit 18-O) located at the Paseo Parkview Tower 2	7,812,018.36
Condominium Unit (Unit 201) located at Building MC-14 of Pamayanang Diego Silang of [Bases Conversion and Development Authority (BCDA)]	507,416.34
	[PHP] 133,241,514.83 <sup>14</sup> (Emphasis in the original)

The Republic alleged that the foregoing properties were either registered in General Ligot's name or made to appear to be owned by his family members, who were impleaded as his conspirators, conduits, dummies, and fronts of General Ligot.<sup>15</sup>

General Ligot, Erlinda, Paulo, Riza, and Miguel (General Ligot et al.) as well as Paragas denied the accusations against them and raised several procedural defects in the petition.<sup>16</sup>

On the other hand, Yambao primarily argued that he is a legitimate businessman and that he and his wife could afford the properties registered in their name that were attributed by the petition to General Ligot.<sup>17</sup>

The parties stipulated on the following facts:

11. [General Ligot et al.] admit [LT GEN Ligot]'s Service Record and the contents of his [SALNs] from 1982–2003;
12. For the period covering 1982 to 2003, total income less declared expenses equate to [PHP 3,411,743.59];
13. [General Ligot] executed a Deed of Absolute Sale as purchaser of the Tanay property;
14. [Erlinda] appeared as the registered owner of the Essensa property;

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<sup>14</sup> *Id.* at 33–34.

<sup>15</sup> *Id.* at 35.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 36.

15. [General Ligot] and [Erlinda] hold funds in AFPSLAI;
16. [General Ligot] and [Erlinda] appear as co-owners with Mark Atienza of the Lunocan property;
17. The tax declarations state that [General Ligot] is the owner of certain properties owned by Parmil Farms, Inc.;
18. [General Ligot] and [Erlinda] have interest in, and own majority of Parmil Farms, Inc.;
19. The [United States] [p]roperties appear to have been purchased by [Erlinda];
20. [Yambao] did not file income tax returns from 1999 to 2004;  
....
22. [Erlinda] appeared to be the original registered owner of the Essensa [c]ondominium unit;  
....
24. [General Ligot] and [Erlinda] issued checks as payment for the Paseo Parkview [c]ondominium units;
25. [General Ligot et al.] had made travels abroad and enrolled the children in prestigious schools here and abroad; and
26. [Yambao] is not a public officer and never held any public office;
27. Except for the Essensa [c]ondominium unit, all the properties sought to be forfeited in the name of either Yambao alone or together with his wife, were originally registered either under his name or together with his wife;
28. [Yambao] acquired the Susana Heights and the Burgundy property, as well as the Honda Accord prior to the appointment of [General Ligot] as comptroller of AFP.<sup>18</sup>

Additionally, Yambao stipulated that the two Subaru Forester vehicles were registered in his name.<sup>19</sup>

During the course of the proceedings, a writ of preliminary attachment was issued on April 7, 2011 against General Ligot et al. and Yambao.<sup>20</sup>

In the inveighed February 3, 2021 Decision, the SBN granted the petition in part and declared the properties amounting to PHP 102,126,353.46

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<sup>18</sup> *Id.* at 38–39.

<sup>19</sup> *Id.* at 43–44.

<sup>20</sup> *Id.* at 47.

as having been unlawfully acquired and subject to forfeiture. Accordingly, the SBN made the April 7, 2011 Writ of Attachment permanent but excluded from its coverage the properties titled under the names of Yambao and his wife, and the Metrobank accounts under the name of Paragas.<sup>21</sup> The SBN held that based on the totality of evidence presented, there was sufficient basis for the *prima facie* presumption under Section 2 of Republic Act No. 1379 to apply.<sup>22</sup> Here, it was shown that: (1) General Ligot was a public officer; (2) he acquired considerable amount of money or property during his tenure;<sup>23</sup> and (3) the amassed assets were manifestly out of proportion to his salary and other lawful income.<sup>24</sup>

On the first requisite, there is no dispute that General Ligot was a public officer at the time.

On the second requisite, the SBN sorted through the assets that were properly attributable to General Ligot from those enumerated in the petition. It observed that the following properties were registered in the name of either General Ligot or Erlinda, or both, but were excluded from the former's SALNs:

1. Cornland at Lunocan, Manolo Fortich, Bukidnon;
2. Condominium unit, Building MC-14, BCDA (Unit 20);
3. AFPSLAI deposits;
4. Paid-up shares in Parmil Farms, Inc.;
5. Poultry building and rest house at Imbayao, Malaybalay;
6. Raw land in Sitio Masalat, Sampaloc, Tanay, Rizal;
7. Guardhouse, quarantine house & bodega at Imbayao, Malaybalay;
8. Shower building & water tank at Imbayao, Malaybalay;
9. House located at 1240 S. Cabernet, Anaheim, California, United States of America (United States);
10. Essensa East Forbes condominium unit, Taguig City (Unit 19A); and
11. House located at 7102 Stanton Avenue, Buena Park, California, United States<sup>25</sup>

On the other hand, the following properties were registered in the name of General Ligot's children, despite them having no financial capacity to acquire the same:

1. Imbayao property (Parmil Farms, Inc.) Lot 2651, 2652, 2653, and 2654;

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<sup>21</sup> *Id.* at 98–99.

<sup>22</sup> *Id.* at 80.

<sup>23</sup> *Id.* at 81.

<sup>24</sup> *Id.* at 89.

<sup>25</sup> *See id.* at 82–83.



2. Toyota Hi-Lux;
3. Paid-up shares in Parmil Farms, Inc.;
4. Building at Imbayao, Malaybalay City, covering 8,960 sqm;
5. Cornland at Kalatugonan, Patpat, Malaybalay City;
6. Cornland at Kalasungay, Malaybalay City; and
7. Machineries at Imbayao, Malaybalay City.<sup>26</sup>

While the Paseo Parkview condominium units appeared in the name of Paragas, there was ample evidence to show that a huge portion of its amortization payments were made by General Ligot and Erlinda. Paragas reasoned that she provided General Ligot et al. support in 1996 and some funds to purchase property in her name while she lived in the United States. However, Paragas failed to adduce evidence to that effect. While Paragas concededly had financial means to purchase the same, the evidence pointed to General Ligot and Erlinda as having paid for the Paseo Parkview condominium units with their own funds.<sup>27</sup>

The remaining properties outlined in the petition belonged to Yambao and his wife who were able to adduce sufficient evidence of their financial capacity.<sup>28</sup> However, with respect to the Essensa East Forbes condominium unit, the SBN held that the admissions on record and the evidence presented showed that it was initially purchased by Erlinda in 2003 for PHP 22.9 million, although it was later transferred and registered in the name of Yambao. Yambao claimed that he provided Erlinda with the funds to make the purchase, but no proof was submitted to prove this defense. Consequently, the SBN held that the property was still attributable to General Ligot.<sup>29</sup>

On the third requisite, the SBN painstakingly calculated General Ligot's disposable income between 1982 and 2003 and found that the acquired properties were manifestly out of proportion to his lawful income. During the relevant period, General Ligot had a total disposable income of only PHP 9,154,685.95 when his declared family expenses were deducted from his compensation income, other income, cash loans, and bank deposits. Aside from the foregoing, no other revenue sources were proved by General Ligot. Similarly, Erlinda, Paulo, Riza, and Miguel failed to prove any other lawful income that could have contributed to their wealth. This bolstered the position that only General Ligot could afford the purchases made in their names.<sup>30</sup> If the value of acquired properties is juxtaposed against General Ligot's disposable income, there is a clear underdeclaration of around PHP 101,761,835.64.<sup>31</sup> Put simply, his total cash outflow exceeded the total

<sup>26</sup> *Id.* at 86.

<sup>27</sup> *Id.* at 86–87.

<sup>28</sup> *Id.* at 88.

<sup>29</sup> *Id.* at 83–84, 88.

<sup>30</sup> *Id.* at 89–90.

<sup>31</sup> *Id.* at 93.

cash inflow by an exceedingly large percentage, particularly with respect to properties acquired from 2001 to 2004. His acquisition exceeded his cash inflow by 1094.78% in 2001, 2898.77% in 2002, 3429.44% in 2003, and 7196.48% in 2004.<sup>32</sup> Undoubtedly, these properties were out of proportion to his lawful income. In the face of this evidence, General Ligot et al. failed to justify how they acquired the properties out of their lawful income. Thus, the *prima facie* presumption under Republic Act No. 1379 remained uncontested and rendered the properties forfeitable in favor of the Republic.<sup>33</sup>

General Ligot et al., Paragas, and Yambao all moved for reconsideration,<sup>34</sup> but these were rebuffed by the SBN in the assailed July 21, 2021 Resolution.

Aggrieved, General Ligot et al. filed their Petition for Review on *Certiorari* before the Court, arguing that the assets attributed to General Ligot in the SBN rulings were not proved to be his properties.<sup>35</sup> The evidence purportedly showing General Ligot's ownership of the properties in the United States were not authenticated by a competent witness.<sup>36</sup> The Paseo Parkview condominium units were registered in the name of Paragas and her explanation on how it was funded was more plausible than the conclusions reached by the SBN.<sup>37</sup> The land in Tanay, Rizal was not the property of General Ligot; rather, he merely stood on behalf of the real buyers, i.e., numerous AFP officers, as their representative or nominee because the vendor refused to deal with too many people.<sup>38</sup> The properties in Malaybalay City were not in the name of Paulo, but a certain Manuel S. Piana (Piana). Likewise, the improvements thereon were attributed to General Ligot based on a document that he never signed and, instead, was signed by a certain Rey Noval. The real properties in Malaybalay City and Manolo Fortich (Bukidnon properties) in the names of Riza and Miguel, respectively, were only covered by tax declarations, which are not conclusive proofs of ownership.<sup>39</sup> The Essensa condominium unit was owned by Yambao who had already established that he had financial capacity to purchase the same.<sup>40</sup> Lastly, the AFPSLAI deposits were duly declared in General Ligot's SALNs and the amounts therein were earned by him throughout the years.<sup>41</sup> This Petition was then docketed as **G.R. No. 257827**.

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<sup>32</sup> *Id.* at 94–96.

<sup>33</sup> *Id.* at 96–97.

<sup>34</sup> *Id.* at 101–113, Motion for Reconsideration.

<sup>35</sup> *Id.* at 15.

<sup>36</sup> *Id.* at 16.

<sup>37</sup> *Id.* at 17.

<sup>38</sup> *Id.* at 17–18, 20.

<sup>39</sup> *Id.* at 21.

<sup>40</sup> *Id.* at 22.

<sup>41</sup> *Id.*

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Similarly, Yambao filed his own Petition for Review, seeking the exclusion of the Essensa condominium unit from the list to be forfeited in favor of the Republic.<sup>42</sup> Yambao claimed that the presumption under Republic Act No. 1379 cannot prevail over the strong presumption of ownership created by the titling of the property in his name, especially since he was found to have had the financial capacity to purchase the same.<sup>43</sup> Yambao's Petition was docketed as **G.R. No. 258109**.

Following the death of Paragas on August 5, 2021,<sup>44</sup> her heirs lodged their own Petition for Review on *Certiorari*, questioning the inclusion of the two Paseo Parkview condominium units in the list to be forfeited in favor of the Republic. They maintained that Paragas paid for the amortization of the units and that the SBN's conclusions were based purely on speculation and erroneous inference.<sup>45</sup> This Petition was docketed as **G.R. No. 259593**.

### Civil Case No. SB-13-CVL-0001

Eight years after the filing of the Petition in Civil Case No. 0197 in 2005, the Republic filed another petition for forfeiture<sup>46</sup> against General Ligot et al.; Yambao; and Gilda Y. Alfonso-Velasquez (Velasquez)—Erlinda's first cousin. The Republic contended that the subject bank deposits and investment accounts in the name of General Ligot et al., Yambao, and Velasquez were unlawfully acquired.<sup>47</sup> Neither amending the petition nor filing a supplemental petition in Civil Case No. 0197 was possible as the Republic had already completed its presentation of evidence. Hence, this separate petition was filed. In any case, the Republic reasoned that the bank deposits and investment accounts were not included in Civil Case No. 0197.<sup>48</sup> These bank deposits and investment accounts were summarized by the SBN as follows:<sup>49</sup>

Bank/Financial Institution	Account Number	Account Name	Amount (in [PHP])
[AFPSLAI]	001-0309307-7	[General Ligot]	184,760.25
	001-0524885-7	[Erlinda]	135,983.46
	001-0460631-1	[Riza]	419,323.60
	001-0460632-1	[Paulo]	194,073.29
	001-0753291-1	[Miguel]	209,000.00
	002-0009922-2	[Erlinda]	56,529.32
	002-0017146-5	[Miguel]	1,006.57

<sup>42</sup> *Rollo* (G.R. No. 258109), p. 29.

<sup>43</sup> *Id.* at 24.

<sup>44</sup> *Rollo* (G.R. No. 259593 [Formerly UDK No. 17265]), p. 158, Certificate of Death.

<sup>45</sup> *Id.* at 31.

<sup>46</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 1–14, Petition for Forfeiture (With Application for the Issuance of an *Ex-Parte* Writ of Preliminary Attachment).

<sup>47</sup> *Rollo* (G.R. No. 257940), p. 32.

<sup>48</sup> *Id.* at 33–34.

<sup>49</sup> *Id.* (Emphasis supplied)

Equitable PCI [B]ank ("BDO")	0149-1859-0	[General Ligot]	10,109.81
Bank of the Philippine Islands ("BPI")	2061-0133-88	Parmil Farms, Inc.	24,210.96
Land Bank of the Philippines ("LBP")	0961-0055-35	[General Ligot]	15,109.39
	0057-0575-72	[General Ligot]	16,318.37
	0961-0480-60	[General Ligot]	61,516.11
United Overseas Bank – Phil ("UOBP")	0020-7200- 1829	[Yambao]	346,190.43
Metropolitan Bank and Trust Company ("Metrobank")	CA#284- 7284821528	[Yambao]	10,000.00
	SA#284- 3284821522	[Yambao]	256,159.26
	SAX#284- 2284001472	[Yambao]	31,403.35
	Dollar Placement under COP No. 494230	[Yambao]	1,100,000.00
Citicorp Financial Services and Insurance Brokerage Phil., Inc. ("CFSI")	5274901001	[Velasquez]	52,525,000.00
		Total	55,596,694.17 <sup>50</sup>

In the July 5, 2013 Resolution<sup>51</sup> of the SBN, the issuance of a writ of preliminary attachment against the bank accounts of General Ligot et al., Yambao, and Velasquez to satisfy the claim of the government in the total amount of PHP 55,596,694.26 was ordered.<sup>52</sup>

Notably, concurrent to the filing of the Petition in Civil Case No. 0197, the Anti-Money Laundering Council (AMLC) filed for and was able to secure a freeze order on the bank deposits and investment accounts of the respondents before the Court of Appeals (CA) in CA G.R. SP No. 90238.<sup>53</sup> In 2011, the AMLC likewise filed a separate civil action for forfeiture before Branch 22<sup>54</sup> of the Regional Trial Court of Manila, docketed as AMLC Case No. 11-002-22.<sup>55</sup>

<sup>50</sup> In the May 26, 2021 SBN Decision, the total amount was stated as PHP 55,596,1694.26. *See id.* at 34.

<sup>51</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 715–716.

<sup>52</sup> *Rollo* (G.R. No. 257940), p. 34.

<sup>53</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 50–76, *Urgent Ex-Parte Application*.

<sup>54</sup> Indicated as “Branch 37” in the May 26, 2021 SBN Decision. *See rollo* (G.R. No. 257940), p. 34.

<sup>55</sup> *Id.* *See also* SBN records (Civil Case No. SB-13-CVL-0001), pp. 762–793, Petition (With Urgent Plea for Issuance of Provisional Asset Preservation Order And/or Asset Preservation Order; 835–839, September 28, 2011 RTC Order.

Among the defenses raised in the Answers<sup>56</sup> of General Ligot et al., Yambao, and Velasquez was *litis pendentia*, specifically that AMLC Case No. 11-002-22 barred Civil Case No. SB-13-CVL-0001. However, the SBN brushed aside this argument in its June 30, 2014 Resolution.<sup>57</sup> It held that the cause of action in Civil Case No. SB-13-CVL-0001 was rooted in Republic Act No. 1379 while AMLC Case No. 11-002-22 stemmed from Republic Act No. 9160. Additionally, the subject of forfeiture in Civil Case No. SB-13-CVL-0001 involved the bank deposits and investment accounts of General Ligot et al., Yambao, and Velasquez, which were manifestly out of proportion to the salary and other lawful income of General Ligot. In contrast, the subject of forfeiture in AMLC Case No. 11-002-22 were the accounts and investments pertaining to the proceeds of the money laundering offense of General Ligot et al., Yambao, and Velasquez.<sup>58</sup>

When the Republic rested its case, the respondents filed a Joint Demurrer to Evidence,<sup>59</sup> which was denied by the SBN.<sup>60</sup> Subsequently, only Yambao presented evidence<sup>61</sup> while General Ligot et al. and Velasquez declined to submit any on their behalf.<sup>62</sup>

In the impugned May 26, 2021 Decision, the SBN granted the Petition insofar as General Ligot et al. and Velasquez were concerned, but dismissed the same with respect to Yambao.<sup>63</sup> As a result, the SBN made the July 5, 2013 Writ of Attachment<sup>64</sup> permanent but excluded from its coverage the accounts under the name of Yambao.<sup>65</sup> The SBN reiterated that the Republic did not violate the rule against splitting a single cause of action as the subject matter among Civil Case No. 0197, Civil Case No. SB-13-CVL-0001, and AMLC Case No. 11-002-22 were different from one another.<sup>66</sup> It likewise emphasized that there was no violation of the laws on the secrecy of bank deposits under Republic Act No. 1405 and Republic Act No. 6426 when the bank representatives testified on the pertinent bank accounts. The two laws were not absolute as the Anti-Graft Law functioned as an additional exception in cases of unexplained wealth.<sup>67</sup> In the main, the SBN held that the Republic was able to provide sufficient proof for the *prima facie* presumption under Section 2 of Republic Act No. 1379 to arise. It was shown that: (1) General

<sup>56</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 753–761, Answer of General Ligot et al.; 794–802, Answer of Yambao and Velasquez.

<sup>57</sup> *Id.* at 1078–1089.

<sup>58</sup> *Rollo* (G.R. No. 257940), p. 35.

<sup>59</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 1873–1881.

<sup>60</sup> *Id.* at 1915–1923, July 8, 2019 SBN Resolution.

<sup>61</sup> *Id.* at 2050–2058, Formal Offer of Exhibits.

<sup>62</sup> *Rollo* (G.R. No. 257940), pp. 35–36.

<sup>63</sup> *Id.* at 70.

<sup>64</sup> SBN records (Civil Case No. SB-13-CVL-0001), pp. 717–718.

<sup>65</sup> *Rollo* (G.R. No. 257940), p. 70.

<sup>66</sup> *Id.* at 62–63.

<sup>67</sup> *Id.* at 63–64.

Ligot was a public officer;<sup>68</sup> (2) he acquired considerable amount of money during his tenure amounting to PHP 53,852,941.13;<sup>69</sup> and (3) the amassed bank deposits and investment accounts in the name of General Ligot et al. and Velasquez were out of proportion to General Ligot's salary in the AFP and other declared lawful income, which appeared on record to be only PHP 6,651,985.95.<sup>70</sup> In the face of the foregoing presumption, General Ligot et al. and Velasquez failed to present controverting evidence that the accounts were legitimately acquired.<sup>71</sup> In contrast, Yambao was able to prove his financial capacity and ownership of the bank accounts under his name. Hence, these should be excluded from the list of accounts to be forfeited in favor of the Republic.<sup>72</sup>

General Ligot et al. moved for reconsideration,<sup>73</sup> but this was given short shrift by the SBN in the oppugned November 15, 2021 Resolution.<sup>74</sup> They then filed their Petition for Review on *Certiorari* before this Court.

General Ligot et al. argued that the accounts in their names, i.e., AFPSLAI, BDO, BPI, and LBP, were not disproportionate to General Ligot's lawful income.<sup>75</sup> In any case, the Republic was guilty of splitting a single cause of action when it instituted Civil Case No. SB-13-CVL-0001 during the pendency of Civil Case No. 0197 which likewise involved the alleged accumulated disproportional wealth of General Ligot during his tenure in the AFP.<sup>76</sup> Moreover, Civil Case No. SB-13-CVL-0001 was barred by *litis pendentia* as it involved the same accounts covered by AMLC Case No. 11-002-22.<sup>77</sup> Furthermore, the SBN erred in concluding that the laws on bank secrecy were not violated as the present case did not constitute an exception thereto.<sup>78</sup>

General Ligot et al.'s Petition was later docketed as **G.R. No. 257940**.

### Proceedings Before the Court

In the Resolution dated February 28, 2022, the Court ordered the consolidation of G.R. Nos. 257827, 258109, and 259593.<sup>79</sup> Thereafter, it allowed the substitution of Paragas with her heirs.<sup>80</sup> It also required the

<sup>68</sup> *Id.* at 65.

<sup>69</sup> *Id.* at 65–66, 70.

<sup>70</sup> *Id.* at 68.

<sup>71</sup> *Id.* at 66.

<sup>72</sup> *Id.* at 67.

<sup>73</sup> *Id.* at 72–84. Motion for Reconsideration.

<sup>74</sup> *Id.* at 85–88.

<sup>75</sup> *Id.* at 16.

<sup>76</sup> *Id.* at 16–17.

<sup>77</sup> *Id.* at 18.

<sup>78</sup> *Id.* at 19–20.

<sup>79</sup> *Rollo* (G.R. No. 257827), pp. 142–143 [Notice, Second Division].

<sup>80</sup> *Id.* at 150–152, January 30, 2023 Notice of Resolution.

Republic, through the Office of the Special Prosecutor (OSP), to file its comment on the consolidated Petitions. In compliance, the OSP filed its Consolidated Comment.<sup>81</sup>

In the same vein, the OSP was directed to file its comment on the Petition in G.R. No. 257940.<sup>82</sup> The OSP complied by filing its Comment.<sup>83</sup>

Eventually, G.R. No. 257940 was consolidated with G.R. Nos. 257827, 258109, and 259593.<sup>84</sup>

Notably, the freeze order in CA G.R. SP No. 90238 was lifted by the Court in the case denominated as G.R. No. 176944 and entitled, *Ret. Lt. Gen. Ligot v. Rep. of the Phils.*,<sup>85</sup> and G.R. No. 171054 and entitled, *Yambao v. Republic*,<sup>86</sup> with respect to General Ligot et al. and Yambao, respectively.

During the pendency of the cases, General Ligot passed away on June 4, 2024. His counsel filed a Notice of Death of a Party.<sup>87</sup> Acting thereon, the Court ordered that General Ligot be substituted by his heirs, as represented by his wife, Erlinda.

## Issues

The issues submitted for the Court's resolution are as follows:

### I

Did the SBN err in ordering the forfeiture of the real and personal properties under the names of General Ligot et al., Yambao, and Paragas in Civil Case No. 0197?

### II

Did the SBN err in ordering the forfeiture of the bank deposits and investments accounts of General Ligot et al. and Velasquez in Civil Case No. SB-13-CVL-0001?

## The Court's Ruling

*After an assiduous examination of the evidence on record, the Court finds that the SBN did not err in rendering its assailed rulings both in Civil Case No. 0197 and Civil Case No. SB-13-CVL-0001. Perforce, the*

<sup>81</sup> *Id.* at 327–357.

<sup>82</sup> *Rollo* (G.R. No. 257940), pp. 102–103, February 13, 2023 Notice of Resolution.

<sup>83</sup> *Id.* at 127–147.

<sup>84</sup> *Id.* at 106–109, Consolidation Report.

<sup>85</sup> 705 Phil. 477 (2013) [Per J. Brion, Second Division].

<sup>86</sup> 894 Phil. 648 (2021) [Per J. Gaerlan, First Division].

<sup>87</sup> *Rollo* (G.R. No. 257827), pp. 374–380; *rollo* (G.R. No. 257940), pp. 157–163; *rollo* (G.R. No. 258109), pp. 347–354; *rollo* (G.R. No. 259593 [Formerly UDK No. 17265]), pp. 573–579.

***consolidated Petitions must be denied for lack of merit.***

At the outset, it bears emphasizing that the cases at bench are rooted in petitions for forfeiture under Republic Act No. 1379.<sup>88</sup> Proceedings under this law involve the forfeiture of assets and properties that have been illegally acquired or misappropriated. It is a statutory measure instituted against errant public officers or employees who, during their tenure in government service, have acquired properties that are manifestly disproportionate to their salaries or other lawful income.<sup>89</sup> Republic Act No. 1379 itself creates a *prima facie* presumption that such properties were unlawfully acquired:

**SEC. 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 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. (Emphasis supplied)

The landmark case of *Republic of the Phils. v. Sandiganbayan*<sup>90</sup> teaches that the following elements must concur for this *prima facie* presumption to apply:

- (1) [T]he offender is a public officer or employee;
- (2) [He/she] must have acquired a considerable amount of money or property during his [or her] incumbency; and
- (3) [The] 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.<sup>91</sup>

<sup>88</sup> An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor (1955).

<sup>89</sup> See *Republic of the Philippines v. Lt. Col. Rabusa*, 929 Phil. 216, 240 (2022) [Per J. J. Lopez, Second Division].

<sup>90</sup> 453 Phil. 1059 (2003) [Per J. Corona, *En Banc*].

<sup>91</sup> *Id.* at 1142.

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Additionally, forfeiture proceedings under Republic Act No. 1379 are civil in nature.<sup>92</sup> The quantum of evidence required therefor is preponderance of evidence, which is the greater weight of evidence.<sup>93</sup> Corollary thereto, the burden of proof lies with the Republic to establish the allegations in its petition, including the elements necessary for the *prima facie* presumption under Section 2 to arise.<sup>94</sup>

Applying the foregoing to the present cases, the SBN correctly ruled that the evidence adduced by the Republic was sufficient to establish the *prima facie* presumption that the properties subject for forfeiture were unlawfully acquired by General Ligot. There is no serious dissent with regard to the existence of the first requisite, i.e., that General Ligot was a public officer at the time the subject properties were acquired, in both Civil Case No. 0197 and Civil Case No. SB-13-CVL-0001. The bone of contention lies with the second and third requisites.

### **Civil Case No. 0197**

Indeed, the common argument raised across all the Petitions in G.R. Nos. 257827, 258109, and 259593 centers on whether the properties identified for forfeiture were “acquired” by General Ligot. Upon this point, it bears emphasizing that Republic Act No. 1379 covers not only properties directly under the name of the public officer or employee, but also to those concealed or transferred to their spouse, relative, or any other person, so long as the true ownership is traceable to the said public officer or employee.<sup>95</sup>

#### **a. The Properties in the United States**

General Ligot et al. categorically deny ownership over the houses located in both Buena Park and Anaheim, California, and argue that the SBN erred in basing its conclusion that it was purchased by Erlinda on the strength of unauthenticated documents, given that the persons who executed the same were not presented during trial.<sup>96</sup>

This argument deserves scant consideration.

As explicated by the SBN in its July 21, 2021 Resolution, the purportedly unauthenticated documents were not submitted as independent evidence but were part of the testimony of the Republic’s witness, Kevin R.

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<sup>92</sup> See *Republic of the Philippines v. Lt. Col. Rabusa*, 929 Phil. 216, 24 (2022) [Per J. J. Lopez, Second Division]. (Citation omitted)

<sup>93</sup> See *id.* at 241. (Citation omitted)

<sup>94</sup> *Id.*

<sup>95</sup> See *Perez v. Sandiganbayan*, 934 Phil. 107, 167 (2023) [Per J. Leonen, Second Division].

<sup>96</sup> *Rollo* (G.R. No. 257827), p. 16.

Peters (Peters), the United States Immigration and Customs Enforcement (ICE) Attaché to the Philippines from 2003 to 2005:

Peters's testimony was based on his personal knowledge of the official investigation conducted by the ICE as well as of the existence of official [United States] government records identifying the properties purchased by respondent Erlinda. While the latter set of documents, by themselves, have no independent probative value, they serve to corroborate the witness's testimony, which supplies the information required by the Court: the identity of the [United States] properties and the [United States] government's findings relating to respondent Erlinda's purchase thereof.<sup>97</sup>

The Court agrees with the conclusion of the SBN. On this score, it must be clarified that the SBN did not rest its conclusions on the strength of the grant deeds showing Erlinda's purchase of the two properties in the United States that General Ligot et al. contend as unauthenticated. Rather, the SBN appreciated Peters's testimony on the specific actions taken by the United States government in relation to those properties which revealed Erlinda's acquisition thereof. This material fact is further supported by the parties' own stipulation that "The [United States] [p]roperties appear to have been purchased by [Erlinda.]"<sup>98</sup>

Confronted with this evidence, General Ligot et al. initially explained that the House in Buena Park was purchased by a certain Juanito and Elenita Destura, whereas the House in Anaheim, was actually bought by a partnership consisting of Erlinda and several others, wherein Erlinda merely acted as its representative or trustee.<sup>99</sup> However, no proof was adduced of the foregoing allegations. Thus, the fact of Erlinda's acquisition of the two properties remained uncontested.

#### b. The Paseo Parkview Condominium Units

On the Paseo Parkview condominium units, both General Ligot et al. and the heirs of Paragas insist that Paragas was its true owner, especially since they were registered in her name.<sup>100</sup>

However, it is a fact that General Ligot and Erlinda issued checks as payment for the Paseo Parkview condominium units, covering a majority of the amortization payments.<sup>101</sup> In addition, there is evidence showing that Paragas requested the transfer of the units to Paulo in 2000 and 2001, which Megaworld Corporation recognized. In fact, Paulo was indicated as the

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<sup>97</sup> *Id.* at 124.

<sup>98</sup> *Id.* at 39.

<sup>99</sup> *Id.* at 83.

<sup>100</sup> *Id.* at 86–87

<sup>101</sup> *Id.* at 39, 86.

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“payor” from 2001 up until 2004 when Paragas cancelled this request.<sup>102</sup> These circumstances point to the fact that General Ligot et al. were the true owners of the units even though the legal title was registered under Paragas’ name. At most, there can be said to be a resulting trust between the parties. This is based on the equitable doctrine that “valuable consideration[,] and not legal title[,] is determinative of equitable title or interest and is always presumed to have been contemplated by the parties.”<sup>103</sup> Since there is sufficient proof that the consideration for the units came from General Ligot and Erlinda, and its use thereof was given to Paulo, it is more reasonable to conclude that they are the true owners of the Paseo Parkview condominium units.

Faced with this evidence, Paragas explained that she funded the purchase by giving money to General Ligot et al. throughout her visits to the Philippines. However, other than this bare assertion, there is no proof that she ever physically gave funds to General Ligot et al. during the relevant period. Moreover, she admitted she was absent from the Philippines between 2000 and 2005, and there was no proof of any remittances made to General Ligot et al. during this interval when amortizations were being paid.<sup>104</sup> As such, Paragas and her heirs cannot hide behind the registration of the units in Paragas’s name to exclude the two units. To conclude otherwise would be to render Republic Act No. 1379 nugatory if the registration of properties in the name of third persons would suffice to forestall the presumption under Section 2 of the law from arising.

### c. The Land in Tanay, Rizal

As to the land in Tanay, Rizal, General Ligot maintains that he is not the true owner and merely stood as representative of the various AFP officers-buyers.<sup>105</sup>

General Ligot admitted that he executed a Deed of Absolute Sale as purchaser of the Tanay property.<sup>106</sup> He likewise did not deny that it is registered under his name. He merely proffered the justification that this was purchased by several other buyers from within the AFP and he merely stood as the representative.<sup>107</sup> The witnesses he presented to establish this explanation were unconvincing.

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<sup>102</sup> *Id.* at 61.

<sup>103</sup> *Clemente v. Court of Appeals*, 771 Phil. 113, 132 (2015) [Per J. Jardaleza, Third Division]. (Citation omitted)

<sup>104</sup> *Rollo* (G.R. No. 257827), p. 87.

<sup>105</sup> *Id.* at 18–20.

<sup>106</sup> *Id.* at 38.

<sup>107</sup> *Id.* at 63.

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As aptly observed by the SBN, the witnesses could not explain how much was purportedly collected from the AFP personnel who participated in the purchase. Moreover, to date, there is still no partitioning and conveyance of the properties to the supposed end-buyers as the title remains in General Ligot's name. The argument that this was because the payments are still being made on a staggered basis was belied by the testimony of the seller of the land who claimed that she had already received the entire purchase price in 2002.<sup>108</sup> This explanation appears as an afterthought at best. Contrary to General Ligot et al., the evidence they submitted was insufficient to prove a trust relationship over the property.<sup>109</sup> Accordingly, it must be presumed that General Ligot is the true owner of the land in Tanay, Rizal.

#### d. The Lands in in Malaybalay City

General Ligot et al.'s whole defense as to the lands in Malaybalay City, is that these are not named under Paulo, but a certain Piana.<sup>110</sup> However, this is belied by the evidence submitted by the Republic, such as the Deed of Extrajudicial Settlement with Sale executed between the parties conveying the said land to Paulo.<sup>111</sup> Paulo himself admitted that he bought the properties from Piana's heirs for PHP 195,000.00 and was meant to be his capital contribution to Parmil Farms, Inc..<sup>112</sup>

#### e. The Bukidnon Properties

General Ligot et al. claim ownership over the improvements in Malaybalay City and Manolo Fortich, and fault the SBN for relying on mere tax declarations under the names of Riza and Miguel to establish ownership.<sup>113</sup>

Settled is the rule that while "tax declarations . . . are not conclusive evidence of ownership, they are nonetheless good indicia of the possession in the concept of owner, **for no one in his right mind would be paying taxes for a property that is not in his actual or at least constructive possession.**"<sup>114</sup>

General Ligot et al.'s ownership over the Bukidnon properties and the improvements made are further reinforced by their own Answer admitting that

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<sup>108</sup> *Id.* at 84.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* at 21.

<sup>111</sup> *Id.* at 128.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 21.

<sup>114</sup> *Heirs of Lope Malaque v. Heirs of Salomon Malaque*, 888 Phil. 566, 581 (2020) [Per J. Carandang, First Division]. (Citation omitted, emphasis supplied)

Riza and Miguel were the owners.<sup>115</sup> Even Paulo testified that Riza and Miguel owned the improvements, and that he even facilitated the purchase.<sup>116</sup>

Relevantly, “facts pleaded in the petition and answer/joint answer are deemed admissions of [the parties], who are not permitted to contradict them or subsequently take a position contrary to or inconsistent with such admissions.”<sup>117</sup> In the same vein, General Ligot et al. cannot go against their earlier statements and advance the contrary theory that Riza and Miguel are not the owners of the improvements on the Bukidnon properties.

#### f. The Essensa Condominium Unit

General Ligot et al. argue that the Essensa condominium unit was improperly included as it is actually owned and titled under the name of Yambao, who had already proved that he had financial capacity to purchase the same.<sup>118</sup> Parenthetically, Yambao, in his own Petition, argues that the presumption under Republic Act No. 1379 cannot prevail over the strong presumption of ownership created by the titling of the property in his name.<sup>119</sup>

These arguments fail to persuade.

The parties stipulated that Erlinda was the original registered owner of the Essensa condominium unit.<sup>120</sup> However, when she purchased it in 2003 from Meridien Development Group, Inc. (Meridien Development), she had no independent income and General Ligot was the family’s sole breadwinner.<sup>121</sup> This suggests that the property was likewise acquired by General Ligot himself although subsequently conveyed to Yambao. As to the circumstances of Erlinda’s transfer of the condominium unit to Yambao, there is a divergence of theory between General Ligot et al. and Yambao himself. General Ligot et al. claim that Yambao provided the entirety of the funds to purchase the property and that Erlinda merely held it in trust in his favor. Thus, when she conveyed it to Yambao, there was no consideration.<sup>122</sup> In contrast, Yambao claimed that he bought the same from Erlinda for the full price and for value.<sup>123</sup>

As above-adumbrated, Republic Act No. 1379 covers not only properties directly under the name of the public officer or employee but also

<sup>115</sup> *Rollo* (G.R. No. 257827), p. 129.

<sup>116</sup> *Id.* at 130.

<sup>117</sup> *Rep. of the Phils. v. Sandiganbayan*, 830 Phil. 423, 455 (2018) [Per J. Leonardo-De Castro, First Division]. (Citation omitted)

<sup>118</sup> *Rollo* (G.R. No. 257827), p. 22.

<sup>119</sup> *Rollo* (G.R. No. 258109), p. 24.

<sup>120</sup> *Rollo* (G.R. No. 257827), p. 39.

<sup>121</sup> *Id.* at 134.

<sup>122</sup> *Id.* at 135.

<sup>123</sup> *Id.* at 136.

to those concealed or transferred to any other person, **so long as the true ownership is traceable to said public officer or employees**. To reverberate, Republic Act No. 1379 would be rendered ineffectual if the registration of properties in the name of third persons would suffice to forestall the presumption under Section 2 of the law from arising. It likewise bears stressing that the registration of a condominium certificate of title is not, by itself, a mode of acquiring ownership under Article 712<sup>124</sup> of the Civil Code.

Here, it is undisputed that Erlinda purchased the Essensa condominium unit in 2003, as evidenced by the deed of sale with Meridien Development. At that time, she had no proven means of income other than the income stream of General Ligot. As will be further expounded below, General Ligot's disposable income was far less than the stated value of the Essensa condominium unit at PHP 25 million. Necessarily, the presumption under Section 2 of Republic Act No. 1379 already applied as of that time. The burden then shifted to Yambao to prove that he lawfully acquired the unit from Erlinda. His failure to adduce proof, notwithstanding his allegation that he paid the full price, lends credence to the presumption that it was merely registered under his name in his capacity as a conduit of General Ligot for that particular property.

#### g. The AFPSLAI Deposits

Lastly, General Ligot does not deny that he and Erlinda owned the AFPSLAI deposits in the amount of PHP 7,469,800.51, but he maintains that he lawfully earned the amounts therein throughout the years.<sup>125</sup>

It must be underscored that General Ligot and Erlinda admitted to holding funds in the AFPSLAI. They likewise admitted that General Ligot's total income less declared expenses from 1982 to 2003 equated to only PHP 3,411,743.59. He took no issue with the contents of his SALNs for the same period.<sup>126</sup> All the same, no reasonable and logical explanation was given as to how they amassed PHP 7,469,800.51 worth of deposits alongside their other acquisitions, especially from 2001 to 2004. No sufficient reason was given as to why these deposits were omitted from his SALNs, considering that the value alone was more than twice of his declared income. All the admissions and circumstances taken together suffice to satisfy the second requisite.

Having shown that the foregoing contentious properties were properly attributable and traceable to General Ligot, the question now devolves to the

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<sup>124</sup> Art. 712. Ownership is acquired by occupation and by intellectual creation. Ownership and other real rights over property are acquired and transmitted by law, by donation, by estate and intestate succession, and in consequence of certain contracts, by tradition.

They may also be acquired by means of prescription.

<sup>125</sup> *Rollo* (G.R. No. 257827), p. 22.

<sup>126</sup> *Id.* at 37-39.



determination of the third requisite: *are these manifestly disproportionate to his lawful income?*

On this score, the Court echoes with approbation the computation provided by the SBN. From 1982 to 2004, General Ligot's disposable income accumulated throughout the years only amounted to PHP 9,154,685.95 when his compensation income was added to his other income, cash loans, and bank deposits, and after deducting his yearly family expenses.<sup>127</sup> No other proof was proffered as to other cash flow sources. When this disposable income is juxtaposed to his family's acquired properties in the same period, it shows that he has a net deficit of at least PHP 101,761,835.64.<sup>128</sup> This glaring disparity undoubtedly satisfies the law's criteria of manifest disproportionality.

With the three requisites proven, the presumption under Section 2 of Republic Act No. 1379 arises and the foregoing properties are deemed forfeitable for being unlawfully acquired. In light thereof, General Ligot et al., Paragas, and Yambao failed to adduce sufficient proof to rebut the same. Consequently, the SBN did not err in declaring the properties in Civil Case No. 0197 forfeited in favor of the government.

### Civil Case No. SB-13-CVL-0001

In contrast to their position in Civil Case No. 0197, General Ligot et al. do not deny ownership of the AFPSLAI, BDO, BPI, and LBP accounts that are the subjects of the forfeiture petition in Civil Case No. SB-13-CVL-0001. They maintain that the amounts in these various financial accounts were lawfully acquired.<sup>129</sup> They primarily argue that two procedural barriers barred the Republic's petition: (1) the prohibition against the splitting of causes of action,<sup>130</sup> and (2) *litis pendentia*.<sup>131</sup> They likewise avow that in allowing the bank officials to testify on their accounts, the SBN violated the laws on bank secrecy.<sup>132</sup> The Court shall discuss these issues in *seriatim*.

**First.** There was no violation of the rule against splitting causes of action when the Republic filed its petition in Civil Case No. SB-13-CVL-0001 during the pendency of Civil Case No. 0197.

The rule against splitting cause of action is enshrined in Rule 2, Section 4 of the 2019 Revised Rules of Civil Procedure. It states that if two or more suits are instituted on the basis of the same cause of action, the filing of one

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<sup>127</sup> *Id.* at 90.

<sup>128</sup> *Id.* at 93.

<sup>129</sup> *Rollo* (G.R. No. 257940), p. 16.

<sup>130</sup> *Id.* at 16–17.

<sup>131</sup> *Id.* at 18.

<sup>132</sup> *Id.* at 19–20.

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or a judgment upon the merits in anyone is available as a ground for the dismissal of the others.

In determining whether two suits relate to a single cause of action, “the test is whether there is the possibility that courts will, in different proceedings, consider substantially the same evidence such that there is the possibility of diverging interpretations.”<sup>133</sup> This is the same evidence test.

Applied to the case at bench, it cannot be gainsaid that the same evidence would suffice to establish the Republic’s cause of action in Civil Case No. 0197 and Civil Case No. SB-13-CVL-0001. While there might be some overlap in proving General Ligot’s lawful income, the evidence to prove the acquisition and ownership of the subject properties in the two cases would be entirely different and separate from one another. In retrospect, the subject bank deposits and investment accounts of Civil Case No. SB-13-CVL-0001 are those **not included** in Civil Case No. 0197. Hence, the same evidence test would fail.

**Second.** There is no *litis pendentia* between Civil Case No. SB-13-CVL-0001 and AMLC Case No. 11-002-22.

In order for *litis pendentia* to exist, three requisites must concur: (1) the identity of parties, or at least such as representing the same interests in both actions; (2) the identity of rights asserted, and reliefs prayed for; and (3) the identity of the two cases such that judgment in one would amount to *res judicata* in the other.<sup>134</sup>

While the first requisite holds true, the second and third are absent.

As above-narrated, AMLC Case No. 11-002-22 involved a forfeiture proceeding based on an ongoing probe against General Ligot et al. and related parties. Its cause of action is based on potential money laundering offenses committed by General Ligot et al. involving the bank deposits and investment accounts. On the other hand, Civil Case No. SB-13-CVL-0001 is based on forfeiture proceedings rooted in the substantial disparity between the assets traceable to General Ligot et al. and the lawful income declared by General Ligot. Under Republic Act No. 1379, there is no need to prove the existence of a money laundering offense or scheme, as it is sufficient that the acquired wealth is manifestly disproportionate to the public officer’s lawful income. The subject of the forfeiture is the real or personal property itself identified in the Petition. This is not necessarily the case for forfeiture under Republic Act

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<sup>133</sup> *Philippine College of Criminology, Inc. v. Bautista*, 873 Phil. 1014, 1025 (2020) [Per J. Leonen, Third Division].

<sup>134</sup> See *Perez v. Sandiganbayan*, 934 Phil. 104, 148 (2023) [Per J. Leonen, Second Division]. (Citation omitted)



No. 9160. Under Section 12 (c),<sup>135</sup> the law recognizes that the forfeiture relates directly to the money or transaction subject of the offense although it may have already been altered, destroyed, or diminished. In such case, the respondent therein will be asked to pay the actual amount in lieu of forfeiture. This accentuates that the rights asserted and reliefs prayed for by the Republic in the two cases, although baring some semblance, are not substantially identical to one another. Similarly, a judgment in one would not be *res judicata* in the other.

**Third.** There was no violation of the laws on bank secrecy.

The laws on bank secrecy in the Philippines are enshrined in Republic Act No. 1405<sup>136</sup> and Republic Act No. 6426,<sup>137</sup> which are applicable to Philippine peso accounts and foreign currency deposit accounts, respectively.

While these two laws provide confidentiality and privacy to bank accounts, they admit of exceptions.

In the fairly recent case of *Republic of the Philippines v. Lt. Col. Rabusa*,<sup>138</sup> the Court clarified that proceedings on unexplained wealth are now encompassed within the exceptions of Republic Act No. 1405, particularly when the bank deposits themselves are the subject of forfeiture, as in this case. Still, in the same case the Court reinforced that the only exception recognized for Republic Act No. 6426 is “written permission of the depositor”:

It is beyond cavil that for foreign currency deposits, such as the [United States] dollar deposits in this case, the applicable law is [Republic Act] No. 6426, or the “Foreign Currency Deposit Act of the Philippines,” and not [Republic Act] No. 1405, as affirmed in *Intengan v. Court of Appeals*. Designed to encourage foreign lenders and investors, the lone exception to the nondisclosure of foreign currency deposits under [Republic

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<sup>135</sup> SEC. 12. Forfeiture Provisions.

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(c) Payment in Lieu of Forfeiture. — Where the court has issued an order of forfeiture of the monetary instrument or property subject of a money laundering offense defined under Section 4, and said order cannot be enforced because any particular monetary instrument or property cannot, with due diligence, be located, or it has been substantially altered, destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, attributable to the offender, or it has been concealed, removed, converted or otherwise transferred to prevent the same from being found or to avoid forfeiture thereof, or it is located outside the Philippines or has been placed or brought outside the jurisdiction of the court, or it has been commingled with other monetary instruments or property belonging to either the offender himself or a third person or entity, thereby rendering the same difficult to identify or be segregated for purposes of forfeiture, the court may, instead of enforcing the order of forfeiture of the monetary instrument or property or part thereof or interest therein, accordingly order the convicted offender to pay an amount equal to the value of said monetary instrument or property. This provision shall apply in both civil and criminal forfeiture.

<sup>136</sup> An Act Prohibiting Disclosure of or Inquiry Into, Deposits with Any Banking Institution and Providing Penalty Therefor (1955).

<sup>137</sup> Foreign Currency Deposit Act of the Philippines (1972).

<sup>138</sup> 929 Phil. 216 (2022) [Per J. J. Lopez, Second Division].



Act] No. 6426 is disclosure upon the written permission of the depositor. Section 8 of the law is categorical and subject to no other interpretation[.]

....

Glaringly, no such written permission was ever issued by Rabusa and Ma. Debbie consenting to the disclosure of the said foreign currency bank accounts. Therefore, applying Section 8 of [Republic Act] No. 6426, Security Bank cannot be legally compelled to disclose the bank deposits of respondents; otherwise, it may unwittingly expose itself to criminal liability under the same [A]ct.<sup>139</sup>

As applied to the case at bench, it becomes clear that all Philippine peso deposit accounts are the subject of the inquiry and are outside the ambit of Republic Act No. 1405.

As to the CFSI account in the name of Velasquez containing PHP 52,525,000.00, the absolute confidentiality in Republic Act No. 6426 cannot apply, contrary to General Ligot et al.'s assertion.

It was aptly observed by the SBN that this matter was already settled by this Court in the March 13, 2017 Resolution in G.R. No. 229814 entitled, *Ligot v. Sandiganbayan*. There, the Court upheld the SBN in its conclusion that the CFSI account was not to be covered by Republic Act No. 6426 because CFSI is not a bank authorized by the Bangko Sentral ng Pilipinas to act as a foreign currency deposit unit.<sup>140</sup> Consequently, Republic Act No. 6426 could not afford protection to the CFSI account.

Having dispensed with the primary defenses raised by General Ligot et al., the Court proceeds to ascertaining whether the SBN correctly declared the subject bank deposits and investment accounts forfeitable in favor of the Republic.

Again, for the presumption under Section 2 of Republic Act No. 1379 to apply, three requisites must be established: (1) the offender is a public officer or employee; (2) they must have acquired a considerable amount of money or property during their incumbency; and (3) the said amount is manifestly out of proportion to their salary as such public officer or employee, and to their other lawful income and the income from legitimately acquired property.

The first requisite applies. General Ligot was a commissioned AFP comptroller during the relevant period.

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<sup>139</sup> *Id.* at 235-236.

<sup>140</sup> *Rollo* (G.R. No. 257940), pp. 63-64.

The second requisite is likewise present. General Ligot et al. claim full ownership over the AFPSLAI, BDO, BPI, and LBP accounts. As to the CFSI account, there is sufficient evidence on record that the original account owner was Erlinda before it was transferred to Velasquez.<sup>141</sup> No evidence was adduced as to where the funds were sourced and Velasquez herself failed to provide any proof of lawful income. As established, Erlinda herself had no independent income during this time. Hence, the contents of the CFSI account are traceable to General Ligot.

On the third requisite, it was shown that General Ligot's income from his salary and other legitimate sources, coupled with Erlinda's salary and other investment proceeds, amounted to only PHP 6,651,985.95. His children, Paulo, Riza, and Miguel did not have their own independent sources of income at that time and yet they each had AFPSLAI accounts that were worth between PHP 200,000 to PHP 420,000. Undoubtedly, the amassed wealth worth PHP 53,852,941.13 is manifestly disproportionate to the family's lawful income and is presumed unlawfully acquired under Republic Act No. 1379.

General Ligot et al. failed to controvert this presumption. Perforce, the bank deposits and investment accounts are forfeitable in favor of the Republic.

**ACCORDINGLY**, the Court **DIRECTS** the **SUBSTITUTION** of Lieutenant General Jacinto C. Ligot by his heirs, as represented by his wife, Erlinda Y. Ligot, in G.R. Nos. 257827 and 257940.

The consolidated Petitions for Review on *Certiorari* in G.R. Nos. 257827, 258109, and 259593 are **DENIED**. The February 3, 2021 Decision and the July 21, 2021 Resolution of the Sandiganbayan in Civil Case No. 0197 are **AFFIRMED**.

Further, the Petition for Review on *Certiorari* in G.R. No. 257940 is **DENIED**. The May 26, 2021 Decision and the November 15, 2021 Resolution of the Sandiganbayan in Civil Case No. SB-13-CVL-0001 are likewise **AFFIRMED**.

**SO ORDERED.**

  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

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<sup>141</sup> *Id.* at 67.

Decision

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G.R. Nos. 257827, 257940, 258109,  
and 259593 [Formerly UDK No. 17265]

**WE CONCUR:**



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

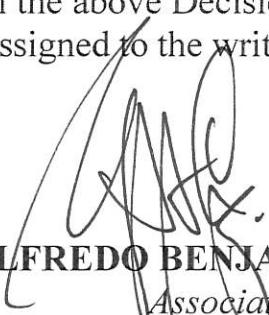


**SAMUEL H. GAERLAN**  
*Associate Justice*

On leave  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*

#### ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court's Division.



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson, Third Division*

#### CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of this Court.



**ALEXANDER G. GESMUNDO**  
*Chief Justice*