

## Sequestration: A Review

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SUBJECT(S): CONSTITUTIONAL LAW

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Sequestration, as a legal concept, did not enjoy its present popular usage prior to the Aquino Administration. In fact, sequestration only appeared in statute law in the Civil Code and in jurisprudence in *Hawpia v. China Banking Corporation*. This changed, however, after the issuance of Executive Order No. 1 on 28 February 1986 and the enactment of the Provisional Constitution of the Republic of the Philippines on 25 March 1986.

As one of the two means for the recovery of ill-gotten wealth from the Marcos regime, sequestration has given the Presidential Commission on Good Governance (PCGG) a broad spectrum of powers. The PCGG's issuance and implementation of writs of sequestration prompted the Supreme Court to review these actions, which led to the formative period of jurisprudence on the PCGG.

A long line of jurisprudence had placed limitations on the PCGG's exercise of sequestration power against private individuals and corporations, the most significant being *PCGG v. International Copra Export Corporation, et al.* In fact, these pronouncements have been serious setbacks to PCGG's drive to recover ill-gotten wealth. This, however, merely proves that even the State, no matter how laudable its intentions, should also prove compliance with the law and respect for the rights of its citizens.