SECOND DIVISION

[G.R. No. 260640. October 01, 2025]

PELAGIO S. APOSTOL, ADELINA S. APOSTOL, MAXIMA S. APOSTOL, AND ZENAIDA S. APOSTOL, PETITIONERS, VS. HON. GAY MARIE F. LUBIGAN-RAFAEL IN HER OFFICIAL CAPACITY AS PRESIDING JUDGE OF THE FOURTH JUDICIAL REGION, REGIONAL TRIAL COURT, BRANCH 73, ANTIPOLO CITY, AND SPOUSES LOUIE VEE VISTA AGTING AND ANN JAY CLAIRE T. AGTING, RESPONDENTS.

D E C I S I O N

LEONEN,* ACTING C.J.:

The Law on Secrecy of Bank Deposits prohibits the unwarranted inquiry into deposits and investments "if the purpose of such inquiry or investigation is merely to determine the existence and nature, as well as the amount of the deposit in any given bank account."[1]

Before this Court is a Petition for *Certiorari*,[2] which assails the Resolution[3] issued by the Regional Trial Court denying the Motion for the Issuance of Subpoena *Duces Tecum* and Motion for the Issuance of Subpoena *ad Testificandum* and *Duces Tecum* filed by Pelagio S. Apostol, Adelina S. Apostol, Maxima S. Apostol, and Zenaida S. Apostol (collectively, Apostol) in guardianship proceedings.

Spouses Rodrigo S. Apostol, Jr. (Rodrigo) and Everly T. Apostol (Everly) owned two businesses, namely, JRA Advertising Services and Xavierville Construction Supply.[4] Rodrigo died on October 13, 2016, while Everly died on July 11, 2018.[5] They left behind their then 13-year-old son, John Rodly T. Apostol (John Rodly).[6] Upon Everly's death, the relatives of Rodrigo and Everly both came up with a plan to convert JRA Advertising Services and Xavierville Construction Supply into a single corporation for the benefit of John Rodly, but the plan did not materialize.[7]

On August 14, 2018, Ann Jay Claire T. Agting (Ann), with her spouse Louie Vee Vista Agting (collectively, spouses Agting), filed the Petition for Guardianship[8] before the Regional Trial Court seeking to be appointed as guardians of John Rodly. They stated that: (a) Ann and John Rodly are first cousins, since their parents are siblings; (b) Ann had been staying with Rodrigo and Everly in the latter's house since 1998 up to the

present, together with her husband and child; (c) she and her husband have been taking care of John Rodly and treating him as their own child; and (d) John Rodly is the sole heir of Everly, who left behind "real estate in Antipolo and Quezon City with an aggregate estimated assessed value of [PHP] 1.5 [m]illion; hardware with an estimated worth of [PHP] 5 [m]illion; cars and trucks with an aggregate estimated value of [PHP] 2 [m]illion and bank deposits with an aggregate estimated amount of [PHP] 3 [m]illion."[9]

On October 2, 2018, Apostol, the siblings of Rodrigo, filed an Opposition[10] to the Petition for Guardianship essentially claiming spouses Agting's unsuitability to be a guardian over the person and property of John Rodly.[11] Pre-trial and trial thereafter ensued.[12]

On March 30, 2022, Apostol filed the Motion for the Issuance of Subpoena *Duces Tecum*[13] to direct the manager or representative of the following banks to submit the updated records and transactions on the following accounts: (a) United Coconut Planters Bank Loyola Heights Branch pertaining to Multi-One Account No. 201360002297 in the name of Anne Jay Claire Agting; and (b) East West Bank Loyola Heights Katipunan Branch pertaining to Checking Account No. 200022680508 in the name of Anne Jay Claire Agting or Everly Apostol.

On the same date, Apostol also filed a Motion for the Issuance of Subpoena *ad Testificandum* and *Duces Tecum*[14] against Ann to testify and produce the following documents: (1) application and all records relative to the issuance of the Bureau of Domestic Trade of business name or trade name Rodrigo Apostol Advertising Services (RAADS), owned and registered under the name of Ann; (2) report on the financial status of JRA Advertising Services at the time of the conversion; (3) list or inventory of the vehicles owned by JRA Advertising Services that are presently being used by the RAADS in operating the business; (4) list or inventory of the tools and equipment (including the shop, the computers, the tarpaulin printers) owned by JRA Advertising Services that are presently being used by RAADS in operating the business; (5) list of collectibles or receivables of the JRA Advertising Services; (6) application and all records relative to the issuance of the trade name ETA's Hardware and Construction Supply; (7) report on the financial status of Xavierville Construction Supply at the time of the conversion; (8) inventory of the hardware supplies for sale at the time of the conversion; and (9) inventory of the office equipment used by Xavierville Construction Supply that are now being used by the ETA's Hardware and Construction Supply.[15]

In its April 19, 2022 Resolution,[16] the Regional Trial Court denied the Motion for the Issuance of Subpoena *Duces Tecum* filed by Apostol, thus:

> **WHEREFORE,** premises considered, the: 1) *Motion for the Issuance of Subpoena Duces Tecum* and the 2) *Motion for the Issuance of Subpoena ad Testificandum and Duces Tecum* both dated March 30, 2022 filed by the oppositors, through counsel, are both denied for lack of merit.

SO ORDERED.[17]

The trial court ruled that Apostol failed to show the relevancy of the documents sought to be produced to the guardianship case or to the fitness of spouses Agting to be guardian of the minor and failed to explain how the motions fall among the exception to the bank secrecy law.[18] Also, the court held that the persons named in the motion were not listed in the Pre-trial Order as witnesses of Apostol.[19]

On April 25, 2022, Apostol filed a Motion for Extension of Time to File Motion for Reconsideration and Motion for Resetting of the Trial Scheduled on April 27, 2022,[20] which the trial court denied in its April 26, 2022 Resolution.[21]

On May 30, 2022, Apostol filed the present Petition before this Court, essentially arguing that the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction[22] in denying the Motion for the issuance of Subpoena *Duces Tecum* and Motion for the issuance of Subpoena *ad Testificandum* and *Duces Tecum* (collectively, Motions).

Petitioners Apostol contend that their Motions fall under the exceptions of bank secrecy law such as "upon the order of the court in cases where the money is deposited or invested in the subject matter of the litigation" considering the bank accounts belong to the estate of the late spouses.[23] They also argue that the documents subject of the Motions would prove the following disqualifications of respondents-spouses Agting to become guardians of John Rodly, specifically: (a) they are incapable of giving financial support because they are merely salaried employees of the business; (b) there exists serious conflict of interest because they engage in the same line of business as that of the late spouses; and (c) they would be unable to manage the property of John Rodly because they used the resources of the late spouses but were unable to account for all its collections and receivables.[24]

Petitioners claim that the accounts if produced would reveal its existence, its purpose, how the funds were used and ownership by the late spouses, and it would ensure the accounts' inclusion in the estate of the late spouses.[25] They also contend that the documents sought to be produced would prove whether respondents-spouses have been performing acts of business management or "unauthorized expropriations."[26] They claim that contrary to the trial court's ruling, the production of documents is necessary to specify the properties not sufficiently described in the Petition for Guardianship.[27]

Petitioners further insist that the failure to consider respondents-spouses' initial financial status provided the opportunity for the illegal conversion of the late spouses' business, made it appear that they have the necessary financial resources to support John Rodly, and stopped the operation of the late spouses' business in conflict with the interest of the minor child.[28] Petitioners likewise pray for the issuance of the temporary restraining order to prevent their opposition from becoming useless.[29] They

allege that the Motions' denial would give respondents-spouses "unlimited option" as to what properties to include in the inventory of Rodrigo and Everly's estate.[30]

Pursuant to this Court's August 15, 2022 Resolution,[31] respondents-spouses filed their Comment[32] on September 27, 2022. In their Comment, respondents-spouses claim that the urgent prayer for a Temporary Restraining Order is mooted by the issuance of the Regional Trial Court August 24, 2022 Decision,[33] which appointed them as guardians of John Rodly.[34] Also, they contend that the direct filing of the petition before this Court, without stating any exceptional or compelling circumstance, violated the doctrine of hierarchy of courts.[35] Moreover, they claim that petitioners' allegations are self-serving and without any evidence formally offered in court to support it.[36] Finally, they argue that the trial court did not commit grave abuse of discretion amounting to lack or excess of jurisdiction in denying the (1) Motion for the Issuance of Subpoena *Duces Tecum* and Motion for the Issuance of Subpoena *ad Testificandum* and *Duces Tecum* and (2) the Motion for Extension of Time to file a Motion for Reconsideration, considering that its valid legal and factual bases are explained in the Order and Resolution issued by the trial court.[37]

The primordial issue to be resolved is whether the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying the Motion for the Issuance of Subpoena *Duces Tecum* and Motion for the Issuance of Subpoena *ad Testificandum* and *Duces Tecum* filed by petitioners Apostol in the guardianship proceeding.

The Petition is dismissed.

Although the Constitution itself confers this Court original jurisdiction over a petition for *certiorari*,[38] parties may not proceed directly before this Court under the doctrine of hierarchy of courts, which "requires that recourse must first be obtained from lower courts sharing concurrent jurisdiction with a higher court."[39] The purpose of this doctrine is to "ensure that every level of the judiciary performs its designated roles in an effective and efficient manner" as explained in *The Diocese of Bacolod v. Commission on Elections*:[40]

> The doctrine that requires respect for the hierarchy of courts was created by this court to ensure that every level of the judiciary performs its designated roles in an effective and efficient manner. Trial courts do not only determine the facts from the evaluation of the evidence presented before them. They are likewise competent to determine issues of law which may include the validity of an ordinance, statute, or even an executive issuance in relation to the Constitution. To effectively perform these functions, they are territorially organized into regions and then into branches. Their writs generally reach within those territorial boundaries. Necessarily, they mostly perform the all-important task of inferring the facts from the evidence as these are physically presented before them. In many instances, the facts

> occur within their territorial jurisdiction, which properly present the 'actual case' that makes ripe a determination of the constitutionality of such action. The consequences, of course, would be national in scope. There are, however, some cases where resort to courts at their level would not be practical considering their decisions could still be appealed before the higher courts, such as the Court of Appeals.
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> The Court of Appeals is primarily designed as an appellate court that reviews the determination of facts and law made by the trial courts. It is collegiate in nature. This nature ensures more standpoints in the review of the actions of the trial court. But the Court of Appeals also has original jurisdiction over most special civil actions. Unlike the trial courts, its writs can have a nationwide scope. It is competent to determine facts and, ideally, should act on constitutional issues that may not necessarily be novel unless there are factual questions to determine.
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> This court, on the other hand, leads the judiciary by breaking new ground or further reiterating— in the light of new circumstances or in the light of some confusions of bench or bar—existing precedents. Rather than a court of first instance or as a repetition of the actions of the Court of Appeals, this court promulgates these doctrinal devices in order that it truly performs that role.[41] (Citations omitted)

There must be special and important reasons before the Court may take cognizance of a petition filed in violation of this doctrine, or such petition may be dismissed:

> For this Court to take cognizance of original actions, parties must clearly and specifically allege in their petitions the special and important reasons for such direct invocation. One such special reason is that the case requires "the proper legal interpretation of constitutional and statutory provisions." Cases of national interest and of serious implications, and those of transcendental importance and of first impression have likewise been resolved by this Court on the first instance.
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> In exceptional cases, this Court has also overlooked the rule to decide cases that have been pending for a sufficient period of time. This Court has resolved original actions which could have been resolved by the lower courts in the interest of speedy justice and avoidance of delay.
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> Generally, the rule on hierarchy of courts may be relaxed when "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy." For all other cases, the parties must have exhausted the remedies available before the lower courts. A petition filed in violation of the doctrine shall be dismissed.[42] (Citations omitted)

In the present Petition, petitioners violated the doctrine of hierarchy of courts when it directly filed the petition for *certiorari* assailing the trial court's April 19, 2022 Resolution[43] before this Court without stating any special or important reason for such direct filing. Thus, at the outset, the Petition must be dismissed outright for violation of the doctrine of hierarchy of courts.

Moreover, Rule 65 of the Rules of Court provides for the requisites of a petition for *certiorari*:

> SECTION 1. *Petition for certiorari*. — When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

A petition for *certiorari* is proper when: (1) a tribunal, board or officer exercising judicial or quasi-judicial functions acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (2) there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law. As elaborated in *Cruz v. People*:[44]

> The writ of *certiorari* is not issued to correct every error that may have been committed by lower courts and tribunals. It is a remedy specifically to keep lower courts and tribunals within the bounds of their jurisdiction. In our judicial system, the writ is issued to prevent lower courts and tribunals from committing grave abuse of discretion in excess of their jurisdiction. Further, the writ requires that there is no appeal or other plain, speedy, and adequate remedy available to correct the error. Thus, *certiorari* may not be issued if the error can be the subject of an ordinary appeal[.]
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> . . . .
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> An essential requisite for filing a petition for *certiorari* is the allegation that the judicial tribunal acted with grave abuse of discretion amounting to lack or excess of jurisdiction. Grave abuse of discretion has been defined as a "capricious or whimsical exercise of judgment that is patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law." In order to determine whether the Court of Appeals erred in dismissing the Petition for *Certiorari* for being the wrong remedy, it is necessary to find out whether the Regional Trial Court acted with grave abuse of discretion as to warrant the filing of a petition for *certiorari* against it.[45] (Citations omitted)

In this case, petitioners still have a remedy, which is plain, speedy, and adequate in the ordinary course of law, when they filed the petition for *certiorari* before the Court. They may then still file a motion for reconsideration, as a "plain, speedy, and adequate remedy in the ordinary course of law alluded to."[46] An aggrieved party must file a motion for reconsideration "to grant [the court which rendered the assailed judgment or order] an opportunity . . . to correct any actual or perceived error attributed to it by the re-examination of the legal and factual circumstances of the case."[47] They failed to state that this case falls under any of the exceptions as enumerated in *Tan v. Court of Appeals*:[48]

> . . . (a) where the order is a patent nullity, as where the Court *a quo* had no jurisdiction; (b) where the questions raised in the *certiorari* proceeding have been duly raised and passed upon by the lower court; or are the same as those raised and passed upon in the lower court; (c) where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable; (d) where, under the circumstances, a motion for reconsideration would be useless; (e) where petitioner was deprived of due process and there is extreme urgency for relief; (f) where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial [c]ourt is improbable; (g) where the proceedings in the lower court are a nullity for lack of due process; (h) where the proceedings was *ex parte* or in which the petitioner had no opportunity to object; and (i) where the issue raised is one purely of law or where public interest is involved.[49] (Citations omitted)

In fact, petitioners indeed filed a motion for extension of time to file a motion for reconsideration knowing it is necessary to file a motion for reconsideration, but they simply failed to do so on time. Thus, the Regional Trial Court denied it in its April 26, 2022 Resolution for being a prohibited pleading under Rule 11, Section 11 of the Rules of Court, as amended.[50] *Certiorari* cannot be used as a substitute for lost appeal, especially if one's own negligence or error in choice of remedy caused such loss or lapse,[51] as in this case. Moreover, petitioners still have the remedy of filing an appeal from the trial court's August 24, 2022 Decision designating respondents-spouses as guardians of John Rodly.

More importantly, petitioners failed to establish grave abuse of discretion amounting to lack or excess in jurisdiction on the part of the Regional Trial Court in issuing its April 19, 2022 Resolution.

Rule 21 of the Rules of Court provides the requirements for the issuance of a subpoena:

> SECTION 3. Form and Contents. — A subpoena shall state the name of the court and the title of the action or investigation, shall be directed to the person whose attendance is required, and in the case of a subpoena *duces*

tecum, it shall also contain a reasonable description of the books, documents or things demanded which must appear to the court *prima facie* relevant.

SECTION 4. Quashing a Subpoena. — The court may quash a subpoena *duces tecum* upon motion promptly made and, in any event, at or before the time specified therein if it is unreasonable and oppressive, or the relevancy of the books, documents or things does not appear, or if the person in whose behalf the subpoena is issued fails to advance the reasonable cost of the production thereof.

The court may quash a subpoena *ad testificandum* on the ground that the witness is not bound thereby. In either case, the subpoena may be quashed on the ground that the witness fees and kilometrage allowed by these Rules were not tendered when the subpoena was served.[52]

A subpoena *duces tecum* may be issued if it passes the relevancy and definiteness tests, such that "(1) the books, documents or other things requested must appear *prima facie* relevant to the issue subject of the controversy (test of relevancy); and (2) such books must be reasonably described by the parties to be readily identified (test of definiteness)."[53]

In *Republic v. Sandiganbayan*,[54] the Court held that the Subpoena *Duces Tecum* satisfied the test of definiteness when "its simple reading clearly shows which specific reports and transactions are being requested" such that the "documents requested are readily and reasonably identifiable."[55] On the other hand, the evidence sought to be produced is relevant when it have "such direct relation to the fact in issue as to induce belief in its existence or non-existence; or whether they relate collaterally to a fact from which, by process of logic, an inference may be made as to the existence or non-existence of the fact in issue."[56]

Here, the Regional Trial Court ruled that although the Motions passed the definiteness test, it did not pass that relevancy test since the documents sought to be produced is not relevant to determine the fitness of respondents-spouses to be guardians of John Rodly. [57] However, petitioners claim that the documents sought to be produced would prove the following disqualifications of respondents-spouses to become guardians of John Rodly, specifically: (a) they are incapable of giving financial support because they are merely salaried employees of the business; (b) there exists serious conflict of interest because they engage in the same line of business as that of the late spouses; and (c) they would be unable to manage the property of John Rodly because they used the resources of the late spouses but were unable to account for all its collections and receivables.[58]

We find that petitioners failed to show that the Regional Trial Court gravely abused its discretion in denying their Motions.

During the trial, it was shown that the Motions were filed by petitioners to fish out evidence from the respondent-spouses in order to prove their case of the spouses' unsuitability to be guardians of John Rodly. Also, petitioners themselves admitted that they did not object to respondents-spouses' appointment as guardians and they are actually concerned about the business, thus:

COUNSEL FOR THE OPPOSITORS:

Do you have other bank accounts in your name?
A: Yes, sir. Savings account.

Q: What are those bank accounts?
A: BDO.

Q: Can you give us the account number?

COURT:
For what purpose, Atty. Apostol?

COUNSEL FOR THE OPPOSITORS:
We are asking because there is a possibility that the funds from the business of the minor is being used for the business of this witness, Your Honor. That's why I'm asking if has other bank accounts.

COURT:
If you want to prove that prove it when it's time to present your evidence. Don't fish it out of the witness.

COUNSEL FOR THE OPPOSITORS:
Yes, Your Honor, but she admitted already, Your Honor, that she has savings account.

COURT:
Yes, but you are asking her bank account already. You have to prove your case. Do not ask your evidence from the witness. Do not get your evidence from the witness.

. . . .

COUNSEL FOR THE OPPOSITORS:
But we are opposing for this witness to become guardian. We are proving the qualification of this witness to become a guardian or custodial of the child.

COURT:
Atty. Apostol, if I remember it correctly, when the court asked the parties if there is an objection for the petitioners to be the guardian of the minor, you

did not object. **The oppositors were only concerned about the business. Correct? I hope you remember that Atty. Apostol.**

COUNSEL FOR THE OPPOSITORS:
Yes, Your Honor. But we are also proving the qualification of the witness. That is a mandatory requirement for the appointment of a guardian that we took into her financial status, we will look into her conflict of interest, we will look into if she is capable of managing the business, Your Honor.[59] (Emphasis supplied)

Whoever alleges a fact has the burden of proving it.[60] The party who has the burden of proving the fact must present evidence on the facts in issue necessary to establish their claim or defense by the amount of evidence required by law.[61] It is incumbent upon that party to prove his or her own case:

> It is procedurally required for each party in a case to prove his own affirmative allegations by the degree of evidence required by law. . . . It is therefore incumbent upon the plaintiff who is claiming a right to prove his case. Corollarily, the defendant must likewise prove its own allegations to buttress its claim that it is not liable.
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> The party who alleges a fact has the burden of proving it. The burden of proof may be on the plaintiff or the defendant. It is on the defendant if he alleges an affirmative defense which is not a denial of an essential ingredient in the plaintiff's cause of action, but is one which, if established, will be a good defense—i.e., an "avoidance" of the claim.[62] (Citations omitted)

It appears that petitioners have no evidence to prove their claims considering that the Regional Trial Court, in its August 24, 2022 Decision, pointed out that:

> In an Order dated April 27, 2022, the court directed the [petitioners] to file their Formal Offer of Evidence within fifteen (15) days from the said date[.]
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> . . . .
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> On the hearing conducted on May 30, 2022, ... [respondents] orally moved that the [petitioners'] right to formally offer their evidence be deemed waived after it was found that the [petitioners] failed to file their formal offer within the given period. In the interest of substantial justice, the court gave [petitioners] another period of five (5) days from the said date to comply. However, despite the said directive and the expiration of the period given by the court, [petitioners] never filed their formal offer of evidence.
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> This prompted the [respondents] to file a *Motion to Declare the* [petitioners] *as Having Waived their Right to Formally Offer their Evidence* dated June 7, 2022, which the court granted in a Resolution dated July 15, 2022. In the

> same Resolution, the court declared as waived the right of the [petitioners] to file their formal offer and submitted this case for decision.[63]

Even considering that petitioners are merely concerned of the minor's properties and that respondents-spouses could have excluded some of it in their Petition for Guardianship, such concerns are premature, since based on the Rule on Guardianship of Minors,[64] a petition need only state the probable value, character, and location of the property of the minor.[65] A guardian's duty to render an inventory of the ward's property begins after his or her appointment:

> SECTION 17. *General Duties of Guardian*. — A guardian shall have the care and custody of the person of his ward and the management of his property, or only the management of his property. The guardian of the property of a nonresident minor shall have the management of all his property within the Philippines.
>
> A guardian shall perform the following duties:
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> . . . .
>
> (e) To submit to the court a verified inventory of the property of his ward within three months after his appointment, and annually thereafter, the rendition of which may be required upon the application of an interested person;
>
> (f) To report to the court any property of the ward not included in the inventory which is discovered, or succeeded to, or acquired by the ward within three months after such discovery, succession, or acquisition; and
>
> (g) To render to the court for its approval an accounting of the property one year from his appointment, and every year thereafter or as often as may be required.[66]

Accordingly, petitioners failed to prove their case and to show how the evidence sought to be produced in the Motions are relevant to the fact in issue—the suitability of respondents-spouses to be guardians of John Rodly.

Furthermore, as aptly found by the Regional Trial Court, petitioners failed to explain how their Motion for Subpoena *Duces Tecum* fall among the exceptions of the bank secrecy law.

Section 2 of Republic Act No. 1405 or the Bank Secrecy Law, as amended, provides for absolute confidentiality of bank accounts and deposits of whatever nature with banking institutions in the Philippines:

> SECTION 2. All deposits of whatever nature with banks or banking institutions in the Philippines including investments in bonds issued by the Government of the Philippines, its political subdivisions and its

> instrumentalities, are hereby considered as of an absolutely confidential nature and may not be examined, inquired or looked into by any person, government official, bureau or office, except when the examination is made in the course of a special or general examination of a bank and is specifically authorized by the Monetary Board after being satisfied that there is reasonable ground to believe that a bank fraud or serious irregularity has been or is being committed and that it is necessary to look into the deposit to establish such fraud or irregularity, or when the examination is made by an independent auditor hired by the bank to conduct its regular audit provided that the examination is for audit purposes only and the results thereof shall be for the exclusive use of the bank, or upon written permission of the depositor, or in cases of impeachment, or upon order of a competent court in cases of bribery or dereliction of duty of public officials, or in cases where the money deposited or invested is the subject matter of the litigation.[67]

The premise of this absolute confidentiality of bank accounts is that the right to privacy includes an individual's financial privacy rights and personal financial matters:

> The notion of confidentiality of bank accounts is premised on human autonomy or, in the words of Louis D. Brandeis and Samuel D. Warren, "the right to be let alone[.]" The numbers representing money in a person's bank account reflect a personal narrative, either of abundance or scarcity, of success or failure, that a person would want to keep private. These numbers likewise represent a person's assets, and money in the bank is considered a personal belonging. It is in these senses that information on a person's bank account is considered "life" and "property" protected by the due process clause and part of a person's "effects" within the meaning of the unreasonable searches and seizures clause of the Constitution:
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> > Nothing in the structure of the due process clause limits the protected sphere of individual existence or autonomy only to the physical or corporeal aspects of life. After all, as we have long held, life is not limited to physical existence. Property can be incorporeal. Liberty denotes something more than just freedom from physical restraint.
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> > . . . .
> >
> > Examining [a person’s] bank accounts is analogous to the situation involving the uninvited and unwelcome glance. For some, their financial worth contained in the bank's ledgers may not be physical, but it is constitutive of that part of their identity, which for their own reasons, they may not want to disclose. Peering into one's bank accounts and related transactions is sufficiently disruptive as to be considered a "deprivation" within the meaning of the due process clause. It may be short of the physical seizure of property but it should, in an actual

> controversy such as this case at bar, be subject of judicial review.[68] (Citations omitted)

In addition, it aims to "discourage private hoarding, as well as to give encouragement to people to deposit their money in banking institutions, so that the same may be properly utilized by banks in authorized loans and thereby assist in the country's economic development."[69] Thus, it is a basic policy of the State to conserve the absolute confidentiality of bank deposits save in specific exceptional circumstances:

> (1) In an examination made in the course of a special or general examination of a bank that is specifically authorized by the Monetary Board after being satisfied that there is reasonable ground to believe that a bank fraud or serious irregularity has been or is being committed and that it is necessary to look into the deposit to establish such fraud or irregularity,
>
> (2) In an examination made by an independent auditor hired by the bank to conduct its regular audit provided that the examination is for audit purposes only and the results thereof shall be for the exclusive use of the bank,
>
> (3) Upon written permission of the depositor,
>
> (4) In cases of impeachment,
>
> (5) Upon order of a competent court in cases of bribery or dereliction of duty of public officials, or
>
> (6) In cases where the money deposited or invested is the subject matter of the litigation.[70]

Here, petitioners invoke the last exception, claiming that the money deposited is the subject matter of the litigation.[71]

For this exception to apply, it is settled that the inquiry into bank deposits "must be premised on the fact that the money deposited in the account is itself the subject of the action."[72] In *Mellon Bank, NA. v. Magsino*,[73] this Court held that the money deposited was the subject matter of the litigation because the money deposited was the very thing in dispute; thus it falls within the exception and subject to disclosure, thus:

> Private respondents' protestations that to allow the questioned testimonies to remain on record would be in violation of the provisions of Republic Act No. 1405 on the secrecy of bank deposits, is unfounded. Section 2 of said law allows the disclosure of bank deposits in cases where the money deposited is the subject matter of the litigation. In as much as Civil Case No. 26899 is aimed at recovering the amount converted by the Javiers for their own benefit, necessarily, an inquiry into the whereabouts of the illegally acquired amount extends to whatever is concealed by being held or recorded

in the name of persons other than the one responsible for the illegal acquisition.[74] (Citations omitted)

Similarly, *Ejercito v. Sandiganbayan*[75] applied and clarified the "subject matter" exception under Republic Act No. 1405, thus:

> The plunder case now pending with the Sandiganbayan necessarily involves an inquiry into the whereabouts of the amount purportedly acquired illegally by former President Joseph Estrada.
>
> In light then of this Court's pronouncement in Union Bank, the subject matter of the litigation cannot be limited to bank accounts under the name of President Estrada alone, but must include those accounts to which the money purportedly acquired illegally or a portion thereof was alleged to have been transferred. Trust Account No. 858 and Savings Account No. 0116-17345-9 in the name of petitioner fall under this description and must thus be part of the subject matter of the litigation.[76]

On the other hand, in *BSB Group, Inc. v. Go*,[77] the Court held that the testimony on the particulars of the bank account and documents represented by the checks were absolutely confidential and irrelevant to the case as the inquiry has no relation to the subject matter of pending case, thus:

> What indeed constitutes the subject matter in litigation in relation to Section 2 of R.A. No. 1405 has been pointedly and amply addressed in *Union Bank of the Philippines v. Court of Appeals*, in which the Court noted that *the inquiry into bank deposits allowable under R.A. No. 1405 must be premised on the fact that the money deposited in the account is itself the subject of the action*. Given this perspective, we deduce that *the subject matter of the action in the case at bar is to be determined from the indictment that charges respondent with the offense, and not from the evidence sought by the prosecution to be admitted into the records*. In the criminal Information filed with the trial court, respondent, unqualifiedly and in plain language, is charged with qualified theft by abusing petitioner's trust and confidence and stealing cash in the amount of [PHP] 1,534,135.50. The said Information makes no factual allegation that in some material way involves the checks subject of the testimonial and documentary evidence sought to be suppressed. Neither do the allegations in said Information make mention of the supposed bank account in which the funds represented by the checks have allegedly been kept.
>
> *In other words, it can hardly be inferred from the indictment itself that the Security Bank account is the ostensible subject of the prosecution's inquiry*. Without needlessly expanding the scope of what is plainly alleged in the Information, *the subject matter of the action in this case is the money amounting to [PHP] 1,534,135.50 alleged to have been stolen by respondent, and not the money equivalent of the checks which are sought to*

be admitted in evidence. Thus, it is that, which the prosecution is bound to prove with its evidence, and no other.

It comes clear that the admission of testimonial and documentary evidence relative to respondent's Security Bank account serves no other purpose than to establish the existence of such account, its nature and the amount kept in it. It constitutes an attempt by the prosecution at an impermissible inquiry into a bank deposit account the privacy and confidentiality of which is protected by law. On this score alone, the objection posed by respondent in her motion to suppress should have indeed put an end to the controversy at the very first instance it was raised before the trial court.[78] (Emphasis supplied, citations omitted).

Thus, when the inquiry has no relation to the subject matter of a pending case, or to the types of cases recognized as exceptions by Section 2 of Republic Act No. 1405, as amended, the secrecy of bank deposits must be upheld.[79]

Here, the bank deposits sought to be inquired bear no relation to the guardianship proceeding nor are these accounts the subject matter of the litigation. The proceedings where the deposits are sought to be disclosed is one for guardianship over a minor and his properties. Petitioners themselves repeatedly allege that the deposits belong to the businesses and/or to the estate of the minor's deceased parents, thus the present proceeding could not be the proper forum to ventilate their issues. Petitioners also claim that the contents of the accounts will reveal who owns the accounts, whether respondents-spouses or the late spouses, how the funds were used, and for what purpose they were used.[80] These further prove that these matters are not itself the subject of the action. At this point, petitioners are essentially demanding disclosure only for the sake of their information.

This is precisely what the Law on Secrecy of Bank Deposits prohibits. It aims to protect bank deposits from unwarranted inquiry or investigation if the purpose of such inquiry or investigation is merely to determine the existence and nature, as well as the amount of the deposit in any given bank account.[81] Given that our right of privacy extends its scope to include an individual's financial privacy rights and personal financial matters, courts use intermediate or heightened scrutiny on laws infringing such rights.[82] Thus, if there are doubts on whether to uphold the absolute confidential nature of a bank deposit or to allow inquiry into it, then such doubts should be resolved in favor of its absolute confidentiality.[83]

ACCORDINGLY, the Petition for *Certiorari* is **DISMISSED.** The April 19, 2022 Resolution of Branch 73, Regional Trial Court, Antipolo City is **AFFIRMED**.

SO ORDERED.

Lazaro-Javier, J. Lopez, Kho, Jr., and *Villanueva, JJ.*, concur.

* Per Special Order No. 3223

[1] **BSB Group, Inc. v. Go**, 626 Phil. 501, 514 (2010) [Per C.J. Peralta, Third Division], *citing* **China Banking Corp. v. Ortega**, 151 Phil. 451, 454-455 (1973) [Per J. Makalintal, Second Division].

[2] *Rollo*, pp. 3-53.

[3] *Id.* at 54-56. The April 19, 2022 Resolution in Special Proceedings Case No. 18-3060 was issued by Presiding Judge Gay Marie F. Lubigan-Rafael of Branch 73, Regional Trial Court, Antipolo City.

[4] *Id.* at 10.

[5] *Id.* at 9.

[6] *Id.* at 10.

[7] *Id.* at 12.

[8] *Id.* at 57-62.

[9] *Id.* at 58-59.

[10] *Id.* at 64-73.

[11] *Id.* at 67.

[12] *Id.* at 7.

[13] *Id.* at 92-101.

[14] *Id.* at 102-107.

[15] *Id.* at 102-104.

[16] *Id.* at 54-56.

[17] *Id.* at 56.

[18] *Id.* at 55.

[19] *Id.* at-56.

[20] *Id.* at 108-110.

[21] *Id.* at 111-112.

[22] *Id.* at 13.

[23] *Id.* at 24.

[24] *Id.* at 15-16.

[25] *Id.* at 18-19, 21.

[26] *Id.* at 23

[27] *Id.* at 28.

[28] *Id.* at 42.

[29] *Id.* at 43-45.

[30] *Id.* at 44.

[31] *Id.* at 350-351.

[32] *Id.* at 352-356.

[33] *Id.* at 357-379.

[34] *Id.* at 352.

[35] *Id.* at 352-353.

[36] *Id.* at 353-354.

[37] *Id.*

[38] CONST., art. VIII, sec. 5(1).

[39] **Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment**, 836 Phil. 205, 238 (2018) [Per J. Leonen, *En Banc*].

[40] 751 Phil. 301 (2015) [Per J. Leonen, *En Banc*].

[41] *Id.* at 329-330.

[42] **Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment**, 836 Phil. 205, 241-243 (2018) [Per J. Leonen, *En Banc*].

[43] *Rollo*, pp. 54-56.

[44] 812 Phil 166 (2017) [Per J. Leonen, Second Division].

[45] *Id.* at 171, 173.

[46] **Madarang v. Spouses Morales**, 735 Phil. 632, 646 (2014) [Per J. Leonen, Third Division].

[47] *Id.*, *citing* **Metro Transit Organization, Inc. v. PIGLAS NFWU-KMU**, 574, Phil. 481, 491 (2008) [Per J. Chico-Nazario, Third Division].

[48] 341 Phil. 570 (1997) [Per J. Francisco, Third Division].

[49] *Id.* at 576-578.

[50] *Rollo*, p. 55. *See also* RULES OF COURT, Rule 11, sec. 11, as amended, states:

> SECTION 11. *Extension of time to file an answer*. – A defendant may, for meritorious reasons, be granted an additional period of not more than thirty (30) calendar days to file an answer. A defendant is only allowed to file one (1) motion for extension of time to file an answer.
>
> A motion for extension to file any pleading, other than an answer, is prohibited and considered a mere scrap of paper. The court, however, may allow any other pleading to be filed after the time fixed by these Rules.

[51] **Punongbayan-Visitacion v. People**, 823 Phil 212, 220-221 (2018) [Per J. Martires, Third Division], *citing* **Butuan Development Corporation v. Court of Appeals**, 808 Phil. 443, 451, (2017) [Per J. Reyes, Third Division].

[52] RULES OF COURT, Rule 21, secs. 3-4.

[53] **Republic v. Sandiganbayan**, 896 Phil. 850, 876 (2021) [Per J. Leonen, Third Division].

[54] 896 Phil. 850 (2021) [Per J. Leonen, Third Division].

[55] *Id.* at 877.

[56] **BSB Group, Inc. v. Go**, 626 Phil. 501, 511 (2010) [Per C.J. Peralta, Third Division].

[57] *Rollo*, pp. 55-56.

[58] *Id.* at 15-16.

[59] *Id.* at 205-207.

[60] **Sermona v. Hacienda Lumboy**, 933 Phil. 976, 1017 (2023) [Per J. Leonen, Second Division].

[61] RULES OF COURT, Rule 131, sec. 1.

[62] **Republic v. Estate of Hans Menzi**, 512 Phil 425, 456-457 (2005) [Per J. Tinga, *En Banc*].

[63] *Rollo*, pp. 371-372.

[64] A.M. No. 03-02-05-SC, April 1, 2003.

[65] GUARDIANSHIP OF MINORS RULE, sec. 7 (g).

[66] GUARDIANSHIP OF MINORS RULE, secs. 17 (e), (f), and (g).

[67] Republic Act No. 1405 (1955), as amended by Presidential Decree No. 1792 (1981).

[68] **Republic v. Ongpin**, 923 Phil. 257, 303, 305 (2022) [Per J. Leonen, Second Division].

[69] Republic Act No. 1405 (1955), sec. 1. *See also* **Republic v. Rabusa**, 929 Phil. 216, 227 (2022) [Per J. J. Lopez, Second Division].

[70] **Union Bank of the Philippines v. Court of Appeals**, 378 Phil. 1177, 1178-1179 (1999) [Per J. Kapunan, First Division].

[71] *Rollo*, p. 24.

[72] **BSB Group, Inc. v. Go**. 626 Phil. 501, 516 (2010) [Per C.J. Peralta, Third Division], *citing* **Union Bank of the Philippines v. Court of Appeals**, 378 Phil. 1177, 1182-1183 (1999) [Per J. Kapunan, First Division].

[73] 268 Phil. 697 (1990) [Per C.J. Fernan, Third Division].

[74] *Id.* at 713.

[75] 538 Phil. 684 (2006) [Per J. Carpio-Morales, *En Banc*].

[76] *Id.* at 725.

[77] 626 Phil. 501 (2010) [Per C.J. Peralta, Third Division].

[78] *Id.* at 516-517.

[79] J. Leonen, Separate Opinion in **Republic v. Rabusa**, 929 Phil. 216 (2022) [Per J. J. Lopez, Second Division].

[80] *Rollo*, pp. 18-19.

[81] **BSB Group, Inc. v. Go**, 626 Phil. 501, 514 (2010) [Per C.J. Peralta, Third Division], *citing* **China Banking Corp. v. Ortega**, 151 Phil. 451, 454-455 (1973) [Per J. Makalintal, Second Division].

[82] *Id.* at 517.

[83] *Id.* at 517-518.

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