

REPUBLIC OF THE PHILIPPINES
COURT OF FIRST INSTANCE OF RIZAL
Seventh Judicial District
Branch XXVIII, Pasay City

WILSON P. ORFINADA
Plaintiffs

-vs-

MACARIO RODRIGUEZ AND HEIRS)
THE HEIRS OF DON MIGUEL AND)
HERMOGENES ANTONIO RODRIGUEZ)
DOÑA AURORA FABELA Y CORDONA)
PATRICIA TIONGSON AND HEIRS)
PONCIANO PADILLA AND HEIRS)
FELIMON AGUILAR AND THE HEIRS)
FORTUNATO SANTIAGO AND MARIA)
PANTANILLA P. SANTIAGO AND HEIRS)
MARCOS ESTANISLAO AND MAURICIO)
DE LOS SANTOS)
ANTONIO/EULALIA RAGUA)
DON MARIANO SAN PEDRO Y ESTEBAN)
AND MARIA SOCORRO CONDRADO HEIRS)
THE HEIRS OF FLORENCIA RODRIGUEZ)
ESTEBAN BENITEZ TALLANO, ET. AL.)
ENGRACIO SAN PEDRO AND HEIRS)
THE ADMINISTRATOR OF BICUTAN)
MARKET/MAYSILO ESTATE, ET. AL.)
PEDRO GREGORIO/AGAPITO BONSON)
AND HEIRS/BALBINO FRANCISCO)
PEDRO ROJAS ESTATE AND HEIRS)
EUGENIO MARCELO/JUAN JOSEF)
SANTIAGO GARCIA AND HEIRS)
MARIANO NONES AND HEIRS)
ORTIGAS AND COMPANY PARTNERSHIP)
THE ADMINISTRATOR OF PASAY AND)
TRIPLE ESTATES/AND THE MARICABAN)
ESTATE/PERPETUA AND PERFECTO)
AQUINO, ET. AL., ANTONIO FAEL)
THE ADMINISTRATOR OF SAN PEDRO)
ESTATE/JOSE SALVADOR/MAGNO)
FERNANDEZ/DONA LOURDES OCHOA Y)
CASAL, SIMONA ESTATE AND THE HEIRS)
EXEQUIEL DELA CRUZ AND HEIRS)
GERVACIO LOMBO, FRANCISCO SORIANO)

CIVIL CASE NO. 3957-P
for: Quieting of Titles/
Reconveyance of Real
Properties with
Reconstitution of TCT
No. T-408/TCT No. T-409
in accordance with Rep.
Act. No. 26 in the name
of Don Gregorio Madrigal
Acop and Don Esteban
Benitez Tallano

QUINTIN MEJIA/CATALINA ESTANISLAO)
 AND THE HEIRS/JUANA CRUZ AND HEIRS)
 GABINO JAVIER AND HEIRS)
 THE MODESTO, EULALIO, TOMAS,)
 APOLONIO, PEDRO, FRANCISCO, AND)
 ANTONIO CRUZ, RAFAEL SARAO,)
 JOSE OLIVER AND THE HEIRS)
 DOMINADOR DE OCAMPO BUHAIN, ET. AL.)
 MANUEL QUIOGUE, ESTANISLAO,)
 EDUARDO AND BERNABE CARDOSO AND)
 THE HEIRS, ANTONIO AQUIAL,)
 FELIX AND CLAUDIO OSORIO AND HEIRS)
 REGINO DELA CRUZ/GIL SANTIAGO)
 MARCIANO TUAZON AND TUAZON AND)
 COMPANY, JULIAN AND JUAN FRANCISCO)
 SARAO MOTORS/FRANCISCO MOTORS CORP))
 PHILIPPINE SHARE COMPANY)
 PILAR DEVELOPMENT CORPORATION)
 TEODORO LIM, FELIX BAEZ AND HEIRS/)
 VALINTINO GAJUDO/CANDIDO CLEOFAS)
 FORT WILLIAM MCKINLEY AND THE)
 MANILA RAILROAD COMPANY)
 UNIVERSITY OF THE PHILIPPINES)
 THRU HONORABLE SOLICITOR GENERAL)
 THE COMMISSIONER OF LAND)
 REGISTRATION COMMISSION)
 THE HONORABLE DIRECTOR OF BUREAU)
 OF LANDS, THE REPUBLIC OF THE)
 PHILIPPINES)
 AND TO ALL WHOM IT MAY CONCERN)

Defendants

DON ANNACLETO MADRIGAL ACOP)
 JULIAN M. TALLANO)

Intervenors

X -----X

CLARIFICATORY ORDER

Pursuant to the manifestations and evidences of all parties concerned, together with their proofs of interest over the land in question evidenced by Original Certificate of Title 01-4 or Titulo de Propriedad de Terrenos of 1764-1891, Royal Decree 01-4 Protocol to resolve the motion of the Intervenor for the payment of Realty Tax since its ownership and reconstitution filed by the Republic of the

Philippines had been adjudicated on Feb. 4, 1972 and for resolution on the Motion of the Rodriguez heirs and the Sebastian Fajardo Santiago, Pantaleona Santiago, Blas and Sebastian Fajardo, Ortigas and Company Partnership, Eulalio and Eulogio Ragua and heirs, to nullify all Land Titles that were issued by the LRC, except those Torrens Titles that were issued and upheld by the Land Registration Court, that has absolute jurisdiction over the Land Registration Cases, and Motion to resolve the Intervenor's Motion dated July 5, 1973, thru their respective counsels, which seeks to consider and includes the prerogative rights of the above dispositive portion thereof had been appropriately resolved embracing the following land areas for and in the name of the intervenors, to wit:

- A - San Juan and Mandaluyong bounded superficially by Laguna de Bay on the East, on the West by Caloocan, on the North by Quezon City and Balet Drive, on the South by Manila Bay;
- B - Lot 2-I-69, PSU-2031 with an area of 13,740 hectares located at Pateros, Pasig and Taguig bounded by Laguna de Bay on the East and Quezon City on the North, on the South by Pueblo de Parañaque, on the West by Pasay City, portion of the land covered by TCT No. T-408;
- C - Lot 3-II-69/Lot 4-11-69, PSU 2031

Lot 3-II-69, PSU 2031 consisting an area of 49,064 hectares bounded by Muntinglupa on the North, on the East by Calamba, Laguna and Sto. Tomas, Batangas, on the South bounded by the property of Don Esteban Benitez Tallano, on the West by the property of Don Gregorio Madrigal Acop, Parañaque Cadastre embracing the area of San Pedro, Cabuyao, Canlubang, Sta. Rosa, Biñan, Carmona, GMA, Silang, Imus, Naic;

The said Lot II-69, PSU 2031 is supported by Technical Descriptions and approved Maps that the Office of the Solicitor General had submitted to this Honorable Court which was a basis of the Senate Blue Ribbon Committee Investigation and Inquiry in 1968.

- D - Lot 4-II-69 PSU-2031

While an aggregate of 60, 599.34 hectares also portion of TCT No. T-408 derived from OCT No. 01-4, embracing the towns of Noveleta, General Trias, Maragondon, Tarnate, Kawit, Indang, Rosario, Bacoor, Trece Martires, Aguinaldo, Alfonso, Mendez, Barrio of San Jose, Sta. Maria and Tagaytay, Talisay, Laurel, Lemery, Lian, Lobo, Taal, Tanauan of the Province of Bumbon also evidenced by TCT No. T-408 derived from OCT No. 01-4, Lots 5 and 6 for a total of 218,017 hectares under TCT No. T-498;

- E1 - Lot 5-II-69, PSU 2031, embracing Dinggalan, Real, Panukulan, Polilio, Burdeos, Patnanungan and Jomalig, Infanta, Nakkar, for a total of 97,247

hectares portion of Lot under TCT No-T-498 from OCT No. T-01-4 bounded on the North by Sierra Madre and Pacific Ocean, on the East by Pacific Ocean, on the South by Province of Morong, on the West by Province of Morong.

- E2 - Lot 6-II-69, PSU 2031; embracing an area of 120,770 hectares in composition of the town of Antipolo, Taytay, Teresa, Morong, Baras, San Jose del Monte, Bocaue, Marilao, Angat, Sta. Maria, Norzagaray, Meycauayan, Valenzuela, Navotas, Malabon and Caloocan and Quezon City, under TCT No. T-498 from OCT No. T-01-4;

The Technical Description of this Lot has been exhibited by the Hon. Solicitor General as form part of their position paper.

The Court believes on the weight and gravity of the evidences, pleadings and manifestations with the oral argument of their respective counsels were also given appropriate weight to reach untainted nature of justice while the Decision of this Court dated December 14, 1973 in favor of Plaintiffs has been subjected today's motion by the Intervenor seeking for the correction and modification of said Decision for and in favor of the intervenors which are necessary and expedient in so far as no one among the defendants that could show their opposition or motion controverting the concrete evidences and allegations of the intervenors considering the intervenors' evidences were adopted from the evidences submitted by the Republic of the Philippines. And neither the principal plaintiffs himself had shown and rather failed to signify his opposition on this case failed and continuously failing to substantiate their stands over the nullification of imperfect and fraudulent Land Title but firmly the Intervenor presented a Certificate of Declaration over void Land Titled issued by both LRC through its Administrator, Antonio Noblejas, and the Former Secretary of Justice, Salvador Marino on January 3, 1965 (Annex E-1 to E-2 and Annex F) that the government of Macapagal Administration had never issued other OCT other than OCT 01-4 and that TCT No. T-408 and TCT No. T-498 embracing the Greater Mania Area, portion of Bulacan, Batangas, Laguna, and the whole of the provinces of Rizal and Cavite on the ground that the Solicitor General had agreed the risks over such action to judicially cancel said defective Torrens Land Title which will only open the Land Registration Commission for the Land Grabbers' opportunity toward putting the entire judiciary into a turbulent proceedings and embarrassment to the government and such felonious interest would be open to thrive against the general public while, the Solicitor General and Party interest on the process of nullification trials over said fraudulent Land Titles would be suffered adverse effect and in vain. The Hon. Solicitor General had argued the wisdom of just Judicial Declaration over the fraudulent Land Titles is sufficient in form and substance in as much as fraudulent document is not existing per se, yet, there is nothing to nullify.

Reasonably, the Decision dated December 14, 1973 which the intervenors seek to amend or modify is justified to institute and it has therefore granted by the Court. While it is one of the inherent powers of the Court to amend and control its process and orders which include the power to alter, modify or even set aside its own decisions, and even order a new trial, such powers may only be exercised at any time before the Decision becomes final or before an appeal from that Decision becomes final or before an appeal from that Decision has been perfected. In the case at bar, the motion for intervention together with the formal filings of the Intervenors' Complaint, in this Honorable Court, is found within the reglamentary period since the Court, in real sense, are guided by the Rules of Law and Court Procedures as specifically verified among other things, to wit: (Rule 12, Sec. 2, Rules of Court – A person may, before or during trial, be permitted by the Court, in its discretion, to intervene in an action if he has legal interest in the matter of litigation, or in the success of either of the parties, or an interest against both, or when he is so situated as to be adversely affected by a distribution or other disposition of property in the Custody of Court or of an officer thereof).

And as record of the Court, a Motion for Intervention was filed by the intervenors on July 5, 1973 while the case, under Case No. 3957-P between Plaintiffs, Wilson P. Orfinada, et. al, - vs – Macario Rodriguez et. al., defendants, was still under hearing process. Besides, it is well settled rule under the operations of Land Titles and Deeds appeared in the book of Professor Narciso Pena, Philippine Copyright of 1955 LI B. LI M., a Professor of Law and a former Assistant Commissioner of Land Registration, 1954-1958, also a prominent authority over Land Cases, regarding protections of Innocent Third Person which read:

“Where innocent third persons, relying on the correctness of the Certificate of Title thus issued acquire rights over the property, the Court cannot disregard such rights and orders the total cancellation of the Certificate of Torrens Land Titles when found null and void.”

Consequently, Sec. 39 of Act No. 496 protects not only the person receiving a Certificate of Title in pursuance of decree of registration but every subsequent purchaser of registered land who takes a void Certificate of Title is not entitled to the protection of the law, for the law cannot be used as a shield for frauds (Gustillo vs. Maravilla, 48 Phil. 442 and Ignacio vs. Chua Hong, S2 Phil 940).

Relatively, the Court believes to the argument of the Intervenor that a forged Deed, particularly a Deed of Absolute Sales between Antonio Rodriguez and in favor of the Plaintiff – Orfinada (Exh. A) and , likewise, a Deed of Absolute Sale executed, by certain Macario Rodriguez, also in favor

of Orfinada – Plaintiff (Exh. B) no force and effect whatsoever and acquired no rights over the land in dispute. The said argument of the intervenor is well settled and clarified by a circumstantial case, (Director of Lands vs. Addison, 49 Phil. 19) which read:

“A forged Deed is a nullity and conveys no titles: A subsequent registration affecting registered land procured either by means of a forged Deed or through the use of forged duplicate Certificate of Title, will not operate to convey the land or affect Title thereto in as much as the law will not permit its provision to be used as a shield for the Commission of Fraud.”

The Honorable Court, however, also cannot deny the valid substance of the Intervenors’ argument invoking before this Honorable Court the implication of Art. 1456 of the Civil Code over the real property acquired through mistake or fraud, which read as follows:

“Art. 1456: If the property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes.”

The emphasis getting more impressive on the context of fraudulent titles argued by the intervenor which was a well settled rule and adapted doctrine in a case “Attos v. Itil, 59, O.G. 20, May 20, 1963, CA. Director of Lands v. Abalatao, et. al., 53 O.G. 10, May 31, 1957, CA, which read:

“Where the land is decreed in the name of a person through fraud and mistake, such person from whom the property comes shall be served as trustee, if not, the beneficiary shall be bound to be totally answerable under the provision of Article 305; Articles 172 and 1/3 of the Revised Penal Code, and enforce the Trust, notwithstanding the irrevocability of the Torrens Title in the name of the original owner and the trustee and his successors in interest are bound to execute the Deed of Reconveyance in favor of the legitimate land owner.”

Furthermore, the Plaintiffs Wilson Orfinada, Defendants Macario Rodriguez, Ortigas and Company Partnership, Fortunato Santiago, Eulalio and Eulogio Ragua, Julian and Juan Francisco, and that Perfecto Aquino and other oppositors like Don Mariano San Pedro Esteban and Dominador de Ocampo Buhain, failed to prove that land holdings of the Tallanos and Acop which was adjudicated by the Royal Audiencia was a forged document. Much more, the oppositors failed to prove their Titles over their land holdings are not fraudulent Land Titles, what the Court cannot believe is a Deed of Sale covering 27,000 hectares executed by the same Vendor for and in favor of the Plaintiff Orfinada (Exh. A) due to inconsistencies of his allegation over the evidences that had submitted to this Court. The Court, therefore, ostensibly indicted that transactions of Orfinada between the

forementioned Vendors was merely simulated deals and, clearly, such document was executed by an impostor in favor of the Plaintiffs, “because a Deed of Sale executed by an impostor without the authority of the owner of the land sold is nullity, and registration will not validate what otherwise is an invalid document” (De Lara and Guzman vs. Ayroso, 95 Philippines 185), where that innocent third party buyer for value is inconsistent to follow suit its noble principle and wisdom, and neither these conspirators hiding under the principle of “Innocent Buyer for Value” should be made answerable in accordance with the law.

The Court record also shows that all defendants, to wit: Macario Rodriguez, Aquilina Rodriguez, Macario Rodriguez heirs, Marciano Tuazon and heirs, Ortigas and Company Partnership and heirs, the heirs of Patricia Tiongson and other parties including the Director of Bureau of Lands, the Commissioner of the Land Registration Commission, the heirs of Ponciano Padilla, San Pedro Estate, the heir of Dominador de Ocampo, the NANJOSHOJI KAISITO, LTD., were duly served with summons on August 4, September 17, October 20, November 17, and December 28, all of 1973 as evidenced by the Sheriff’s Return of Service but that despite thereof, they failed to file an answer or any responsive pleadings to the Motion for “Intervention,” except, the Plaintiff Wilson Orfinada whose evidences and allegations are limited and feeble purely relying to the Court Decision date December 14, 1973. While, in the case of the Director of the Bureau of Lands and the Commissioner in a unified appearance represented by the Hon. Solicitor General, failed to show that proof of their stronger opposition against the interest of Julian M. Tallano, et. al. and no single objection against the interest of the intervenors had been raised ostensibly, but they only personally furnished this court certified true copies of the Decree (Exh. O) adjudicated at the 3rd Division of the Supreme Court covering said parcel of land consisting of a depleted area of 27,000 hectares instead of 125,326.37 hectares under Land Registration Case No. 571 with Decree No. 297 spuriously registered on the year 1911 for and in the name Don Miguel Rodriguez Y Antonio and Don Hermogenes Rodriguez Y Antonio, with an annotation at the back hereof that as alleged certain portion has been sold to Wilson Orfinada; while the truth was in the name of Don Gregorio Acop Y Madrigal and Don Esteban B. Tallano in accordance with the Land Registration Act 296, adjudicated in favor of Prince Julian MacLeod Tallano and previously in the year 1894 that Exhibit O Proclamation 571 failed to show its proof of authenticity from the Bureau of Archives. The said Land Title OCT No. T-01-4, which was tagged as Titulo Composicion Con El Estado for better than not, was adjusted and rectified as provided in Maura Law of Royal Decree of February 13, 1894, as now dubbed as Titulo de Compra, considering the intervenors’ predecessors, late Prince Julian MacLeod Tallano, was the highest bidder as in compliance to Royal Decree of January 26, 1889, the same was declared by Royal Audiencia (Exhibit P), as evidenced by the Republic of the Philippines. And another Certification

as furnished by the same Officer of the Land Registration Commission confirming to the effect that the required owner's Certificate of Title 01-4 which was on file in the Registry of Deeds of Pasig was razed by fire during World War II. So it was totally construed the valid existence of said OCT No. T-01-4 based on the certification of the Bureau of Archives. That the second owner's copy of said OCT 01-4 and that TCT No. T-408 which was on the hand of the intervenors – Annacleto M. Acop were missing after he turned over to His Excellency President Ferdinand E. Marcos for verification to augment the sovereignty claim of the Philippines to the Island of Sabah and Kalayaan, that should embrace for 7,143 Islands and not 7,100 Islands only as considered by our 1935 Constitution and said OCT No. T-01-4 has been preserved for top confidential matters for national security purposes. However, the appearance of the Director of Lands and Commissioner of the Land Registration Commission and the testimony of former DOJ Secretary Salvador Marino attesting the validity of OCT No. T-01-4 was in compliance to the Subpoena Duces Tecum and Adtestificandum sent by the Deputy Provincial Sheriff, Mr. Herminio T. Ubana on July 14, July 21, August 4, September 7, October 20, November 17, and the last was December 12, all of the year 1973, forcing, therefore, the Honorable Court to issue an Order dated December 12, 1973 requiring the intervenors to file final complaint for intervention, allowing the same to present their evidences ex parti before the Deputy Clerk of Court, as commissioner, which intervenors filed a Motion for Extension of Time to comply the Order (Exh. Q to Q-7).

On Motion of the intervenors on the same date, February 7, 1974, to declare the defendants and other oppositions, particularly Patricia Tiongo, Ponciano Padilla, NANJO SHOJI KAISITO, Ltd. and Dona Aurora Favila Y Cordona, another alleged claimant of OCT 01-4, but found their interest in land also fictitious in nature as in default was granted by the Court in its Order of February 25, 1974. From the evidences thus presented, it has been strongly established to the satisfaction of the Court the parcels of land under dispute is a portion of a large track of land owned by the late Prince Julian Macleod Tallano and never to the Rodriguezes as claimed and strongly asserted by the government thru its Honorable Solicitor General's Position Papers. Yet, as averred, such plaintiffs/oppositors shooting the bird in the darkness of the night. While the truth, based on the government records, the same track of land having been adjudicated in favor of said late Prince Julian Macleod Tallano by virtue of a Decision rendered by the Court of First Instance of Manila as in compliance to Land Registration proceedings under RA 496 which was promulgated on November 6, 1911 (Exh. N) evidenced by OCT 01-4 and not OCT 369 and neither OCT 56, OCT 4136, OCT 614, OCT 684, OCT 4080, OCT 994, OCT 333, OCT 730, OCT 777, OCT 735, OCT 543, OCT 4085, and much more not OCT 408, OCT 409, OCT 632, OCT 339, OCT 777, OCT 820, OCT 33, OCT 564, OCT 393, OCT 291, OCT 160, OCT 498, OCT 549, OCT 820, OCT 844, OCT 847, OCT 529, and neither to any subsequent Land Title other than OCT T-01-4 and TCT

No. T-408 and TCT No. T-498 which were all declared null and void by the LRC on Jan. 3, 1964. On October 4, 1943, Don Antonio Rodriguez, as alleged, sold the said parcel of lands by way of Absolute Deed of Sale, in favor of the herein Plaintiffs in the presence of instrumental witnesses Juan Zarate, who personally identified his signature on the document (Exh. A-1) and Eusebio B. Veloso which document is otherwise known as No. 41, Book No. 106, Page 24, Series of 1943 of Notary Public Andres G. Valdivia, covering the total area of 27,000 hectares were hearsay in character in as much as the subject land was covered by Torrens Land Title in the name of said land owner, Prince Julian Macleod Tallano. But in the process and course of investigation, the Court disclosed that the certified copy of the instrument known as Document No. 41, Book No. 406, Page 24, (13) Series of 1943 of the same Notary Public Andres Valdivia was distorted and falsified document on the ground that the Rodriguezes left the country before the war in Sine Libires, the true date, year, land area of 125,326.37 hectares were concealed into a fictitious area of 32,400 hectares in lieu of only 1,203 hectares, the exact claim of Wilson Orfinada but the same area of 1,203 hectares was conveyed by way of Deed of Absolute Sale to and in favor of the intervenor, Mr. Julian M. Tallano, on March 5, 1972, which is an aggregate area of 18,753 .668 hectares that was re-sold by the original land owners, Don Gregorio Madrigal Acop to Don Esteban Benitez Tallano under the same Notary Public Andres G. Valdivia by virtue of said Deed of Absolute Sale and duly recorded under Document No. 40, Book No. 6, Page 124, Series of 1893. The data, facts and information submitted by the plaintiffs and by herein defendants gained so many inconsistencies from the compiled documents of the government offices, which were submitted by the Solicitor General, concerned together which adopts evidences by the intervenors (Exhibit P).

Indeed, the corresponding Technical Description (Exh. C-C1) and its corresponding surveyed plans (Exh. D) were distorted, altered and concealed in the Office of the LRC to the detriment of the intervenors which were restraint in filing petition for reconstitution of said OCT 01-4 by the Republic of the Philippines to save our depleted land areas of the archipelago for the Sovereign interest and that TCT No. T-408 and TCT No. T-498 by the alleged fictitious owners-plaintiff, Wilson Orfinada, where this Court reserved its measures to protect the interest of those aggrieved parties. Again, essential information were destroyed by felonious elements in the LRC and Registrar of Deeds making it appear the plaintiff was the one who constructed concrete fences, while the truth as testified by several tenants of the Acops and the Tallano in the area of Greater Manila, Cavite, Laguna, Rizal, Batangas, and Bulacan, they were the one who fenced the whole premises during liberation of American forces of the last World War by putting up concrete hollow blocks, barb wire fences and woods including millions of fruit bearing mango trees and bamboos which are very evident and still visible during ocular inspection conducted by the Deputy Clerk of

Court to determine the veracity of the allegations over the subject parcels of land. Furtherly, the fake OCT 56, OCT 4085, OCT 614, OCT 735, OCT 730, OCT 994, OCT 160, and OCT 820, OCT 543, OCT 333 were too obvious to note that were declared non-bankable based on the Central Bank Circular dated April 7, 1971 when used as Real Estate Loan Collateral beside, said OCT 333 was declared null and void by the LRC on January 3, 1965 and by the Supreme Court on July 8, 1965 under GR No. L-24796 and L-GR No. L-25159.

And furthermore, from the ocular inspection and actual verification of the area initiated by the Court together with the Amicus Curae, the Court believes the veracity of the claims of the intervenors after confirming that they were in possession of certain portion of the property in question forcing the latter to institute the present legal action to quiet their title and for reconveyance over the premises in favor of the intervenor which are illegally occupied by the land grabbers-developers, squatters, homeowners' Associations and by contractors.

It should be bear in mind, as pleaded by the intervenor, every individual in a democratic nation, like Philippines in particular, always equipped by Bill of Rights toward avenue of the Court to seek justice and it is guaranteed by the Constitution. But there must be a limitation to seek for redress of grievances, while, at the time a litigant's position and legal interest adjudicated in an acceptable jurisprudence on a final decision of a competent court of proper jurisdiction, he should not be licensed by unbridled privilege to come back for another attempt of the same nature of action. The surviving litigant should not be intimidated by subsequent suits over the same subject matter. For indeed, it is tantamount of boundless edge of judicial ocean of no end toward litigation were to be attracted in follow suit by scrupulous litigants that may multiply in numbers to the damage of the administration of justice as if a sea of nor shore, a ship of no port, a tendency of moving toward the Bermuda Triangle where many ships had lost to nowhere one of the greatest disaster in the history of mankind. This is a circumstance that fairness of the law and justice must not be allowed to overcome from here or elsewhere where we respect the existence of an orderly form of government in this civilized society. Yes, absolutely public policy demands that judicial proceedings be upheld as demonstrated, fervorly, in *Ferinion vs. Sta. Romana, et. al.*, 123 Philippines 193, (1966). Yet, under this context of Principle of *Res judicata* should be applied for equity and justice.

Nevertheless, it was clearly established in a case, (*Grey Alba vs. dela Cruz*, 17 Phil. 49, 1910) that *Res judicata* is applicable in a registration proceedings with or without oppositions, instituted for the registration of a private land, the judgment of the Court confirming the Title of the applicant or oppositor, as the case may be, and ordering its registration in his name or in the name of the successful litigant particularly to Prince Julian Macleod

Tallano over this OCT No. T-01-4 constitutes, when final, Res judicata against the whole world, because the doctrine applies to all cases and proceedings including Land Registration and Cadastral proceedings (Royal Audiencia vs. Roman Catholic Church, RA 1888). Similarly, in the case at bar when the land owner, Prince Julian Macleod Tallano succeeded under another Proceedings require mandatory under RA 496 his Land Title OCT No. T-01-4 covered the vast of land and later Cadastral proceedings in Cadastral Court in accordance with Cadastral Act known as 2259, Res judicata rest on the hand of the registrant against the whole world, yet, on this proceedings should be set aside against the government, the plaintiffs and defendants in favor of the heirs of Prince Julian Macleod Tallano. In this same manner, in a case, Sideco vs. Aznar, et.al., 92 Phil 952 (1953) that land already decreed and registered in an ordinary registration proceedings cannot again be subjected to adjudication or settlement in a subsequent cadastral proceedings. What is contrary to law in a cadastral proceedings is the registration of land already registered in the name of the person, in the name of another, divesting the registered owner of the Title already issued in his favor which was adapted in a case (Addision vs. Payatas Estate Improvement Company 60, Phil. 673 (1934). It was held that Cadastral Court has an absolute jurisdiction to ascertain and resolve the priority or relative weight credibility of two or more certificates of Title for the same land.

Regarding the issue as to whether fake land Title needs to nullify or never at all, has been clearly settled in a general rule with respect to forged deed which connotes that a forged deed is nullity and conveys no Title which, the same, had been resolved by the Supreme Court, in a case, Director of Land vs. Edison, 49, Phil. 19 (1926) and upheld that Forged Deed is an absolute nullity conveys no Title, so therefore, as pleaded by Hon. Solicitor General, there is nothing to nullify since those fake Title is not existing.

Sustaining the allegations in the Complaint for Intervention to be duly supported by the veracity of the evidences submitted and that the Motion by the defendants-plaintiffs to Nullify the Torrens Land Titles issued by the LRC, judgment is hereby upheld in favor of the intervenors and the Decision dated December 14, 1973 has been reversed, modified and amended with prejudice against defendants and plaintiffs sustaining 1,203 hectares in favor of the intervenors Annacleto M. Acop and that an area of 250,000 hectares in Cavite, Rizal, Bulacan, Greater Manila Area, Laguna, Batangas has been awarded to the legitimate claimant, Julian M. Tallano as the true and rightful owner of the portion of that big track of land evidenced by OCT 01-4 emanated by TCT No. T-408 and TCT No. T-498 (Exh. C and D) otherwise known as Lot II-69 containing an area of 596,582.37 hectares covered by Deed of Absolute Sale duly executed by Annacleto M. Acop and Don Esteban Benitez Tallano in favor of said intervenor, and other land claimant particularly Don Juan Ejercito, Annacleto Bugayong Ramos, Don Francisco Maysilo Oreta, Dona Mary Marcelo, Dona Leonora Roxas married

to Feliciano Cuevas, Dona Lourdes Tuazon Arroyo whose rights emanated from Antonio Robles, Don Benito Legarda, Justice Vicente Romualdez, Don Jose Romero, Don Santiago (Tiagong Tabak) Almojera de Taguig, Don Felino Bautista, and Patricio Bravo and Felicidad Hernaez their interest in land from sale covering 1,000 hectares each in Taguig executed by Don Gregorio Madrigal Acop who waived the same rights over 1,000 hectares in Pateros in favor of Dona Maria Corazon San Gabriel and Juan Ramos Tallano. That by judgment with compromised agreement between the Republic of the Philippines, Section 5, 6, 11 of Rule 36 of the Rules of Court before the Honorable Court retaining land areas actually occupied by the government shall be enforced for the interest of public domain which said area should not exceed five (5) hectares for local and 1,000 hectares for national government purposes, in excess of the allocated area that may harness by the government shall be paid in cash by the government to the owner which, by this present as witnessed by the Court, said sum of P700,000.00 has been satisfactorily acknowledged by the intervenor from the government through its National Treasurer as initial payment form part of the total awarded damages of P2 Billion to the damages sustained by the land owner while Lot II-69 containing an area of 14,471.876 hectares, the rightful owner of which is Mr. Annacleto M. Acop, a co-intervenor in this Case, while BISUDECO President Annacleto Montanez Acopiado is entitled for 65 hectares of land in Bo. Tanyag in Taguig in lieu of the interest of Ex-congressman Igmedio Sia of Bicol to offset his liability of P5 million to said Bicol Sugar Development Co. also evidenced by Deed of Absolute Sale executed by his brother Don Gregorio Acop Y Madrigal, evidenced by Document No. 141, Book 102, Page 97, Series of 1943 by a Notary Public (15) Andres G. Valdivia of the Province of Rizal, where interest of around 500 hectares in Fort William McKinley had been waived to Don Servillano Aquino and around 500 hectares to the beneficiaries of World War II, Korean War, and Vietnam War Veterans, and that 500 hectares of the said military camp had been waived to the heirs of the late General Mamerto Natividad in the person of certain Don Manuel Natividad, Sr.

Accordingly, the Court ordering the defendants and plaintiffs and/or person or persons whatsoever including occupants of Lot II-69 such as Francisco dela Rosa, Bureau of Animals and Industry, Dona Dolores Ochoa Y Casal, the U.P. compound, the Food and Drugs Administration, Emilio Gregorio, Tomas Matias, spouses Irene Matias and Lucio Medina, Rafael Sarao, the Sarao Motors Corporation, Francisco Motors Corporation, Jose Asedillo, Agapito Bonson, Rufino Medina, Pedro Gregorio, Alfredo Baonz, Trinidad Yap, Fort William McKinley, Pablo Ramos, the Goodyear Tire Company. Juana Santiago, Elin Cruz, Ponciano Almeda, Ramon Javier, the Philippine Share Corporation, etc., and all occupants of Lot II-69 such as Catalino Cordona and Angel Ramos, Antonio Andres, Roberto Gatchalian, developer of the proposed Perpetual Village, the on-going construction of multinational village Better Living and other subdivisions together with its

occupants, namely: Jose V. Orosa, Emilio Gregorio, Jose Bernabe, Felimon Aguilar, and all persons claiming rights under him or any of the intervenors to desist and cease from occupying and withholding the possession of the said lands including those that occupy Valenzuela, Sta. Maria, Meycauayan, Pasay, Manila, Marikina, Quezon City, Caloocan, Malabon, Navotas, Montalban, San Mateo, Angono, Tanay, Antipolo, Pasig, Pateros, Taguig, San Jose del Monte, Guiguinto, Norzagaray, Morong, Batangas, and Rizal Province to respect the ownership and dominion of the latter over the same since, in the instant case of agricultural credit Cooperative of Hinigora vs. Yusai, 107 Philippines, 791 (1960), the Supreme Court upheld that the effect or validity of the ownership in the instrument can only be determined in an ordinary case before the Court not before the Court acting merely as Registration Court which has no jurisdiction over the subject case to settle validity of ownership, therefore, the said land area occupied by the aforesaid occupants be reconveyed to the intervenor, Mr. Julian M. Tallano, et.al. Further, this order is amending and had rectified the Decision of December 14, 1973 with prejudice and pronouncement as to cost of suit and damages with substantial relief amounting of P2 billion with an interest of 7% per annum has been applied against the government starting 1968 in favor of the intervenor by virtue of Decision with Compromise Agreement promulgated separated on February 4, 1972 pertaining to the Ownership and Reconstitution of OCT 01-4.

On the Motion to resolve the issue over defiance of the Provincial Register of Deeds of Bulacan to release the owner and duplicate copies of the reconstituted original of OCT No. T-01-4, despite the compliance as set forth by Republic Act No. 26 had been judicially satisfied in form and substance including its jurisdictional requirement promulgated on February 4, 1972 in favor of the intervenor had been given due course and had admitted the manifestation of the Hon. Solicitor General, that the failure to issue said reconstituted copies of said OCT No. T-01-4 was not a direct avoidance nor defiance of the Hon. Register of Deeds of the Province of Bulacan but due to continues failure of the heirs of the original land owners, Prince Julian Macleod Tallano to undertake the required back realty taxes due to the National Government amounting to P557,000,000.00 starting 1968 to present, in as much as the government resulted into a lease arrangement with the said land owner since the year 1948 to 1969.

On the position of the heirs of Prince Julian Macleod Tallano as manifested by their counsel, the required realty taxes is indispensable to the issuance of the Reconstituted Land Titles, yet, for remedial recourse, it should be offsetted from the awarded damages of the National Government to the heirs as guaranteed by Republic Act 496, under Assurance Fund, amounting to P2 Billion pesos with interest of 7% per annum starting 1968, from which the National Government had ceased to pay required rental of P1 Million yearly, and from which the National Government had started its

massive infrastructure over the area in favor of the oligarch real estate developers-land grabbers detrimentally affected the land owner interest. Besides, since the year 1909, there were massive falsification of all the documents pertaining to the ownership of the subject land that gave birth to the issuance of fake Land Titles, in as much as LRC authorities had admitted that no other Land Title that was issued over the archipelago except that OCT No. T-01-4. This was rectified by the declaration of the L.R.C. Commissioner Antonio Noblejas thru his certification dated January 3, 1964 confirming that the L.R.C. had never issued any Land Title other than OCT No. 01-4 and that OCT No. T-408/TCT No. T-498 as requested by Hon. Solicitor General Felix Makasiar controverting the accusation of the successor in interest of the land owner, Prince Julian Macleod Tallano, that the Macapagal administration had conspired with the land grabbers whom they falsified Land Titles that had been issued, to the damage of the heirs of the land owners and the general public.

In view thereof, let the issue be resolved in favor of the heirs of the Prince Julian Macleod Tallano on the salient point that it should be the L.R.C. that guard on the veracity of the issuance of said Land Title or either they, being a good father of the family responsible to exercise the highest degree of diligence, which may serve as policy over the scandalous activities of the land grabbers-developers that fake Land Titles were done merely on the table of the fake Land Title possessors.

That required realty taxes covered by both OCT No. T-01-4, TCT No. T-408/T-498 should be offsetted from the P2 Billion damages to be paid by the government, that based on the procedures on issuance of Land Titles which said payment will commence on January 1, 1999, as part of judgment with compromise agreement initiated by the Hon. Solicitor General is indispensable in the payment of Realty Taxes and was accepted by the land owner's heirs on the condition that the right to appeal shall be waived in their favor by the Republic of the Philippines applying to this effect the wisdom of Section 5, Rule 35 together that Section 1, Rule 25, had been fully exercised to the satisfaction of this Honorable Court.

On that point of view, the five years reglamentary period to execute the February 4, 1972 judgment with compromise agreement over the Reconstitution and Ownership issue of OCT No. T-01-4 including that TCT No. T-408 and TCT No. T-498 when survive shall be reckoned from the date of payment of the National Government that take place pertaining to the awarded damages in favor of the land owner heirs together with the subsequent judgment embracing judicial issue over the land ownership and reconstituting issue of TCT No. T-408 and TCT No. T-498 in favor of the Tallanos et. al., since payment of Realty Taxes is indispensable to the issuance of Land Title as required by the law, otherwise, defiance to these conditions and order shall construed for the rights of the heirs to forfeit the

land allocated to both local and national government in the subject areas, yet, the premises would be mandatory to vacate and clear at the earliest time possible, otherwise, the Court would not be hesitated and ceased to use the full force of the law against anyone continuously defying this order and in violation of Article 315, 171, 172, Art. 16, 17, 18, and 19 of the Revised Penal Code to avoid further cost and damages the aggrieved parties-intervenors had suffered from these felonious land claimants-occupants.

WHEREFORE, judgment is hereby rendered in favor of Julian M. Tallano, et. al., ordering the Provincial Assessor of Rizal, Batangas, Laguna, Cavite, and Bulacan including those assigned assessors in the area where the land is located to accept payment of realty tax of the embracing real property from the heirs-intervenor, Mr. Julian M. Tallano for a maximum period of five (5) years by offsetting the amount of damages P2 billion pesos from the government in as much as the government, through its Hon. Solicitor General had entered into a judgment with compromise agreement which was adjudicated on February 4, 1972 in a separate proceedings where the issue of ownership over the land covered by Land Title OCT No. T-01-4 including the government petitions for judicial reconstitution of said Torrens Land Title OCT No. T-01-4 had been resolved.

That all Land Titles that were issued by the LRC and/or Register of Deeds of the place where the land is located, except, that OCT No. T-01-4, over the Archipelago and except that TCT No. T-408 and TCT No. T-498 in the Province of Bulacan, Greater Manila Area, Province of Rizal, Province of Laguna, Province of Batangas and Province of Cavite, and such fraudulent Title particularly those numbers ranging from OCT No. 01 to OCT No. 4085 to OCT No. 10,000 based on the recommendation of Hon. Commissioner Antonio Noblejas to this Honorable Court dated January 3, 1964 firmly pleaded by Hon. Solicitor General Hugo Gutierrez, are hereby declared null and void, no force and effect, from beginning, ordering the Hon. Register of Deeds to cancel the same if ever on file in the records of the Register of Deeds of the towns and provinces where the land is situated.

Ordering the concern Register of Deeds of the Town, City and the Province where the Land is located to record above declared void Owner Certificate of Titles including those Transfer Certificate of Titles that were issued but non derivative from legitimate OCT No. 01-4, which are also declared null and void Land Titles, and inform the general public about the mentioned fraudulent Land Titles to prevent the people to be adversely affected by these illegal documents.

And that Decision of December 14, 1973 embracing 1,203 hectares in favor of Wilson Orfinada had been judiciously amended, reversed and modified with prejudice against plaintiffs and defendants and said land be

reconveyed as well in favor of the Intervenor, Mr. Julian M. Tallano for equity and justice.

Further, that rights and interest over the portion of the subject land under TCT No. T-408 of the Register of Deeds of the Province of Rizal and that corresponding segregated land area should be waived and reconveyed by the Court designated Administrator to the following legitimate land claimants as follows:

- 1) That an area of 15,195.33 hectares, Parcel 1 PSU 2031, Decree No. 297, Cad. 475, GLRO 4720, evidence by TCT No. T-408 of the Register of Deeds of Pasig, embracing the area of the following towns and Districts, such as:

Fort William McKinley	712 hectares
Parañaque	3,380 hectares
Muntinglupa	4,670 hectares
Las Piñas	3,650 hectares
Pasay City	1,390 hectares

should be waived, segregated and be Titled to the herein Intervenor, Mr. Julian M. Tallano;

- 2) That an area of Fort McKinley be waived, segregated and be Titled to the following persons:
 - A) to the heirs of the late Don Servillano Aquino, an area of 500 hectares
 - B) to the heirs of the late General Mamerto Natividad and his kin, Don Manuel Natividad, Sr., 500 hectares
 - C) to the heirs of the late Don Tiagong Tabak whose real name is Don Santiago Taguig Almojera with an area of 500 hectares;
- 3) That an area of 1,000 hectares in Marikina waived through the right and interest of Don Antonio Robles be waived, segregate and be Titled to Dona Lourdes Tuazon Arroyo;
- 4) That an area of 1,200 hectares in Bacoor, Cavite should be waived, segregated and be titled to the second cousin of Don Esteban Benitez Tallano, certain Dona Leonora Roxas Cuevas;
- 5) That an area of 3,640 hectares in San Juan del Monte and Mandaluyong be segregated, waived and be titled to the heirs of the late Don Juan Ejercito as one among the 7 magnificent Filipinos, Don Esteban Benitez Tallano, Servillano Aquino, Ma. Joan Magdalo, Juan

Ramos Tallano, General Emilio Aguinaldo, and General Mamerto Natividad who financed Filipino Revolution in 1889 to 1901;

- 6) That an area of 2,000 hectares in Meycauayan be segregated, waived and be titled to Dona Mary Marcelo;
- 7) That an area of 1,340 hectares in Malabon and another 1,600 hectares in Navotas be segregated, waived and be titled to the heirs of the late Don Francisco Maysilo Oreta;
- 8) That an area of 300 hectares in San Miguel be segregated to Don Benito Legarda, 3,2120 hectares in Montalban and another area of 300 hectares in San Mateo be segregated and titled to Antonio Robles and 500 hectares in Sta. Ana, Manila be segregated to Justice Vicente Romualdez and 300 hectares be segregated, waived and be titled to Senator Benigno Aquino who extended the sum of P1 million pesos to cover some litigation cost for the interest of the Filipino people;
- 9) That at least 450 hectares in Marikina and 14,500 hectares in Cordona, Pililia, Morong be segregated and be titled to Don Annacleto Bugayong Ramos and another 450 hectares in San Mateo be segregated, waived and be titled to Atty. Rene Saguisag who extended legal and moral support to the Case by staging demonstrations, protests, rallies and legal advices favorable to the intervenor;
- 10) That an area of 28,000 hectares in Morong, Jalajala, Tanay be segregated to Jose Romero and Manuel Lim, 300 hectares in Muntinglupa be segregated and be titled in favor of Prof. Nur Misuari of the University of the Philippines who extended some financial and moral support for the success of the proceedings;
- 11) That an area of 2,350 hectares in a location found suitable to the beneficiaries be waived, segregated and be titled to the following person/entities:
 1. Tim Olivarez and heirs – Manila Times 50 hectares
 2. Danny Hernandez of Journal 50 hectares
 3. Manny Julian of Malaya 50 hectares
 4. Ben Jayson (US Air Force – Star & Strife Newspaper) 50 hectares
 5. Mario Garcia of ABS-CBN 50 hectares
 6. Jun Tanya of Radyo ng Bayan 50 hectares
 7. Brixston Busto – Radyo ng Bayan 50 hectares
 8. Iglesia ni Cristo 150 hectares
 9. Roman Catholic Church 150 hectares
 10. United Methodist Church 150 hectares
 11. Baptist Church 150 hectares

12.	ABS-CBN TV/Radio Network	150 hectares
13.	CPP Rebel Returnees and Families	150 hectares
14.	Radio Veritas	150 hectares
15.	Manila Times	150 hectares
16.	Malaya News Paper	150 hectares
17.	Daily Globe	150 hectares
18.	Radio DZRM	150 hectares
19.	Radio DZXL	150 hectares
20.	Philippine Herald	<u>150 hectares</u>
	T O T A L	2,300 hectares

- 12) That an area of 125,326.637 hectares in Cavite, portion of Laguna and Batangas be waived, segregated and be titled to the Intervenor, Mr. Julian M. Tallano, embracing the following towns and cities:

1)	San Pedro	5,642.5	hectares
2)	Binan	5,945.5	hectares
3)	Sta. Rosa	4,550	hectares
4)	Cabuyao	5,215.5	hectares
5)	Canlubang	4,770.5	hectares
6)	Laurel	6,650	hectares
7)	Talisay	7,000.5	hectares
8)	Taal	6,215.2	hectares
9)	Lemery	4,819.5	hectares
10)	Carmona	5,205.7	hectares
11)	GMA	7,215.3	hectares
12)	Silang	7,105.7	hectares
13)	Naic	5,918.8	hectares
14)	Noveleta	5,815.7	hectares
15)	General Trias	5,310.5	hectares
16)	Tagaytay (San Jose/Sta. Maria)	5,800.4	hectares
17)	Indang	6,910.4	hectares
18)	Rosario	7,819	hectares
19)	Trece Martirez	8,991	hectares
20)	Aguinaldo	6,118	hectares
21)	Mendez	5,425	hectares
22)	Alfonso	5,475	hectares
23)	Dasmaringas	6,778	hectares
24)	Bacoor	<u>5,211</u>	<u>hectares</u>
	Total Land Area	125,326.637	hectares

- 13) That an area of 271,276 hectares be segregated and be titled to the heirs of the original owner, Julian M. Tallano as follows:

Parcel I

Umiray	16,750	hectares
Real	17,200	hectares
Infanta	15,110	hectares
General Nakkar	<u>18,187</u>	<u>hectares</u>
Total Area	67,247	hectares

Parcel II

Taytay	10,787	hectares
Morong	17,200	hectares
Pililia	9,286	hectares
Jala-jala	9,712	hectares
Baras	7,957	hectares
Teresa	<u>9,276.5</u>	<u>hectares</u>
Total Area	61,579	hectares

Parcel III

Cordona	12,975	hectares
Tanay	14,700	hectares
Angono	14,176	hectares
Cainta	13,327	hectares
Antipolo	<u>16,400</u>	<u>hectares</u>
Total Area	71,578	hectares

Parcel IV

Sta. Maria	7,400	hectares
San Jose del Monte	8,200	hectares
Norzagaray	<u>21,956</u>	<u>hectares</u>
Total Area	37,556	hectares

Parcel VI

Quezon City	16,620	hectares
Caloocan	5,580	hectares
Valenzuela	<u>4,700</u>	<u>hectares</u>
Total Area	26,900	hectares

Parcel VII

Meycauayan	6,976	hectares
Malabon	2,340	hectares
Navotas	<u>2,600</u>	<u>hectares</u>

Total Area	11,916	hectares
------------	--------	----------

- 14) That an area of 14,433.1418 hectares should be segregated and titled in favor of Don Annacleto Madrigal Acop, the brother of Don Gregorio Madrigal Acop;
- 15) While that 65 hectares should be waived, segregated, and be titled in favor of Annacleto Montanez Acopiado, the President of Bicol Sugar Development Corporation to offset the amount of P5 million pesos malversed by certain Wesmondo Cea of Camarines Sur.

Ordering the Honorable Register of Deeds of the Province of Rizal and Bulacan to comply these orders to issue both owners and duplicate reconstituted copy of TCT No. T-408 and TCT No. T-498 in favor of the party/intervenor, Mr. Julian M. Tallano and Annacleto Madrigal Acop in consonance to the tenet of judgment and order, otherwise, defiance by an mean construed as an obstruction of justice, therefore, Contempt of Court should be applied with stiffer penalty against said defying Hon. Register of Deeds.

SO ORDERED.

Pasay City, March 21, 1974.

(SGD) ENRIQUE A. AGANAY
Judge