

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

WILSON P. ORFINADA)

Plaintiffs

-vs-

MACARIO RODRIGUEZ)

DELFIN AND AQUILINA RODRIGUEZ)

THE HEIRS OF HERMOGENES AND)

MIGUEL A. RODRIGUEZ)

FELIMON AGUILAR AND THE HEIRS)

FORTUNATO SANTIAGO AND MARIA)

PANTANILLA P. SANTIAGO AND HEIRS)

PERPETUA VDA. DE AQUINO AND HEIRS)

PEDRO GREGORIO/AGAPITO BONSON AND HEIRS)

TEODOR LIM/FELIX BAEZ AND HEIRS)

ADMINISTRATOR OF FORT WILLIAM MCKINLY)

FORT BONIFACIO)

THE HON. SOLICITOR GENERAL)

THE DIRECTOR OF BUREAU OF FORESTRY)

THE DIRECTOR OF BUREAU OF LANDS)

THE COMMISSIONER OF LAND REG. COMMISSION)

AND TO ALL WHOM IT MAY CONCERN)

Defendants

DON ANNACLETO MADRIGAL ACOP)

JULIAN M. TALLANO)

Intervenors

X _____X

CIVIL CASE NO. 3957-P

for: Reconveyance of Real
Property w/ Reconstitution of
TCT No. T-408 in accordance
with Rep. Act. No. 26 in the
name of Don Gregorio Madrigal
Acopiado

DECISION

BEFORE THIS HON. COURT is a motion filed by the intervenors on March 27, 1974, “ PRAYING” for the issuance of “ CLARIFICATORY” decision with order for the administrative reconstitution of the lost owner’ s and duplicate copies of the said TCT No. 408, in accordance with Republic Act No. 26, which said title was on file then in the Register of Deeds of the Province of Rizal, evidenced by certified true copies of the said title, issued by the Hon. Register of Deeds of the Province of Rizal, considering that documentary evidence had been presented accordingly, and said TCT is authentic confirmed by the credible witnesses from LRC and the Bureau of Lands, and the herein intervenors had PARI MATERIA, IN, invoking for immediate application of the law and justice, in poenam, against the guilty one, or to any one continuously defying this order, as “ PRAYED” for the issuance of the order declaring illegal squatters and punishable by PD 772 all occupants/claimants who are in possession of portion of the subject land containing an area of 29,151.768 hectares covered by TCT 408 for and in the name of Don Gregorio Madrigal Acopiado under Lot 11-69.

The intervenors, likewise, “ PRAYING” for the issuance or order nullifying and quieting all Titles herein specified except of that TCT 408 commanding concerned parties to reconvey the portion of the subject land in favor of the intervenors presently in adverse possession of defaulted claimants, namely: Fortunato Santiago, Maria Pantanilla P. Santiago and the heirs and their administrator in the person of Dr. Floro E. Garcia, who fraudulently controlled the land areas covered by faked Title, TCT 8037 from OCT 160, under GLRO No. 386 of 1905, the Aquilina, Delfin and the heirs of the late Macario Rodriguez, Juan Santiago, Irene Matias, Lucio Medina, Tomas Matias, and Rufino Medina and the heirs, Alfredo Baens, Trinidad Yap, Pedro Gregorio, Agapito Bonson, Zacarias Gregorio, Tomas Eusebio, Raymundo dela Cruz, Sotero Trinidad, Higino Padilla, Agapito Velasquez, and their heirs, Almeda, Inc., under the Administration of Ponciano Almeda, Ramon Javier, Leon Javier, Cristina Valdez Urchua, Mariane Marcelo, Jose V. Orosa, Elin Cruz, Hilarion Bautista and their heirs,

Francisco Aquino, the owner/administrator of Perpetual Village Housing Project in the person of Teodoro Lim and Felix Baez, who controlled lot fraudulently under TCT 56339, and that Perpetua Vda. De Aquino, including that Aquino Village, Inc., who controls and holds lot fraudulently under TCT 281826, PSD 9079 from fictitious OCT 2573, and Emilio Gregorio, Teresita Munji, Aquina Flores, Catalino Cendena, Angel Ramos, Antonio Andasa, Jose Bernabe, Antonio Pascual, Ely Yap and their heirs, who controls lots portion of the subject land, and the owner of the proposed Multinational Village Housing Project, the owner of the BF Homes Parañaque and Las Piñas, the owner of the proposed Merville Subd., 4th Estate Subd., Posadas and Better Living Subd., Angel Andasa, Isabel Pujit and the heirs, RAR Stock Farms, its owner and Administrator, the owner of the proposed TS Cruz Subd., the owner of DBP Subd., the Administrator of the Bureau of Food and Drug Administration, the Administrator of U.P. Compound, Rosendo Marcelino Santos, Francisco dela Rosa and their heirs, who controls lot covering the Bo. Martin de Pores and Taguig, Jose Dimsun who controls lots in Tanyag, Taguig, Manalac Realty and Development Corporation, who controls lots in Bagumbayan fraudulently, Maura Mayuga, Eusefa Vda. De Reyes, Elena Bartolome, and the defeated Wilson Orfinada and their heirs, Eustaquio Coronada, Alfonso Punzalan and their heirs, the on-going construction of Taguig Food Terminal and its Administrator, Alfredo Guanzon, Domingo Gonzales, Nestor Mayuga, Santos-Pascual Administrator of Bicutan Market, Andres Gerardo, Jose Antonio Araneta, Violeta Herrera, the owner of Good Year and Tire Rubber Company, owner of General Motor Corporation, the owner of Philippine Share Corporation, Felimon Aguilar and the heirs, the owner of the on-going Manila Memorial Park Project, all occupants-lessors of Muntinglupa Market, Las Piñas, Pedro Tunasan, Laguna, Carmona, General Mariano Alvarez, Dasmaringas, Tanza, Imus, Zapote, Bacoor, Cavite, and Parañaque Markets, all occupants-squatters of Malibay, San Isidro, San Roque, Sta. Clara, Maricaban, Villa Barbara, Golden Farms, Pinagbarilan, Apollo Riverside, Pildera I and II, barrio Pilipino, Sunvalley, Aeroville, the Administrator of Fort Bonifacio, who controls the area of 2,212.327 hectares under TCT No. 2288 thru its Administrator, Romeo Espino, and all occupants-squatters of Taguig, Pateros, Parañaque, Las Piñas, Pedro Tunasan,

Laguna, Carmona, General Mariano Alvarez, Dasmarinas, Tanza, Imus, Zapote and Bacoor of Cavite. That all persons, individual or group of people, either government or private entities mentioned above are respondents of this petition to vacate and reconvey their rights and possession over the subject land in favor of the owners, the intervenors.

The petitioners-intervenors furtherly “ PRAYS” the area of the subject land Lot 11-69 owned by Don Gregorio Madrigal Acopiado, acquired by virtue of Deed of Absolute Sale and passed thru appropriate cadastral hearing conducted Accordingly under Cad. Rec. 475, Decree 297, GLRO 4720, PSU 2031, confirming said land in question has been registered under RA 496 and had been applied anew through cadastral hearing by the second owner, Don Gregorio Madrigal Acopiado, as required by Republic Act 2559 on March 14, 1914 in as much as the court in Cadastral proceedings found no errors to be corrected in the technical description of the subject land and the same had been cleared under RA 496, Sec. 39, in favor of Don Gregorio Madrigal Acopiado, evidenced by TCT No. 408 issued on June 7, 1932 from Titulo Possessorio De Terrenos, Royal Decree 01-4 of 1864, duly recorded then in the name of the true owners Don Hermogenes A. Rodriguez in the year 1902, should be indicated specifically IN SEPARATION SEDATO ANIMO.

This court, therefore, undoubtedly recognizing the individual rights of the intervenors over the land, sustaining the subject land acquired by Julian M. Tallano, by virtue of Deed of Absolute Sale executed by Don Annacleto Madrigal Acopiado (Exhibit A) should be recorded to an area of 15,192.9338 hectares instead of 13m281.892 hectares, in consideration of P8 Million which was satisfactorily paid by way of installment on a “ AS IS WHERE IS BASIS,” and therefore, the Honorable Court declared the following lots in favor of said intervenors, yet, the rightful owner is said Julian M. Tallano, to wit:

PARCEL I (TCT 408 Lot No. 11-69 from OCT 01-4, Decree 297, Cad. Rec. 475 GLRO 4720, PSU 2031) that said lot reconfirmed accordingly under Rep. Act No. 2559, which was applied on March 14, 1914, for Cadastral Requirements by said Don Gregorio Madrigal Acopiado.

Lot 1-11-69, containing an area of 4,084.3701 hectares

Lot 2-11-69, containing an area of 4,041.8800 hectares

PARCEL IV (of the same TCT 408 and property data)

Lot 1-11-69, containing an area of 9,466.6837 hectares

MOREOVER, IN THE AFORECITED MOTION, the intervenors also “ PRAYS” that the land area remaining shall be recorded in specific areas in favor of Don Annacleto Madrigal Acopiado which is 14,433.1418 hectares intended to instead of 3,571.720 hectares and should be identified accordingly by numerical order of its lot, here to wit:

PARCEL II (TCT No. 408, Cad. 297. Rec. No. 475, GLRO No. 4720, PSU 2031)

Lot 1-11-69, containing an area of 2,298.1563 hectares

Lot 2-11-69, containing an area of 1,888.7700 hectares

Lot 3-11-69, containing an area of 2,178.3400 hectares

PARCEL III (of the same TCT and property data)

Lot 1-11-69, containing an area of 1,685.0050 hectares

Lot 2-11-69, containing an area of 1,684.3701 hectares

Lot 3-11-69, containing an area of 573.2916 hectares

Based on the evidences, that part of parcel 3, lot 3, containing an area of 1,703.1747 hectares was an integral part of 3,371.2320 hectares which was a subject of donations to the Philippine Government by the government of Great Britain and United States of America by virtue of Proclamation No. 07, issued jointly by the two governments, to relocate the government offices into a better location, which said areas embracing the areas of Pasay City, Makati, City of Manila of the Province of Manila, then, bounded by

the Rio de Pasig, now Pasig River, on the North and on the Northeast, on Northwestern of the City of Manila and Manila Bay on the West, which identified under Parcel III, 11-69 and Lot 4-11-69. These trivial information were affirmed by Hon. Commissioner Gregorio Bilog of Land Reg. Comm., and by Region IV Director Rodolfo A. Paelmo, which this Hon. Court failed to include in the dispositive portion of the Court Order, dated March 21, 1974 that became mandatory to rectify for public good to prevent misconception from the public that such failures has been done deliberately in conspiracy of the Tribunal of Justice with those who have vested interest over the subject land to the damage of the intervenors, while, the truth this court is ready to open the clandestine undertaking of the government involving the same subject land, so the mighty of the Court of Justice shall be utilized, as it provides, based on the authority provided in paragraph (g) Sec. 5, Rule 135 of Rules of Court which states that “ THE COURT HAS THE INHERENT POWER TO AMEND AND CONTROL ITS PROCESS AND ORDERS SO AS TO MAKE THEM CONFORMABLE TO LAW AND JUSTICE.”

In the interest of justice, EO ENTUITU, the intervenors files a “ MOTION TO INTERVENE” on July 5, 1973, which seeks to consider the petitioner-intervenors prerogative rights over the subject land. On Dec. 14, 1973, a decision was promulgated recognizing the plaintiff’s right over the 1,203 hectares, an integral part of the subject that previously it had been sold to intervenors, Mr. Julian M. Tallano. On December 28, 1973, a final complaint for intervention had been filed by the intervenors, opposing the decision of December 14, 1973, which was penned down in favor of Wilson P. Orfinada, on the ground that a Deed of Absolute Sale, covering said 1,203 hectares had been executed by the plaintiff in favor of Julian M. Tallano on December 17, 1971, besides, the intervenors questioning the rest of the 27,000 hectares portion of the subject which this Honorable Court failed to re-assign to the rightful owners-eligible claimants in the person of the intervenors. The court had considered the complaint for intervention as meritorious so the Court Order dated March 21, 1974, instead of March 31, 1974, became favorable to the intervenors respecting undoubtedly their ownership has better-stronger rights over the land in dispute under the principle “ PRIUS TEMPORE

POTIOR JURE, FIRST IN THE TIME STRONGER IN RIGHTS” (Alvaro and Spanish Supreme Court vs. Roman Catholic Church, Phil., 1887). On March 27, 1974, a motion for the issuance of “ CLARIFICATORY DECISION” with prayer for the issuance of Court Order to declare all occupants of the subject land as illegal squatters in violation of PD 772 had been filed by the intervenors on Sept. 2, 1975 right after the approval of the law, PD 772 on Aug. 20, 1975. The Court cannot ignore it except to sustain the intervenors’ prayer on serious grounds the motion was intended for the protection of their land ownership and for the correction of typographical errors affecting intervenors’ rights. Without prejudice to the basic rights of all concerned persons, it made sufficient in form and substance for the issuance of subpoenas to all parties on April 15, 26, May 7, 21, 30, June 10, 24, 28, July 5, August 7, Sept. 3, 17, and Sept. 30, Oct. 1, 22 and Oct. 29, Nov. 4, 11, 18, and 25, Dec. 3, 10, and 17 all of 1974, Jan. 7, 15, and 23, Feb. 7, 17, and 25, March 7, 17, and lastly, March 24, all of 1975, which said subpoenas were notifying concerned parties for the scheduled hearings on July 10, August 27, Sept. 17, October 16, Nov. 21, Dec. 19, for 1974 schedules, Jan. 7, Feb. 5, March 10, April 7, May 6, June 4, July 16, August 7, all of 1975, and on Sept. 2, 1975, the case was submitted for decision, besides of corresponding notices of hearings which were posted open in conspicuous places, particularly in the register of Deeds of Rizal, Pasay City, Mun. of Makati, City of Manila, and of Cavite, in the office of the Municipal, City and Provincial Assessors of Rizal, Taguig, Pasay City, Mun. of Makati, Pateros, Las Piñas, Parañaque, Muntinglupa, City of Manila, in the office of the City and Prov. Engineers of the towns, and of the City Mayor of Manila, the office of the Municipal Mayors of Makati, Las Piñas, Taguig, Pateros, Muntinglupa, Parañaque, and the office of the Provincial Governor of Cavite and of the Province of Rizal and Laguna, but inspite of the service returns as property acknowledged by the concerned parties the said subpoenas and such notices posted in the given offices were vehemently ignored and totally disregarded. The Court also noted the judgment became final and executory on January 7, 1974, and the entry of judgment was made on March 4, 1974, by the Hon. Clerk of Court and furtherly no appeal from the oppositions has been filed as confirmed by the Clerk of Court.

Going over the record of the case, it appears the case originated from a “ PETITION OF RECONVEYANCE” which was filed on January 4, 1972, and later the Plaintiff filed a “ SECOND AMENDED PETITION” on February 4, 1972, which was recorded as “ PETITION FOR ANNULMENT AND QUIETING OF TITLES, RECONVEYANCE WITH RECONSTITUTION OF LOST OWNER’ S AND DUPLICATE COPIES OF TCT 408 ADMINISTRATIVELY IN ACCORDANCE WITH REPUBLIC ACT 26” for and in the name of Don Gregorio Madrigal Acopiado in this Honorable Court, Seventh Judicial District, Branch 28, CFI, PASAY CITY, lodged under Civil Case No. 3957-P, against the respondents-plaintiffs and to all whom it may concern.

Accordingly, this Honorable Court cannot fairly institute the proper administration of justice without tracking down back to the very history of the land, owned by Don Gregorio Madrigal Acopiado, a Filipino-American blood, who occupied the subject land for more than 100 years of time immemorial since the year 1864 by farming it after he formed a partnership with John T. McLeod, under a joint venture investment of \$5 Million (U.S.) to till the vast Hacienda Quebega farm containing an area of 29,151.768 hectares, planting of variety of crops; pineapple, coffee, sugarcane, corn, intercropped by mango trees, guavas, and other fruit bearing trees with wheats for export to the United Kingdom, United States of America and, particularly, to Spain.

The said 29,151.768 hectares is part of 32,423 hectares of large parcel of land originally in the name of late Don Antonio Hermogenes and Don Miguel Antonio Rodriguez, left back to Spain in Sine Libres and both Spanish Nationals and recipients of a Gallantry Award intended to their late Grand Father, Don Esteban Figueroa de Rodriguez, who became a very effective Emissary of Queen Isabela II of the Royal Crown of Spain, and who prevented Civil War in Mindanao instead of bloody strife in the year 1577. Moreover, the Court observed that Hacienda Quebega Farm is a mango farm in agricultural character was been registered with Private Land Registration Act of 496 and previously with the Maura Law. Apparently, the land had been subjected under the

Treaty of Paris, mandating all government institutions including its Government Officials to respect “ PRIVATE LAND OWNERSHIP,” particularly, this Quebega Hacienda Farm in the Philippines, to the extent of making conditional all proclamations, ordinances and statutory law to be passed in the Philippine Congress either in the City, Provincial or Municipal Government units of the Republic of the Philippines, when such laws or ordinances would eventually affect the private land ownership, irregardless it preserve and intended to public benefits, otherwise, such laws or ordinances are contrary to democratic ideals, unconstitutional, and therefore, illegal in nature. The principle is the very purpose of democratic ideology, which the Filipino people has been valued and subscribing ever since the declaration of the First Republic of this archipelago in 1898, where thousands of human lives, Filipinos, Britons and Americans, had sacrificed in the defense of said ideology that every one of us are bound to adhere than to erode it, which is, if in case we will do so, it is similar of setting a fire to the very foundation of this nation the interest of the public, its ambition for economic advancement and hope soon would the same be jeopardized beyond control of our national government, that all of us eventually, the young and old, would repent for the greatestv errors we committed ever that would be recorded in the annals of Philippine history, if not find our bodies deeply buried to a five meter below the ground. Indeed, we confirmed that the subject land has an authentic title of ownership, TCT No. 408 in the name of Don Gregorio Madrigal Acopiado which was reported missing up to this writing by the personnel of Malacanang palace, who took in custody of the said title after His Excellency President Ferdinand E. Marcos, upon receipt from the owner, Don Annacleto Madrigal Acopiado, turned over it to Ireneo S. Zabala, a Presidential Consultant on matter related to Private and Presidential documents, and who was assigned by President Marcos to process said title for financial assistance intended to Don Annacleto Madrigal Acopiado’ s Project Development undertaking in the year 1973. The testimonies of Hon. Ireneo S. Zabala was re-affirmed by Hon. LRC Director, Gregorio Bilog, who represented LRC, by submitting the copies of the said lost Transfer Certificate of Title No. 408 in a certified machine copies issued by the Honorable Register of Deeds of Rizal. The said testimonies, the same had been

corroborated accordingly by the Region IV Director, Rodolfo A. Paelmo, while the Representative of the Office of the Solicitor General had submitted its position paper admitting honestly that the land in dispute is purely a private land and unquestionably owned by Don Annacleto Madrigal Acopiado, which he acquired through his predecessor in interest, therefore, according to that government agency, they have no absolute right or jurisdiction to intervene neither to oppose the proceeding even actually they represent the interest of government agencies who are directly involved in this land case, like, this University of the Philippines who controlled the U.P. Compound, the Fort Bonifacio thru its Administrator, General Romeo Espino directly controlled the land of Fort Bonifacio under TCT No. 2288. Seriously in that position paper, the Solicitor General failed to show lawful ownership right over the subject land. Instead, they presented a Certified True Copy of Presidential Proclamation bearing No. 423, covering the area of 2,212.3270 hectares with Transfer Certificate of Title No. 2288, embracing the Fort William McKinly, now, Fort Bonifacio, covered by the exchange of Diplomatic note between U.S. Embassy and the Dept. of Foreign Affairs, were turned over to the Philippine Government by way of conveyance. In the said Proclamation 423, it stated that on 12 of July, 1957, the whole area of Fort William McKinly, now Fort Bonifacio, embracing an area of 2,212.3270 hectares was proclaimed for Military Reservation for the Armed Forces of the Philippines by virtue of said Presidential Proclamation, under the Administration of the Chief of Staffs of the Armed Forces of the Philippines, subject to “ PRIVATE RIGHT IF ANY THERE BE” , declared by the President Carlos P. Garcia. According to the testimonies of the Solicitor General Representative, the subject land area was conveyed finally to the Republic of the Philippines by the United States of America on December 5,1956, yet, said conveyance became final, and therefore, can not be nullified at the mercy of the principle of undefeasible title. But said contention of the Representative of the Office of the Solicitor General was opposed by the intervenors, claiming it is immaterial, inadmissible and it is purely an opinion evidence because it contradict the principle of “ PRIVACY RIGHTS” as already settled under the Treaty of Paris and that of Presidential Proclamation 423 by then His Excellency President Carlos P. Garcia as deplored by the intervenors. The intervenors

even claim that no one in this world and no one among individual person or persons either juridical personality or government owned or controlled corporation or institution can convey a land or object either in the for of sale, donation or any form of conveyance to any one or to any government organization when such subject of donation, sales or conveyance do not lawfully belongs to the donor, vendor, or executor, otherwise, under existing laws said “ DEED OF CONVEYANCE” is null and void- ab- initio, and it is a crime punishable by our Revised Penal Code for it is amount of robbing private property of an individual for personal whims and benefits, while those who became recipient of that subject of the crime, the same, shall be penalized accordingly on the sense that he must be served as mere trustee of the land conveyed or sold to him or to them because subsequent registration of what is invalid title of land does not validate the land ownership or title acquired by fraud or by unlawful transaction. The intervenors even cited the ARTICLE 1544 of the New Civil Code which provides as follows: “ SHOULD IT BE IMMOVABLE PROPERTY” , the ownership shall belong to the person acquiring it who, in good faith, first recorded it in the Registry of Property.

“ SHOULD THERE BE NO INSCRIPTION” , the ownership shall pertain to the person who, in good faith, was first in the possession and, in the absence thereof, to the person who represents the oldest title, provided there is good faith. (Javier, et al, v. Lagman, et al, Digest of Court of Appeals Decision, vol. 1, p. 373; see Leung Yee v. F.L. Strog Machinery Co., and Williamson, 37 Phil. 644, Govt. of the Philippines v. Abuel, et al 45 O.G. 8, August, 1949, CA.

IN DEED, the U.S. Government has no right to convey the subject land, which is private land in character, while, the said land is an integral part of the land already sold by the rightful owners in favor of Don Gregorio Madrigal Acopiado on the year 1913, which was 43 years ahead than of that Deed of Conveyance executed by the U.S. Government in favor of the Republic of the Philippines.

FURTHERMORE, on the year 1911, under Proclamation No. 571 (Exh. F) promulgated by the Supreme Court of the Rep. of the Phil. Islands, before 3rd Division, Hermogenes Antonio Rodriguez and his brother Don Miguel Antonio Rodriguez won their land ownership over the subject containing an area of 32,423 hectares, embracing the province of Manila, then, now the City of Manila with an area along the bank of Rio de Pasig, Pasig River now. On the Western side is Pineda de Pasay, now Pasay City, San Pedro de Makati, Now Makati, Guadalupe Viejo, now Guadalupe, Makati, Taguig, yet, Bicutan before, Pateros, Las Pinas, Pueblo de Parañaque, now Parañaque, of the Province of Rizal, Pedro Tunasan of Lguna, Carmona, General Mariano Alvarez, Dasmaringas, Tanza, Imus and Bacoor of Kawit, before, noe Province of Cavite, while on the Western part of the subject land, based on the approved Survey Plans prepared by the Bureau of Lands before in the year 1902, was Daang Kawit, now Cavite Highway connecting Dewey Boulevard on the West bound (See also technical description of the land) (Exh. G, H and Exh. I) with a superficial boundary of 10,000 meters 70 degrees Northeast from the river bank of Pasig River in Guadalupe Viejo.

The land in dispute was been subjected to realty tax payments religiously undertaken on an up to date status by older Acopiado since the year 1948 up to this year 1969 respectively (See Exh. J and J-1 to J-20) but said realty tax payments were discontinued after abusive ordinances and laws of taxation had been passed increasing abruptly the realty taxes into a 150%, which restraint Don Annacleto Madrigal Acopiado to keep paying the required realty taxes, yet, deliberately disenfranchised the private rights of the legitimate owner to keep and maintain his subject land undisputable. Nevertheless, the court observed such minor shortcomings of the intervenors was not attributable to them alone; therefore, it cannot, in any way, defeats the soundful characteristics of the evidentiary ownership documents, which the intervenors, had submitted to this Tribunal of Justice, yet, it finally destined in VOIR DIRE. We can not even discounted the material relevance of the documents of ownership of the intervenors-petitioners LIQUEST SATIS considering that the testimonies of the authorities from the Bureau of Lands, Land Registration Commission (LRC), from the

Bureau of Archive, and from the Office of the President of the Philippines, in Malacanang Palace augmented the information, data, facts, material and circumstantial evidences appeared in the said documents presented by the intervenors, as marked (Exh. A to J-20) and it appeared clearly that no one among the plaintiffs, claimants, defendants and all interested parties mentioned herein had ventured to oppose and refute the validity of the said evidences, much more, said ownership of Don Annacleto Madrigal Acopiado and his predecessor in interest, Don Gregorio Madrigal Acopiado, was duly affirmed by said LRC Commissioner, Gregorio Bilog. Besides, it was verified that TCT 408 was registered in the name of Don Gregorio Madrigal Acopiado, by virtue of Cad. Dec. 297, with Cad. Rec. 475, and under GLRO 4720. Another documentary evidences of ownership the petitioners had submitted to this Honorable Court was the Lease Agreement between Don Annacleto Madrigal Acopiado and the President-General Manager of the Philippine Air Line and of the Manila International Airport, in the person of Benigno Toda, was issued on the year 1962 covering the area of 50 hectares of land besides of that 75 hectares of land that the co-intervenors had donated to MIA-PAL through the mediation of the late President Ramon Magsaysay in the year 1953. In the said "LEASE AGREEMENT", the Court noted an ownership rights vested upon clearly to the said Don Annacleto Madrigal Acopiado, which construed that the entire land area of 29,151.768 hectares is lawfully owned by the intervenors. And based on the sworn statement of the LRC Commissioner, who failed to bring in court the records of the Bureau of lands and of that LRC for verification which were ordered to submit by the strength of Subpoenas Ad Testificandum and Subpoenas Duces Tecum, there were no other Titles that had been issued covering the subject land, except, that of TCT No. 408, which was transferred in the name of Don Gregorio Madrigal Acopiado, and it ever there are titles existing, these are mere free patent titles subject to nullification in favor of the oldest TCT No. 408 which had been issued by virtue of Torrens System. The LRC Commissioner even admitted that there were incidents of anomalous issuance of fake titles between 1950 to 1973, respectively, defeating the legitimate one, when the price of the land in the premises was increased into a 500 times which became so temptous on the part of the personnel from the Department of Agriculture. Besides of

these facts, there were massive falsification of relative documents in relation to the issuance of land title, while those original records were uprooted, destroyed, and some were hidden in secluded places but readily open for those who can pay higher price of 1000% than it was fairly priced by the government. The authorities of the LRC and that of the Bureau of Lands jointly testified during the hearings that no single parcel of land that has embraced more than one title, particularly, this Transfer Certificate of Title in order to protect the paramount interest of the land owners as prescribed in the Land Registration Act of 496, otherwise, said title free patent or not if it has been given more than one title the other is fictitious and the eligible one should be supportive by decree or much more stronger by Court Order, like this instant case, TCT 408 per se is authentic and eligible and indefeasible Title, and if ever there are another Title other than this TCT 408, like, this TCT No. 2288 which became a subject of Deed of Absolute Conveyance executed by the government of the United States of America in favor of the Philippine Government, said TCT 2288 is null and void, no force and effect. Another title of the subject land which were issued fraudulently are TCT No. 209844 in the name of the adverse claimant, Ponciano Almeda, President of Almeda, Inc. and those land areas integral part of the subject land containing 29,151.768 hectares owned by Don Gregorio Madrigal Acopiado but these were issued fraudulently so the same should be declared null and void. And those areas which is also an integral part of the subject but these were held and controlled fraudulently in the name of Emilio Gregorio, the same were confirmed by the LRC and by the Bureau of Lands personnel that said land areas were issued in a fraudulent documentation by the Bureau of Lands so the same should be declared null and void. Another land areas holds and controlled by Tomas Matias, Irene Matias, and Lucio Medina, the Bureau of Lands and the LRC personnel also confirmed to this Hon. Court that the said land areas which are integral part of the subject land the same were acquired fraudulently thereby the same has been declared null and void by Hon. Court, no force and effect. And the land areas hold and controlled in the name of Agapito Bonson and Juana Santiago and heirs, Mateo Pagsisihan, Antonio Lopena, Celerena Rafael, Jovencio Marcelo, Crispina Vasquez and Pedro Gregorio, have land areas as it was confirmed by the Bureau of Lands and the LRC

personnel these were acquired by the names of aforementioned fraudulently so the court declared these land areas null and void ab-initio for it is an integral part of subject land covered by TCT 408. And all lands hold and controlled by Alfredo Baens, Trinidad Yap, Elena Bartolome, Josefa Vda. de Santos, Philippine Share Corporation, RAR Live Stock, DBP, Pilar Village Corporation and all other occupying the areas are advised that said areas hold and controlled by the above persons and entities are all lots that were acquired in a fraudulent transaction so this Court declared the lots aforementioned are null and void ab-initio, and confirmed by Bureau of Lands Director, Rodolfo A. Taelmo as it was verified and covered by TCT 408. And all lots totally held and controlled by Felimon Aguilar and the heirs, Perpetua Vda. de Aquino and heirs, Aquino Village, Inc. who controlled the lot under TCT No. 30592, TCT 281828 and Psd 9079 derived from OCT 2573 which is fictitious in nature, Teodoro Lim and Felix Baez who controlled lot under TCT 56339 embracing Perpetual Village, are lots issued fraudulently, therefore, these lots are null and void ab-initio. All lots controlled by Fortunato Santiago and Maria Pantanilla P. Santiago and heirs, and Francisca Aquino, covering portion of Pateros, Makati and Taguig are lots acquired fraudulently, therefore, these lots are null and void. All lots controlled by the Municipal government of Muntinglupa, Pateros, Taguig, Makati, City of Pasay, Parañaque, Las Piñas, all of the Province of Rizal, Pedro Tunasan of Laguna, Carmona, General Mariano Alvarez, Dasmariñas, Imus, Tanza, Bacoor and Zapote of the Province of Cavite are all lots under fraudulent real property rights, therefore, these lots are null and void because these are integral part of the vast land lawfully owned by Don Gregorio Madrigal Acopiado, whose ownership over the subject land had been settled so long and it was reflected in the previous ruling of this Honorable Court besides of the fact prior to this decision, it was sustained by the Decision of the Supreme Court, under Proclamation 571 (Exh. F) supported by the Philippine Commission favoring the stand of the intervenors that said land was registered under Rep. Act 496, and properly passed accordingly and re-confirmed by the General Land Registration Office through Cadastral Hearing in accordance with Rep. Act 2259 and duly covered by TCT 408, Dec. 297 and not OCT 4085 under Decree 25763 as allegedly issued on the year 1917. The LRC authorities confirmed

that the alleged OCT 4085 was a falsified OCT derived from the missing TCT 408 was reported by the personnel of Malacañang. The Court, yet, prohibited the existence of said fake documents because if ever these are allowed proliferate, directly it is a tantamount of tolerating the commission of illegal acts that later on it will drag this nation into an uncivilized, disorder society of man toward individual survival, while such moral and Filipino values would be eroded and this government authority would not be respected any more, if ever we will embrace the undisciplined way of living, these unlawful acts. The Court indisputably declared all claimants of portion of the 29,151.768 hectares are claimants whose rights over the subject land had been acquired fraudulently with conspiracy of some of the personnel from the Bureau of Lands and of Land Registration Commission, and with some involvement of some of the personnel from the Department of Agriculture and Commerce and from the Department of Public Works and Highways, yes, all against the law, therefore, ownership of these lots are null and void ab-initio, and cannot be alienated to any person without lawful authority of the intervenors as confirmed by the authorities from the Bureau of Lands, Director A. Paelmo and LRC Director, Gregorio Bilog.

Apparently, WELL SETTLED THE ISSUE OF OWNERSHIP OF THE INTERVENORS OVER THE SUBJECT LAND, AND THAT ILLEGAL RIGHTS OF ALL OCCUPANTS AND CLAIMANTS OVER THE LAND IN DISPUTE ARE CONTRARY TO PD 772 FOR THEY ARE OCCUPANTS MERELY BY TOLERANCE. And the petitioner's argument that in the Rules of Court a judge has an inherent right and power while his judgment is still under his control, to correct errors, mistake or injustice after judgment has become final, of course, he loses his right to change or modify it even in slightest degree, except, for the purpose of correcting clerical errors (*Vilus v. Justice of the Peace of Saraya*, 42, Phil. 503) which was invoked by the intervenors, who won on this case. The intervenors, however, claim that it was a mere clerical errors. Hence, they want this Court to clarify and correct the major issues arising therefrom regarding the specific areas of land ownership of the intervenors over the subject land, clarify the authenticity of the Transfer Certificate of Title No. 408, its Decree 297 including its erroneous

captions, and pertaining to the reported existence of the illegal occupants, claimants who are conspiring with the LRC/Bureau of Lands personnel, Records and Survey Division, toward the issuance of fake land titles and survey plans and DPWH personnel who served infrastructure government permits allowing the proliferation of the clandestine real estate development in the area undertaken, mostly by land developers, which the clerk of Honorable Court missed to specify in the previous court order dated March 21, 1974, but mistakenly recorded on March 31, 1974, while the title instead of Transfer Certificate of Title, it was recorded OCT 408. The intervenors furtherly PRAYING to declare all occupants and claimants as “ ILLEGAL SQUATTERS VIOLATES PD 772,” and in a MOTION by the intervenors dated Sept. 2, 1975 also prays for the reconstitution of TCT 408, that the Owner’ s copy of which had been turned over to the custody of the Presidential Consultant, Ireneo S. Zabala, who was then In-charge of the Office of His Excellency President Ferdinand E. Marcos on Matters Related to Private and Presidential Documents, but said TCT owner’ s copy, after it turned over by His Excellency to the said Presidential Consultant, for financing assistance to the proposed real estate development project of Don Annacleto Madrigal Acopiado, was reported missing and the same cannot be located inspite of diligent efforts of the Presidential Staff to look the same but the search remained futile. And the owner’ s duplicate copy of said TCT 408 which must be normally on file in the Office of the Register of Deeds of the Province of Rizal, the same, in coincidence, was reported missing by the Commissioner of LRC, Gregorio Bilog, with corresponding “ SWORN STATEMENT” of the Hon. Register of Deeds of the Province of Rizal. The “ MOTION TO RECONSTITUTE ADMINISTRATIVELY” in accordance to Rep. Act No. 26 said TCT 408 as “ PRAYED FOR” is lawfully sustainable by this Court as provided for by the said land Title including those of the pertinent papers essential thereto as public record considering that, under the law, it is a prerogative and constitutional right of the intervenors to avail said benefits while there is a public knowledge that said TCT 408 is legitimate and authentic duly recorded in the name of proper owner, Don Gregorio Madrigal Acopiado, predecessor in interest of the intervenors of this above entitled case.

We affirmed the contention of the petitioners which are meritorious in nature on the basis that we made our verifications and we checked the stenographic notes of the Stenographic Clerk including those evidences, position papers and pleadings of the plaintiffs, defendants, oppositors, and that of intervenors which totally admitted, said claim is within the principle of the Rules of Court and totally consistent to the stenographic records of the Court Stenographer and with the documents submitted by the Representative of the Land Registration Commission, the Representative of the Bureau of Lands, by the strength of Subpoena Duces Tecum and Subpoenas Ad Testificandum subject, of course, to “ STRICTI JURIS,” affirming that Cadastral Decree 297 with corresponding technical description together with its TCT 408 of the subject land are all legitimate and authentic and this was reconfirmed in the name of Don Gregorio Madrigal Acopiado on the year 1914 covering the subject land containing an area of 29,151.768 hectares which was duly approved in accordance with Republic Act No. 2259 based on Cadastral hearing under Cad. Record 475 PSU 2031, and duly registered in accordance with Land Registration Act 496 of 1902 and confirmed by the Philippine Commission.

IN THE FIRST PLACE, however, the petitioners-intervenors exerted efforts and they called the attention of this Honorable Court to correct its own errors since mistakes were actually committed to the prejudice of the intervenors but attributable by this tribunal of justice. Based on the record, the intervenors received their copies of the Court Order dated March 21, 1974 and immediately, they complaint to this court about the discrepancies of the court order which the true and correct land areas were misrecorded into a smaller area with missed writing also of the correct “ CAPTION AND TITLE” of the above given case, while the true land areas which appeared on the certified xerox copies of the TCT 408, as evidentiary documents for the intervenors issued by the Hon. Register of Deeds of Rizal has total area of 29,151.768 hectares but based on the “ DECISION” of Dec. 14, 1973 as it was reversed and modified by virtue of the Court Order dated March 21, 1974, the errors and discrepancies remained uncorrected by the

transcriber of this Honorable Court. Accordingly, the Honorable Court also observed the execution of the said order by the strength of Court Order dated September 10, 1974, which is an order of “ WRIT OF EXECUTION AND POSSESSION” that had been duly executed by the Deputy Sheriff, Herminio Ubana fearlessly, inspite of many threats from the guarding military men in the area, and inspite of the fact that military harassment were shown opposing strongly the said execution, the Deputy Sheriff still used to placed the intervenors in actual possession of the subject land by fencing the area and had constructed the strategic outpost in the premises.

VADIERE LEGEM VERITATEM DICERE said “ DECISION” was still within the control of the Court considering Rule 38, Sec. 3, of the Rules of Court was available protecting the interest of the aggrieved parties in terms of land dispute. Lawfully, in the second place, the subject matter sought to be corrected were mere clerical errors are those harmless and innocuous changes such as correction of name that is legally misspelled, occupations of parents, etc., (Ansaldo v. Republic, 102, Phil. 1050). It may refer to an error made by a clerk, or transcriber, a mistake on copying and writing (Black v. Republic 104, Phil. 849, Espiritu v. Republic, 55 O.G. 4832). So the errors in the case at bar refers to an area of land 13,281.892 hectares which was erroneously recorded inspite of the fact that in the stenographic notes of the stenographic clerk, it appeared an area of 15,192.9338 hectares so it should be recorded to 15,192.9338 hectares in favor of Julian M. Tallano, co-intervenor, while in the case of Don Annacleto Madrigal Acopiado, the court incurred another typographical error which was put for decision as written on March 22, 1974, inspite of the existing record of 15,192.9338 hectares, was 3,571.720 hectares but what was recorded in the stenographic notes was an area of 14,433.1418 hectares in the name of Don Annacleto Madrigal Acopiado, while TCT No. 408, the same was recorded erroneously into a OCT 408, so these must be corrected and it should be recorded properly to 14,433.1418 hectares in the name of Don Annacleto Madrigal Acopiado, including that OCT 408, it should be written to a TCT No. 408 to discount a thinking that again, this mistake of the Court is a form of sabotage to the intervenors. And the nature of ACTION should be written to “ PETITION FOR

RECONVEYANCE WITH RECONSTITUTION OF TCT NO. 408” in the name of Don Gregorio Madrigal-Acopiado in accordance with Rep. Act. 26. The intervenors in this case invoking the principle of issuing second owner’ s and duplicated copies of the lost TCT 408 in the name of the owner. Said issuance of the second owner’ s and duplicate copies of said Transfer Certificate of Title is within the purview of Republic Act 26, considering the said record are eligible and has been authenticated by the LRC authorities indicating that TCT 408 was duly registered and is authentic in nature as specifically confirmed and verified it which was existing since 1932 derived from OCT 0-14 of 1864, while the damage of World War II was slightly affected and its contents, entry of important data are clearly readable borne out by its certified true copies furnished by the Hon. Register of Deeds of Rizal in Pasig, through the cooperation of the LRC Commissioner, Hon. Gregorio Bilog, who was obliged to do so by the order of the Court. What is noticeable are entries annotated at the back of said TCT No. 408, is a Deed of Absolute Sale executed by Don Hermogenes Antonio Rodriguez covering an area of 29,151.768 hectares in favor of Don Gregorio Madrigal-Acopiado on Oct. 14, 1913 in consideration of the sum of P35,000.00. Date of Inscription, October 14,1913, and entered into a Notarial Registry of Andres Valdivia, Notario Publico for the Municipality of Manila. And suffice it to state that in the sworn statement of the witnesses, in the person of Ireneo S. Zabala, Presidential Consultant of President Ferdinand E. Marcos on matters related to private and presidential documents, and that of Gregorio Bilog, LRC Commissioner, and Director Rodolfo A. Paelmo, admitting that said TCT No. 408 duly recorded in the Registry of Deeds of Rizal in the name of intervenors’ predecessors’ interest, was entrusted by Don Annacleto Madrigal Acopiado, to His Excellency President Ferdinand E. Marcos, and the same TCT was turned over to said Ireneo S. Zabala, for processing of a loan intended to intervenors’ development project, but said TCT, in the early part of 1972, in the month of February, it was reported missing inspite of diligent efforts exerted by them to look the same but still, it remained nil and futile up to this judgment. We admit there is actually compelling reasons that petitioners be relieved for equity and justice “ EX JUSTA CAUSA” to vindicate their oppression and of their desperate hope for a better public service,

particularly to the weak and less fortunate individuals, but instead of glorified succor, an unbearable suffocation has been inflicted to the intervenors to almost beyond their endurance to bear such irreparable damages. As we all know, martial law was declared under Proclamation 1081 because of the commitment of the national government to rectify its shortcomings in terms of peace and order and of recovery toward economic prosperity of this country, to regain confidence of the Filipino people which are eroding because of temptation from the left for equality of life, for the rich and poor, but in actual happenings, this martial law is in contrary to our democratic aspiration. We thought martial law was declared to arrest those unlawfully-deliberately deprived of other's right for self-enhancement, capricious and vested interest, those who subscribes florification of anomalous activities within the government, yet, contrary to what we hope, justice is controlled by superior authority preserving interest of the selected few which, if to assess, means we are moving toward oligarchism. Yet, what happened to the intervenors right which were subsided by felonious strategies deliberately washing out the said Transfer Certificate of Title No. 408 was an event that hard to convince this court. Directly, the opinion of this court based on circumstantial evidences was an incident that were orchestrated to defeat the lawful right of the intervenors over the land in dispute, while, anyone interested to the subject land would be facing difficulties to grab the subject in a disguised court battle, unless, by felonious acts and, unless, the administrator of justice will venture to sell his dignity, his honor and moral value. Yet, if this last bulwark of justice could be harnessed thru bribery of million pesos...who will defend the weak and the victim of unjust and unlawful acts? If ever, no more...therefore, where will this nation go to? How about the future of our children? Never it would be...that this magistrate of justice will tolerate to be an instrument of evil and illegal doings. The undersigned, indeed, received an order to be relocated to nowhere...a pretext of harassment from the higher authorities while they were annoyed of the truth over the land scam of the land in question. But...thanks to the Lord above, thanks to observing mediamen, particularly to Fr. Ben Carreon of Radio Veritas, to Major Ben Layson of Star and Strife newspaper of the United States of America, to unknown but determined Reported of Radio-Television of GMA and Radio DZXL and of

Manila Times Newspaper, to Tim Olivares also of Manila Newspaper, to Brixton Busto of Radio ng Bayan, to Manny Julian of Balita Newspaper, who were all uncowed of guarding the magistrate of justice to explore the truth and unveil what is behind the land grabbing scandal to the predicament of the intervenors. Our determination for the truth and for justice has been tried and had intended to overcome by military threat against intervenors. Thanks to all responsible witnesses from the LRC and from the Bureau of Lands in exploring all the truth that surrounds the circumstances why...and where...the said TCT 408 lost? Perhaps they feared of the law of Carma that...Yes...you can evade the law of man, the law of nature...but never of the law of your conscience that the Lord above is the one directing for it to tell the truth...for the truth will set you free. Indeed, the Bureau of Lands and that of LRC confided the undistorted facts conformable to the validity of events which are very significant to derail the intent in Mala In Se of the felons. What is very embarrassing was the scandal in the office of the LRC, particularly, in the Register of Deeds of the Province of Rizal where the public and private documents are bound for safekeeping for ready reference in the future' s need. Instead, the LRC and that the Bureau of Lands were exploited by the whims of influential individuals to the extent of expungening the evidentiary documents if not to forfeit the great reward of the labours and sacrifices the intervenors had undertaken in the long years of diligent endeavors for work, hard labours and planning to achieve the greatest wealth they are aspiring in their whole life in order that they could set up their lives into a better financial posture for their love ones, for their families, but, rather for their greatest intent to render charitable services to the general public, particularly to the indigent families, dislocated Muslim brothers and for those children living so miserably because of unpaid attention from the concerned government agencies. If ever they cared to...it is only a matter of siphoning the allocated financial budget, while the real objectives of the government has been defeated to the prejudice of these street children. These noble objectives of the intervenors are hard to find in the big pile of our government officials which are seldom in today' s time to have such kind of persons who intend not smash the wealth but to serve their fellowmen socially, financially, morally and legally. In reality, the intervenors' plans are among the effective ways

uprooting poverty, the main root of insurrection that becomes malignant cancer of our society, an obstruction toward economic development of our very own nation. Yet, we realize clearly the sincerity of the intervenors by and thru assigning portion of their land ownership to those who fought against who muzzled people's press freedom and constitutional rights under the pragmatic of habeas corpus deliberately defeating individual's constitutional rights, which are now probable since a gesture had been done, particularly, to Osmena and Lopez clan and Senator Benigno Aquino of Tarlac, their rights under the fundamental law has been suppressed preserved for political interest, how much more to the holder of billions of pesos treasures, like the intervenors. And to those fearlessly covered the overnight proceedings, determined to know the clandestine oppression against the lawful land owners, especially the Radio Veritas, the ABS-CBN Radio-Television network, the GMA Radio-Television Arts, the Radio DZRH, DZXL, the Daily Inquirer, the Malaya, Daily Globe, the Manila Times, all are awarded 20 hectares each for continues preservation of people's press freedom, the Roman Catholic Church, Iglesia Ni Cristo, Phil. Ind. Church, United Methodist Church, and the dislocated Muslim brothers and sisters, also are awarded 50 hectares each of every entity and each sector, including CPP families and returnees for continues propagation of Christian values, while Father Ben Carreon of Radio Veritas and Reuben Layson of the USA has been awarded a 50 hectares each and or to their beneficiaries during their absence, Brixton Busto, Manny Julian, Tim Olivares and those unknown mediamen of GMA, ABS-CBN, Daily Inquirer, Manila Times and the Daily Globe Newspaper who, by courage determined to defend Filipino people against curtailment of people's human rights, while if we failed to do like what they did, the higher respect of the Filipino people to the credibility of our government authorities soon would be reduced into a very insulting one, our nation's humiliation worldwide eventually that may submerge this country to an economic slump, that later on, it would be difficult to us to regain our superior image in Asia and restore to the visiting but disrupted foreign investors. So, in general, to save the national interest, let the law to speak for clear justice to mend the agonies and pain of the already wide opened wounds of the victims-intervenors who were dragged into an irresponsible set ups in disguises of government and people's

interest for evil intent by those whose agenda are to enrich themselves irregardless at the expense of another, VISUT CLAM! Yet, the lawful ownership rights of the petitioners has been usurped. YES, WE CANNOT VIRTUALLY IGNORE THE FORCE OF THE LAW AND JUSTICE THAT THE INTERVENORS ARE CLAMORING FOR REGARDLESS AT THE EXPENSE OF THEIR LIVES.

But if the law is to be applied to all, it must be applied indifferently to with equal vigor upon all who violates it. DURA LEX SED LEX. And striking opposite to this MAXIM is the time tested theory that discontentment with the system of criminal and civil justice in the Philippine government creeps in when a felon is sent to prison, penalizing with heavier penalties, while another surely equally guilty are set free. This means we go under a signal of wrong and dishonest structure of the Philippine government tracking toward an uncivilized barbaric society of no respect to individual right, to the law of man and of God, yet, a government of dictator fearless enough to defraud and rob its people for self-enhancement, while too much tolerant-greedily conspiring illegally with the oligarch real estate developers on a clandestine possession of the subject land, masquerading as government projects, quarrying and infrastructure permits while others subsidizing needy squatters to deliberately possess the said land under the principle of POSSESSORIO DE FACTO. These anomalous scheme should not be permitted to go through if our objective not to drag our people into a most sober situation in lives. Instead, let's try to fight it and let us resist and vindicate jointly against the present set up which are presently administered by the superior authorities handcuffing those are not enemies of the law, those are not landgrabbers, but painfully, the Filipino people who wage redress for grievances because of that injustice inflicted against them by the government, those who protest against the massive malfeasance and misfeasance in the government, those who fought oligarch-landgrabbers-developers in defense of their private properties and rights, those who are politically detained but remained fighting for the welfare of their fellowmen and of their people, whose lawful rights were deprived in preference of their co-conspirator in the clandestine real estate development undertaking in the name of the Philippine government. Especially, in the person of

Senator Benigno Aquino, Jr., who is presently detained in fighting for the interest of his countryment, when squarely, he supported this Hon. Court by his hand written opinion regarding the controversies surrounding the subject land, which is in consonance with such great opinion of the greatest Senator of the land, augmented the position and evidence of the intervenors that made us inspired directly to be courageous enough to refuse to be a part of that dirty business in the real estate industry of our times, inspite of all the facts, the hand of the law and magistrate of justice, the same are handcuffed by self-serving policies of the superior in authorities. Yes, “ NO MATTER IT WILL RESULT TO OUR DEFINITE ILL ENTHOMBMENT AND OF THIS MAGISTRATE OF JUSTICE...YES, we remained highly competent UPHOLDING ITS UNDISTORTED TRUE SPIRIT” forever, for we the administrator of justice and law, are readily cannot be cowed either by any stronger influences, under the democratic atmosphere for the sake of genuine truth, for the oppressed, the weak and poor, whose economic opportunities are oftenly grabbed and subsided through in disguise government policies.

Issues having been joined clearly, the question to be resolved by this court are whether or not the intervenors on the strength of their ownership over their title, TCT No. 408 which was resolved finally on March 21, 1974, can validly recover the areas of the subject land hold and controlled by the defendants and of that squatters and plaintiffs who erected their houses, buildings, and their structures over the land in question, and whether or not such TCT No. 408 which was reported missing by competent authorities from the Bureau of Lands and from the Land Registration Commission, including that of the report from the Malacanang Palace, could be reconstituted in accordance with Rep. Act. No. 26. It is the contention of the defendant, Land Registration Commissioner Gregorio Bilog and of the Bureau of Lands Director Rodolfo A. Paelmo, that the defendants and plaintiffs are both buyers-builders in bad faith, considering thy were aware of the existence of a civil case filed by one Wilson Orfinada, et al, against defendants heirs of Rodriguez, in this case, that the intervenors intervened by reason of MAJUS JUS over the subject land, considering that both plaintiffs and defendants are

also aware that the area fenced with barbwire and hollow blocks signifying the premises is totally and lawfully controlled by the intervenors who are furtherly maintaining the subject area for more than 100 years beyond time immemorial are supported by evidences of ownership of the herein intervenors, that the subject land was legally conveyed by the father of Don Annacleto Madrigal Acopiado and that in the later part of 1913, said subject land was lawfully acquired by Don Gregorio Madrigal Acopiado from original owners, Don Manuel Antonio and Hermogenes Antonio Rodriguez, who left for Spain in 1914 in Sine Libres.

Very clearly, the intervenors as Land Owners have the right to RECONSTITUTE THEIR TITLE NO. 408 and, furtherly, they have the right to the possession of the land and to recover it, unless, this nation has been replaced by Communistic Ideology that private ownership is forfeitable by the government, but as long as we are still suitably enjoying the norm of Democratic Life, the intervenors as land owners, have the right of action against the holder or processors of that area or thing in order to recover it.

It has been long held that unless barred by stipulation or by special law, the intervenors-owners cannot be deprived of the enjoyment of their property on the mere pleas that others were or are in actual possession of the subject property or another needs it more than the land owners because of an emergency such as housing shortage or that somebody else has authorized the defendants-plaintiffs to stay on or occupants by tolerance in the premises in question. These circumstances can not defeat the rights of the intervenors to have the possession of the property be returned to them. The owners- intervenors, as the lawful possessors of that subject land either of thing has be the right to exclude any person from enjoyment and disposal thereof, for this purpose, they may use such force according to law as may be justifiably necessary to deter an actual or threatened unlawful, physical invasion or usurpation of his property (Article 429 of Civil Code of the Philippines).

Finally, however, it is a principle of universal acceptance which declares that any one has the immediate right to occupy and use and utilize the thing he owns, that he who owns a thing shall not be deprived, either by law, of its possession, use or availment of its benefits except for the most mandatory reasons, but the same owner, of course, shall not be deprived of a just but right price or just compensation of his property exploited to the benefits of another unless under this democratic rule, when permitted into such practice, said policy is unconstitutional, therefore, contrary to law and justice.

From the evidences thus presented, it has been lawfully proven that the Titles and occupancies of the defendants, plaintiffs and other claimants-occupants over the land in question are mere reason of beyond human control and by tolerance, per se, of the intervenors, considering that said titles are void and that because of the widest range of the subject land, yet, the intervenors never sign any contract of lease or deed of conveyance or any occupancy permits authorizing them to occupy the subject land. Their continued stay in the property after lawful demand has become illegal and in violation of PD 772 and violation of the rights of the landowners-intervenors (*Gatchalian v. Pavillin, et al*, L 17619, Oct. 31, 1962).

WHEREFORE, AND IN VIEW OF THE FOREGOING, judgment is hereby rendered in favor of the intervenors rectifying the order of March 21, 1974, in lieu of this “ CLARIFICATORY DECISION” against all defendants, plaintiffs and claimants-occupants of the portion of the subject land as follows:

ORDERING ALL OCCUPANTS/Claimants including that of plaintiffs and defendants to pay jointly/severally the sum of P50,000.00 representing reasonable monthly rentals for the use of the land computed based on the length or duration of stay or occupation up to the time the said structure has not been removed. This covers all occupants of agricultural land portion of the subject property and for residential buildings and for those commercial buildings and structures an amount of P100,000.00 a month also based on the length of occupancies up to the time the structures have not been

removed or demolished, otherwise, actual cost of the land that the intervenors may demand from the occupants shall be compensated in cash in favor of the herein intervenors.

ORDERING the Honorable Register of Deeds of the Province of Rizal in Pasig, to RECONSTITUTE the lost owner' s and duplicate copies of the said TCT No. 408 administratively, including the pertinent papers, in accordance with Republic Act 26, for and in the name of Don Gregorio Madrigal Acopiado, carrying over thereon the annotation at the back of the Title, a Deed of Absolute Sale duly executed by the said original owner, Don Gregorio Madrigal Acopiado in favor of Don Annacleto Madrigal Acopiado by his father Don Gregorio Madrigal Acopiado on April 7, 1937, covering an area of 29,151.768 hectares in consideration of the sum of P100,000.00 entered in the Notarial Registry of Juan Estrada de Figueroa; under Doc. No. 224, Page No. XXXIX, Book No. VII, Series of 1937. Date of Inscription April 7, 1937 at 2:00 o' clock p.m. in the Municipality of Pasig. Another annotation to be carried over is a Deed of Absolute Sale executed by Don Hermogenes A. and Don Miguel Antonio Rodriguez in favor of the Insular Government of the Philippines, (now) Republic of the Philippines, covering the area of 3,271.232 hectares embracing the area of Intramuros, Plaza Lawton, Ermita, Paco, San Andres, Port Area, Santa Ana, entire Pasay City, Makati, except of Barangay Pagasa, Guadalupe and Malibay of Pasay City and another 100 hectares in favor of U.S. Government covering the area of Fort Bonifacio in consideration of the sum of P450,000.00 and P15,000.00 fully paid by the people of the United States of America in behalf of the Republic of the Philippines. This areas intended to relocate the Government Offices of the Philippine Government, and to accommodate the growing recreational activities of the Filipino children and these malnourished children and that 100 hectares intended for the main objective of the People of the United States of America, who made the cash payment of the said land. The said Deed of Absolute Sale Recorded on Dec. 9, 1937 and entered in the Notarial Registry of Notary Public Juan Estrada de Figueroa under Doc. No. 77, Page No. XC, Book No. XII, Series of

1937. Date of inscription, Dec. 9, 1937, at around 9:45 a.m. in the Municipality of Manila.

Another annotation that should be carried over is the Deed of Absolute Sale duly executed by Don Annacleto Madrigal Acopiado on December 2, 1953, through mediation of late His Excellency President Ramon Magsaysay, in consideration of P1,250,000.00 paid by the Office of the President of the Philippines in the form of donation to and in favor of Don Benigno Toda, General Manager-owner of Philippine Air Line and that of Manila International Air Port, entered in the Notarial Registry of Atty. Jose Fernandez, a Notary Public for and in the City of Manila, under Doc. XXI, Page No. XXXIX, Book No. XIV, Series of 1953, Date of Inscription Dec. 2, 1953. The said Deed of Absolute Sale covering the area of 75 hectares embracing actually the terminal and Flight Line and that of the area of Departure, now, Domestic Airport. Another annotation that should be carried over at the back of the said TCT No. 408, based on the Order of the Court, considering that said annotation had been reflected at the back of the said TCT in certified true copy presented by the Representative of the Land Registration Commission pertaining to the credibility of the document was a Deed of Absolute Sale executed by Don Annacleto Madrigal Acopiado in favor of Julian M. Tallano, vendee, covering the area of 15,192.9338 hectares in consideration of the sum of P8 million, Philippine Currency with a down payment of P3 million pesos on December 17, 1971, balance shall be paid for a period of 5 years but the court observed said P8 million pesos had been fully received by Don Annacleto Madrigal Acopiado. Date of the instrument, December 17, 1971, entered in the Notarial Registry of Atty. Felipe Abrajano, under Doc No. 57, Page 87, Book No. 7, Series of 1971, in the Municipality of Pasig, province of Rizal.

The Honorable Court ‘ DECLARED ‘ all occupants and with all those in adverse possession of the areas of the subject land are all “ ILLEGAL SQUATTERS AND THEREFORE PUNISHABLE UNDER PD 772 with FULL FORCE OF THE LAW” . This Court also “ ORDERING” all claimants and those in adverse possession of the

subject land, both government, individual or private corporation to “ RECONVEY” TO AND IN FAVOR OF THE INTERVENORS, DON ANNACLETO MADRIGAL ACOPIADO AND JULIAN M. TALLANO. All land areas held and controlled under fraudulent TCT No. 8037 from OCT 128 which was also fictitious and covered by fake Decree 160, GLRO 368 of 1905, its Survey Plans 11-69-SWO 33024 and SWO 9823 controlled by the heirs of Fortunato Santiago and Maria Crisanta Pantanilla Santiago through their administrator, Dr. Floro E. Garcia, and land areas under holdings and controlled by the alleged heirs of Don Hermogenes Antonio Rodriguez and Don Miguel Antonio Rodriguez, considering the ownership issue has been long settled in favor of the intervenors, the defeated heirs and the claimants Delfin and Aquilina F. Rodriguez and late Macario Rodriguez and the heirs, also land holdings controlled by the Fort bonifacio Administrator, General Romeo Espino under TCT 2288 containing an area of 2,212,3270 hectares should be reconveyed to and in favor of the intervenors, Don Annacleto Madrigal Acopiado and Julian M. Tallano.

This Court also “ ORDERING” the following persons and private and government owned or controlled corporation/organization or entities, to wit: The possession of Juana Santiago, Irene Matias, Lucio Medina, and Tomas Matias and the heirs, Rufino Madina and the heirs, Alfredo Baens, Trinidad Yap, Pedro Gregorio and Agapito Velasquez and the heirs, are also ordered to reconvey their possession over the areas of the subject land to and in favor of the intervenors. This Court also ordering all or the following persons, both government and private entities, to reconvey their possessions over the same land to and in favor of the intervenors, and the persons which are ordered to reconvey their rights and claims, are as follows: Almeda, Inc. and its administrator, Ponciano Almeda and the heirs, Ramon Javier, Leon Javier, Cristina Valdez Urchua, Mariano Marcelo, Jose V. Orosa, Francisco Aquino, Elin Cruz and their heirs. The names of persons, private and government corporation or single proprietorship who are in actual and in adverse possession of the subject are ordered to reconvey their possession to and in favor of the intervenors, are as follows: Hilarion Bautista, Perpetua vda de Aquino and the heirs who holds lot under TCT 281826, PSD

9097, Teodoro lim and Felix Baez, owners/administrators of Perpetual Village who controlled lot under TCT 56339, Emilio Gregorio, Teresita Munji, Arquinda Flores, Catalino Cendena, Angel Ramos, Antonio Andasa, Isabel Pujit, RAR Stock Farms and its owner, TS Cruz Subd. Proposed Project and the owners, the Administrator of U.P. Compound, Rosendo Marcelino Santos, Muara Mayuga, Eusefa vda de Reyes, Elena Bartolome, the defeated plaintiffs and defendants and their heirs, Eustaquio Coronada, Alfonso Punzalan, the administrator of Taguig Food Terminal proposed project, Alfredo Guanzon , Domingo Gonzales and heirs.

Another claimants who are ordered to “ RECONVEY THEIR POSSESSION” portion of the subject land, containing an area of 29,151.768 hectares covered by TCT 408, originally in the name of Don Gregorio Madrigal Acopiado, in favor of the intervenors, are Angel Andasa and Isabel Pujit and their heirs, the on-going DBP Subd. Housing Project, the owner of the proposed 4th State Subd., the Administrator of U.P. Compound and the Bureau of Food and Drug Administration (BFAD), the defendants Felimon Aguilar and heirs, the stockholders-owners of the Philippine Share Corporation, Perpetua Vda. de Aquino and heirs who holds and controlled lot under TCT No. 305921 and TCT 281826 covered by PSD 128986, all of which are portion of the subject land. The maintener and owner of Manalac Realty Dev. Corporation, who holds and controlled lots under the Taguig Industrial Complex in Bagumbayan, Taguig, Pascual-Santos Families and heirs who controlled lots covered by Bicutan Market in Bicutan, the owners-directors of the proposed Manila Memorial Park Project, the owners-directors of General Motor Corporation who controlled lots covered by said company located in Las Pinas, province of Rizal, and all occupants, squatters and claimants who deliberately controlled lots embraced by TCT 408, covering the areas of Muntinglupa, Las Pinas, portion of Pasay City and Makati such as: Guadalupe Viejo, Palar, Pembo West and East Rembo, Cumembe, Rivera Village, Golden Farms, Bo. Olimpia, Bo. Pasong Tirad, B. Sta. Cruz, Bo. La Paz, Bo. Bicutan and the entire Taguig, Paranaque, portion of Pateros, entire Municipality of Carmona, General Mariano Alvarez, Dasmaringas, Imus, Tanza, Bacoor and Zapote of the Province of Cavite, Pedro Tunasan of Laguna, and

including all occupants and squatters, claimants and squatting farmers/tillers and those in adverse possession of the land in dispute, particularly the government agencies either national or local, are required to RECONVEY THEIR POSSESSION TO AND IN FAVOR OF THE INTERVENORS, otherwise, they will be subjected to severe penalties with appropriate imprisonment in accordance with Revised Penal Code and of PD 772 besides of exemplary damages and moral damages of P5 Million Pesos payable to each of the intervenors.

LIKEWISE, the court “ DECLARED “ that intervenor, Julian M. Tallano, is the lawful owner of the portion of the subject land evidenced by Transfer Certificate of Title No. 408, bearing Lot No. 1 to 2, 11-69 and Lot No. 1-11-69 of Parcel I and Parcel 1 containing an area of 15,192.9338 hectaresv embracing the areas of and portion of Paranaque, the whole of Muntinglupa, Las Pinas, Zapote, Bacoor, Carmona, General Mariano Alvarez, Dasmarinas, Imus, Tanza of the Province of Cavite, and Pedro Tunsan of the Province of Laguna. Likewise, this Court “ DECLARED’ Don Annacleto Madrigal Acopiado the lawful owner of the portion of the subject land Parcel II and Parcel III bearing Lot No. 1 to 3 of II-69 and Lot 1 to 4 of II-69 containing an area of 14,433.1418 hectares embracing the area of Pateros, Taguig, portion of Makati, portion of Pasay City, and portion of Paranaque.

Moreover, the Ho. Court furtherly ordering the Law Enforcement Authorities, the Philippine Constabulary (PC), the members of the Integrated National police, the Metrcom or Operatives of the Metropolitan Command, the Operatives of the National Bureau of Investigation (NBI) and all concerned law enforcement agencies are required to place into an immediate arrest all occupants/claimants, homeowners, squatters or any body, person or juridical person through their representatives, administrators who intend to obstruct or obstructing the administration of justice continuously deny, defy, or delay this order, or any institution own privately by any person or by the govt. or private entity represented by its General manager, Director, President, Chairman of the Board, or their Administrator or cus todian for a corresponding imprisonment. This Court also

ordered the arresting Law Enforcement Authorities or any one included to serve this Court Order, to clear, demolish and remove from of structure and building, either government or private owned or controlled corporation, or any form of infrstructure that may found thereon obstruction to the purpose in tervenors, and impose severe penalties against the perpetrators accordingly as defined by PD 772 and of that Revised Penal Code.

AND FINALLY, this Honorable Court also orders Municipal Assessors of the City of Pasay, Municipality of Las Pinas, Pateros, Taguig, Muntinglupa, Paranaque, and of Makati, including the Provincial Assessor of Rizal, Laguna and Cavite to declare and register for taxation purposes covering the area of 15,192.9338 hectares for the interest of raising government revenues and should be registered in the name of Julian M. Tallano, while, the area containing of 14,433.1418 hectares also, portion of the subject land evidenced by Transfer Certificate of Title No. 408 should be declared together with its corresponding Tax Declaration for and in the name of the intervenor, Don Annacleto Madrigal Acopiado for purposes of taxation due to the national and local government who has jurisdiction of the subject land areas.

SO ORDERED.

PASAY CITY, Philippines, November 4, 1975.

(SGD)

ENRIQUE A. AGANA

Judge