

Republic of the Philippines
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
Branch CXI (111), Pasay City

WILSON ORFINADA,
Plaintiffs,

-versus-

LRC/CIVIL CASE NO. 3957-P

MACARIO J. RODRIGUEZ, ET AL.,
Defendants.

x-----x

ANACLETO MADRIGAL ACOP &
JULIAN M. TALLANO,
Intervenors

x-----x

O R D E R

In a verified petition filed before this Court on April 10, 2001, petitioner, Prince Julian Morden Tallano, through his duly appointed Attorney-In-Fact, Mr. Romeo C. Campos, prays for the judicial reconstitution of some of the more significant records of this case which were allegedly burned when the old Pasay City Hall, then housing the courts was gutted by fire on January 18, 1992. These are: (1) Decision with Compromise Agreement dated February 4, 1972; (2) Decision of March 21, 1974; (3) Clarificatory Decision of January 10, 1975; (4) The Third Alias Writ of Execution, Possession and Demolition dated May 28, 1989; (5) such other genuine and authentic documents as may be proven during the hearing pursuant to the pertinent provisions of Act No. 3130.

Petitioner alleged that he has in his possession certified true photocopies of the above-enumerated documents.

Subsequently, and as earlier scheduled with notice properly served to the Office of the Solicitor General, the hearing of the petition was held on June 22, 2001 at 9:30 in the morning. Petitioner and his counsel appeared in court but no Solicitor or duly appointed Deputy of the Solicitor General appeared during the hearing neither there was any objection nor written opposition filed by the Office of the Solicitor General. Thus, upon motion of petitioner, this court granted and allowed petitioner herein to present his evidence ex-parte. Petitioner himself, Prince Julian M. Tallano, testified in court. He presented and identified the following documents which he allegedly secured from the then Clerk of Court, Atty. Jose E. Cruz, Jr. as well as a Special Power of Attorney he recently executed and these are:

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| 1 | Exh. "E" | Letter of Administration |
| 2 | Exh. "F" | Certified True Copy of Decision w/
Compromise Agreement |
| 3 | Exh. "G" | Entry of Judgment dated April 4, 1972 |
| 4 | Exh. "H" | Clarificatory Order dated March 21, 1974 |
| 5 | Exh. "I" | Clarificatory Decision dated January 1, 1976 |
| 6 | Exh. "J" | Writ of Execution, Demolition Order |
| 7 | Exh. "K" | Certification of Sheriff's Return by Atty.
Jose E. Ortiz, Jr. |
| 8 | Exh. "L" | Certified True Copy of TCT No. T-408 |
| 9 | Exh. "M" | Certified True Copy of TCT No.T-498 |
| 10 | Exh. "N" | Certification issued by Victoriano Torres
Actg. Registrar of Deeds, Pasig dated
December 10, 1980 |
| 11 | Exh. "O" | Special Power of Attorney in favor of
Romeo C. Campos |

The Office of the Solicitor General and the Land Registration Administration including other concerned government agencies were furnished a copy of the said petition and were notified of the time and date of the initial hearing set on April 24, 2001. During the initial hearing petitioner and counsel appeared. No Solicitor or duly appointed Deputy appeared. However, a cursory examination of the return on the notice purposely served showed that the Office of the Solicitor General was not properly notified. Hence, this Court, motu proprio, reset the hearing to June 22, 2001. On May 24, 2001, petitioner herein filed a Motion for the Taking or Deposition on Oral Examination of Retired Judge Sofronio G. Sayo, former Presiding Judge of this Court and the immediate predecessor of this ponente. Conjunctively, the Office of the Solicitor General was herewith furnished a copy of the motion which likewise served as notice hereof. The hearing of the said motion was set to May 29, 2001 regrettably, despite due notice, no Solicitor from the Office of the Solicitor General appeared, much less, there was any written opposition or objection filed relative hereto. Thus, on that same day, this Court issued an Order granting the motion of petitioner-movant for the taking of deposition on oral examination of retired Judge Sofronio G. Sayo, pursuant to Rule 23 of the Revised Rules of Civil Procedures and directing that the same be conducted at his residence in Rosario, Pasig City, at 10:00 o'clock in the morning of June 6, 2001. Due notice was served to the Office of the Solicitor General regarding the taking of the said deposition by furnishing the same a copy of the said Order. Unfortunately, no Solicitor appeared, much less a written opposition or objection was filed by the office of the Solicitor General prior to or even after the taking of the same.

After formally offering his testimony as well as the documentary evidence adduced in support of the petition and upon admission of the documentary evidence as part of the testimony of the witness, petitioner rested its case.

As pulled from the testimony of Mr. Tallano and more importantly, on petitioner's exhibits "C" and "D," i.e. the transcribed stenographic notes and commissioner's report (Rollo) on the deposition proceeding, it was preponderantly shown that former Judge Sayo consistently affirmed that he issued the Third Alias Writ of Execution, Possession and Demolition on May 23, 1989. He likewise affirmed and identified the signature appearing above his printed name on the certified photocopy of the said Order shown to him and admitted that truly, the signature was his, (TSN), June 6, 2001; p. 6. Deposition. He also confirmed that he executed the duly notarized certification (Exh. "B" and its sub-markings) attesting to the veracity and genuineness of this signature appearing on the Order of Third Alias Writ of Execution, Possession and Demolition (TSN. June 6, 2001; p. 7; Deposition).

Considering the upright confirmation as well as the spontaneous affirmation made by retired Judge Sofronio G. Sayo, who was not only then Presiding Judge of this court but also the Executive Judge, there is a compelling and justifiable reason for this court to accord valuable evidentiary weight and credulity of his testimony on deposition relative to the existence, validity and genuineness of the aforesaid documents, it buttressed the claim of petitioner that these documents form part of the records of this case. Persuasively and considering the fact that

the documents presented and offered in evidence by petitioner i.e. Exhibits "E" to "N" were basically the source and ground upon which the Order of Third Alias Writ of Execution, Possession and Demolition, was substantially and conformably issued on May 23, 1989 the judicial reconstitution of the said documentary exhibits re hereby deemed also in order.

WHEREFORE, premises considered, the following documents duly appended to the petition are hereby reconstituted integral part of the records of this case and shall carry the same force, validity and effect as that of the destroyed original copy. In particular, these documents are:

1. Decision With Compromise Agreement dated February 4, 1972, consisting of 139 pages (Exh. "F" and its submarkings);
2. Clarificatory Order dated March 21, 1974 consisting of 30 pages (Exh."H" and its submarkings);
3. Clarificatory Decision dated January 19, 1976 consisting of 60 pages (Exh. "I"; sic 58 pages);
4. Third Alias Writ of Execution, Possession and Demolition dated May 28, 1989 consisting of 55 pages (Exh."A");
5. Writ of Execution, Demolition and Possession dated September 10, 1974 consisting of 14 pages (Exh. "J" and its submarkings);
6. Certification of Sheriff's Return dated November 17, 1974 consisting of 7 pages (Exh. "K" and its submarkings);
7. Certified True Photocopy of TCT No. T-408 marked as Exh. "L," consisting of 7 pages;
8. Certified True Photocopy of TCT No. T-498 and marked as Exh. "M" consisting of 7 pages;

9. Letters of Administration dated June 14, 1972 marked as Exh. "E";
10. Entry of Judgment dated June 14, 1972 marked as Exh. "G" and its submarkings consisting of 7pages.

Accordingly, the concerned government agencies particularly the Land Registration Administration and the Registry of Deeds mentioned in the Third Alias Writ of Execution are hereby directed to comply with the decretal pronouncements of the executory judgments and orders of the Court previously issued and which were specifically set forth and embodied in the Third Alias Writ of Execution, Possession and Demolition dated May 28, 1976.

SO ORDERED.

Pasay City, 11 July 2001 .

(SGD) ERNESTO A. REYES
J u d g e

Copy Furnished:

Office of the Solicitor General
Amorsolo St., Makati City

Land Registration Administration
East Ave., Quezon City

Register of Deeds
Pasig City

Register of Deeds
Malolos, Bulacan

DENR, NCR