

REPUBLIC OF THE PHILIPPINES  
**COURT OF APPEALS**  
M A N I L A

REPUBLIC OF THE PHILIPPINES,  
Petitioner,

C.A.- G.R. SP No. 70014

-versus-

REGIONAL TRIAL COURT OF PASAY  
CITY, BRANCH 111 ET. AL.,  
Respondents.

AND

DON ESTEBAN BENITEZ TALLANO AND  
DON GREGORIO MADRIGAL ACOPI  
FOUNDATION INC.

Intervenor

X-----X

**MOTION TO INTERVENE**

COMES NOW the herein INTERVENOR, by and through the undersigned counsel, and before this Most Honorable Court, respectfully moves to be allowed to intervene in the above-entitled case respectfully alleging the following legal grounds, jurisprudence, law, facts and circumstances in support thereto, thus:

1. That herein Intervenor is a non-stock, non-profit humanitarian foundation duly organized and established under Philippine laws with Securities and Exchange Commission (SEC) Registration No. CN200322944. Copy of its Articles of Incorporation herewith attached and marked as Annex "A" hereof;

2. That herein Intervenor-Foundation has been specifically organized, established and registered in accordance with the CLARIFICATORY DECISION dated January 19, 1976 issued by the Honorable ENRIQUE AGANA, Presiding Judge of the Court of First Instance of Rizal, Branch No. 28 (now Regional Trial Court of Pasay City, Branch No. 111) in LRC/CIVIL CASE NO. 3957-P entitled "Wilson Orfinada et al., vs. Republic of the Philippines, Macario Rodriguez et al." Still pending with the herein Respondent REGIONAL TRIAL COURT OF PASAY CITY, Branch No. 111 and now with this Most Honorable Court of Appeals, copy of the Dispositive Portion of said Clarificatory Decision herewith attached and marked as Annex "B";

3. That the primary purpose of said INTERVENOR-FOUNDATION is to preserve the Estates of the late Don Esteban Benitez Tallano and of the late Don Gregorio Madrigal Acop as embodied in its Articles of Incorporation, second paragraph thereof, thus:

“To comply with Court order dated January 19, 1976 regarding LRC/Civil Case No. 3957-P of CFI No. 28, Pasay City ordering Administrator Julian M. Tallano to establish a foundation in the name of Don Esteban Benitez Tallano and Don Gregorio Madrigal Acop to pursue the objectives of the Landowners to preserve the estate for and in the interest of the Filipino farmers, poor families and their children either Christian or Muslim, especially those who became victims of Martial Law, and to uplift economic, social and health conditions of those families living under poverty line by providing employment with the use of the proceeds of the sale of the estate which the Administrator is authorized to do so.”

4. That the herein Intervenor-Foundation has a vested and substantial interest both in the real estate and pecuniary values herein subject matter of this instant case and that the same would be seriously and gravely affected and prejudiced by whatever outcome this case may result to whether in favor of the Petitioner Republic of the Philippines or that of the individual respondents;

5. That to avoid the proliferation of and multiplicity of suits, the herein Intervenor-Foundation, in view of and in consideration of the above-cited premises, is a necessary party to this case; and without its being privy hereto, the instant case may only result to an incomplete and indeterminate outcome that would be inviting more suits and greater expenses on the part of all the parties concerned;

6. That this instant case has just been initially began and the admission of Intervenor-Foundation as a party hereto would best serve the interest of justice and fair play without in any way impairing any substantive or procedural rights of any of the herein parties

WHEREFORE, above premises considered, it is respectfully moved that herein DON ESTEBAN BENITEZ TALLANO AND DON GREGORIO MADRIGAL ACOP FOUNDATION INC. be allowed and admitted as an INTERVENOR in this instant case, and its attached PETITION IN INTERVENTION be admitted and given due course by his Most Honorable Court.

Further, herein Foundation asks of this Most Honorable Court such other reliefs and remedies as may be equitable, just and warranted under the premises.

Makati City for Manila, April 13, 2005

ROBERT LL. PERALTA  
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ROLL NO. 29655

The HON. CLERK OF COURT  
Court of APPEALS  
MANILA

THE HON. SOLICITOR GENERAL  
Office of the Solicitor General  
NO. 136 Amorsolo St., Legaspi Vil.  
Makati City

THE HON. PRESIDING JUDGE  
Regional Trial Court of Pasay City  
BR.111, Hall of Justice, Pasay City

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ATTY. MELECIO EMATA  
Lagasca Apartments, Makati City

GREETINGS:

The undersigned counsel shall submit the foregoing MOTION TO INTERVENE for the consideration and/or approval of the Most Honorable Court IMMEDIATELY upon receipt hereof and/or at the discretion of the Most Honorable Court, hear counsel and subject matter on April 29 (Friday), 2005 at 10:00 a.m.

ROBERT LL. PERALTA

## **EXPLANATION**

IN VIEW of the lack of appropriate personnel and the distance of their respective offices, copies of this Motion to Intervene HAS BEEN FURNISHED the above-cited counsels/parties by substituted service of registered mail with return card, the registry receipt as proof of actual mailing herewith attached across their respective names and addresses, mailed at the Post Office of \_\_\_\_\_on\_\_\_\_\_.

ROBERT LL. PERALTA